

Election Administration

Directive 2017-11

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Ohio Secretary of State



SECTION 1.01 TYPES OF ELECTIONS

A. General Elections:

General elections are held on the first Tuesday after the first Monday in November. General election voters determine who will be elected to represent the people at a given level of government. Federal, state, and county candidate elections are held in even-numbered years (regular state elections), while city, village, township, and board of education candidate elections are held in odd-numbered years (regular municipal elections). State, county, district, or local issues may be on the ballot at any general election.¹

B. Primary Elections:

A primary election occurs on the first Tuesday after the first Monday in May of each year, except in years in which a presidential primary election is held. Presidential primaries are held on the second Tuesday after the first Monday in March of presidential election years, an even-numbered year every four years. In charter municipalities, primary elections for cities or villages sometimes are held on a different date because of the requirements of the charter that governs that city or village.

¹ [R.C. 3501.01\(A\)-\(C\).](#)



Primary election voters determine who will be nominated as candidates for political parties to compete for particular offices at the general election. Primary election voters also elect members of the controlling committees of political parties, and delegates and alternates to the conventions of political parties.²

Some issues might be on the ballot at a primary election. Under Ohio law, voters affiliate with a political party by requesting that political party's ballot in a primary election. If a voter does not want to affiliate with a political party, the voter may request an issues only ballot.

C. Special Elections:

A special election may be held on the first Tuesday after the first Monday in May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of an election. A special election can be held on the same day as a primary or general election. However, during a presidential primary year, no special election is held in May, except as may be authorized by a municipal or county charter. A special election may be held on the second Tuesday after the first Monday in March during a presidential primary year.³

Sometimes, the law calls for a special election when there is a vacancy in an office. In that event, a primary or general election for the election of a candidate to the vacant office may fall on a different date than the election date for other candidates.

D. Advisory Elections:

An advisory election is a non-binding election on a question that municipal officials submit to the electorate to gauge voter attitudes on a particular topic. An advisory election is not intended as a substitute for the election on a municipal ordinance, resolution, charter amendment or other measure.

² [R.C. 3501.01\(E\)\(1\)-\(2\).](#)

³ [R.C. 3501.01\(D\).](#)





Rather, the advisory election only tests the appeal of the proposed legislation, with a second election on the legislation itself to follow, if municipal officials so choose. The Supreme Court of Ohio recognized the right of a municipality to hold an advisory election in *State ex rel. Bedford v. Cuyahoga Co. Board of Elections* (1991), 62 Ohio St.3d 17. The Court held that Article XVIII, Section 3 of the Ohio Constitution (commonly referred to as the “home rule” provision) grants a municipality the authority to hold an advisory election, absent a specific prohibition against holding such an election in the municipality’s charter, the Ohio Revised Code, or the Ohio Constitution. Please note that only a municipality may conduct an advisory election; an advisory election may not be held by any other political subdivision (e.g., state, county, township, school district, etc.).

When municipal officials certify an advisory question to the board of elections, the board should review the municipality’s charter, if it has one, to determine whether the charter prohibits an advisory election. If the charter does not specifically prohibit an advisory election, the board should proceed with the election. If the charter appears to prohibit the advisory election, the board should consult with its legal counsel, the county prosecuting attorney. The heading “Advisory Election” must be placed on the ballot for an advisory election.

The board should conduct the election and report the results as in any other election.

SECTION 1.02 THE BOARD OF ELECTIONS⁴

The members of county boards of elections are appointed by the Secretary of State. Each county’s board of elections has four board members, two members representing each of the two major political parties. Boards of elections carry out state and federal law as instructed by the Secretary of State and by board

⁴ [R.C. 3501.06](#); [R.C. 3501.07](#); [R.C. 3501.09](#); [R.C. 4117.03\(D\)](#).





policies adopted by the board's members. Board members serve for staggered terms of four years.

The board members must appoint a director, who is responsible for the day-to-day operations of the board of elections office. The board members also may appoint a deputy director and other employees, as the board members deem necessary for the board to fulfill its statutory duties. The director and deputy director are appointed to two-year terms. However, the director, deputy director and employees serve at the pleasure of the board.

State law prohibits collective bargaining or other forms of collective negotiations between a board of elections and its employees.⁵

The board members, director, deputy director and other board employees must conduct themselves at all times in a professional and courteous manner. They must assist any person, without regard to that person's political affiliation, who asks the board office for information that is within the scope of the board's jurisdiction.

A. Board Membership

1. Appointment

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 1 in odd-numbered years.⁶

The county executive committees of the two major political parties must each meet not later than 15 and no earlier than 60 days before the expiration date of the term of board members to make and file a

⁵ [R.C. 4117.03\(D\)](#).

⁶ [R.C. 3501.06\(B\)\(1\)](#); Am. Sub. S.B. 109 (130th General Assembly).





recommendation with the Secretary of State for the appointment of a qualified elector to serve as a board member.⁷

Electors recommended for appointment, including current board members, may undergo a background check. In order to facilitate the background check, each person recommended for appointment to a board of elections must complete Secretary of State [Form 307](#), including information related to any misdemeanor or felony conviction. The information about criminal 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 may disqualify an individual from serving as a member of a board of elections.

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

- a. *Executive Committee Recommendation for Full Term Appointment ([Form 306](#))*, to be completed by the Chairman and Secretary of the Executive Committee and the prospective appointee;
- b. *Background Check Disclosure, Authorization and Release for Prospective Appointment as a Member, Director or Deputy Director of the Board of Elections ([Form 307](#))*, to be completed by the prospective appointee;
- c. *Questionnaire for Prospective Appointment as a Member of the County Board of Elections ([Form 307](#))*, to be completed by the prospective appointee.
- d. *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.).*

⁷ [R.C. 3501.07](#).





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

E-mail: election@ohiosecretaryofstate.gov

Mail: Ohio Secretary of State Elections Division
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.⁸

2. Vacancies

Within 15 days after a vacancy occurs on the board, the political party entitled to make a recommendation to fill the vacancy may make and file a recommendation with the Secretary of State. If no recommendation is filed by the 15th day after the vacancy occurred, the Secretary of State shall appoint a qualified person to serve for the remainder of the unexpired term.

3. Compensation

The compensation of board members is based on the population of the county according to the most recent federal census.⁹ Questions regarding board member compensation or the impact of federal census results on board member compensation should be directed to the board's legal counsel, the county prosecuting attorney.

⁸ [R.C. 3501.08](#).

⁹ [R.C. 3501.12; Ohio Attorney General Opinion 1941-4042](#).





B. Director & Deputy Director

1. Minimum Qualifications

a. Education

A candidate for director or deputy director of a board of elections must have a high school diploma or have attained the equivalency of a high school diploma (GED). College level education is desired.

b. Election related experience and skills

A candidate for director or deputy director of a board of elections must have a baseline understanding of the rules, processes, procedures, and equipment used in local election administration, including:

- i. Operating voting machines used in the county and other automated office equipment;
- ii. Managing a successful and efficient database;
- iii. Using, understanding and applying election law terminology;
- iv. Knowing the basics of Ohio's "sunshine laws" governing open meetings and public records; and
- v. Receiving and implementing assignments and instructions from board members and Secretary of State's office;

c. General managerial experience and skills

A candidate for director or deputy director of a board of elections must, to the satisfaction of a majority of the board, have the experience and capability to manage the day-to-day operations of that county's board of elections (this requirement is scalable to the size and needs of the local operation). To this end, the candidate must possess:





- i. Effective written and interpersonal communication abilities;
 - ii. Strong organizational skills and attention to detail;
 - iii. Familiarity with relevant state and federal human resources policies and practices;
 - iv. Familiarity with the handling of budgets and public appropriation of funds;
 - v. Ability to perform duties assigned by the law, the county board of elections, and/or the Secretary of State;
 - vi. Ability to convey or exchange information, including giving and managing assignments or direction to board personnel;
 - vii. Ability to be adapt and to perform in a professional manner under stressful or emergency situations;
 - viii. Ability to comprehend a variety of informational documents; and
 - ix. Ability to conduct self at all times in a professional and courteous manner.
- d. *Successful completion of a criminal background check*

Before being selected as director or deputy director by a county board of elections, the candidate must complete [Form 307](#) (kept on file with the board of elections), and pass, to the satisfaction of a majority of the board members as described below, a criminal background check conducted by the county sheriff or other local law enforcement agency at the expense of the board of elections.

NOTE: The Secretary of State does not perform background checks for directors and deputy directors. If a board determines it is necessary to conduct background checks prior to appointing directors, deputy directors, and other staff, the board should





consult with its legal counsel, the county prosecuting attorney, and the county sheriff.

In addition, all candidates for director or deputy director (regardless of whether the person is currently the director or deputy director of the board of elections) must complete a questionnaire ([Form 307](#)) before being appointed or reappointed to the position of director or deputy director. The completed questionnaire must be kept on file with the board of elections and a copy sent to the Secretary of State.

2. Appointment

The director must be a resident elector of the county within 30 days of employment at the board, possess the necessary qualifications for the position, and be nominated for the position by a board member of the same political party. The director may not be a member of the board. An affirmative vote of three members is necessary for selection. A director is not considered to be a public officer.

3. Vacancies

a. Job Descriptions

County boards of elections must establish a written job description, incorporating the minimum qualifications and duties outlined above as well as local qualifications established by the board of elections, and the objective criteria by which candidates will be evaluated. Job descriptions of the duties of a director and deputy director of a board of elections shall contain at least the following minimum duties (or oversight thereof):

- i. Prepare and conduct all primary, general, and special elections held in the county;
- ii. Process, evaluate, and report election results;





- iii. Recruit and train precinct election officials;
- iv. Supervise the processing of voter records;
- v. Keep a full and true record of the proceedings of the board and all moneys received and expended;
- vi. File and preserve in the board office all orders, records, and reports pertaining to the administration of voter registrations and elections;
- vii. Prepare the minutes of board meetings;
- viii. Audit campaign finance reports;
- ix. Calculate charge backs to political subdivisions;
- x. Receive and have custody of all books, papers, and property belonging to the board;
- xi. Perform such other duties in connection with the office of director and the proper conduct of elections as the Secretary of State and board determine;
- xii. Review all Directives, Advisories, Memoranda, correspondence and materials issued by the Secretary of State and take action as required by those communications;
- xiii. Supervise and instruct board employees, assign work, coordinate activities, make recommendations concerning hiring, responsibilities, compensation, discipline, and discharge of board employees; and
- xiv. Develop a proposed annual budget to be submitted to the county commissioners, upon approval of the board of elections, and monitor the board's budget and payroll relative to current year appropriations.





b. *Advertising*

When there is a vacancy in the position of director or deputy director of a board of elections, the board shall advertise the position for at least one week in the newspaper of largest general circulation in the county in which the board is located. Boards may also place the advertisement with national election trade publications such as electioncenter.org and/or electionline.org.

All advertisements for appointment of a director or deputy director of a board of elections must include, at a minimum, the method by which interested parties may receive a copy of the job description and evaluation criteria and a notice that the applicant is subject to a criminal background check.

c. *Application*

Candidates for director or deputy director of a board of elections must submit a written application (in a form of the board's choosing), current resume, and completed [Form 307](#) prior to being considered by the board.

d. *Evaluation Criteria*

The objective evaluation criteria (a weighted scoring system) must be based on the job description and should be based upon an objective, pre-determined scoring system based on answers to standardized questions relating to such minimum qualifications.

Candidates for director or deputy director of a board of elections may be asked to complete a qualifications supplement at the discretion of the board of elections in order for the board of elections to consider all experience, education and skills related to the position.

All boards of elections, when appointing directors and deputy directors, shall give priority to candidates holding previous elections administration experience.





If no candidates for director or deputy director of a board of elections possess all the minimum qualifications for the position, the board of elections shall evaluate the candidates as if all minimum requirements had been met by the candidates under consideration.

C. Organization

1. Biennial Organizational Meeting

Boards of elections are required to organize every two years, within five days after the Secretary of State makes appointments to the board of elections.¹⁰

The organization meeting must be conducted following these steps, in order:¹¹

a. *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.

b. *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. After nominations have been made, ballots will be cast until either one nominee receives at least three affirmative votes, or five ballots have been cast.

¹⁰ [R.C. 3501.09](#).

