

**The rationale of “consistency” for prohibiting mailings of absentee applications to all registered voters and for reducing days available for early voting is faulty. The data show that HB194 imposes new unequal burdens on voters in different counties.**

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**Norman Robbins, MD, PhD**

**Research Director, Northeast Ohio Voter Advocates; [nxr@case.edu](mailto:nxr@case.edu)**

Summary:

As recently argued by the Hamilton BOE Chair, the often-stated reason for stopping mailing of absentee applications to all registered voters (per HB194 as passed) is “We are attempting to impose uniform standards that treat people fairly so that all voters have the same chance to vote”. However, if uniform standards make voting more difficult or more expensive in some counties than others, because of important differences in existing conditions, then those uniform standards definitely do not give all voters the same chance to vote, and in fact, increase differences between counties in opportunities to vote.

**The statistics in this report show that there is enormous variation across counties in: 1) the consolidation of precincts between 2008 and 2010; 2) the usage of and dependence on absentee voting; 3) the average number of in-person election day voters per precinct; and 4) numbers of in-person absentee voters to process per day because of the 3-fold reduction in number of days for early voting. As will be seen, forbidding counties to address their unique circumstances in order to reasonably accommodate in-person and absentee voters, imposes very unequal burdens. Moreover, contrary to repeated public statements, many of these unequal burdens are imposed on small, medium and large counties.**

**In addition, the supposed inequality in expenditures sustained by counties choosing or not choosing to send absentee applications to all voters really is highly dependent on local factors, such as precinct consolidation and efficiency and cost of operations. For instance,** as described below, bulk mailing of absentee ballots has provided at least one county (Cuyahoga) substantial net savings.

Finally, **HB194 as passed itself creates new inconsistencies**, such as requiring municipal corporations to have a minimum precinct size of 500 voters, whereas non-Municipal Corporations can have as little as they choose (3501.18 (A)) and are allowed local discretion. Why are non-Municipal Corporations excluded from the same “uniform” rules and allowed local discretion? Again, if uniformity is a paramount principle, why is there an exception for precinct size on “lands used for a state or national home for disabled soldiers” (3501.20)? In a word, the new law (HB194) is arbitrary on these grounds.

Lastly, there is the slippery slope of dictating details of BOE recruitment methods on absentee voting. For instance, suppose instead of mailings to all voters, a county BOE chose to spend \$1 million on television and radio ads promoting absentee voting, or on tents to shelter voters at polling locations on rainy days. Would that be prohibited because other counties chose not to?

**Supporting data** (derived from the Sec of State website unless otherwise indicated):

- 1. Huge variation in consolidation of precincts.** Table 1 shows that precinct consolidation between 2008 and 2010 varied between 1% and 42% (These data were obtained by telephone inquiries). Large counties (bolded) are distributed amongst smaller counties , although many are among the highest % consolidation. Expressed differently, smaller counties which have relatively large consolidations might choose, especially in 2012, to make more effort to market absentee mail-in voting, which might include mass mailing of absentee applications, in order to reduce overcrowding on election day.

**TABLE 1. DECREASE IN NUMBER OF PRECINCTS BETWEEN 2008 AND 2010**

(Showing only counties with 1% or more decrease in number of precincts)

County	change in # precincts 2008 minus 2010	% decrease in precincts
WARREN	2	1%
<b>MAHONING</b>	14	5%
PAULDING	1	6%
<b>FRANKLIN</b>	52	6%
COLUMBIANA	8	8%
UNION	4	8%
BROWN	3	9%
DEFIANCE	4	10%
CRAWFORD	5	11%
WAYNE	11	11%
FAIRFIELD	15	12%
RICHLAND	13	13%
TRUMBULL	35	13%
SCIOTO	13	14%

