

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 209**

**Representatives Sweeney, Lepore-Hagan**

**Cosponsors: Representatives Brent, Sykes, Liston, Miller, J., Kelly, Leland, Lightbody, Crossman, Boyd, Skindell, Blackshear, Russo, Miller, A., Smith, K., Brown, Hicks-Hudson, Smith, M., Sobecki, Weinstein, Sheehy, Galonski, Upchurch, Miranda, Boggs, Denson, Howse, O'Brien, Ingram, Jarrells, West, Robinson, Crawley, Troy**

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**A BILL**

To amend sections 3509.05 and 3511.11 and to enact  
section 3509.052 of the Revised Code to require  
boards of elections to provide secure ballot  
drop boxes and to declare an emergency. 1  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3509.05 and 3511.11 be amended  
and section 3509.052 of the Revised Code be enacted to read as  
follows: 5  
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**Sec. 3509.05.** (A) (1) When an elector receives an absent  
voter's ballot pursuant to the elector's application or request,  
the elector shall, before placing any marks on the ballot, note  
whether there are any voting marks on it. If there are any  
voting marks, the ballot shall be returned immediately to the  
board of elections; otherwise, the elector shall cause the  
ballot to be marked, folded in a manner that the stub on it and  
the indorsements and facsimile signatures of the members of the 8  
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board of elections on the back of it are visible, and placed and 16  
sealed within the identification envelope received from the 17  
director of elections for that purpose. Then, the elector shall 18  
cause the statement of voter on the outside of the 19  
identification envelope to be completed and signed, under 20  
penalty of election falsification. 21

(2) If the elector does not provide the elector's driver's 22  
license number or the last four digits of the elector's social 23  
security number on the statement of voter on the identification 24  
envelope, the elector also shall include in the return envelope 25  
with the identification envelope a copy of the elector's current 26  
valid photo identification, a copy of a military identification, 27  
or a copy of a current utility bill, bank statement, government 28  
check, paycheck, or other government document, other than a 29  
notice of voter registration mailed by a board of elections 30  
under section 3503.19 of the Revised Code, that shows the name 31  
and address of the elector. 32

(3)(a) The elector shall ~~mail~~ place the identification 33  
envelope ~~to the director from whom it was received in the return~~ 34  
~~envelope and return it to the board of elections by one of the~~ 35  
following methods: 36

(i) By mailing it, postage prepaid, ~~or the elector may to~~ 37  
the office of the board; 38

(ii) By personally ~~deliver~~ delivering it to the ~~director,~~ 39  
~~or office of the board or to a ballot drop box in the county~~ 40  
described in section 3509.052 of the Revised Code; 41

(iii) By having the spouse of the elector, the father, 42  
mother, father-in-law, mother-in-law, grandfather, grandmother, 43  
brother, or sister of the whole or half blood, or the son, 44

daughter, adopting parent, adopted child, stepparent, stepchild, 45  
uncle, aunt, nephew, or niece of the elector ~~may~~ deliver it to 46  
the ~~director~~ office of the board or to a ballot drop box in the 47  
county described in section 3509.052 of the Revised Code. ~~The~~ 48

(b) The return envelope shall be transmitted to the 49  
~~director~~ board of elections in no other manner, except as 50  
provided in section 3509.08 of the Revised Code. 51

(4) When absent voter's ballots are delivered to an 52  
elector at the office of the board, the elector may retire to a 53  
voting compartment provided by the board and there mark the 54  
ballots. Thereupon, the elector shall fold them, place them in 55  
the identification envelope provided, seal the envelope, fill in 56  
and sign the statement on the envelope under penalty of election 57  
falsification, and deliver the envelope to the ~~director~~ election 58  
officials at the office of the board. 59

(5) Except as otherwise provided in division (B) of this 60  
section, all other envelopes containing marked absent voter's 61  
ballots shall be ~~delivered to the director~~ received at the 62  
office of the board or at a ballot drop box in the county not 63  
later than the close of the polls on the day of an election. 64  
Absent voter's ballots ~~delivered to the director~~ received at the 65  
office of the board later than the times specified shall not be 66  
counted, but shall be kept by the board in the sealed 67  
identification envelopes in which they are delivered ~~to the~~ 68  
~~director~~, until the time provided by section 3505.31 of the 69  
Revised Code for the destruction of all other ballots used at 70  
the election for which ballots were provided, at which time they 71  
shall be destroyed. 72

(B) (1) Except as otherwise provided in division (B) (2) of 73  
this section, any return envelope that is returned by mail and 74

is postmarked prior to the day of the election shall be 75  
~~delivered to received at the director office of the board~~ prior 76  
to the eleventh day after the election. Ballots delivered in 77  
envelopes that are postmarked prior to the day of the election 78  
that are received after the close of the polls on election day 79  
through the tenth day thereafter shall be counted on the 80  
eleventh day at the board of elections in the manner provided in 81  
divisions (C) and (D) of section 3509.06 of the Revised Code or 82  
in the manner provided in division (E) of that section, as 83  
applicable. Any such ballots that are received ~~by the director~~ 84  
later than the tenth day following the election shall not be 85  
counted, but shall be kept by the board in the sealed 86  
identification envelopes as provided in division (A) of this 87  
section. 88

(2) Division (B)(1) of this section shall not apply to any 89  
mail that is postmarked using a postage evidencing system, 90  
including a postage meter, as defined in 39 C.F.R. 501.1. 91