¹¹ [R.C. 3501.09](#).





If, after five ballots have been cast, no person has received at least three affirmative votes for the office of director, the names of the persons nominated on the fifth ballot, and the names of the board members who nominated them, must be certified to the Secretary of State, who selects, from the list submitted, one person to serve as director.

However, if the Secretary of State has reason to believe that no person nominated is qualified, the Secretary must so state in writing to the board. The board shall then nominate other persons in the same manner as the original persons were nominated. If, after five ballots are cast, no person is agreed upon as director, the names are again certified to the Secretary of State, who shall select the director and deputy director from among the persons nominated.

If the board fails to nominate another person as director, the position shall be filled by the Secretary of State.¹²

c. *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 have been cast, no person has received at least three affirmative votes for the office of deputy director, the names of the persons nominated on the fifth ballot, and the names of the board members who nominated them, must be certified to the Secretary of State, who selects, from the list submitted, one person to serve as deputy director.

¹² [R.C. 3501.16](#).





If the Board members do not wish to nominate a deputy director, they must, by a majority of three affirmative votes, agree that the position of deputy director is not 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.

d. *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.

e. *Report*

Immediately after the reorganizational process, the completed report of the Board's reorganization meeting must be forwarded to the Secretary of State's Office: [Form 308](#) for all directors and deputy directors and all chairpersons, and [Form 350](#) for any non-incumbent director, deputy director or board member. Send the reports by one of the following methods:

E-mail: election@ohiosecretaryofstate.gov

Mail: Ohio Secretary of State Elections Division
P.O. Box 2828
Columbus OH 43216

f. *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.

2. Re-Organization¹³

At any time after the organization of the board, the board, by three affirmative votes, may decide to replace the director or chairperson with a person belonging to the opposite political party of the present officer. If that occurs, the members of the board must reselect all officers of the board. The procedures outlined above must be followed for the reselection. The officers will serve out the remainder of the term of the outgoing officers. This reselection of officers does not increase or decrease the length of any person's term as a board member.

The board may decide by the affirmative votes of at least three members to fill a vacancy in the office of chairperson or director with a person belonging to the opposite political party of the outgoing officer.¹⁴ After such a vote, the vacancy shall be filled and all other officers as described above.¹⁵ The person filling the vacancy shall serve out the outgoing officer's unexpired term. This reselection of officers does not increase or decrease the length of any person's term as a member of the board.

3. Clerks

The board may hire other employees, prescribe their duties and, by a vote of not less than three of its members, fix their compensation.¹⁶ These board employees are election officials, but not public officers. They serve at the discretion of the board and take and subscribe the same oath as the director for the faithful performance of their duties. The board may remove any of these board employees by a majority vote

¹³ [R.C. 3501.09.](#)

¹⁴ [R.C. 3501.161.](#)

¹⁵ [R.C. 3501.09.](#)

¹⁶ [R.C. 3501.01\(U\)\(6\); R.C. 3501.14.](#)





of its membership. The board also may employ additional employees, when necessary.

Employees work under the supervision of the director or deputy director, as authorized by the board, who must report all personnel matters to the board.

Nothing in law or any Secretary of State directive requires the board staff, other than director and deputy director, to be divided equally by political party affiliation. For example, there is no legal requirement that a board have an equal number of Democratic and Republican clerks. However, a board may have a policy of maintaining parity or near-parity among its clerical staff.

4. Oath

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 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.¹⁷ The signed statement attesting to having taken the oath must be kept on record at the board of elections' office.

5. Ethics

All employees of the board must comply with the Ohio's ethics law and the Secretary of State's Ethics Policy. All current and future members and employees shall complete the Ethics Policy Acknowledgment Form ([Form 350](#)). A copy of the completed form shall be returned to the Secretary of State's Election Division.

¹⁷ [R.C. 3501.13](#); [R.C. 3501.14](#).





a. *Compliance with Ohio Ethics Laws*

Ohio ethics laws are enumerated in Ohio Revised Code Chapters 102 and 2921 as well as in the Ohio Ethics Commission's advisory opinions and in case law. All members and employees of the Ohio boards of elections shall familiarize themselves with Ohio ethics laws and comply with Ohio ethics laws at all times.

b. *Overview of the Ohio Ethics Laws*

Public officials in Ohio are subject to the Ohio ethics law. The intent of the ethics law is to prevent public officials from using their public positions to make or influence decisions that directly affect their personal interests. The Ohio Ethics Commission is tasked with investigating alleged violations of the Ohio ethics law. For additional information concerning the Ohio ethics law, visit the Ohio Ethics Commission's website: www.ethics.ohio.gov.

c. *Ohio ethics law provisions applicable to members and employees of the board of elections.*

- i. Under Ohio ethics laws, a member or employee of the board of elections may not take any part in the decision to hire his or her family member¹⁸ as a board employee. Board of elections members may hire/appoint precinct election officials who are family members of an individual board member, the director, or the deputy director, as long as the individual board member, director, deputy director, or board employee does not participate in the decision to hire his/her own family member or in any decision specifically concerning the terms

¹⁸ "Family member" includes spouse, domestic partner, mother, father, step-mother, step-father, mother-in-law, father-in-law, brother, sister, step-brother, step-sister, half brother, half sister, brother-in-law, sister-in-law, grandmother, grandfather, aunt, uncle, child, step-child, son-in-law, daughter-in-law, or other family member living in the same household.





and conditions of his/her own family member's employment/ appointment.

- ii. All members and employees of the boards of elections shall comply with the provisions of Ohio law that limit their political activity:
 - 01) Under [R.C. 3501.15](#), no member, director, deputy director, or employee of a board of elections shall be a candidate for elective office while employed the board of elections, except for candidates for election as delegate or alternate to a political party convention, presidential elector, member of a political party committee, or board of directors of a county agricultural society.
 - 02) [R.C. 3517.092\(D\)\(1\)](#) prohibits all public employees from soliciting contributions from anyone while the public employee is performing his or her duties or is in the areas of a public building where official business is transacted or conducted.
 - 03) [R.C. 3517.092\(D\)\(2\)](#) prohibits anyone from soliciting contributions from any public employee while the public employee is performing his or her duties or is in the areas of a public building where official business is transacted or conducted.
- iii. Members and employees¹⁹ of the boards of elections shall not engage in the following political activities:
 - 01) Serving as caucus coordinator for any presidential candidate at a congressional district caucus to select delegates and alternates to a political party convention.

¹⁹ "Employees of the boards of elections" do not include precinct election officials, rovers, scouts, or other similar, temporary election workers. For specific restrictions on precinct election officials and other similar, temporary board of election employees, see section C below.





- 02) Circulating a petition for any candidate (other than their own petition for an elected or political party office), issue, initiative, referendum, or constitutional amendment, when that employee's regular or intermittent duties involve the processing of the petitions in question, including but not limited to the determination of the sufficiency and validity of the petition in question.
- 03) Wearing or distributing shirts, buttons, stickers, or other campaign paraphernalia for or against any candidate or issue at the office of the Secretary of State, at the office of the board of elections, or at any polling location.
- 04) Engaging in any political activity while on state time or board of elections time.
- 05) Any board of elections member or employee seeking elected office, other than the offices listed in [R.C. 3501.15](#), shall resign his or her position with the board of elections upon the certification of his or her candidacy by a board of elections or the Secretary of State.
- 06) Board of elections members and employees shall not serve as campaign treasurer, paid campaign staff, paid consultant, or any other paid campaign capacity for any candidate, issue, initiative, or referendum in the county or within the jurisdiction of the board of elections while serving as a board member or employee of the board of elections.
- 07) Members and employees of the boards of elections, may be members of political parties, hold political party offices, serve as a member of political party committees and caucuses, serve as delegate or alternate to a political party convention, serve as a presidential elector, contribute to candidate and issue campaign committees, sign candidate





and issue petitions (as an elector), and engage in other political activities when not performing their official duties, not in public buildings or polling locations, and not on state or board of elections time, as long as the political activities do not violate this ethics policy, Ohio law, or federal law.

- 08) No service or benefit may be provided by a member or employee of a board of elections while performing his or her official duties to any political party, candidate, or issue group unless the same service or benefit is available on the same terms to all political parties, candidates, and issue groups.
- 09) Employees of the board of elections (other than the director and deputy director) may circulate petitions for candidates, issues, initiatives, and referenda only if they do not participate in any way in reviewing or determining the sufficiency or validity of those petitions filed with or reviewed by the board of elections.
- iv. Members and employees of the boards of elections should avoid actions and associations that create an appearance of impropriety, that undermine public confidence in Ohio elections officials, or that interfere with the performance of duties by Ohio elections officials.
- 01) Members and employees of the boards of elections shall not participate in the consideration of any matter involving family members,²⁰ business associates,²¹ or other individuals or entities with whom they have a close association. For example, a member of a board of elections shall not

²⁰ See [footnote 18](#), for the definition of “family member.”

²¹ “Business associate” means any person with whom the election official is pursuing an ongoing business enterprise. See Ohio Ethics Commission Advisory Opinion No. 2003-02. Examples include, but are not limited to, the election official’s employer, employee, and business partner.





participate in the consideration of any matter related to the certification of the candidacy of his or her family member or business associate.

- 02) Members or employees of the board of elections shall not participate in the consideration of any matter in which they have a personal or economic interest. For example, no employee of a board of elections may review the petition of a committee seeking a referendum repealing a zoning ordinance affecting his or her real property or that of a family member or business associate.
- 03) Members and employees of the boards of elections are hereby advised not to write letters to the editor of a newspaper or post comments on an internet blog in favor of or against any candidate or issue, identifying his or her position as an Ohio elections official.
- 04) Members of the board of elections who sign candidate and issue petitions as an elector should not participate in any way in reviewing or determining the sufficiency or validity of those petitions filed with or reviewed by the board of elections.

v. Training, Reporting, and Enforcement

- 01) All current and future members and current and future employees of the boards of elections (including precinct election officials, rovers, scouts, and other similar, temporary election employees appointed by the boards of elections) shall sign a statement indicating their knowledge of and familiarity with Ohio ethics laws and the Secretary of State's ethics policy. For board of elections members and employees, a copy of the completed form shall be forwarded to the Secretary of State's Elections Division. For precinct election officials (including rovers, scouts, and other





- similar, temporary election employee) the completed form shall be kept at the board of elections.
- 02) All members and employees of the boards of elections shall participate in any training offered by the Secretary of State regarding ethics that is developed by the legal services, elections, and human resources divisions of the Secretary of State's office in coordination with other state ethics agencies.
 - 03) Questions about the ethics policy may be addressed to the board's legal counsel, the county prosecuting attorney, the elections attorney assigned to your county, or the Ohio Ethics Commission: www.ethics.ohio.gov or (614) 466-7090.
 - 04) Violations of the ethics policy may be reported to the director of elections in the Secretary of State's office, your regional liaison, or the elections attorney assigned to your county. Reports also may be made anonymously by mailing a written statement in a sealed envelope to the Secretary of State's Office to the attention of the director of elections.
 - 05) Violations of the ethics policy may result in disciplinary action in accordance with the Secretary of State's statutory authority under [Title 35 of the Ohio Revised Code](#), including removal of a board member or board employee.
- d. *Ohio ethics law provisions applicable to precinct election officials (including rovers, scouts, or other similar, temporary election workers).*
- i. [R.C. 3501.15](#) prohibits precinct election officials from serving in any precinct where the precinct election official is a candidate on the ballot, except for unopposed candidates for a political party county central committee.





- ii. Precinct election officials may not serve in any precinct in which a family member or business associate is a candidate for elected office, unless the candidate is unopposed, including no declared write-in candidates for the office.
- iii. Precinct election officials shall not wear or distribute shirts, buttons, stickers, or other campaign paraphernalia for or against any candidate or issue at the office of the Secretary of State, at the office of the board of elections, or at any polling location.
- iv. Precinct election officials shall not engage in any political activity while on board of elections time.
- v. Precinct election officials should avoid actions and associations that create an appearance of impropriety, that undermine public confidence in Ohio elections officials, or that interfere with the performance of duties by Ohio elections officials.
- vi. Violations of the ethics policy may be reported to the director or deputy director of the board of elections. Reports also may be made anonymously by mailing a written statement in a sealed envelope to the board of elections to the attention of the director or deputy director.
- vii. Violations of the ethics policy may result in dismissal from service and no opportunities for further service as a precinct election official.