County	change in # precincts 2008 minus 2010	% decrease in precincts
HARDIN	6	16%
HIGHLAND	6	16%
SANDUSKY	14	19%
ASHLAND	13	20%
<b>HAMILTON</b>	200	23%
HOCKING	8	24%
<b>CUYAHOGA</b>	368	26%
<b>LAKE</b>	58	27%
<b>LUCAS</b>	141	28%
PUTNAM	11	31%
<b>MONTGOMERY</b>	188	34%
WILLIAMS	18	41%
COSHOCTON	18	42%

**2. 2010 General Election. Huge Variation in usage of absentee votes (mail-in and in-person absentee).**

Table 2 shows an enormous variation, from 14% to 48%, in usage of absentee voting. Although Franklin and Cuyahoga counties are among the highest users of absentee voting, many smaller counties also have benefited from absentee voting to reduce overcrowding . Other smaller counties such as Putnam and Williams, with a high ratio of voters per polling place (Table 3) and low absentee usage, might choose to market greater absentee voting (in-person and mail-in)to relieve pressure on the polls on election day 2012, if there were no prohibition as in HB194.

**TABLE 2. VARIATION BETWEEN COUNTIES IN PERCENTAGE OF TOTAL VOTES CAST AS ABSENTEE**

County	Absentee votes as % total cast	County	Absentee votes as % total cast	County	Absentee votes as % total cast
AUGLAIZE	14%	HOLMES	20%	<b>MAHONING</b>	<b>25%</b>
COLUMBIANA	15%	OTTAWA	20%	ROSS	26%
FULTON	15%	CHAMPAIGN	20%	<b>LUCAS</b>	<b>26%</b>
PUTNAM	15%	GALLIA	20%	KNOX	26%
SANDUSKY	15%	ATHENS	20%	PIKE	27%
PREBLE	16%	ASHLAND	20%	MUSKINGUM	27%
WILLIAMS	16%	HARRISON	20%	VINTON	27%
SENECA	16%	GREENE	21%	MORGAN	28%
DARKE	16%	LOGAN	21%	VAN WERT	29%
WYANDOT	16%	<b>WARREN</b>	<b>21%</b>	MONROE	29%
ASHTABULA	16%	CRAWFORD	21%	MADISON	31%
SHELBY	17%	HANCOCK	21%	COSHOCTON	32%
PORTAGE	17%	CLARK	21%	NOBLE	36%
BROWN	17%	CLINTON	21%	<b>FRANKLIN</b>	<b>39%</b>
ALLEN	17%	RICHLAND	22%	BELMONT	41%
MERCER*	18%	JEFFERSON	22%	<b>CUYAHOGA</b>	<b>48%</b>
MARION	18%	GUERNSEY	22%		
MORROW	18%	<b>MONTGOMERY</b>	<b>22%</b>		
WOOD	18%	UNION	22%		
WAYNE	18%	MEDINA	22%		
<b>STARK</b>	<b>18%</b>	DELAWARE	23%		
<b>BUTLER</b>	<b>18%</b>	PERRY	23%		
HENRY	18%	LAWRENCE	23%		
DEFIANCE	19%	ADAMS	23%		
MEIGS	19%	<b>LORAIN</b>	<b>23%</b>		
PAULDING	19%	HARDIN	23%		
CARROLL	19%	WASHINGTON	23%		
GEAUGA	19%	JACKSON	24%		
HIGHLAND	19%	TUSCARAWAS	24%		
<b>SUMMIT</b>	<b>19%</b>	FAIRFIELD	24%		
<b>TRUMBULL</b>	<b>19%</b>	ERIE	24%		
CLERMONT	20%	<b>HAMILTON</b>	<b>24%</b>		
HURON	20%	<b>LAKE</b>	<b>24%</b>		
PICKAWAY	20%	LICKING	24%		
MIAMI	20%	SCIOTO	24%		
FAYETTE	20%	HOCKING	25%		

3. **2010 General Election. Huge variation in number of in-person votes cast on election day per precinct.**  
 The average number of election day voters per precinct (Table 3) varied enormously in 2010, from 135 to 484. Montgomery and many smaller counties which have the highest voters per precinct may have

the most concerns about overcrowding in 2012. Note that of the 20 counties with the largest number of voters per precinct, 17 are not the largest counties. In other words, concerns about potential crowding on election day in 2012 are shared by counties of all sizes.

