

ADVISORY 2008-18

August 15, 2008

To: ALL COUNTY BOARDS OF ELECTIONS

Re: Issuance and acceptance of absentee ballots for boards of elections that have established an alternate polling location for in-person absentee voting

On July 8, 2008, the Secretary of State's office issued Directive 2008-50, creating standards for boards of elections that establish alternate locations for in-person absentee voting. The question has arisen whether a board of elections that has established an alternate location for in-person absentee voting may still issue and receive absentee ballots at the regular board of elections office.

Under R.C. 3501.10(C), a board of elections that establishes an alternate location for in-person absentee voting may not permit electors to vote at any other board office, including the regular office of the board of elections, during the time period that the alternate location is in operation. Nevertheless, R.C. 3509.04 permits a board of elections to issue absentee ballots by mail or in-person to an elector and to receive absentee ballots by mail at the board of elections office. Similarly, R.C. 3509.05 allows an elector to return an absentee ballot to a board of elections office personally or through a near relative as designated in the statute.

Taking these statutes (R.C. 3501.10, 3509.04 and 3509.05) together, a board of elections that has established an alternate location for in-person absentee voting may issue absentee ballots for electors to take elsewhere to vote from both the regular board office and the alternate location. However, a board of elections that issues absentee ballots from both locations **may not provide** a voting compartment for electors to vote absentee ballots at the regular board office at the same time that in-person absentee voting is occurring at the alternate location. Additionally, a board of elections that has established an alternate location for in-person absentee voting may receive voted absentee ballots in-person from an elector or an elector's family member at the regular board office and at the alternate location.

Nothing in this advisory requires a board of elections to issue absentee ballots or to receive absentee ballots at both the regular board office and at the alternate location, but the board may do so in its discretion without violating R.C. 3501.10(C) as long as the board follows the advice contained in this advisory.

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

Sincerely,

Jennifer Brunner