Violations of Ohio ethics laws may be reported to the Ohio Ethics Commission: www.ethics.ohio.gov or (614) 466-7090.

Violations of Ohio ethics laws may be a criminal offense and may result in criminal sanctions.





6. Prohibition against Candidacy for Public Office

No person can serve as a member, director, deputy director or employee of the board of elections who is a candidate for elected office.²² The only exception is if the person is a candidate for delegate or alternate to a political party convention, member of the board of directors of a county agricultural society, presidential elector or a member of a political party committee. A board member or employee seeking elected office shall resign his or her position at the board of elections upon certification of his or her candidacy by a board of elections or the Secretary of State.

7. Board Members Holding Other Public Office

Title 35 does not prohibit board members from holding other public offices. However, the two offices must be compatible.

The Attorney General has released a number of opinions on various offices and their compatibility with the office of member of the county board of elections. These opinions are available here: www.ohioattorneygeneral.gov/About-AG/Organizational-Structure/Opinions/Compatibility-of-Public-Offices-or-Positions.

The board should direct questions about the compatibility of public offices and positions to its legal counsel, the county prosecuting attorney, or the office of the Ohio Attorney General.

D. Suspension & Removal

The Secretary of State may remove or suspend any member, director, deputy director or other employee of the board for neglect of duty, malfeasance, misfeasance or nonfeasance in office, willful violation of Title 35 of the Revised Code or for any other good and sufficient cause.

²² [R.C. 3501.15](#).





Vacancies in the office of chairperson, director or deputy director shall be filled in the same manner as the original selection from persons belonging to the same political party as the outgoing officer. If such vacancies cannot be filled in that manner, the Secretary of State shall fill such vacancies.²³

E. Training Requirements

The Secretary of State has established a program for the instruction of members of boards of elections and employees of boards in the rules, procedures, and law relating to elections. Each member and employee shall complete the training program within six months after the member or employee's original appointment or employment, and thereafter each member and employee shall complete a training program to update their knowledge once every four years or more often as determined by the Secretary of State.²⁴

1. Definitions

a. *Members of boards of elections*

A person appointed by the Secretary of State to the position of member of a county board of elections pursuant to [R.C. 3501.07](#).

b. *Employees of boards of elections*

For purposes of [R.C. 3501.27\(D\)](#), "employees of boards of elections" is limited to those persons appointed director or deputy director of a county board of elections pursuant to [R.C. 3501.09](#) or [.091](#), hereinafter "Director or Deputy Director." A board of elections may require its other employees to participate in the same training required for the director and deputy director.

²³ [Art. II, Sec. 38 Ohio Const.](#); [R.C. 3501.16](#); *State ex rel. Hughes v. Brown* (1972), 31 Ohio St. 2d 376.

²⁴ [R.C. 3501.27\(D\)](#).





- c. *Newly appointed members, director or deputy director of boards of elections*

A person appointed as a member, director or deputy director of a board of elections who: a) has never previously served as a board of elections member, director or deputy director; or b) who previously served as a member, director or deputy director of a board of elections but has had a break in service as a director or deputy director for at least four or more consecutive years.

- d. *Incumbent or reappointed members, director or deputy director of boards of elections*

A person appointed as a member, director or deputy director of a board of elections who: a) has previously served in any of these positions and will continue in that role with no break in service as a member, director or deputy director; or b) had a break in service as a member, director or deputy director for less than four consecutive years.

2. Newly Appointed Members, Director or Deputy Director of Boards of Elections

Within six months of appointment, a newly appointed member, director or deputy director shall attend and complete a minimum of six hours of formal instruction, “New Election Official Training Program,” regarding the duties of a member, director or deputy director of a board of elections sponsored by the Secretary of State’s Office. The New Election Official Training Program shall be conducted at locations designated by the Secretary of State, and the program shall be prepared, offered and approved by the Secretary. Upon completion of the New Election Official Training Program, each new member, director or deputy director shall be issued a certificate of completion by the Secretary of State. A newly appointed member, director or deputy director shall be required





to receive an additional six credits of formal continuing education training within the first full year of her or his appointment.

3. Incumbent and Reappointed Members, Directors or Deputy Directors of Boards of Elections

Each incumbent or reappointed member, director or deputy director shall be required to attend and complete a minimum of eight credits of formal continuing education training annually, on a calendar year basis. For newly appointed members, directors or deputy directors, a calendar year for the purposes of this section begins the calendar year following the year they were appointed. If the additional six credits of formal continuing education training in (B) above are received during the first full calendar year of a newly appointed member, director or deputy director's service, those six credits may be counted toward the minimum of eight hours of formal continuing education training annually for such member, director or deputy director.

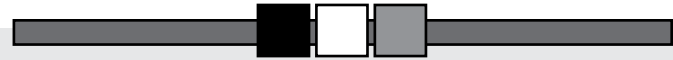
In the event a member, director or deputy director exceeds the required minimum of eight credits of formal continuing education, no carryover hours apply to subsequent years. This requirement may be waived upon a showing of hardship in individual cases. The purpose of not carrying over hours is to ensure the highest level of instruction on changes in state and federal law that affect the administration of local, state and federal elections.

Incumbent and reappointed members, directors or deputy directors (and other employees of the board of elections) may attend the New Election Official Training Program to help meet their instructional requirements.

4. Approved Formal Continuing Education Training Programs

The following sponsored programs of instruction may be used to obtain credits for formal continuing education training (unless otherwise





specified, in person attendance for the duration of the program or session is required to receive credit):

- a. Secretary of State's New Election Official Training Program (six credits) – This training will be offered at least twice per year.
- b. Secretary of State's Summer Conference and Ohio Association of Election Officials' Winter Conference (approximately one credit per hour) – The Secretary of State's Office will provide a credit per presentation schedule once a final agenda is available.
- c. In-Person Secretary of State regional training (ADA, SWVRD, Campaign Finance, etc.). These sessions will be awarded credit on an hour-by-hour basis.
- d. Secretary of State's Topical Webinars (one credit per hour, e.g., if the webinar is 30 minutes 0.5 credit will be granted, if 60 minutes one credit will be granted, etc.) – The Secretary of State's Office will periodically host a webinar on a particular topic of elections administration. Credit requires individual registered participation for the duration of the live webinar.
- e. Ohio Association of Election Officials' (OAEO) Ohio Registered Election Official (OREO) Program and/or the Election Center Certified Election and Registration Administrator (CERA) Program (one credit per OREO and/or CERA course) – OREO and CERA are multi-course formal training and certification programs sponsored by the OAEO and Election Center, respectively. The Secretary of State's Office will provide a credit per presentation schedule once the course offerings are set.
- f. Ohio Association of Election Officials' Regional District Meetings (one credit per regional meeting) – The OAEO may periodically host regional meetings at which relevant election administration information will be presented.





- g. National Conferences, Workshops and/or Seminars sponsored by the Election Center and/or the International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT) (one credit per conference event).
- h. U.S. Election Assistance Commission Webinars and/or Workshops (0.5 credit per event).
- i. Continuing Legal Education (one credit per CLE session/event) – Periodically a training program eligible for the award of CLEs may be offered by a Bar Association or other continuing legal education program provider may be eligible for credit towards formal continuing education program requirements. Such programs must be of substantial topical relevance to the duties of local election administrators, including Ohio public meetings, public records, and ethics laws. A request for credit must be submitted to the Secretary of State's Office along with documentation of program content and attendance.

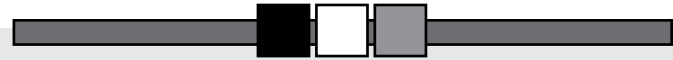
5. Exemption

An exemption from all or any part of the member, director and deputy director training requirements may be granted by the Secretary of State based on the physical inability to attend and participate in instructional programs (i.e., illness, weather emergency, etc.) or for other good and sufficient cause.

6. Miscellaneous

No registration fee will be charged to participants in the New Election Official Training Program sponsored by the Secretary of State's Office. Participants will be responsible for transportation, lodging and meal costs. *Attorney General's Opinion No. 2046 (1930)* states that the actual expenses of county boards of elections that are incurred in the attendance of meetings, held upon the call of the Secretary of State, may be paid from the treasury of the county which they represent.





SECTION 1.03 BOARD OFFICE

A. Facilities

The board of elections shall provide suitable rooms for its offices and records, as well as the necessary and proper furniture and supplies for such rooms. The board may lease offices and rooms necessary for its operation upon the terms as the board deems in the best interests of the public; however, the lease shall not exceed 15 years. At least 30 days before entering into a lease for offices or rooms, the board of elections must give the county commissioners written notice of its intent to enter into the lease. The notice must specify the terms and conditions of the lease. The county commissioners then have 30 days in which to decide whether to reject the proposed lease. A board of elections that timely receives written notice that the commissioners have rejected the lease cannot enter into the lease that was rejected, but may immediately enter into additional lease negotiations following the above procedures.²⁵

Additionally, the board of elections may adopt a resolution in accordance with [R.C. 133.18](#), requesting that the board of county commissioners submit to the voters the question of issuing bonds for the acquisition of real estate and the construction of a suitable building with necessary furniture and equipment for the proper administration of the board of elections' duties.

The board of elections may maintain permanent or temporary branch offices at any place within the county, provided that, if the board of elections permits electors to vote at a branch office, electors shall not be permitted to vote at any other branch office or any other office of the board of elections.²⁶

Requirements and recommendations for the security of the board office and its equipment and technology are outlined in Security Section of this Chapter beginning on [page 108](#).

²⁵ [R.C. 3501.10\(A\)](#).

²⁶ [R.C. 3501.10\(C\)](#).





B. Board Hours

The board of elections must establish regular office hours. The office must be kept open for the period of time that the board deems necessary for the performance of its duties.²⁷ Please note that the board office must have extended hours for voter registration before a primary or general election and for in-person absentee voting.

1. Extended Hours for Voter Registration

The board office or one or more of its permanent branch registration offices must be open for the performance of its duties until 9:00 p.m. on the last day of registration before a primary or general election.²⁸

2. Extended Hours for In-Person Absentee Voting

All boards of elections are instructed to adopt the following as their business hours for in-person absentee voting:²⁹

Presidential General Elections

Weeks One and Two of Voting (beginning with the day after the close of registration for the election except any holiday established by state law)

- 8:00 a.m. to 5:00 p.m. on each weekday
(Monday through Friday)

Week Three of Voting

- 8:00 a.m. to 6:00 p.m. on each weekday
(Monday through Friday)
- 8:00 a.m. to 4:00 p.m. on Saturday
- 1:00 p.m. to 5:00 p.m. on Sunday

²⁷ [R.C. 3501.10\(B\)](#).

²⁸ [R.C. 3501.10\(B\)](#).

²⁹ *Settlement agreement, NAACP v. Husted*, (Case No. 2:14-CV-404).





Week Four of Voting

- 8:00 a.m. to 7:00 p.m. on each weekday
(Monday through Friday)
- 8:00 a.m. to 4:00 p.m. on the Saturday before Election Day
- 1:00 p.m. to 5:00 p.m. on the Sunday before Election Day

Week of Election Day

- 8:00 a.m. to 2:00 p.m. on the Monday before Election Day

Presidential Primary Elections and Gubernatorial General Elections

Weeks One and Two of Voting (beginning with the day after the close of registration for the election, except any holiday established by state law)

- 8:00 a.m. to 5:00 p.m. on each weekday
(Monday through Friday)

Week Three of Voting

- 8:00 a.m. to 5:00 p.m. on each weekday
(Monday through Friday)
- 8:00 a.m. to 4:00 p.m. on Saturday

Week Four of Voting

- 8:00 a.m. to 7:00 p.m. on each weekday
(Monday through Friday)
- 8:00 a.m. to 4:00 p.m. on the Saturday before Election Day
- 1:00 p.m. to 5:00 p.m. on the Sunday before Election Day

Week of Election Day

- 8:00 a.m. to 2:00 p.m. on the Monday before Election Day





Regular Municipal Elections, Primary Elections, and Special Elections

Weeks One, Two and Three of Voting (beginning with the day after the close of registration for the election, except any holiday established by state law)

- 8:00 a.m. to 5:00 p.m. on each weekday (Monday through Friday)

Week Four of Voting

- 8:00 a.m. to 7:00 p.m. on each weekday (Monday through Friday)
- 8:00 a.m. to 4:00 p.m. on the Saturday before Election Day
- 1:00 p.m. to 5:00 p.m. on the Sunday before Election Day

Week of Election Day

- 8:00 a.m. to 2:00 p.m. on the Monday before Election Day

Any voters in line at the end of these regular business hours must be permitted to make their application and vote.³⁰

C. Human Resource Management

1. Compensation

The board sets the salaries of the director and deputy director and other employees by a vote of not less than three of its members. A tie vote or disagreement concerning this matter is not to be submitted to the Secretary of State.³¹

The board must adopt or establish a personnel policy to set the guidelines for wages, sick leave, vacation time, compensatory time and other related matters for employees. County employee policy manuals or guidelines can be obtained from the county commissioners' office or county auditor. Federally-mandated employment requirements should also be available from these offices. If not available, contact the state

³⁰ [R.C. 3501.32\(A\)](#).

