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Ohio Secretary of State

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DIRECTIVE 2016-51

December 8, 2016

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

Re: Appointments to the Board of Elections in Each County for Full Terms
Commencing March 1, 2017; Board's 2017 Reorganization

SUMMARY

This Directive describes the process for county party executive committees to submit to the Secretary of State candidates for board of elections appointments for full terms beginning March 1, 2017. **Submissions must be received between January 1, 2017 and February 14, 2017.**

Each board of elections is instructed to forward a copy of this Directive, with the attached Secretary of State ethics policy, to the Democratic and Republican Party Executive Committee chairpersons of the county.

This Directive also describes the process for the boards of elections' reorganization which must occur between March 2, 2017 and March 6, 2017.

I. APPOINTMENT PROCEDURE

As a result of a change in law, beginning in 2017, the Secretary of State is required to appoint two members – one from each major political party – to each county board of elections for four-year terms commencing on March 1st of that year.¹

The county executive committees of the two major political parties may make and file a recommendation with the Secretary of State for the appointment of a qualified elector to serve as a board member.² **By law, the executive committee meeting regarding the 2017 appointments must be held no earlier than December 31, 2016, and no later than February 14, 2017.**³

Electors recommended for appointment, including current board members, may undergo a background check. In order to facilitate the background checks, all persons recommended for appointment to a board of elections must complete [Secretary of State Form No. 307](#), including information related to any misdemeanor or felony conviction. The information about criminal

¹ R.C. 3501.06(B)(2).

² R.C. 3501.07.

³ R.C. 3501.07.

convictions bears a direct and substantial relationship to the position of member of a board of elections because of the need for public confidence in the integrity of election officials. Any criminal conviction under a state or federal statute involving elections or ethics laws disqualifies an individual from serving as a member of a board of elections.

To ensure that there will be sufficient time for our office to review and process the paperwork for each elector recommended for appointment, each executive committee is strongly encouraged to submit its recommendation to the Secretary of State's Office on the forms referenced in this Directive no later than February 15, 2017.

County party executive committees must submit all of the following properly completed documents:

1. Executive Committee Recommendation for Full Term Appointment [Secretary of State Form No. 306](#), to be completed by the Chairman and Secretary of the Executive Committee and the prospective appointee;
2. Questionnaire and Background Check Disclosure, Authorization and Release for Prospective Appointment as a Member, Director or Deputy Director of the Board of Elections [Secretary of State Form No. 307](#), to be completed by the prospective appointee; and
3. The résumé of the elector recommended for appointment, setting forth the prospective appointee's qualifications to be a member of a board of elections (i.e., education, employment history, etc.).

Each board of elections must forward a copy of this Directive, with the attached ethics policy, to the Democratic and Republican Party Executive Committee chairpersons of the county.

Each county party executive committee must submit the properly completed forms using one of the following methods:

- Email: MNewbern@ohiosecretaryofstate.gov
- Mail: Ohio Secretary of State Elections Division
Attention: Myra Newbern
P.O. Box 2828
Columbus, OH 43216

Each elector appointed as a member of a board of elections will be notified by mail and will be provided a certificate of appointment and oath of office. The oath must be taken and subscribed to before a person authorized to administer oaths and filed with the clerk of the court of common pleas not later than 15 days after the date of appointment.⁴

⁴ R.C. 3501.08.

II. REORGANIZATION

Within five days after the appointments to the board of elections are made by the Secretary of State, **boards of elections are required to “reorganize” between March 2, 2017, and March 6, 2017.**⁵

Note: The Secretary of State does not perform background checks for Directors and Deputy Directors. If a board of elections determines it necessary to conduct background checks prior to appointing Directors, Deputy Directors, and other elections personnel, the board should contact its Sheriff.

A. The reorganization meeting must be conducted following these steps, in order, in accordance with the provisions of R.C. 3501.09:

Step 1: Select a Temporary Chairperson

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

Step 2: 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.
- If, after five ballots, no person receives the three affirmative votes required for selection as the director, the board shall submit the matter to the Secretary of State as described below.

Step 3: 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. The Deputy Director must be of a different major political party than the Director.
- A majority of three affirmative votes is necessary to select a Deputy Director.
- If, after five ballots, no person receives the three affirmative votes required for selection as the deputy director the board shall submit the matter to the Secretary of State as described below.
- If the board members do not nominate a Deputy Director at this time, they must, by a majority of three affirmative votes, agree that the position of Deputy Director is not

⁵ R.C. 3501.09.

necessary as of the date of the biennial reorganizational meeting. This decision can be revisited at any time after the reorganizational meeting, again, with a majority of three affirmative votes.

Step 4: Appoint a Chairperson

- After the selection of the Director and Deputy Director, nominations are made for Chairperson. The person nominated must be of the opposite political party of the Director.
- If, upon the first ballot, no eligible member receives a simple majority vote, the board member affiliated with a different major political party than the Director having the shortest term to serve on the board shall be the chair.

B. Failure to Select a Director or Deputy Director

If, after five ballots for selection of a Director or a Deputy Director, no person nominated has received the affirmative votes of at least three members, the board must immediately contact the elections attorney assigned to the county for instructions on submitting the tie vote to the Secretary of State.

C. Oath of Office

Before entering upon the duties of the office, the newly appointed Director, Deputy Director, and board employees must subscribe to an oath to support the Constitution of the United States and the Ohio Constitution, to perform all the duties of the of his or her position 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.⁶ The signed statement attesting to having taken the oath must be kept on record at the board of elections office.

D. Report of Reorganization

Immediately after the reorganizational process, the completed report of the board's reorganization meeting must be forwarded to the Secretary of State's Office: [Secretary of State Form No. 308](#) for all Chairpersons, Directors, and Deputy Directors, and [Secretary of State Form No. 350](#) for any non-incumbent Director, Deputy Director, or Board Member. These forms must be completed and returned to Myra Newbern **no later than March 7, 2017** by one of the following methods:

- Email: MNewbern@ohiosecretaryofstate.gov
- Mail: Ohio Secretary of State Elections Division
Attention: Myra Newbern
P.O. Box 2828
Columbus, OH 43216

⁶ R.C. 3501.13 and 3501.14.

If you have any questions concerning this Directive, please contact the Secretary of State's elections counsel assigned to your county.

Sincerely,

A handwritten signature in black ink that reads "Jon Husted". The signature is written in a cursive, flowing style. The first letter "J" is large and loops around the "o". The "H" is tall and the "u" is connected to the "d".

Jon Husted