

## **DIRECTIVE 2010-37**

February 22, 2010

To: All County Boards of Elections

Re: Reorganization Meeting

### **Reorganization**

Boards of Elections are required to “reorganize” between March 2, 2010 and March 6, 2010, in the manner provided in R.C. 3501.09. Care should be taken to follow the procedures stated in this section to assure that your county board’s reorganization is properly conducted. Prior to conducting the meeting at which board reorganization takes place, board members should review Directive 2010-02 regarding the minimum qualifications of directors and deputy directors. These qualifications should be considered desired attributes of those persons being nominated for those positions, but individuals who are being renominated for their current positions or where the board is nominating a current director for the deputy director position and/or vice versa, no newspaper advertising is necessary to prepare the board to fill the position.

The reorganization meeting should be conducted in this manner:

#### Select a Temporary Chair

- The current chair or member with the most seniority calls the meeting to order.
- A “temporary chair” is elected from among the members present to chair the meeting. A simple majority vote of the Board is sufficient to select a temporary chair.

#### Appoint a Director

- Nominations are made for Director – the person nominated must be of the same political party as the board member making the nomination.
- A majority of three affirmative votes is necessary to select a Director.

#### Appoint a Deputy Director

- Nominations are made for Deputy Director – the person nominated must be of the same political party as the board member making the nomination.
- A majority of three affirmative votes is necessary to select a Deputy Director. (Please note: by three affirmative votes, the board may agree the position of deputy director is not necessary.)

#### Appoint a Chair

- After the selection of the Director and Deputy Director, a board member affiliated with a different major political party than the Director shall be chosen as chair of the Board.
- Nominations are made for chair – the person nominated must be of the opposite political party of the Director.
- If upon the first ballot, no person receives a majority vote, the board member affiliated with a different major political party than the Director having the shortest term on the Board shall be the chair.

## Tie Votes

If after five ballots for selection of a Director, no person nominated has received the affirmative votes of at least three members, the tie vote shall be submitted to the Secretary of State for consideration within ten days of the tie vote. Please notify your assigned elections attorney, and let him or her know you are submitting a tie vote for my consideration.

The following tie vote information should be submitted as a single package to the Secretary of State:

- The names of the persons nominated on the fifth ballot.
- The names of the board members who made the nominations.
- Qualifications of the persons nominated, and the board members may include any other additional information they want the Secretary to consider.

If your Board agrees on the Director, but no person nominated for the position of Deputy Director has received the affirmative votes of at least three members after five ballots, the tie vote shall be submitted immediately to the Secretary of State for consideration in the same manner as for a tie on the position of Director. Please notify your assigned SOS elections attorney, and let them know you are submitting a tie vote for my consideration.

Unlike board members, the positions of Director and Deputy Director are not subject to prescribed statutory terms. Therefore, during the reorganization period beginning on March 2 and continuing until reorganization is complete, persons holding the positions of Director and Deputy Director retain their positions unless action to the contrary is taken by a majority vote of the board or by the Secretary.

## Oath of Office

### Oath of Office Taken by Director

Before entering upon the duties of the office, the newly-appointed Director must take an oath and subscribe to having taken the oath to support the constitutions of the United States and the State of Ohio, to perform all the duties of the Director to the best of his or her ability, to enforce the election laws, and to preserve all records, documents, and other property pertaining to the conduct of elections that are placed in his or her custody. The signed statement attesting to having taken the oath must be kept on record at the board of elections office. (R.C. 3501.13)

### Oath of Office Taken by Deputy Director and Other Board Employees

The Deputy Director and all other board employees must take and subscribe to the same oath as for the Director for the faithful performance of their duties (please see above). (R.C. 3501.14) The signed statements from the deputy director and all other board employees attesting to having taken the oath must be kept on record at the board of elections office.

## Report

Immediately after the reorganizational process, the completed report of your county's reorganization meeting must be mailed to the Secretary of State's office. The Reorganization of Board of Elections Report accompanying this Directive must be completed and returned **no later than March 12, 2010** to Myra Hawkins by one of the following methods:

- Fax: 614-752-4360
- Email: [mhawkins@sos.state.oh.us](mailto:mhawkins@sos.state.oh.us)
- U.S. Mail: P. O. Box 2828  
Columbus, OH 43216 or  
180 E. Broad St., 15<sup>th</sup> Flr.  
Columbus, OH 43215

If you have any questions concerning this procedure, please contact your assigned elections attorney at 614-466-2585 or via e-mail.

Sincerely,

Jennifer Brunner