³¹ [R.C. 3501.14](#).





auditor's office.

The board may also provide medical insurance, accident insurance, or a combination thereof, for the board members and their immediate dependents. This insurance may only be provided with the approval of the board of county commissioners.³²

Questions related to employment, personnel, or human resources issues should be directed to the county via the county prosecuting attorney or commissioners.

Questions related to the Public Employees Retirement System and its benefits or regulations should be directed to that agency or to private legal counsel.

2. Prohibition against hiring family members

Under Ohio ethics law, a member or employee of the board of elections may not take any part in the decision to hire his or her family member³³ as a board employee. Members of boards of elections are prohibited from hiring relatives of board of elections members, directors, and deputy directors, **except for** hiring precinct election officials (which includes rovers, scouts, and other similar, temporary election positions). Therefore, the remaining board of elections members **may** hire/appoint precinct election officials who are family members of an individual board member, director, deputy director, as long as the individual board member, director, deputy director, or board employee does not participate in the decision to hire his/her own family member or in any decision specifically concerning the terms and conditions of his/her own family member's employment/appointment.

³² [R.C. 3501.141](#).

³³ "Family member" is defined as spouse, domestic partner, mother, father, step-mother, step-father, brother, sister, step-brother, step-sister, half brother, half sister, brother-in-law, sister-in-law, grandmother, grandfather, uncle, aunt, mother-in-law, father-in-law, child, step-child, son-in-law, daughter-in-law, or other family member living in the same household.





D. Board Procedure

1. Public Meetings³⁴

The Ohio Open Meetings Act requires public bodies in Ohio to take official action and conduct all deliberations on official business only in open meetings where the public may attend and observe. A county board of elections is a public body as defined by the Ohio Open Meetings Act. Because the board is a public body, all of its meetings — regular, special, and emergency — are subject to Ohio's Open Meetings Act.

The board must provide advance notice to the public indicating when and where each meeting will take place. The board must take full and accurate minutes of all meetings and make these minutes available to the public.

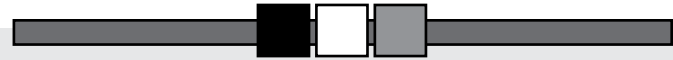
The Open Meetings Act permits the board to adjourn into executive session to discuss certain limited topics specified in statute. Public bodies may do so only at regular or special meetings. For more information, see the section on Executive Session.

The Secretary of State's Office does not have statutory authority to advise a board of elections on Open Meetings Act questions. For such questions, the board should contact its legal counsel, the county prosecuting attorney. The Sunshine Law Manual prepared by the Ohio Attorney General and the Ohio Auditor of State is a helpful reference and can be found at www.ohioattorneygeneral.gov/YellowBook.

Basic parliamentary procedures should be used to conduct board meetings. The board of elections carries out its duties by majority vote (unless otherwise provided by law) in meetings at which a quorum of its members is present.

³⁴ [R.C. 121.22](#); Ohio Sunshine Laws 2015: An Open Government Resource Manual.





2. Quorum

A quorum refers to the number of members present at a meeting, not to the number actually voting on a particular question. Subject to certain statutory exceptions, a majority vote of the quorum is required in order for the board to take any action. The affirmative vote of at least three board members is required for certain actions to be taken, such as decisions involving the removal of the director or deputy director, fixing the compensation of the director, deputy director and employees, or appointing someone of a different political party affiliation as director or chairperson.³⁵

Example: All four board members attend a meeting to vote on the removal of the deputy director, who is the child of one board member. For ethical reasons, the related board member must abstain from voting on the removal. Therefore, all three of the other board members must vote in favor of a motion to remove the deputy director in order for it to pass. By contrast, the board may remove an employee other than the director or deputy director by a simple majority vote of its membership. Thus, a clerk who is related to a board member may be removed if only two of the three eligible board members vote in favor of removal.

3. Types of Public Meetings

State law establishes three types of public meetings that a public body, such as the board of elections, may conduct. They are:

a. *Regular Meetings*

Meetings held at prescheduled intervals. A public body must establish a reasonable method that allows the public to determine the time and place of regular meetings. It is recommended that boards of elections establish a schedule of regular meetings to be held on at least a monthly basis.

³⁵ [R.C. 3501.14; 1978 Op. Att'y Gen. No. 78-047](#)





b. Special Meetings

Any meeting of the board that is not one of the board's prescheduled Regular Meetings. A public body must establish a reasonable method that allows the public to determine the time, place, and purpose of special meetings. The board must provide at least 24 hours advance notification of special meetings to all media outlets that have requested such notification and must prominently post the notice at the office of the board of elections. The statement of the meeting's purpose must specifically indicate the particular matters the board intends to discuss. The board must limit its discussion to only the matters it specified in the special meeting notice.

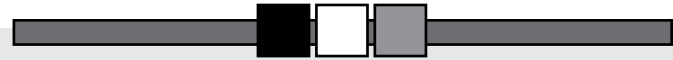
c. Emergency Meetings

A type of Special Meeting that a public body convenes when a situation requires immediate official action. A board must immediately notify all media outlets that have specifically requested advance notice of the time, place, and purpose of the emergency meeting and must prominently post the notice at the office of the board of elections. The statement of the meeting's purpose must specifically indicate the particular matters the board intends to discuss. The board must limit its discussion to only the matters it specified in the emergency meeting notice.

4. Executive Session

An executive session is a conference between members of a public body from which the public is excluded. Executive session is attended by only the members of the board and persons they choose to invite to attend. The Open Meetings Act strictly limits the use of executive sessions. The board of elections may hold an executive session only at a regular or special meeting, and a meeting that includes an executive session must always begin and end in open session. In order to begin





an executive session, there must be a proper motion approved by a majority of the quorum of the board using a roll call vote. There are very limited topics that the members of a public body may consider in executive session:

- a. Certain personnel matters;
- b. Sale or purchase of property for public purposes at competitive bidding;
- c. Discussion of pending or imminent court action involving the board of elections;
- d. Collective bargaining matters;
- e. Matters required to be kept confidential by federal law or rule or state statutes;
- f. Specialized details of security arrangements;
- g. Hospital trade secrets;
- h. Confidential business information of an applicant for economic development assistance;
- i. Veterans' service commission applications.

The motion to go into executive session must specify the statutory provision(s) authorizing the executive session and the issue(s) to be discussed.

A public body may not take any formal action in an executive session.

Ohio's Open Meetings Act provides that a resolution, rule or formal action of any kind is invalid unless adopted in a properly noticed public meeting. Further, a resolution, rule or formal action adopted in an open meeting that results from discussions held in a meeting not open to the public is invalid, unless the discussions were:





- a. for a permissible executive session topic listed in [R.C. 121.22\(G\)](#) and
- b. conducted at an executive session held in compliance with the Open Meetings Act.

Finally, a resolution, rule or formal action adopted in an open meeting of the board of elections is invalid if the board fails to follow the notice requirements set forth in law.

5. Attendance

A board member must appear in person and remain at a board meeting to be considered present at the meeting, to determine whether a quorum is present at the meeting, and to be eligible to vote at the meeting. Consequently, although a board member who is not personally present at a meeting might send messages via another board member or attempt to participate in a meeting by telephone, e-mail or other electronic media, the absent board member cannot be considered “present” for purposes of determining whether a quorum exists, for offering or seconding motions, or for voting on any motion then pending before the board.³⁶

6. Minutes³⁷

a. *Minutes Must be Substantive*

A public body must keep full and accurate minutes of its meetings. Minutes must be taken at every regular or special meeting of the board. A “barebones” summary of a meeting is insufficient for purposes of maintaining statutorily required minutes. The minutes must include sufficient facts and information so that anyone reading them will understand the issue(s) discussed, what action the board took, and the rationale behind the decisions reflected in the

³⁶ [R.C. 121.22\(C\)](#).

³⁷ [R.C. 3501.13](#); *White v. Clinton Cty. Bd. of Commrs.* 77 Ohio St.3d 1267





minutes. Because executive sessions are not open to the public, the meeting minutes need only reflect the general subject matter of the executive session as reflected in the motion to convene executive session for a permissible purpose. The minutes must be promptly prepared, filed, maintained and open to public inspection. The director must keep a full and true record of the proceedings of the board.

b. *Approved Minutes Must be Sent to Secretary of State*

Boards must e-mail approved minutes of each meeting of the board of elections to the designated personnel of the Secretary of State's Office – currently, the Regional Liaison, Election Attorney assigned to the county, and the Elections Division – as soon as possible, but not more than 10 days after, the board approved those minutes. Because it is an electronic transmission, it is sufficient that the board members' names appear at the end of the approved minutes; the board members' signatures are not required. Please do not send any minutes that have not been approved, unless specifically requested by the Secretary of State.

E. Rules of Order

State law does not establish rules of order by which boards of elections must conduct public meetings. Boards of elections must adopt a method by which the public meetings of the board will be conducted. Many boards of elections elect to follow Roberts Rules of Order for the orderly conduct of the public meetings of the board of elections.





F. Tie Votes

1. Generally

Sometimes the four members of a board of elections will vote 2-2 on a motion. In the case of a tie vote that invokes the Secretary of State's statutory duty to break the tie (see "Limitations," below), the director or chairperson must submit the matter in controversy to the Secretary of State not later than 14 days after the tie vote occurs.³⁸ The Secretary of State shall summarily decide the question, and that decision is final.³⁹

2. Limitations

Several issues are not proper matters for submission to the Secretary of State as tie votes. Some motions statutorily require the consensus of at least three board members in order to pass; thus, a 2-2 tie on such a motion means that the motion fails by operation of law. Examples include:

- a. Setting the compensation of the director, deputy director or board employees;⁴⁰
- b. Eliminating the position of deputy director;⁴¹
- c. Replacing the chairperson or director with someone affiliated with a different political party.⁴²

Also, the tie vote procedure is inappropriate where the board is without authority to act, or for issues that relate to the internal operations of the board and do not involve issues of substantive election law.

³⁸ [R.C. 3501.11\(X\)](#).

³⁹ [R.C. 3501.11\(X\)](#).

⁴⁰ [R.C. 3501.14](#).

⁴¹ [R.C. 3501.09](#).

⁴² [R.C. 3501.091](#).





3. Procedure

If the board ties on a motion that is proper for submission to the Secretary of State, the board must follow these steps:

- a. Submit in writing the motion that resulted in the tie vote, exactly as it was voted upon. The written statement also must include which board member offered the motion, which board member offered the second to the motion, and how all the board members voted.
- b. The two board members who voted in favor of the motion, and the two board members who voted against it, must commit their views to a single written statement for each side that sets forth a summary of the issue that resulted in the tie and the applicable law and the arguments that support their respective positions. This is the board members' opportunity to communicate to the Secretary of State the legal matters they believe are in issue, their findings of fact and the legal conclusions that led them to vote as they did.
- c. The motion, two position statements, minutes of the meeting at which the tie vote occurred and any exhibits that had been admitted into evidence must be submitted to the Secretary of State not later than 14 days after the tie vote occurs. Send all tie vote materials to:

Via e-mail:

The Secretary of State's elections counsel assigned to communicate with your county.

By U.S. Mail:

Office of the Ohio Secretary of State
Attn: Director of Elections
P.O. Box 2828
Columbus, OH 43216





In person or other form of delivery:

Office of the Ohio Secretary of State
Attn: Director of Elections
180 E. Broad St.
Columbus, OH 43215 15th Floor

4. Decision

The Secretary of State may render a decision prior to receiving position statements from the board of elections. The Secretary of State will respond to the board with a written opinion stating the facts, applicable law and reasons for the Secretary's decision.

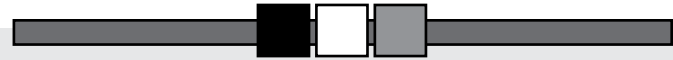
G. Duties of the Board

1. Generally

Each county board of elections is responsible for the fair, orderly and efficient administration of public elections conducted in the county. To accomplish this, [R.C. 3501.11](#) requires each board to exercise, by a majority vote, all powers granted to the board by Title 35 of the Revised Code (Ohio's election laws), all the duties imposed by law, and all of the following:

- a. Establish, define, provide, rearrange, and combine election precincts;
- b. Fix and provide the places for registration and for holding primaries and elections;
- c. Provide for the purchase, preservation, and maintenance of booths, ballot boxes, books, maps, flags, blanks, cards of instructions, and other forms, papers, and equipment used in registration, nominations, and elections;
- d. Appoint and remove its director, deputy director, and employees and all registrars, judges, and other officers of elections, fill





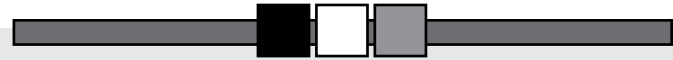
- vacancies, and designate the ward or district and precinct in which each shall serve;
- e. Make and issue rules and instructions, not inconsistent with law or the rules, directives, or advisories issued by the Secretary of State, as it considers necessary for the guidance of election officers and voters;
 - f. Advertise and contract for the printing of all ballots and other supplies used in registrations and elections;
 - g. Provide for the issuance of all notices, advertisements, and publications concerning elections, except as otherwise provided in division (G) of section [3501.17](#) and divisions (F) and (G) of section [3505.062](#) of the Revised Code;
 - h. Provide for the delivery of ballots, pollbooks, and other required papers and material to the polling locations;
 - i. Cause the polling locations to be suitably provided with voting machines, marking devices, automatic tabulating equipment, stalls, and other required supplies. In fulfilling this duty, each board of a county that uses voting machines, marking devices, or automatic tabulating equipment shall conduct a full vote of the board during a public session of the board on the allocation and distribution of voting machines, marking devices, and automatic tabulating equipment for each precinct in the county;
 - j. Investigate irregularities, nonperformance of duties, or violations of Title 35 of the Revised Code by election officers and other persons; administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with any such investigation; and report the facts to the prosecuting attorney or the Secretary of State;





- k. Review, examine, and certify the sufficiency and validity of petitions and nomination papers, and, after certification, return to the Secretary of State all petitions and nomination papers that the Secretary of State forwarded to the board;
- l. Receive the returns of elections, canvass the returns, make abstracts of them, and transmit those abstracts to the proper authorities;
- m. Issue certificates of election on forms to be prescribed by the Secretary of State;
- n. Make an annual report to the Secretary of State, on the form prescribed by the Secretary of State, containing a statement of the number of voters registered, elections held, votes cast, appropriations received, expenditures made, and other data required by the Secretary of State;
- o. Prepare and submit to the proper appropriating officer a budget estimating the cost of elections for the ensuing fiscal year;
- p. Perform other duties as prescribed by law or the rules, directives, or advisories of the Secretary of State;
- q. Investigate and determine the residence qualifications of electors;
- r. Administer oaths in matters pertaining to the administration of the election laws;
- s. Prepare and submit to the Secretary of State, whenever the Secretary of State requires, a report containing the names and residence addresses of all incumbent county, municipal, township, and board of education officials serving in their respective counties;
- t. Establish and maintain a voter registration database of all qualified electors in the county who offer to register;





- u. Maintain voter registration records, make reports concerning voter registration as required by the Secretary of State, and remove ineligible electors from voter registration lists in accordance with law and directives of the Secretary of State;
- v. Give approval to ballot language for any local question or issue and transmit the language to the Secretary of State for the Secretary of State's final approval;
- w. Prepare and cause the following notice to be displayed in a prominent location in every polling location:

“NOTICE
Ohio law prohibits any person from voting or attempting to vote more than once at the same election.
Violators are guilty of a felony of the fourth degree and shall be imprisoned and additionally may be fined in accordance with law.”
- 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 14 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;
- y. Assist each designated agency, deputy registrar of motor vehicles, public high school and vocational school, public library, and office of a county treasurer in the implementation of a program for registering voters at all voter registration locations as prescribed by the Secretary of State. Under this program, each board of elections shall direct to the appropriate board of elections any voter registration applications for persons residing outside the county where the board is located within five days after receiving the applications;





- z. On any day on which an elector may vote in person at the office of the board or at another site designated by the board, consider the board or other designated site a polling location for that day. All requirements or prohibitions of law that apply to a polling location shall apply to the office of the board or other designated site on that day;
- aa. Perform any duties with respect to voter registration and voting by uniformed services and overseas voters that are delegated to the board by law or by the rules, directives, or advisories of the Secretary of State.

2. Investigatory Responsibilities

Each county board of elections has the duty to investigate irregularities, nonperformance of duties, and alleged or apparent violations of Title 35 of the Ohio Revised Code and to report the findings of any such investigation to the county prosecuting attorney and the Secretary of State. Such violations include illegal registration, illegal voting, and petition circulator misconduct. When such an instance occurs, the board is responsible for reporting promptly to the Secretary of State's office the facts and circumstances of the alleged or apparent violation.⁴³

Please note that whenever allegations of voter fraud and/or suppression, supported by factual evidence, are reported to a county board of elections, the board must hold a public hearing at which qualified electors of the State of Ohio may provide sworn testimony or submit affidavits in support of the allegations. Any testimony provided to the board of elections must be given under oath and a transcript of such testimony prepared by a certified court reporter. All sworn statements whether in writing or in person before the board must be based upon first-hand knowledge of the allegation.

⁴³ [R.C. 3501.11\(J\)](#).





At the conclusion of any hearing, the board must vote whether to forward the matter to the county's prosecuting attorney for review and possible legal action, or to resolve at the board-level. The board must also notify the Secretary of State's elections counsel assigned to the board when matters are referred to the county prosecutor.

3. Acting in Quasi-Judicial Capacity

When a board of elections conducts a hearing as part of an investigation or in resolving a protest, it is acting in a quasi-judicial capacity. "Quasi-judicial" means that the board's actions have a "partly judicial character by possession of the right to hold hearings on and conduct investigations into disputed claims and alleged infractions of rules and regulations and to make decisions in the general manner of courts."⁴⁴ In other words, when the board conducts a hearing, it is acting as the judge and jury, and the board's decision is reviewable by a court.

Accordingly, the board is encouraged to work closely with its legal counsel, the county prosecuting attorney, to make sure that it is conducting the hearing appropriately. It also is encouraged to employ a person to transcribe the proceedings, so any court that is charged with reviewing the board's actions has a clear record of the proceedings.

H. Duties of the Director & Deputy Director⁴⁵

The director serves at the pleasure of the board for a term of two years, commencing in early March in each even-numbered year. The director has dual functions, serving as the board's chief administrator, as well as an election official. In these capacities, the director performs or oversees a variety of duties, including, but not limited to, the following:

⁴⁴ Definition of "quasi-judicial" taken from Merriam-Webster, www.merriam-webster.com/dictionary/quasi-judicial.

⁴⁵ [R.C. 3501.01\(U\)\(3\)](#); [R.C.3501.13](#).





- Keeping a full and true record of board proceedings and of all moneys received and expended;
- Filing and preserving in the board office all orders, records and reports pertaining to the administration of voter registrations and elections;
- Receiving and having custody of all books, papers, and property belonging to the board;
- Performing such other duties in connection with the office of director and the proper conduct of elections as the board determines;
- Reviewing all directives, advisories, memoranda, correspondence and materials issued by the Secretary of State;
- Disseminating to board members and staff the information, instructions and/or materials provided by the Secretary of State; and take action as required by those communications;
- Assisting the board in drafting and implementing personnel policies and procedures;
- Supervising and instructing board employees; assign work; coordinate activities; make recommendations concerning the hiring, responsibilities, compensation, discipline, and discharge of board employees;
- Preparing for and conducting all primary, general and special elections held in the county;
- Processing, evaluating, and reporting election results;
- Recruiting, hiring, and training precinct election officials;
- Supervising the processing of voter records;
- Developing an annual budget and monitor the board's budget and payroll;
- Preparing the written agenda and minutes of board meetings;





- Auditing campaign finance reports;
- Calculating chargebacks to political subdivisions;
- Assisting local liquor option petitioners; and
- Maintaining and submitting an annual report of consumable inventory.

Upon receipt of a written declaration of intent to retire as provided for in [section 145.38 of the Revised Code](#), the director shall provide a copy to each member of the board of elections.

The deputy director must be able to assist the director in the performance of the director's duties and responsibilities, to perform those duties and responsibilities when the director is absent from the board office, and to perform such other related duties as assigned or required by the board of elections, director or Secretary of State. The deputy director is not a public officer.⁴⁶

1. Interaction of Director, Deputy Director and Staff

State law does not define different duties for the director and deputy director. As such, the board of elections must enact local policies and procedures outlining the interaction of the director and deputy director. Functionally, there are three different approaches that boards of elections have traditionally considered:

- Hierarchy – under this approach, the deputy director reports to, and acts based on the instruction of the director.
- First-among-equals – under this approach, the director and deputy director collaborate equally on every activity, but with operational deference to the opinion of the director in lieu of taking a disagreement to the full board for a public decision.

⁴⁶ [R.C. 3501.01\(U\)\(4\)](#); [R.C.3501.09](#); [R.C.3501.14](#).





- Division-of-labor – under this approach, the director and deputy director are assigned different duties and responsibilities by the board over which that person has exclusive operational control.

Regardless the approach taken by the board, one of the above or another, each officer must be prepared to act in the place of the other to fulfill statutory duties in the event of absence, vacancy, or incapacity.

In addition, the director and deputy director should exhibit teamwork skills in order for the office to function in an efficient, friendly and productive manner regardless of what approach the board members may choose. Preparing and conducting an election is a long process with many details, deadlines and unexpected changes that require a team effort to have an election that voters will have confidence has been conducted properly.

I. Budget & Expenditures

1. Appropriations for Elections Board

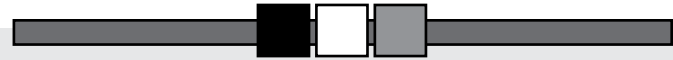
Each board of elections must prepare and submit to the proper appropriating officer a budget estimating the cost of elections for the next fiscal year. The proper appropriating officer for the board's expenses is the board of county commissioners.⁴⁷

a. *Expenses Paid by the County Commissioners*

Certain expenses are county costs and cannot be charged back to a subdivision. The costs of these expenses are paid from the county treasury in the same manner as other county expenses. Those expenses are listed on [page 55](#) of this section.

⁴⁷ [R.C. 3501.11\(O\)](#); [R.C. 3501.17](#).





b. *Form of Payments*

Payments must be made upon vouchers of the board certified by its chairperson or acting chairperson and the director or deputy director, upon warrants of the county auditor. The board must not incur any obligation involving the expenditure of money unless there are sufficient moneys in the funds appropriated to meet such obligations.

At the time of submitting budget estimates in each year, the board must submit to the taxing authority of each subdivision, upon request of the subdivision, an estimate of the amount to be withheld during the next fiscal year.⁴⁸

2. Court Action for Additional Funds

If the board of county commissioners fails to appropriate an amount sufficient to provide for the necessary and proper expenses of the board, the board of elections may apply to the court of common pleas within the county, which shall fix the amount necessary to be appropriated and such amount shall be appropriated.⁴⁹

3. Establish Elections Revenue Fund

At the request of a majority of the members of the board of elections, the board of county commissioners may, by resolution, establish an elections revenue fund. The purpose of the fund shall be to accumulate revenue withheld by or paid to the county under [R.C. 3501.17](#) for the payment of any expense related to the duties of the board of elections specified in [section 3501.11 of the Revised Code](#), upon approval of a majority of the members of the board of elections. The fund shall not accumulate any revenue withheld by or paid to the county for the compensation of the members of the board of elections or of the

⁴⁸ [R.C. 3501.17](#).