**Sec. 3509.052.** (A) As used in this section: 92

(1) "Census designated place" means a statistical 93  
geographical entity defined as a census designated place by the 94  
United States census bureau for the most recent federal 95  
decennial census, that is not a municipal corporation or 96  
township, and that has a post office located in its territory. 97

(2) "Institution of higher education" has the same meaning 98  
as in division (E)(6) of section 2917.31 of the Revised Code. 99

(B) The board of elections shall establish secure drop 100  
boxes for the return of absent voter's ballots to the board 101  
without the payment of postage, in accordance with the 102  
following: 103

(1) The board shall place at least one drop box in each 104  
municipal corporation or township that has territory in the 105  
county, in each census designated place that has territory in 106  
the county, and on the campus of each institution of higher 107  
education located in the county. 108

(2) In no case shall a county have fewer drop boxes than 109  
the following applicable minimum number: 110

(a) If, as of the ninetieth day before the election, the 111  
county has at least two hundred fifty thousand electors, one 112  
drop box for each twelve thousand five hundred active electors; 113

(b) If, as of the ninetieth day before the election, the 114  
county has fewer than two hundred fifty thousand electors but at 115  
least thirty-seven thousand five hundred electors, at least one 116  
drop box for each fifteen thousand active electors; 117

(c) If, as of the ninetieth day before the election, the 118  
county has fewer than thirty-seven thousand five hundred 119  
electors, two drop boxes. 120

(C) In designating the locations for drop boxes to be 121  
placed under division (B) of this section, the board of 122  
elections shall consider the geography, population, and 123  
population density of the county and shall designate locations 124  
that are accessible to the community. Before designating drop 125  
box locations, the board of elections shall solicit public 126  
comments during a period beginning on the two hundred fiftieth 127  
day before the day of the election and ending on the one hundred 128  
ninetieth day before the day of the election. The board shall 129  
give reasonable public notice of the board's solicitation of 130  
public comments, including by publication in one or more 131  
newspapers of general circulation in the county. 132

(D) On the day of the election, a bipartisan team of 133  
election officials shall close each drop box and collect the 134  
deposited ballots promptly at seven-thirty p.m., provided that 135  
persons who are waiting in line to deposit ballots in the drop 136  
box at that time shall be permitted to deposit those ballots. 137

**Sec. 3511.11.** (A) Upon receipt of any return envelope 138  
bearing the designation "Official Election Uniformed Services or 139  
Overseas Absent Voter's Ballot" prior to the eleventh day after 140  
the day of any election, the director of the board of elections 141  
shall open it but shall not open the identification envelope 142  
contained in it. If, upon so opening the return envelope, the 143  
director finds ballots in it that are not enclosed in and 144  
properly sealed in the identification envelope, the director 145  
shall not look at the markings upon the ballots and shall 146  
promptly place them in the identification envelope and promptly 147  
seal it. If, upon so opening the return envelope, the director 148  
finds that ballots are enclosed in the identification envelope 149  
but that it is not properly sealed, the director shall not look 150  
at the markings upon the ballots and shall promptly seal the 151  
identification envelope. 152

(B) Uniformed services or overseas absent voter's ballots 153  
~~delivered to~~received at the director office of the board of 154  
elections or at a ballot drop box in the county described in 155  
section 3509.052 of the Revised Code not later than the close of 156  
the polls on election day shall be processed and counted in the 157  
manner provided in section 3509.06 of the Revised Code. 158

(C) A return envelope is not required to be postmarked in 159  
order for a uniformed services or overseas absent voter's ballot 160  
contained in it to be valid. Except as otherwise provided in 161  
this division, whether or not the return envelope containing the 162

ballot is postmarked, contains a late postmark, or contains an illegible postmark, a uniformed services or overseas absent voter's ballot that is received by mail after the close of the polls on election day through the tenth day after the election day shall be processed and counted on the eleventh day after the election day at the office of the board of elections in the manner provided in section 3509.06 of the Revised Code if the voter signed the identification envelope by the time specified in section 3511.09 of the Revised Code. ~~However, if a return envelope containing a uniformed services or overseas absent voter's ballot is so received and so indicates, but the identification envelope in it is signed after the close of the polls on election day, the uniformed services or overseas absent voter's ballot shall not be counted.~~

(D) The following types of uniformed services or overseas absent voter's ballots shall not be counted:

(1) Uniformed services or overseas absent voter's ballots contained in return envelopes that bear the designation "Official Election Uniformed Services or Overseas Absent Voter's Ballots," that are received by the director after the close of the polls on the day of the election, and that contain an identification envelope that is signed after the time specified in section 3511.09 of the Revised Code;

(2) Uniformed services or overseas absent voter's ballots contained in return envelopes that bear that designation and that are received after the tenth day following the election.

The uncounted ballots shall be preserved in their identification envelopes unopened until the time provided by section 3505.31 of the Revised Code for the destruction of all other ballots used at the election for which ballots were

provided, at which time they shall be destroyed. 193

**Section 2.** That existing sections 3509.05 and 3511.11 of 194  
the Revised Code are hereby repealed. 195

**Section 3.** This act is hereby declared to be an emergency 196  
measure necessary for the immediate preservation of the public 197  
peace, health, and safety. The reason for such necessity is to 198  
ensure safe elections can continue during the declared pandemic 199  
and global health emergency related to COVID-19. Therefore, this 200  
act shall go into immediate effect. 201