

ADVISORY 2024-03

September 20, 2024

To: All County Board of Elections
Board Members, Directors, and Deputy Directors

Re: Employing Bipartisan Elections Officials to Receive Absentee Ballots Outside of
the Boards of Elections Offices

BACKGROUND

This advisory serves as a clarification to Directive 2024-21, Enforcement of Absent Voter's Ballot Provisions and Compliance with State and Federal Laws. Boards of elections are permitted, in-fact highly encouraged, to consider as a best practice, developing a streamlined, convenient drive-through ballot drop-off system during periods of high-volume turnout. For example, some boards have successfully managed high-volume ballot return periods in the past by stationing trained, bipartisan teams of elections officials outside of the office of the board of elections to receive absentee ballots from voters or those delivering an absentee ballot on behalf of another, in a drive-through format.¹ In addition to the requirements and best practices discussed below, if a board is interested in discussing how to successfully do this, please feel free to give us a call or connect with another board that has done so in the past.

EXPLANATION

Boards of elections may consider, by a majority vote, implementing this traffic mitigation plan using permanent or temporary board employees who have undergone a criminal background check and received appropriate training (hereinafter, "board employees").

¹ "Outside the office of the board of elections" means *immediately* outside the office of the board of elections, not remote locations miles from the office of the board. So, boards may station bipartisan teams of employees directly in front of the office of the board, behind the office of the board, right around the corner from the office of the board, or across the street from the office of the board, whichever of these options works best considering the vehicular traffic flow around the office of the board.

If the board members vote to utilize such a plan, the board must also determine and document how the following requirements will be met:

- (1) At least two board of elections employees, one Republican and one Democrat, must be paired together and trained to receive absentee ballots outside the board of elections office;
- (2) The board of elections must have sufficient additional staff at the board office to continue the successful operation of all other duties of the board of elections;
- (3) The board of elections must provide the bipartisan team with an appropriate container into which the delivered absentee ballots will be received and maintain the secure and bipartisan chain of custody of the ballots until they are deposited and stored under dual lock with other voted ballots inside the board of elections office;
- (4) The board of elections must engage with its law enforcement point of contact to develop a plan for appropriate traffic control while the drive-through system is being utilized;
- (5) The board of elections must post appropriate signage outside the board of elections office instructing voters on where to park or drive to return absentee ballots;
- (6) The board of elections must set a schedule of days and hours during which bipartisan teams of board employees will be stationed outside the office of a board of elections to receive absentee ballots and publicize that schedule on the board's website and social media. The staffed collection schedule may begin when early, in-person voting begins but must conclude at 7:30 p.m. on Election Day;²
- (7) The board must require the bipartisan team of board employees to require any person assisting another with the return of a ballot to complete [Form 12-P: Absentee Ballot Delivery Attestation](#) as required by Directive 2024-21; and
- (8) If there is a line for drive-through ballot drop off, the board of elections must mark or personally monitor³ the last voter in line at 7:30 p.m. on Election Day to allow those who are in line at 7:30 p.m. to drop off their ballot.

Additionally, boards of elections should consider the following best practices when implementing a streamlined, bipartisan ballot drop-off plan:

² If a court order is issued extending voting hours on election day, the Secretary of State's office will provide additional guidance.

³ The bipartisan team must mark or personally monitor the last voter in line at 7:30 p.m. on Election Day in a manner similar to how precinct election officials mark or personally monitor lines at a polling location.

- Use of directional signage and traffic cones for traffic management. Boards of elections may coordinate with their county engineer or local road department to borrow such assets;
- Provide board staff with reflective vests for their safety and to designate them as official board staff;
- Provide sufficient quantities of “I voted” stickers, poll worker recruitment flyers, and the attached election security sheet to provide to voters who utilize the drive-through ballot drop off;
- Provide a pop-up canopy to shield elections officials from the elements; and
- Coordinate with local media to publicize designated dates and times for drive-through ballot drop off.

A reminder for board employees receiving absentee ballots that any allegation of ballot harvesting must be reported to the Public Integrity Division – Election Integrity Unit of the Secretary of State at EIU@OhioSoS.gov. My office will vigorously investigate and refer for prosecution any individual engaged in ballot harvesting in violation of Ohio law.

If you have any questions concerning this Advisory, please contact the Secretary of State’s elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose

Ohio Secretary of State