



Jon Husted
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DIRECTIVE 2012-40

September 4, 2012

To: All County Boards of Elections
Directors, Deputy Directors, and Board Members

Re: *Obama* Decision: Voting Hours

On August 31, 2012, a federal court struck the portion of Ohio Revised Code 3509.03 that ends in-person absentee voting the Friday before the election at 6:00 p.m. *Obama v. Husted* Case No 12-cv-636. The decision is being appealed.

Announcing new hours before the court case reaches final resolution will only serve to confuse voters and conflict with the standard of uniformity sought in [Directive 2012-35](#). Therefore, there is no valid reason for my office or the county boards of elections to set hours for in-person absentee voting the last three days before the election at this time. If the appellate courts ultimately reverse the trial court's decision, in-person absentee voting for non-UOCAVA voters will end the Friday before the election. If however, the appellate courts uphold the trial court's decision, I will be required to issue a consistent uniform schedule for statewide in-person voting hours for the last three days before the election. I am confident there will be sufficient time after the conclusion of the appeal process to set uniform hours across the state.

Let me again emphasize, the constitutionality of the statute setting in-person absentee voting hours is still subject to court review and it would further confuse voters to set hours now that the court may change later. As such, this Directive strictly prohibits county boards of elections from determining hours for the Friday, Saturday, Sunday, or Monday before the election. If you have questions concerning this Directive, please contact the Secretary of State elections attorney assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted