GOP sues in federal court over absentee voting

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By Mark Niquette
THE COLUMBUS DISPATCH

Yet another lawsuit has been filed in the running fight over the overlap period between the start of absentee voting on Tuesday and the Oct. 6 voter-registration deadline.

The Ohio Republican Party and state Rep. Larry Wolpert, R-Hilliard, filed a federal lawsuit yesterday in Columbus seeking an order rescinding a directive from Democratic Secretary of State Jennifer Brunner.

The directive allows citizens to register to vote and immediately cast an absentee ballot during that overlap period.

The lawsuit argues, among other things, that Brunner's directive is unconstitutional because it violates the will of the legislature -- which did not provide for "same-day" registration and voting.

Brunner defends her ruling and said yesterday, "Some partisans continue to inject chaos and confusion into our elections system just five days before early voting starts."

There are now two competing federal lawsuits: The one filed yesterday, and one filed Thursday in Cleveland that seeks an order preserving Brunner's directive.

A hearing on that case is set for Monday, but Columbus lawyer William Todd, representing the Ohio GOP and Wolpert, said it's possible the two federal cases will be consolidated.

The Ohio Supreme Court already is considering a lawsuit filed by two Republicans challenging Brunner's directive.

There also are two Ohio Supreme Court cases challenging Brunner's instruction to county elections boards not to accept applications for absentee ballots mailed by Republican John McCain's campaign if a box is not checked on the form affirming that the applicant is a "qualified elector." Todd said those cases also could be consolidated.

Rep. Larry Wolpert calls the voting directive unconstitutional.

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Republican Justices Maureen O'Connor and Evelyn Lundberg Stratton have removed themselves from those cases and have been replaced by Judge William Herman Wolff Jr. of the 2nd District Court of Appeals, a Democrat, and Judge Lynn Charles Slaby of the 9th District Court of Appeals, a Republican. No reason was given.

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