**TABLE 3. IN-PERSON ELECTION VOTES PER PRECINCT IN GENERAL ELECTION OF 2010**

County	2010 actual votes per precinct on election day	County	2010 actual votes per precinct on election day	County	2010 actual votes per precinct on election day
NOBLE	135	MORGAN	273	FAIRFIELD	354
MONROE	141	CRAWFORD	275	AUGLAIZE	359
VINTON	162	GUERNSEY	277	ERIE	362
LAWRENCE	168	TUSCARAWAS	281	LICKING	367
PERRY	173	DEFIANCE	282	RICHLAND	370
VAN WERT	188	HARRISON	286	CLARK	370
ADAMS	189	PREBLE	287	WOOD	377
ATHENS	199	PICKAWAY	290	DARKE	378
BELMONT	202	<b>STARK</b>	292	<b>WARREN</b>	<b>379</b>
MARION	203	SANDUSKY	296	MIAMI	386
ASHTABULA	204	<b>FRANKLIN</b>	<b>296</b>	<b>LAKE</b>	391
MADISON	211	MORROW	296	HOLMES	392
<b>CUYAHOGA</b>	<b>212</b>	OTTAWA	298	DELAWARE	393
MEIGS	217	WASHINGTON	300	CHAMPAIGN	397
ROSS	219	SENECA	303	WILLIAMS	406
HARDIN	221	COLUMBIANA	308	<b>MONTGOMERY</b>	<b>409</b>
GALLIA	223	<b>LUCAS</b>	308	SHELBY	437
MUSKINGUM	228	HANCOCK	311	PUTNAM	484
ALLEN	231	UNION	317		
SCIOTO	237	CARROLL	318		
<b>MAHONING</b>	241	GREENE	320		
JEFFERSON	241	PORTAGE	321		
FAYETTE	244	GEAUGA	321		
HENRY	250	HIGHLAND	324		
<b>TRUMBULL</b>	252	<b>HAMILTON</b>	<b>324</b>		
CLINTON	257	MEDINA	330		
WYANDOT	260	<b>BUTLER</b>	333		
HURON	261	<b>SUMMIT</b>	<b>334</b>		
KNOX	263	PAULDING	336		
CLERMONT	263	COSHOCTON	341		
JACKSON	263	<b>LORAIN</b>	343		
HOCKING	266	WAYNE	351		
LOGAN	270	MERCER	351		
ASHLAND	271	FULTON	352		
PIKE	272	BROWN	354		

From Table 3 (above) one can project the average numbers of in-person voters per precinct in 2012, if voter turnout is similar to that in 2008. Total votes cast in 2008 and 2010 respectively were 5,773,777

and 3,956,045, respectively, i.e., votes cast in 2008 were 46% greater than in 2010. Multiplying the average votes per precinct in 2010 by 1.46 in those counties with highest average number of in-person election day voters (Table 3, Montgomery, Shelby, and Putnam counties), the projected average number of voters per precinct in 2012 would range from about 600 to 700.

The **average** number of voters per precinct, however, does not convey the upper range of voters per precinct in many precincts, which can be substantially greater. For instance, in the General Election of 2010, the average in-person election day voters per precinct for Montgomery County was 409. However, among the 359 precincts, 32 precincts had over 600 and 8 had over 700 voters. Furthermore, if election day turnout is 46% greater in 2012 than in 2010 (see previous paragraph), Montgomery county would have 32 precincts with over 876 voters, and 8 with over 1022. These 32 precincts would likely experience serious overcrowding during the typical voting rush hours. Therefore, Montgomery County would do well to aggressively market absentee mail-in voting to reduce this overcrowding.

