



**Jon Husted**  
Ohio Secretary of State

180 East Broad Street, 16th Floor  
Columbus, Ohio 43215  
Tel: (877) 767-6446 Fax: (614) 644-0649  
[www.OhioSecretaryofState.gov](http://www.OhioSecretaryofState.gov)

---

January 6, 2012

Deputy Director Daniel DeAngelis  
Lucas County Board of Elections  
One Government Center, Suite 300  
Toledo, Ohio 43604

Re: Tie Votes of December 2011

Dear Deputy Director DeAngelis:

As you know, at the Lucas County Board of Elections' meeting held on December 13, 2011, the board members tied on two separate motions: (1) to allow Republican staff member Meghan Gallagher to act equally with Dan DeAngelis, so that there is Republican representation at the Lucas County Board of Elections, and (2) to place a no confidence vote on Dan DeAngelis, as Deputy Director, because Dan has refused to represent any of the Republican interests that have been brought to his attention. Additionally, at the Lucas County Board of Elections' meeting held on December 19, 2011, the Board members tied on a motion to not to certify the candidacy of Constantine Stamos for the March 6, 2012 primary election ballot.

Under Ohio Revised Code 3501.11(X), in all cases of a tie vote or a disagreement in the Board, if no decision can be arrived at, the director or chairperson shall submit the matter in controversy, not later than fourteen days after the tie vote or the disagreement, to the Secretary of State, who shall summarily decide the question, and the Secretary of State's decision shall be final.

**December 13, 2011 Tie Votes**

The Lucas County Board of Elections did not timely send to the Secretary of State either the minutes of the December 13, 2011 meeting or the board members' position statements related to the December 13 tie votes. Accordingly, I will not break those tie votes. As I previously stated, the Lucas County Board of Elections must assume complete and total responsibility for oversight of the operations and the duties assigned to them. The Board must carry out its statutory duties and resolve these problems rather than relying on the Secretary of State to oversee the staff at the Lucas County Board of Elections. Additionally, the Board, in conjunction with the local prosecutor, should institute an interim operations policy within seven days to be utilized until an expedited director search is completed.

**December 19, 2011 Tie Vote**

I break the December 19, 2011 tie vote in favor of the motion not to certify the candidacy of Constantine Stamos. None of the declarations of candidacy and part-petitions filed with the Lucas County Board of Elections included the candidate's original signature as required by R.C. 3513.09. While there was some testimony offered at the hearing that an additional part-petition presented must have been lost by the staff, the receipt signed by the individual filing the petition only acknowledged eight part-petitions and 80 signatures. No copies of this part petition were made and no affidavits from voters who signed said petition were presented, thus there is simply no tangible evidence to certify the candidate for the ballot.

Additionally, I am concerned that a board staff member was one of the individuals responsible for filing the declaration of candidacy and petition for Mr. Stamos. I ask the Lucas County Board of Elections to review the Secretary of State's ethics policy and the Board's own policy related to permissible political activity of board staff.

The more troubling information provided in the board members' position statements was the assertion that the staff is not competent to perform even the most routine function of accepting candidate petitions. Furthermore, let me remind the members of the Lucas County Board of Elections, it is their responsibility, and theirs alone, to remedy the continuing issues of staff competency and workplace environment. Hopefully, a timely solution will prevent this office from the need to take separate action.

Sincerely,



Jon Husted

Cc: Lucas County Board Members