

## County Differences in Providing Absentee Ballots

*Vanzant v. Brunner (Susan J. Dlott, S.D. Ohio 1:10-cv-596)*

A federal complaint filed two months before the 2010 general election alleged an equal-protection violation because some counties were more generous than others in facilitating absentee voting. The district judge denied relief.

*Subject:* Absentee and early voting. *Topics:* Absentee ballots; equal protection.

Two months before the 2010 general election, four Ohio voters sued Ohio's secretary of state in the Southern District of Ohio, alleging an equal-protection violation because some counties were more proactive than others in sending voters applications for absentee ballots, and some counties were more generous than others in paying the postage for absentee applications and ballots.<sup>1</sup> In a nutshell, the larger counties with urban populations had more resources to facilitate absentee voting.<sup>2</sup> The plaintiffs sought a temporary restraining order and a preliminary injunction.<sup>3</sup>

The court assigned the case to Judge Susan J. Dlott, who held a conference with the parties on the following day.<sup>4</sup> At the conference, the parties agreed that the motions could be decided on the briefs alone.<sup>5</sup>

On September 27, Judge Dlott denied the motions.<sup>6</sup> In the summer of 2011, the parties stipulated dismissal of the action.<sup>7</sup>

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1. Complaint, *Vanzant v. Brunner*, No. 1:10-cv-596 (S.D. Ohio Sept. 1, 2010), D.E. 1; see Mark Niquette, *Suit Challenges Ohio's Absentee-Vote Process*, Columbus Dispatch, Sept. 3, 2010, at 3B (identifying the plaintiffs as registered Republicans).

2. Interview with Hon. Susan J. Dlott and her law clerk Sarah Fairweather, July 30, 2012. Tim Reagan interviewed Judge Dlott and Sarah Fairweather for this report by telephone.

3. Motion, *Vanzant*, No. 1:10-cv-596 (S.D. Ohio Sept. 1, 2010), D.E. 3.

4. Docket Sheet, *id.* (Sept. 1, 2010); see Niquette, *supra* note 1.

5. Interview with Hon. Susan J. Dlott and her law clerk Sarah Fairweather, July 30, 2012.

6. Order, *Vanzant*, No. 1:10-cv-596 (S.D. Ohio Sept. 27, 2010), D.E. 10.

7. Stipulation, *id.* (Aug. 9, 2011), D.E. 16.