- 4. Cost considerations:** Counties that have consolidated substantial percentages of precincts (Table 1), and also encourage mail-in voting by sending out applications to all registered voters (with postage paid) could save substantial sums of money. On August 22, 2011, Cuyahoga BOE member McNair provided detailed financial data (available on request from the Cuyahoga BOE) on cost of absentee-related mailings in past elections in Cuyahoga County, as well as a projection for the 2011 General Election.

Let's assume that the number of on-request applications for absentee ballots coming into the BOE would be about 25% less than if all voters received applications, with return postage supplied. Then from the Cuyahoga data, it can be calculated that the net incremental cost of sending absentee applications to all registered voters and paying return postage (as well as return postage for incoming ballots) is about \$264,000 more than if only on-request applications were processed (without paying return postage for incoming ballots). However, the County saved over \$800,000 by closing 368 precincts (a 26% reduction in precincts) and yet avoided election day crowding in 2010, precisely because so many voters (46%) used mail-in absentee voting. In addition, the County saved \$1.2 million in not having to purchase new voting machines for the eliminated precincts. Additional factors which reduce costs by sending bulk absentee applications include: 1) less personnel time in responding to individual telephone calls for applications; 2) savings on not having to advertise availability and process of obtaining absentee applications; and 3) savings from reduced voter confusion, because bulk mailings can include information such as voting dates and deadlines, correct precinct/polling location, and ID requirements, thereby reducing unnecessary provisional ballots.

- 5. In-person voting:** Another major inconsistency produced by "consistent rules" results from the enormous difference between counties in numbers of voters choosing to vote early in-person. The burdens imposed by a uniform and greatly curtailed set of voting hours, would produce enormous disparities in overcrowding for early voters in many counties. For instance, under HB194, 4 counties would need to process 2,000 to nearly 5,000 in-person voters per day in 2012 (Table 4), which would likely be chaotic. All counties would have to process more than 3 times the number of voters per day under HB194 than they may have processed in 2008 (However, note that not all counties included in Table 4 used all 35 days for early in-person voting in 2008). In 2008, many counties had waiting times

between 0.75 and 4-6 hours (per phone inquiries) . If 3 tyimes as many voters were tring to cast ballots, much longer waiting times and voter discouragement would be anticipated.

**TABLE 4. DIFFERENCES BETWEEN COUNTIES AND OVERWHELMING BURDENS ON SOME COUNTIES IMPOSED BY HB194 SHORTENING OF IN-PERSON VOTING DAYS**

County	in- person absentee votes as % total vote	# of in- person absentee votes	average # in- person absentee voters per day (assume 35 days, 2008)	expected average # in- person absentee voters per day in 2012 (11 days, HB194)	Longest waiting times (in hours) for in- person voting in <b>2008</b>
JACKSON	6%	933	27	85	
PAULDING	10%	1,014	29	92	
UNION	4%	1,016	29	92	
COSHOCTON	6%	1,086	31	99	
HOCKING	10%	1,259	36	114	
PUTNAM	7%	1,346	38	122	
WILLIAMS	7%	1,386	40	126	
HARDIN	11%	1,438	41	131	
BROWN	7%	1,532	44	139	
CRAWFORD	9%	1,849	53	168	
COLUMBIANA	4%	1,897	54	172	
ASHLAND	9%	2,373	68	216	
SANDUSKY	8%	2,631	75	239	
HIGHLAND	15%	2,994	86	272	
FAIRFIELD	6%	4,246	121	386	
DEFIANCE	25%	4,712	135	428	
WARREN	8%	8,446	241	768	
RICHLAND	16%	10,009	286	910	1-1.5
LAKE	8%	10,194	291	927	2
TRUMBULL	10%	11,061	316	1006	0.75
LUCAS	11%	24,557	702	2232	3
MONTGOMERY	10%	28,000	800	2545	1
FRANKLIN	9%	53,447	1527	4859	6
CUYAHOGA*	8%	54,325	1552	4939	3 to 4

\*Did use 35 days in 2008)