

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 184

Senator Antani

A BILL

To amend section 3509.05 of the Revised Code to 1
prohibit boards of elections from receiving 2
absent voters ballots in outdoor receptacles. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3509.05 of the Revised Code be 4
amended to read as follows: 5

Sec. 3509.05. (A) When an elector receives an absent 6
voter's ballot pursuant to the elector's application or request, 7
the elector shall, before placing any marks on the ballot, note 8
whether there are any voting marks on it. If there are any 9
voting marks, the ballot shall be returned immediately to the 10
board of elections; otherwise, the elector shall cause the 11
ballot to be marked, folded in a manner that the stub on it and 12
the indorsements and facsimile signatures of the members of the 13
board of elections on the back of it are visible, and placed and 14
sealed within the identification envelope received from the 15
board of elections for that purpose. Then, the elector shall 16
cause the statement of voter on the outside of the 17
identification envelope to be completed and signed, under 18
penalty of election falsification. 19

(B) The elector shall provide one of the following:	20
(1) The elector's Ohio driver's license or state identification card number on the statement of voter on the identification envelope;	21 22 23
(2) The last four digits of the elector's social security number on the statement of voter on the identification envelope;	24 25
(3) A copy of the elector's photo identification in the return envelope with the identification envelope.	26 27
(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.	28 29 30 31 32 33 34 35 36 37 38 39
(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, <u>and neither the board nor the secretary of state shall permit absent voter's ballots to be returned to an outdoor receptacle.</u>	40 41 42 43 44 45 46 47
(3) (a) The board of elections may place not more than one	48

~~secure receptacle outside the office of the board, on the~~ 49
~~property on which the office of the board is located, for the~~ 50
~~purpose of receiving absent voter's ballots under this section.~~ 51

~~(b) A secure receptacle shall be open to receive ballots~~ 52
~~only during the period beginning on the first day after the~~ 53
~~close of voter registration before the election and ending at~~ 54
~~seven thirty p.m. on the day of the election. The receptacle~~ 55
~~shall be open to receive ballots at all times during that~~ 56
~~period.~~ 57

~~(c) A secure receptacle shall be monitored by recorded~~ 58
~~video surveillance at all times. The video recordings are a~~ 59
~~public record. The board shall do one of the following:~~ 60

~~(i) Make the video recordings available for inspection~~ 61
~~upon request in accordance with section 149.43 of the Revised~~ 62
~~Code.~~ 63

~~(ii) Make each day's video recording available to the~~ 64
~~public on the internet for streaming or download without charge~~ 65
~~within seventy two hours after the recording ends and make the~~ 66
~~video recordings available to the public upon request in~~ 67
~~accordance with section 149.43 of the Revised Code.~~ 68

~~(d) Only a bipartisan team of election officials may open~~ 69
~~a secure receptacle or handle its contents. A bipartisan team of~~ 70
~~election officials shall collect the contents of each secure~~ 71
~~receptacle and deliver them to the board for processing at least~~ 72
~~once each day and at seven thirty p.m. on the day of the~~ 73
~~election. If, at seven thirty p.m. on the day of the election,~~ 74
~~there are persons waiting in line to deposit absent voter's~~ 75
~~ballots in a receptacle, those persons shall be permitted to~~ 76
~~deposit the ballots.~~ 77

~~(4)(a)-(3)(a)~~ During the period beginning on the forty- 78
fifth day before election day and ending on the day after 79
election day, on each day the office of the board of elections 80
is open for business, the board shall report to the secretary of 81
state all of the following information concerning the previous 82
business day: 83

~~(i) The the~~ number of return envelopes purporting to 84
contain absent voter's ballots or uniformed services or overseas 85
absent voter's ballots the board received by personal delivery, 86
other than to a receptacle described in division (C) (3) of this 87
section; 88

~~(ii) If the board has placed a secure receptacle outside 89
the office of the board under division (C) (3) of this section, 90
the number of return envelopes purporting to contain absent 91
voter's ballots or uniformed services or overseas absent voter's 92
ballots the board received in the receptacle. 93~~

(b) As soon as practicable after receiving a report under 94
division ~~(C) (4) (a)~~ (C) (3) (a) of this section, the secretary of 95
state shall make the information in the report available to the 96
public on the secretary of state's official web site. 97

(D) (1) Except as otherwise provided in division (D) (2) of 98
this section, all envelopes containing marked absent voter's 99
ballots shall be delivered to the office of the board not later 100
than the close of the polls on the day of an election. Absent 101
voter's ballots delivered to the office of the board later than 102
the times specified shall not be counted, but shall be kept by 103
the board in the sealed identification envelopes in which they 104
are delivered, until the time provided by section 3505.31 of the 105
Revised Code for the destruction of all other ballots used at 106
the election for which ballots were provided, at which time they 107

shall be destroyed. 108

(2) (a) Except as otherwise provided in division (D) (2) (b) 109
of this section, any return envelope that is postmarked prior to 110
the day of the election shall be delivered to the director prior 111
to the fifth day after the election. Ballots delivered in 112
envelopes postmarked prior to the day of the election that are 113
received after the close of the polls on election day through 114
the fourth day thereafter shall be counted on the fifth day at 115
the board of elections in the manner provided in divisions (C) 116
and (D) of section 3509.06 of the Revised Code or in the manner 117
provided in division (E) of that section, as applicable. Any 118
such ballots that are received by the director later than the 119
fourth day following the election shall not be counted, but 120
shall be kept by the board in the sealed identification 121
envelopes as provided in division (A) of this section. 122

(b) Division (D) (2) (a) of this section shall not apply to 123
any mail that is postmarked using a postage evidencing system, 124
including a postage meter, as defined in 39 C.F.R. 501.1. 125

Section 2. That existing section 3509.05 of the Revised 126
Code is hereby repealed. 127