⁴⁹ [R.C. 3501.17](#).





director, deputy director, or other regular employees in the board's offices, other than compensation for overtime worked.

Notwithstanding sections [5705.14](#), [5705.15](#), and [5705.16](#) of the Revised Code, the board of county commissioners may, by resolution, transfer money to the elections revenue fund from any other fund of the political subdivision from which such payments lawfully may be made. Following an affirmative vote of a majority of the members of the board of elections, the board of county commissioners may, by resolution, rescind an elections revenue fund established under this division. If an elections revenue fund is rescinded, money that has accumulated in the fund shall be transferred to the county general fund.⁵⁰

4. Chargebacks and Payments for an August Special Election

a. Chargebacks

The term “chargebacks” refers to process of determining and apportioning the costs of conducting elections for political subdivisions which may lawfully be “charged back” to the appropriate subdivisions. The law provides what items may be charged back and which items may not be charged back to a subdivision.

b. Payments for an August Special Election

A political subdivision is required to prepay a percentage of the estimated cost of conducting a special election in August.⁵¹

For each special election, a board of elections must prepare an estimate of the cost of “preparing for and conducting an election on one question or issue, one nomination for office, or one election to office in each precinct in the county at that special election,

⁵⁰ [R.C. 3501.17\(I\)](#).

⁵¹ [R.C. 3501.17\(J\)](#); Sponsor Testimony of Representative Steve Hambley.





and must divide that cost by the number of registered voters in the county." This estimate must be completed and provided both to the Secretary of State's Office and the county commissioners not less than 15 business days before the filing deadline for that special election.⁵²

The board must also provide an estimate to any political subdivision that seeks to submit a question or issue or nomination or election to office on the ballot at the special election. This estimate is calculated either by 1) multiplying the number of registered voters in the political subdivision and the cost estimate provided by the board to the Secretary of State's Office and county commissioners or 2) multiplying the number of precincts in the political subdivision and the cost estimate provided by the board to the Secretary of State's office and county commissioners the estimated cost of preparing for and conducting the election. The political subdivision must pay 65 percent of this estimated cost not less than 10 business days after the filing deadline for that special election. The payment must be made to the county elections revenue fund.⁵³

Not later than 60 days after the date of a special election, the board must provide to each political subdivision the true and accurate cost for the question or issue or nomination for office or election to office that the political subdivision submitted to the voters at the special election. If the political subdivision prepaid less than the actual cost of the election, the political subdivision must remit the balance of the cost of the election to the county elections revenue fund within 30 days after being notified by the board of the final cost. If the political subdivision prepaid more than the actual cost of the election, the board of elections must promptly notify the board of county commissioners of that difference. The county

⁵² [R.C. 3501.17\(J\)\(1\)](#).

⁵³ [R.C. 3517.01\(J\)\(2\)](#).





commissioners then must remit the amount of the overpayment from the county elections revenue fund to the political subdivision within 30 days after receiving that notification.⁵⁴

The “true and accurate cost” of each question or issue or nomination for office or election to office at a special election is determined in the same manner as the cost is determined for a chargeback for that election.

5. Items that Never are Charged to Subdivisions

- a. Compensation of the members of the board of elections and of the director, deputy director and regular employees in the board’s offices, other than compensation for overtime worked;
- b. Cost of for the rental, furnishing and equipping of the office of the board;
- c. Cost of necessary office supplies for the use of the board;
- d. Cost of the acquisition, repair, care and custody of the polling locations;
- e. Cost of booths, guardrail, and other equipment for polling locations;
- f. Cost of tally sheets, maps, flags, ballot boxes;
- g. Cost of all other permanent records and equipment;
- h. Cost of all elections held in and for the state and county, and
- i. All other expenses of the board which are not chargeable to a political subdivision.⁵⁵

⁵⁴ [R.C. 3517.01\(JJ\)\(3\).](#)

⁵⁵ [R.C. 3501.17\(B\).](#)





6. Items That Can Be Charged to Subdivisions

a. *Special Election Only (No Primary or General Election)*

The entire cost of special elections held on a day other than the day of a primary or general election, both in odd- and even-numbered years, shall be charged to the subdivision:

- i. Compensation of precinct election officials;
- ii. Compensation of intermittent employees in the board's offices;
- iii. Compensation of contractors engaged by the board to prepare, program, test, and operate voting machines, marking devices, and automatic tabulating equipment;
- iv. Renting, moving, heating and lighting polling locations;
- v. Delivery, placing and removing ballot boxes and other fixtures and equipment, including voting machines, marking devices, and automatic tabulating equipment;
- vi. Printing and delivering ballots;
- vii. Cards of instructions, consumable supplies such as notices, supply envelopes, secrecy sleeves, pens, tape;
- viii. Registration lists required under section [3503.23 of the Revised Code](#);
- ix. Absentee voting supplies including envelopes and postage;
- x. Provisional voting supplies;
- xi. Other election supplies, including the supplies required to comply with division (H) of section [3506.01 of the Revised Code](#);
- xii. Advertising; and
- xiii. All other expenses of conducting primaries and elections in the odd-numbered years.





The definition of “political subdivision” and “subdivision” for purposes of charging back expenses of an election mean any board of county commissioners, board of township trustees, legislative authority of a municipal corporation, board of education, or any other board, commission, district, or authority that is empowered to levy taxes or permitted to receive the proceeds of a tax levy, regardless of whether the entity receives tax settlement moneys as described in [R.C. 3501.17\(A\)](#).

b. *Special with Primary or General Election: Even-Numbered Year*

If a special election is held on the same day as a primary or general election in an even-numbered year, the subdivision submitting the special election is charged only for the cost of ballots and advertising.⁵⁶

c. *Special with Primary or General Election: Odd-Numbered Year*

If a special election is held on the same day as a primary or general election in an odd-numbered year, the subdivision submitting the special election is charged for the cost of ballots and advertising for the special election, in addition to the charges prorated to the subdivision for the election or nomination of candidates in each precinct within the subdivision.⁵⁷

d. *State Constitutional Amendments*

If a special election is held on the date of a primary election for the purpose of submitting to the voters constitutional amendments proposed by the General Assembly, the state bears the entire cost of printing of ballots and advertising necessary to conduct the special election, and must reimburse the counties for all expenses incurred in opening precincts that are open for the sole purpose of conducting the special election.

⁵⁶ [R.C. 3501.17\(D\)](#).

⁵⁷ [R.C. 3501.17\(D\)](#).





In precincts that are open for any primary or other special election, the cost must be borne as otherwise provided in [R.C. 3501.17](#).

If a special election is held on the date of a primary election for the purpose of submitting to the voters constitutional amendments proposed by the General Assembly, and a subdivision conducts a special election on the same day, the entire cost of the special election must be divided proportionally between the state and the subdivision, based upon a ratio determined by the number of issues placed on the ballot by each.

The proportional division of cost must be made only to the extent funds are available for such purpose from amounts appropriated by the General Assembly to the Secretary of State. If a primary election also is being conducted in the subdivision, the costs must be apportioned as otherwise provided in [R.C. 3501.17](#).

However, when a precinct is open solely for an election on a statewide ballot issue, the state pays the entire cost of the election in that precinct.⁵⁸

7. Suggested Chargeback Procedures

It is a good practice to contact the county auditor for tax schedule deadlines in order to timely process chargebacks for the targeted tax duplicate. Most county auditors will provide a preferred submission date for reporting the chargeback costs.

We have listed below a suggested procedure for tracking and preparing chargebacks:

- a. Beginning in January and for each month of the year, mark each paid invoice with PSC (Political Subdivision Charge) or CC (County Charge). At the end of each month, enter each PSC invoice in a chargeback book.

⁵⁸ [R.C. 3501.17\(E\)](#); [R.C. 3501.17\(F\)](#).





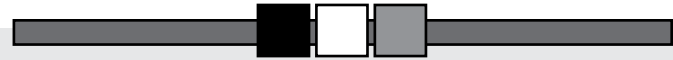
- b. After each election, and after all invoices have been received, list each subdivision to be charged with the total number of precincts in the subdivision.
- c. Calculate the cost of advertising for each subdivision separately. The division is charged the total cost of the advertising.
- d. Calculate the cost of ballot cards/pages separately for each subdivision. The subdivision is charged the total cost of ballot cards and ballot pages in odd-numbered years and for all special elections.
- e. Calculate the other chargeable expenses for each precinct, such as transportation of voting equipment, precinct election official compensation, polling location rental, postage and supplies.
- f. If a precinct has candidates or issues for two or more political entities, the charges must be pro-rated between or among the precincts. Following are some examples:
 - City and county 1/2 each
 - County, village and township 1/3 each
 - County, village, township and school district 1/4 each
 - County, city, township, school district A and school district B 1/5 each
- g. After all charges have been determined the total amount for each subdivision should be certified to the county auditor, who will withhold the charges from moneys due at the next tax settlement.

J. Preparing and Advertising Bids

1. Supplies Other Than Ballots

A contract involving a cost in excess of \$25,000 for printing and furnishing the supplies, other than the official ballots, required in [R.C. 3501.30](#),





must not be let until the board of elections has published notice once in a newspaper of general circulation within the county or upon notice given by mail, addressed to the responsible suppliers within the state. The board may require that each bid be accompanied by a bond, with at least two individual sureties, or a surety company, satisfactory to the board, in a sum double the amount of the bid, conditioned upon faithful performance of the contract awarded and for the payment as damages by such bidder to the board of any excess of cost over the bid which it may be required to pay for such work by reason of the failure of the bidder to complete the contract. The contract must be let to the lowest and best bidder.⁵⁹

2. Consult Legal Advisor

The board should consult with its legal counsel, the county prosecuting attorney, about the advisability of requiring written contracts with the successful bidder.

K. Publication of Legal Advertisements

1. Form of Advertisement

Legal advertising must be set up in a compact form, without unnecessary spaces, blanks, or headlines, and printed in not smaller than six-point type. The type used must be of such proportions that the body of the capital letter "M" is no wider than it is high, and all other letters and characters are in proportion.

All legal advertisements or notices must be printed in newspapers published in the English language only.⁶⁰

⁵⁹ [R.C. 3501.301](#).

⁶⁰ [R.C. 7.10](#); [R.C. 7.12](#).





2. Place of Publication

Advertising must be published in newspapers of general circulation. A newspaper of general circulation performs the functions of [R.C. 2701.09](#), for a period of three years immediately preceding any such legal publication required to be made, bears a title or name, is regularly issued at least once a week and meets all the following requirements:

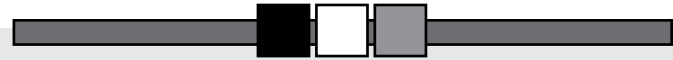
- a. It is printed in the English language using standard printing methods, being not less than eight pages in the broadsheet format or 16 pages in the tabloid format.
- b. It contains at least 25 percent editorial content, which includes, but is not limited to, local news, political information, and local sports.
- c. It has been published continuously for at least three years immediately preceding legal publication by the state agency or political subdivision.
- d. The publication has the ability to add subscribers to its distribution list.
- e. The publication is circulated generally by United States mail or carrier delivery in the political subdivision responsible for legal publication or in the state, if legal publication is made by a state agency, by proof of the filing of a United States postal service "Statement of Ownership, Management, and Circulation" (USPS [Form 3526](#)) with the local postmaster, or by proof of an independent audit of the publication performed, within the 12 months immediately preceding legal publication.⁶¹

3. Reducing Costs of Publication

[Ohio Attorney General Opinion No. 91-059](#) addresses the question whether counties may share the costs of advertising by using large

⁶¹ [R.C. 7.12](#).





metropolitan newspapers that are circulated in two or more counties. The opinion states that a newspaper is published in a county when it is issued or circulated to the public therein, regardless of where the newspaper is actually printed. Please be advised, however, that this does not resolve the question of whether the newspaper is also one of general circulation. This issue must be addressed on a case-by-case basis under the guidelines set forth previously. You should also contact your county prosecuting attorney for assistance.

