



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 209
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Sweeney and Lepore-Hagan

S. Ben Fogle, Attorney

SUMMARY

- Requires boards of elections to provide secure ballot drop boxes in which electors may deposit their voted absentee ballots.
- Eliminates a redundant provision of law regarding uniformed services and overseas absentee ballots.
- Declares an emergency.

DETAILED ANALYSIS

Secure ballot drop boxes

The bill requires each board of elections to place secure ballot drop boxes for the return of absent voter's ballots, without the payment of postage, in certain locations in the county. There must be at least one drop box in each municipal corporation and township that has territory in the county, in each census-designated place¹ that has territory in the county and that has a post office, and in each institution of higher education located in the county. The board may add more drop boxes as it sees fit.

The bill also establishes a minimum number of drop boxes for each county based on the number of electors in the county. The number of electors is calculated as of the 90th day before the day of the election for which the drop boxes are being placed. The amounts are as follows:

- For a county with at least 250,000 electors, one drop box for each 12,500 electors;

¹ The bill defines a census-designated place as a statistical geographical entity defined as a census designated place by the United States Census Bureau for the most recent federal decennial census, that is not a municipal corporation or township, and that has a post office located in its territory.

- For a county with fewer than 250,000 electors but at least 37,500 electors, at least one drop box for each 15,000 electors;
- For a county with fewer than 37,500 electors, two drop boxes.

A board of elections must place a drop box in each municipal corporation, township, census-designated place with a post office, or institution of higher education, and must place additional drop boxes if those boxes do not meet the minimum number based on the number of electors in the county.

For instance, Clermont County has 143,590 electors, which means the bill requires the county to have at least ten drop boxes based on its number of electors.² However, Clermont County appears to have 22 townships and municipalities, one institution of higher education, and two census-designated places with post offices, totaling 25 locations. As a result, under the bill, Clermont County must have at least 25 drop boxes.³

As another example, Hamilton County has 592,589 electors, meaning that it must have at least 48 drop boxes based on the number of electors.⁴ However, the county appears to have 49 townships and municipalities, eight institutions of higher education, and one census-designated place with a post office, totaling 58 locations. Under the bill, then, Hamilton County must have at least 58 drop boxes.⁵

The board must place the drop boxes in a location accessible to the community, taking into account the geography, population, and population density of the county.⁶

Public comments

Before the board of elections can designate drop box locations, the bill requires it to solicit public comments, through reasonable public notice, including by publication in one or more generally circulated newspapers in the county. The solicitation period begins on the 250th day before an election and ends on the 190th day before the election.

² Clermont County Board of Elections.

³ Clermont County Auditor, *Township and Village Links*; University of Cincinnati, *Clermont*; U.S. Census Bureau, *Ohio: 2010 Population and Housing Counts*, Table 8; and U.S. Postal Service, *Post Offices by County*.

⁴ Hamilton County Board of Elections, *Voter Lists*.

⁵ Hamilton County, *Jurisdictions*; Ohio Department of Higher Education, *Ohio Colleges & Universities | Map & Profiles*; U.S. Census Bureau, *Ohio: 2010 Population and Housing Counts*, Table 8; and U.S. Postal Service, *Post Offices by County*.

⁶ R.C. 3509.05, 3509.052, and 3511.11.

Election procedures

On Election Day, a bipartisan team of election officials must close each drop box and collect the ballots at 7:30 p.m. However, persons waiting in line at 7:30 p.m. must be permitted to cast their ballots. Persons arriving after 7:30 p.m. will not be permitted to cast their ballots.

Under existing law, certain relatives are allowed to drop off an absentee ballot on an elector's behalf. Under this bill, these relatives may place an absentee ballot in a drop box on the elector's behalf as well.⁷

Technical changes

The bill also removes a redundant provision of law regarding uniformed services or overseas absent voter's ballots.⁸

Emergency

The bill declares an emergency.⁹

HISTORY

Action	Date
Introduced	03-16-21

H0209-I-134/ec

⁷ R.C. 3509.05. These relatives include 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.

⁸ R.C. 3511.11.

⁹ Section 3.