

ADVISORY 2008-19
August 19, 2008

To: ALL COUNTY BOARDS OF ELECTIONS

Re: Extended office hours during the time period for absentee voting

Several boards of elections have asked whether a board may provide extended office hours during the absentee voting period for the board office or an alternate polling location for in-person absentee voting established pursuant to R.C. 3501.10(C) and Directive 2008-50.

There are certain dates and times prescribed by statute when a board of elections must be open. For example, under R.C. 3501.10(B) a board of elections office must be open until 9:00 p.m. on the last day of voter registration before the primary and the general election. Similarly, a board of elections must be open until noon on the third day before an election to receive and process requests for absentee ballots to be mailed to an elector under R.C. 3509.03, 3509.031(C), 3509.08(A), and 3511.02(C). Boards of elections must also be open until 4:00 p.m. on any date for which there is a filing deadline for candidates, such as the deadline for filing a declaration of candidacy and nominating petition for political party nomination at a primary election under R.C. 3513.05. Beyond the specific dates and times established by statute, the normal operating hours of the board office are within the discretion of the board of elections under R.C. 3501.10(B): "At all other times during each week, the board shall keep its offices and rooms open for a period of time that the board considers necessary for the performance of its duties." Moreover, there is nothing in the Revised Code that prohibits a board of elections from having extended office hours within the board's discretion if the board considers extended hours necessary to meet the board's statutory duties.

Prior to the 2008 primary election, this office advised the boards of elections that they may extend regular office hours for in-person absentee voting on the day before the election until 9:00 p.m. Consistent with this prior advice and R.C. 3501.10(B), a board of elections may provide extended hours during the entire absentee voting period for the board office and for an alternate polling location established for in-person absentee voting. The extended hours may include hours on Saturdays and Sundays, depending on the resources of the board and the circumstances of the county. Boards of elections that extend office hours for in-person absentee voting should notify the public of the extended hours.

If a board of elections has established an alternative polling location for in-person absentee voting, that alternative polling location must be open to the public at least the same hours that

the board office is open, in accordance with Directive 2008-50. A board of elections that establishes an alternative polling location for in-person absentee voting also should have at least partial staff concurrently working at the regular board office during the hours the alternate polling location is open for the purpose of assisting the alternate location in the event of an emergency or to resupply the alternate polling location if needed.

Nothing in this advisory requires a board of elections to establish extended hours during the absentee voting period for its main office or an alternative polling location for in-person absentee voting, but many boards may want to do so to provide electors who work during normal board hours the opportunity to vote in-person prior to election day and to reduce the anticipated turnout on Election Day.

If you have any questions about this advisory, you may contact the elections attorney assigned to your board.

Sincerely,

Jennifer Brunner