

A Defective Absentee Ballot Application by a Hospitalized Voter

Ramsden v. Husted

(Benita Y. Pearson, N.D. Ohio 4:16-cv-641)

After the polls closed, a hospitalized voter filed a federal complaint alleging that election authorities improperly refused to provide the voter with an absentee ballot on election day. The judge determined that the voter's application was defective and denied the voter relief.

Subject: Absentee and early voting. *Topics:* Absentee ballots; primary election; provisional ballots.

A voter hospitalized for a psychiatric condition on March 12, 2016, filed a federal complaint in the Northern District of Ohio's Youngstown courthouse at 11:48 p.m. on March 15 alleging that county election officials refused to provide him with an absentee ballot so that he could vote in a March 15 primary election.¹ Named as defendants were Ohio's secretary of state and the director of the Columbiana County Board of Elections, serving the county just south of the county that includes Youngstown.² With his complaint, the voter filed a motion for a temporary restraining order.³

On March 16, Judge Benita Y. Pearson set the case for telephonic hearing at noon that day and ordered the defendants to file a brief before the hearing.⁴ The hearing established that the voter's application for an absentee ballot did not provide either a fax number or contact information for a family member to facilitate delivery of the ballot.⁵ At the 90-minute hearing, Judge Pearson announced that she would rule on the following day.⁶ On March 17, Judge Pearson denied immediate relief, concluding that "[a]ll evidence before the Court at this time indicates that a lack of compliance, rather than disability, precluded Plaintiff from submitting a ballot."⁷ Judge Pearson ordered the defendants to permit the plaintiff to cast a provisional absentee ballot, and she set the case for further hearing on April 1.⁸ The voter dismissed the action on March 24.⁹

1. Complaint, *Ramsden v. Husted*, No. 4:16-cv-641 (N.D. Ohio Mar. 15, 2016), D.E. 1; Opinion at 2, *id.* (Mar. 16, 2016), D.E. 11.

2. Complaint, *supra* note 1.

3. Temporary Restraining Order Motion, *Ramsden*, No. 4:16-cv-641 (N.D. Ohio Mar. 15, 2016), D.E. 2; *see* Opinion, *supra* note 1, at 3 ("No request for a hearing was made.").

4. Order, *id.* (Mar. 16, 2016), D.E. 6.

5. Opinion, *supra* note 1, at 2 & n.2.

6. Docket Sheet, *Ramsden*, No. 4:16-cv-641 (N.D. Ohio Mar. 15, 2016) (Mar. 16, 2016, minutes).

7. Opinion, *supra* note 1, at 4.

8. *Id.* at 9.

9. Notice, *Ramsden*, No. 4:16-cv-641 (N.D. Ohio Mar. 24, 2016), D.E. 12.