Another method to reduce costs of advertising is to print inserts containing the legal advertisements. The inserts would then be included in the local newspaper at a substantial cost savings.

4. Time of Publication

a. Voter Registration

Six weeks prior to the day of a special, primary or general election, notices must be published in one or more newspapers of general circulation advertising the places, dates, times, methods of registration and voter qualifications for registration.⁶²

b. Election

At least 10 days before the time of holding an election, the board must post a public notice by proclamation in a conspicuous place in the courthouse and city hall, or by one insertion in a newspaper published in the county. If no newspaper is published within the county, the insertion should be in a newspaper of general circulation in the county.⁶³

⁶² [R.C. 3503.12.](#)

⁶³ [R.C. 3501.03.](#)





c. *Other*

A notice of election must be published concerning tax levies and certain questions and issues. These notices vary as to the length of time they must be published. The Revised Code, the Ohio Constitution or a charter sets the number of times the notice must be published, and the board staff should consult these sources for the appropriate advertising requirement. Frequency may vary from a single notice requirement prior to the election to four consecutive weeks notice prior to the election. Please refer to the [*Ohio Ballot Questions and Issues Handbook*](#) as well as the appropriate section(s) of the Revised Code, Ohio Constitution or charter for advertising requirements.

L. Public Records

The Ohio Public Records Act allows any person to request to inspect or obtain copies of public records from a public office that keeps those records.⁶⁴ A county board of elections is a public office for purposes of the Ohio Public Records Act.

A public record is a record kept by a public office.⁶⁵ A record is “any document, device, or item, regardless of physical form or characteristic, including an electronic record, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.”⁶⁶

A public office is required to organize and maintain its public records in a manner that they can be made available in response to public records requests. Public offices are also required to create and adopt a policy for responding to public records requests.

⁶⁴ [*R.C. 149.011*](#); Ohio Sunshine Laws 2015: An Open Government Resource Manual.

⁶⁵ [*R.C. 149.43\(A\)\(1\)*](#).

⁶⁶ [*R.C. 149.011\(G\)*](#).





The Secretary of State's Office does not have statutory authority to advise a board of elections on Ohio Public Records Act questions. For such questions, the board should contact its legal counsel, the county prosecuting attorney. The Sunshine Law Manual prepared by the Ohio Attorney General and Ohio Auditor of State is a good reference and can be found at www.ohioattorneygeneral.gov/YellowBook.

The Ohio Secretary of State's Office has developed a records retention schedule that sets forth the minimum amount of time that boards must retain particular types of election records. The records retention schedule can be found at <https://www.sos.state.oh.us/globalassets/elections/eoresources/general/retentionschedule.xlsx> For any record the board maintains that is not included among the election records on the Secretary of State's retention schedule, the board should work with its legal counsel, the county prosecutor, to create a retention schedule for those items. In addition, for guidance regarding the proper disposal in accordance with the records retention schedule of any record the board keeps, the board should contact its county prosecutor.

A public office is required to maintain a copy of its current records retention schedule in a location that is readily available to the public.

SECTION 1.04 PRECINCTS & POLLING PLACES

A. Definitions

1. Precinct

Means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling location.





2. Polling Place

Means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.

A precinct is the district the board creates while the polling location is the building where the voter travels to in order to cast his or her ballot.

B. Precincts

1. Generally

The board must provide a polling location for each precinct and provide adequate facilities at each polling location for conducting elections.⁶⁷

2. Size of Precinct

Each precinct must contain a number of electors, not to exceed 1,400, that the board of elections determines to be a reasonable number after taking into consideration the type and amount of available equipment, prior voter turnout, the size and location of each selected polling location, available parking, availability of an adequate number of precinct election officials and handicap accessibility and other accessibility to the polling location.⁶⁸

3. Drawing Precinct Lines

The board of elections may divide any portion of a political subdivision located within its county into precincts and may establish, define, divide, rearrange, and combine the several election precincts within its county. Precincts must be drawn along census block lines.⁶⁹

⁶⁷ [R.C. 3501.29](#).

⁶⁸ [R.C. 3501.18](#).

⁶⁹ [R.C. 3501.18](#).





4. Waiver of Census Block Restrictions

However, if drawing precinct boundaries by census blocks is not feasible because:

- a. physical boundaries or residential development practices exist that would cause unusual hardship for voters, or
- b. a precinct would contain more than 1,400 voters, the board may apply in writing to the Secretary of State for a waiver of the requirement. Any waiver request must explain in the fullest detail possible why the waiver is needed for a particular block. Additionally, the board's waiver request must include the appropriate map showing the relevant, existing (and proposed, if changed) precinct and census block boundaries.⁷⁰

5. Separate Precinct Required for Disabled Soldiers

The lands used for a state or national home for disabled soldiers must constitute a separate election precinct and, if necessary, may be divided and rearranged within such limits as other precincts are arranged and divided.⁷¹

6. Combining/Moving Precincts

- a. *Generally*

The board of elections may change the location of the polling location for each precinct when it is necessary to maintain the requirements as to the number of voters in a precinct and to provide for the convenience of the voters and the proper conduct of elections.⁷²

⁷⁰ [R.C. 3501.18](#); [R.C. 3501.29](#).

⁷¹ [R.C. 3501.20](#).

⁷² [R.C. 3501.18](#)





b. *Exceptions*

A board cannot change the number of precincts or the precinct boundaries during the 25 days immediately preceding a primary or general election, nor between January 1 and the day on which the members of a county central committee of a political party are elected.⁷³

c. *Written Notice to Electors and the Secretary of State*

When the board of elections deems it necessary to change, divide, or combine any precinct, or to relocate a polling location, it must, prior to the next election, notify each of the registrants in the precinct of such change by mail.⁷⁴

When the board changes the boundaries of any precinct, it shall notify the Secretary of State of the change not later than 45 days after making the change.

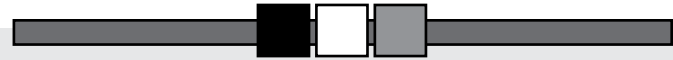
d. *Restrictions on Changes*

If the board changes the boundaries of a precinct after the filing of a local option election petition pursuant to sections [4301.32](#) to [4301.41](#), [4303.29](#), or [4305.14](#) of the Revised Code that calls for a local option election to be held in that precinct, the local option election shall be held in the area that constituted the precinct at the time the local option petition was filed, regardless of the change in the boundaries. If the board moves forward with the changes then the result is a split precinct. The Secretary of State's Office discourages boards from making changes until after the elections when this situation occurs.

⁷³ [R.C. 3501.18](#).

⁷⁴ [R.C. 3501.21](#).





C. Polling Places

1. Public Buildings

The board must utilize for polling locations, in so far as practicable, rooms in public schools and other buildings supported by tax dollars.⁷⁵ Upon the board's application, the authority that has the control of any building or grounds supported by taxation under the laws of Ohio must make available the necessary space for the purpose of holding elections and adequate space for the storage of voting machines, without charge. A reasonable amount of money may be paid for necessary janitorial service.

2. Private Buildings; Rental; Insurance

When polling locations are established in private buildings, the board may pay a reasonable rental therefore. It also may pay the cost of liability insurance covering the premises when used for election purposes, or the board may purchase a single liability policy covering the board and the owners of the premises when used for election purposes.⁷⁶

3. Removable Buildings

When removable buildings are supplied by the board, they shall be constructed under the contract awarded to the lowest and best bidder, and the board must observe all ordinances and regulations in effect regarding accessibility and safety. The board shall remove all such buildings from streets and other public places within 30 days after an election, unless another election is to be held there within 90 days.⁷⁷

⁷⁵ [R.C. 3501.29](#).

⁷⁶ [R.C. 3501.29](#).

⁷⁷ [R.C. 3501.29\(A\)](#).





D. Accessibility

All county boards of elections are required by both state and federal law to provide polling locations that are accessible to people with disabilities. People with disabilities must have the opportunity to vote privately and independently just as any other voter in the state of Ohio. All county boards of elections must verify before each election that their polling locations are accessible including having the appropriate accessible parking for voters with disabilities.

The Americans with Disabilities Act (ADA) was enacted by Congress on July 26, 1990, creating standards for accessibility, including voting locations. The Help America Vote Act of 2002 authorized federal appropriations to the states to ensure that “polling locations, including the path of travel, entrances, exits, and voting areas of each polling facility, [are] accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.”⁷⁸

Additionally, Ohio law requires county boards of elections to ensure that polling locations:

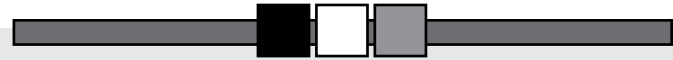
- Are free from barriers that would interfere with a handicapped person entering or exiting;
- Have sufficient handicapped parking spaces;
- Have level entrances or non-skid ramps that meet state law and ADA requirements; and
- Have doorways that are a minimum of 32 inches wide.⁷⁹

To determine if a polling location is free of barriers to access by people with disabilities and in compliance with federal and state law, county boards

⁷⁸ Help America Vote Act (2002), Sec. 261.

⁷⁹ [R.C. 3501.29\(B\)](#).





of elections must always use the most recent version of the Secretary of State's Polling Place Accessibility Checklist and Accessible Parking Guide to evaluate every polling location in its county upon selection of that location as a polling location. Whenever a revised checklist is published by the Secretary of State's Office, all polling locations should be re-evaluated using that checklist prior to the next regular general election.

All county boards of elections must maintain a file of its completed checklists and must develop an internal procedure for periodic review of all voting locations to confirm accessibility or the necessity for appropriate remediation strategies. All polling locations should be reviewed for accessibility at least once every two calendar years if not more frequently. In developing its file of completed checklists, boards of elections are encouraged to consider the Presidential Commission on Elections Administration's recommendation that local election officials also "maintain a diagram of every polling location ... to include at a minimum: room dimensions, location of power outlets, the proposed positioning of voting and voter processing equipment, the entry and exit routs, and signage required by the Americans with Disabilities Act."⁸⁰

The Secretary of State's ADA Coordinator and Regional Liaisons are available to assist county boards of elections with developing polling location assessment strategies. The United States Election Assistance Commission has also published a Quick Start Management Guide for Accessibility that many boards of elections may find helpful.

A board can use the Automated Accessibility Checklist Program to conduct its assessment. The Program is a software application that can be loaded onto a tablet device. It allows a user to complete the survey onsite using a tablet device to enter results and measurements and upload photographs. The Secretary of State's Office has a couple of tablets available to loan to counties that want to utilize the Program. For details on the Program and the tablets available for loan, please contact the Secretary of State's ADA Coordinator.

⁸⁰ The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration (January, 2014), Page 33.





If a county finds that a polling location is not accessible, action must be taken to ensure compliance. Such action may include:

- Notifying the owners of the facility of the problem(s) causing the inaccessibility of that facility in an effort to coordinate a permanent remediation of the accessibility challenge;
- Purchasing equipment to temporarily mitigate the inaccessibility of that facility for voters with disabilities and ensure that this equipment is in place and achieving its purpose on Election Day; or
- Finding another facility, as may be permitted by law,⁸¹ that meets the requirements of accessibility for use as a voting location.

Accessibility of a polling location to voters with disabilities applies equally to “offices and rooms” established pursuant to [R.C. 3501.10](#), including the office of the board of elections.

1. Verification of Accessible Polling Locations

Before the day of an election, the director of the board of elections of each county shall sign a statement verifying that each polling location that will be used in that county at that election meets the requirements of [\[R.C. 3501.29\(B\)\(1\)\(b\)\]](#).⁸² Secretary of State [Form 16](#) must be signed by the director and the deputy director or, if a board of elections does not have a deputy director, by the chairperson of the board.

Additionally, the director and deputy director (or chairperson when the board of elections does not have a deputy director) of a board of elections must file a signed statement ([Form 17](#)) before each election to verify that each polling location is in compliance with federal and state laws governing general polling location accessibility.

⁸¹ When a board of elections considers it necessary to relocate a polling location, it must notify by mail, prior to the next election, each of the registered voters in the precinct. [R.C. 3501.21](#).

⁸² [R.C. 3501.29\(E\)](#).





2. Outside the Polling Location

Travel the route from the accessible parking space(s), through the accessible entrance, and all the way inside the polling location to make sure there are no barriers for people with disabilities.

