

Opponents of Early Voting Seize on Comey's Letter to Make Their Case

Sixteen million voters had cast ballots before FBI revelations.



AP Photo/Gerry Broome



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Nov. 3, 2016, 8 p.m.

Last Friday, FBI director James Comey threw a wrench into a campaign that finally seemed poised for a somewhat conventional outcome. In sending a letter to congressional Republicans announcing the discovery of new emails potentially related to the investigation into Hillary Clinton's private server, Comey endeared himself to conservatives who had previously labeled him the face of a corrupt FBI intent on handing the election to Clinton.

But millions of voters who were left trying to make sense of the news found themselves in a quandary: They'd already cast their ballots. According to the United States Elections Project, more than 16 million

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Americans nationwide had voted before Comey's vague correspondence became public.

In a small minority of states, including Pennsylvania, Wisconsin, and Michigan—battleground states leaning towards Clinton—those who voted early by absentee ballot can change their votes up until their respective state's deadline, a point Donald Trump made at a rally this week.

“This is a message for any Democratic voter who have [sic] already cast their ballots for Hillary Clinton and who are having a bad case of buyer's remorse,” Trump said at a rally Monday night. “You can change your vote to Donald Trump.”

Trump's phrasing about “buyer's remorse” is as good a way as any to illustrate the concerns of some state lawmakers who are looking to shorten early-voting periods—and are seizing on the recent “October surprise” to help them make their case.

“This is something that's exactly the reason why I urge caution in early voting,” said Wes Retherford, a Republican in the Ohio House of Representatives who in 2013 cosponsored a law eliminating six days of early voting, Ohio's so-called “golden week.”

“You don't want to be stuck in this situation where all of a sudden you decide you want to change your vote,” Retherford said.

The number of days of early voting, as well as the number of voters who cast their ballots prior to Election Day, have both shot up in recent years.

In total, 34 states plus the District of Columbia have some form of no-excuse early voting, meaning voters aren't required to give a reason for missing Election Day. States may begin offering early voting up to 45 days before the election, with an average start time across the states of 22 days before the election.

In 2012, approximately 32 percent of voters took advantage of these laws and cast their ballots early.

Michael McDonald, an associate professor at the University of Florida who runs the United States Elections Project, projected that it would be 34 percent this year, but now says that could have been an underestimation. “[Vote totals] are up in many places around the country; in some places we're up a lot ... over 2012,” McDonald said.

This increase concerns people who believe that voters should wait in an effort to make the most informed decision possible. Multiple legislators told *National Journal* they feel this trend ought to be reversed, singling

THE LATEST

Donald Trump is expected to name longtime Republican operative Sean Spicer as his White House press secretary, according to a report in the *Washington Examiner*. “Spicer first became involved with Trump in August when he agreed to work in New York three to four days a week as an on-site adviser to the campaign while still maintaining his position as RNC communications director. He has since become a senior spokesman for the president-elect's transition operation.”

SOURCE:



out the revelatory nature of Comey's letter as the clearest proof that ballots are being cast without the full scope of available information.

"It creates a real problem when you have election bombshells weekly," said Bill Seitz, an Ohio Republican state senator who cosponsored the 2013 bill along with Retherford. "People ought to wait until all of the evidence is out and all of the stories have been told."

Another Republican legislator, North Carolina state Rep. Paul Stam Jr., said that people who vote early are running the risk of being less informed than their counterparts who wait until Election Day.

But do these concerns hold water? Not so much, according to early-voting experts.

"Past research ... shows no evidence that early voters regret their choice," said Paul Gronke, director of the Early Voting Information Center and coauthor of a 2008 study entitled "The Psychological and Institutional Determinants of Early Voting."

"Early voters are decided voters," Gronke said.

Those who vote early are "very unlikely" to be swayed by any late-breaking news, he said, adding that those voters "who are on the fence are not going to have cast an early ballot."

In fact, McDonald believes that early voting actually protects the electorate from misinformation and decisions based on gut reactions as opposed to facts. He argues that early voting forces candidates and parties to introduce information long ahead of the election, which then gives campaigns ample time to respond and journalists time to investigate and assess the merits of the information.

McDonald used Comey's letter as an example, contending that if it were released the day before the election, it would have an outsized reaction, sending undecided voters into a possibly unwarranted panic.

"A lot of people made wild guesses as to what the information actually tells us," McDonald said. "Now people are able to make some more sober assessments."

Battles over early voting are likely to rage on following the election, where they will play out in state legislatures and courthouses around the country, though McDonald warns against taking any lessons from the 2016 race.

"It's a very strange election," he said.

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