



Ohio Revised Code

Section 3509.05 Voting and return procedure.

Effective: April 7, 2023

Legislation: House Bill 458 (GA 134), House Bill 45 (GA 134)

(A) 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 board of elections on the back of it are visible, and placed and sealed within the identification envelope received from the board of elections for that purpose. Then, the elector shall cause the statement of voter on the outside of the identification envelope to be completed and signed, under penalty of election falsification.

(B) The elector shall provide one of the following:

(1) The elector's Ohio driver's license or state identification card number on the statement of voter on the identification envelope;

(2) The last four digits of the elector's social security number on the statement of voter on the identification envelope;

(3) A copy of the elector's photo identification in the return envelope with the identification envelope.

(C)(1) The elector shall mail the identification envelope to the office of the board of elections in the return envelope, postage prepaid, or the elector may personally deliver it to the office of the board, or the spouse of the elector, the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother, or sister of the whole or half blood, or the son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of the elector may deliver it to the office of the board. The return envelope shall be returned by no other person, in no other manner, and to no other location, except as otherwise provided in section 3509.08 of the Revised Code.



(2) If the board maintains multiple offices in the county, as permitted under division (C) of section 3501.10 of the Revised Code, the board may designate any of its offices for the return of absent voter's ballots under this section, provided that the board shall designate only one office to which absent voter's ballots shall be returned under this section.

(3)(a) The board of elections may place not more than one secure receptacle outside the office of the board, on the property on which the office of the board is located, for the purpose of receiving absent voter's ballots under this section.

(b) A secure receptacle shall be open to receive ballots only during the period beginning on the first day after the close of voter registration before the election and ending at seven-thirty p.m. on the day of the election. The receptacle shall be open to receive ballots at all times during that period.

(c) A secure receptacle shall be monitored by recorded video surveillance at all times. The video recordings are a public record. The board shall do one of the following:

(i) Make the video recordings available for inspection immediately upon request, notwithstanding any contrary provision of section 149.43 of the Revised Code.

(ii) Make each day's video recording available to the public on the internet for streaming or download without charge within twenty-four hours after the recording ends and make the video recordings available to the public upon request in accordance with section 149.43 of the Revised Code.

(d) Only a bipartisan team of election officials may open a secure receptacle or handle its contents. A bipartisan team of election officials shall collect the contents of each secure receptacle and deliver them to the board for processing at least once each day and at seven-thirty p.m. on the day of the election. If, at seven-thirty p.m. on the day of the election, there are persons waiting in line to deposit absent voter's ballots in a receptacle, those persons shall be permitted to deposit the ballots.

(4)(a) During the period beginning on the forty-fifth day before election day and ending on the day after election day, on each day the office of the board of elections is open for business, the board shall report to the secretary of state all of the following information concerning the previous business



day:

(i) The number of return envelopes purporting to contain absent voter's ballots or uniformed services or overseas absent voter's ballots the board received by personal delivery, other than to a receptacle described in division (C)(3) of this section;

(ii) If the board has placed a secure receptacle outside the office of the board under division (C)(3) of this section, the number of return envelopes purporting to contain absent voter's ballots or uniformed services or overseas absent voter's ballots the board received in the receptacle.

(b) As soon as practicable after receiving a report under division (C)(4)(a) of this section, the secretary of state shall make the information in the report available to the public on the secretary of state's official web site.

(D)(1) Except as otherwise provided in division (D)(2) of this section, all envelopes containing marked absent voter's ballots shall be delivered to the office of the board not later than the close of the polls on the day of an election. Absent voter's ballots delivered to the office of the board later than the times specified shall not be counted, but shall be kept by the board in the sealed identification envelopes in which they are delivered, 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.

(2)(a) Except as otherwise provided in division (D)(2)(b) of this section, any return envelope that is postmarked prior to the day of the election shall be delivered to the director prior to the fifth day after the election. Ballots delivered in envelopes postmarked prior to the day of the election that are received after the close of the polls on election day through the fourth day thereafter shall be counted on the fifth day at the board of elections in the manner provided in divisions (C) and (D) of section 3509.06 of the Revised Code or in the manner provided in division (E) of that section, as applicable. Any such ballots that are received by the director later than the fourth day following the election shall not be counted, but shall be kept by the board in the sealed identification envelopes as provided in division (A) of this section.

(b) Division (D)(2)(a) of this section shall not apply to any mail that is postmarked using a postage



evidencing system, including a postage meter, as defined in 39 C.F.R. 501.1.

The Legislative Service Commission presents the text of this section as a composite of the section as amended by multiple acts of the General Assembly. This presentation recognizes the principle stated in R.C. 1.52(B) that amendments are to be harmonized if reasonably capable of simultaneous operation.