Specifically, check for the following issues:

- a. Directional signs are posted guiding voters to the nearest accessible entrance to the polling location;
- b. If equipment is provided by the board of elections to temporarily mitigate any barrier (e.g. temporary parking sign(s), cones for designated parking space(s), ramp(s), etc.) check that it is properly set it up, if required by your board of elections; and
- c. If an alternate/separate entrance is being used specifically for accessibility, ensure that it is unlocked.

If the precinct election official finds that accessibility is lacking, he or she should notify the board of elections and be alert that voters with disabilities may need additional assistance in accessing the polling location. To ensure proper accessibility for voters, the board should provide accessibility equipment/supplies if the items are not already located at the polling location.

3. Inside the Polling Location

Once the precinct election official has checked the route from the parking area to the polling location entrance, he or she should make sure the route to the voting area inside the polling location and the voting area itself is also accessible. If an elevator or vertical lift is needed to access the voting area, ensure that it is in working order and can be used independently by voters with disabilities if needed. Voters with disabilities should be able to easily move from the entrance to the voting area, throughout the voting process and to all the voting stations. Make sure there is a 36-inch wide path through the voting area, accessible





tables, accessible voting machines, and adequate privacy provided.

Be prepared to provide reasonable accommodations to voters with disabilities or voters who need assistance. For example, make sure chairs are available for voters with mobility-type disabilities and/or voters who are elderly, have a serious illness, or are pregnant and cannot stand for a long period of time.

4. Accessibility Issues in General

Common barriers to accessibility:

- Lack of designated accessible parking spaces;
- Lack of vertical signage or access aisles at accessible parking spaces;
- Sidewalks without curb-cuts;
- Steps at polling location entrances;
- Thresholds or steps that have an extreme change in height;
- Gravel, grates, or cracks in the sidewalk;
- Heavy interior doors;
- Doors not operable with a closed fist (i.e., round door knobs, thumb operated handles, etc.);
- Tripping hazards, such as loose mats or unsecured electrical cords; and
- Obstructions that protrude from the wall and are undetectable by a cane or are sitting in a walkway that make maneuvering difficult.

5. Simple Solutions to Accessibility Issues

Often there are simple ways to modify a polling location to allow people with disabilities equal access to the polling location and the voting





equipment. Below are some simple solutions to accommodate persons with a disability (i.e., using a wheelchair, walker, crutches, cane, scooter, service animal, a friend's arm, other mobility aids, etc.) so that they can easily move through the polling location:

- Use temporary signs to designate accessible parking spaces;
- Use directional signs to designate accessible entrances;
- Post directional signage inside the building designating the specific room being used for voting;
- Use temporary ramps to mitigate the lack of curb-cuts;
- Prop open doors that are heavy, or not operable with a closed fist;
- Leave a 36-inch passageway throughout the room being used for voting;
- Place chairs, trash cans, or cones underneath protruding objects attached to a wall above the floor (objects protruding more than four inches from the wall) to make them cane-detectable;
- Set up voting machine(s) to be used by voters with a disability in an accessible and private location within the room being used for voting;
- Tape down or remove loose mats, electrical cords, or wires;
- Remove obstacles in the route of travel; and
- Place chairs along the walking route or in the voting location where a person can rest if necessary.

E. Polling Location Supplies

On Election Day, before the polls open at 6:30 a.m., the precinct election official team will need to work quickly, efficiently, and in teams to accomplish the many tasks necessary before voters arrive to vote.





Working in teams of two while setting up the polling location can make the work go more quickly and help prevent errors. For example, one person can read off items from a checklist or supply list while another person checks to see if the item has been included in the supplies. A thorough review at this point will save time and lessen concerns later in the day.

1. **Checking the Supplies and Forms**

The precinct election official team should locate the Polling Place Supplies Checklist and review to make sure the following necessary supplies are available to the polling location:

- Quick Reference Guide (flip chart) for Precinct Election Officials from the Secretary of State;
- Other precinct election official manual, instructions or guide from the board of elections;
- [*Directive 2008-80*](#): Voter Identification Requirements;
- Chain of Custody forms for voting materials;
- Reference guides for voting equipment;
- Emergency contact list for the county board of elections;
- Stickers to give to voters when they have voted;
- Precinct election officials' name tags;
- Locks and seals;
- Precinct election officials' oath and payroll sheet; and
- Miscellaneous supplies (e.g., extension cords, tape, paper clips, pens, rubber bands, three-prong adapter or any other needed items).





2. Check the list of forms, supplies and instructions to make sure the following necessary items are available at the polling location, and check that they are designated for the applicable precinct:

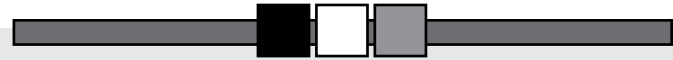
- Encoders/Access Cards (if applicable);
- Poll Book;
- Signature Poll Book;
- Official Precinct Voter Registration Lists;
- Absentee Voter List;
- Ballot Stub Containers;
- Precinct Voting Location Guide;
- Identification Envelope - Provisional Ballot Affirmation (Secretary of State [Form 12-B](#), have with optical scan paper ballots on the correct table);
- Provisional Voter Precinct Verification Form ([Form 12-D](#));
- Provisional Ballot Notices (includes hotline number) ([Form 12-H](#));
- The official ballot bag or box for voted provisional ballots (have in an accessible but secure location);
- Voter Registration and Change of Address Forms;
- Forms and envelopes;
- List of write-in candidates (if applicable);
- Soiled/Defaced Ballot Envelope;
- Accounting chart for the purpose of recording the number of paper ballots, when applicable;





- Precinct identifier sign (place above the table so it is in plain view of voters entering the polling location);
 - Signature Poll Book and Official Precinct Voter Registration List (place next to each other so both can be checked by two precinct election officials);
 - Precinct referral cards (have on table, if available); and
 - Quick Reference Guide (flip chart) for Precinct Election Officials from the Secretary of State, which contains uniform provisional ballot and voter identification requirements (make sure Guide is on the table).
- 3. Make sure the precinct election officials responsible for provisional voting have the necessary materials close at hand, including the following:**
- Un-voted paper ballots that are correct for the precinct;
 - Identification Envelopes - Provisional Ballot Affirmation ([Form 12-B](#));
 - Provisional Voter Precinct Verification Form ([Form 12-D](#));
 - Provisional Ballot Notices (includes hotline number) ([Form 12-H](#));
 - Provisional Ballot Tally Sheet; and
 - Precinct Voting Location Guide.
- 4. Preparing for Special Situations**
- Make sure all necessary forms and materials are available, including the following:
- Voter Registration Forms;
 - Notice of Name Change Forms ([Form 10-L](#));





- Challenge Forms ([Form 10-U](#)), used only by precinct election officials and not by observers; and
- Alternative language materials, if applicable.

F. Assignment of Electors to another Precinct or County

1. Another Precinct

When only a portion of a precinct is included within the boundaries of an election district, the board of elections may assign the electors residing in such portion of a precinct to the nearest precinct or portion of a precinct within the boundaries of such election district for the purpose of voting at any special election held in such district.⁸³ The statute defines “election district” as “a school district, municipal corporation, township, or other political subdivision that includes territory in more than one precinct or any other district or authority that includes territory in more than one precinct and that is authorized by law to place an issue on the ballot at a special election.”⁸⁴

The board must notify the electors who have been assigned of the location of the polling location where they can vote at least 10 days prior to the election.

2. Another County

In any election in which only a part of the electors in a precinct is qualified to vote, the board may assign voters in such part to an adjoining precinct. Such assignment may be made to an adjoining precinct in another county with the consent and approval of the board of elections of such other county if the number of voters assigned to vote in a precinct in another county is 200 or less.⁸⁵

⁸³ [R.C. 3503.01\(B\)](#).

⁸⁴ [R.C. 3503.01\(B\)](#).

⁸⁵ [R.C. 3503.01\(B\)](#).





The board of elections of the home county must notify its electors who have been assigned, at least 10 days prior to the holding of any such election, of the location of the polling location where they are entitled to vote at such election.⁸⁶

When a county agrees to host voters from another county for a special election, the host county is responsible for preparing, issuing, and tabulating all ballots for that election. The host county also must provide paper ballots to the home county for any voter who needs to cast a provisional at the home county board of elections.

The home county for these voters is responsible for providing the host county with the voter registration information necessary to prepare a supplemental record of the voters for the poll list or pollbook.

G. Voting Equipment

A county that utilizes direct recording electronic voting machines (DRE) as its primary voting system is required to arrange for a sufficient number of these devices to accommodate the number of electors in each precinct. The county should deploy at least one DRE voting machine for every 175 registered voters in a precinct or voting location at which the DREs are programmed to allow any voter in the location to vote on any machine in the location. In determining the number of registered voters, a board does not have to count electors who did not respond within 30 days to any confirmation notice. It may also exclude from the count any registered voter who has requested an absent voter ballot (by mail or in person) as of the date the allocation decision is made by the board. There must never be fewer than two DRE voting machines in any precinct or voting location. Except that in a presidential primary or a regular state election, there must never be fewer than three DRE voting machines in any precinct voting location.

⁸⁶ [R.C. 3503.01\(B\)](#).





Boards of elections should take note of the contests on the ballot in each political subdivision to determine whether or not the board should exceed the minimum requirements of state law as it relates to the board's provision of DREs and ballots for the election.

When allocating voting equipment, the county should also take into consideration the size and location of each polling location, available parking, accessibility to the polling location, and the number of candidates and issues appearing on the ballot.⁸⁷

H. Set-up for Multiple Precinct Polling Places

A multi-precinct voting location is a voting location at which voters from more than one precinct are assigned to vote.

If the board of elections, by a vote of at least three members of the board, opts to have a single voting location serve more than one precinct, the board must do both of the following:⁸⁸

- Designate a single voting location manager for the voting location, who shall be a member of the political party whose candidate received the highest number of votes for governor at the most recent general election for that office in the precincts whose polling locations are located at the applicable voting location, when tallying the combined vote for governor in all such precincts.
- Combine the poll books for those precincts to create a single poll book for the voting location.

Multi-precinct voting locations increase the efficiency by which voters check in, reduce the possibility of voter confusion, including questions around “wrong precinct, right polling location” and provisional ballots, and adapt easily to an e-poll book environment. As such, all boards of elections are instructed to designate a single voting location manager for each multi-

⁸⁷ [R.C. 3506.12\(A\)](#).

⁸⁸ [R.C. 3501.22](#).





precinct polling location and to combine the poll books for those precincts in a multi-precinct polling location to create a single poll book for the voting location, as authorized by law.

1. **Best Practices for Implementing Multi-Precinct Polling Locations**

Two essential components of a multi-precinct polling location regardless of voting system (PCOS or DRE) are: a sign in station and a provisional ballot station.

a. *Sign In Station*

Instead of having a separate table or station and book for each precinct, the voting location must have tables or stations, identified for voters to check in using the first letter of the voter's last name (unless the county has deployed electronic poll books at the polling location, in which case voters may check in at any electronic poll book station).

- Voters will show identification and sign the signature poll book at a table, or station, based upon the first letter of the voter's last name instead of at a table based upon the voter's precinct.
- The board must vote to determine the alphabetical breakdown in its county.
- Using the alphabetical division set by the board based on the number of precincts in the voting location the one book is then separated into individual books.
- All of the information normally printed in your signature poll book will remain (voter's name and address, precinct, ballot style, signature image, notice to voter provisionally due to absentee request, etc.).





- The PEO must be able to check off the voter's name on the Precinct Voter Registration Lists at the same time the voter signs the signature poll book.
- The same alpha-division approach will be taken with the Precinct Voter Registration List (the 6:30 a.m., 11 a.m., and 4 p.m. lists).
- Each table must have signs posted notifying voters of the alphabetical division for each table or station.
- Counties still using clerk books in addition to the signature poll book may find it necessary to have only one alpha division per precinct.
 - While some counties find clerk books to be a helpful reconciliation tool because it creates a duplicate record of voters as they check in, the use of clerk books is not required by state law.

b. *Suggested Alphabetical Break-Down*

Without Clerk Books

- 2 precincts > 3 stations > A-G, H-P, Q-Z
- 3 precincts > 4 stations > A-E, F-K, L-R, S-Z
- 4 precincts > 5 stations > A-C, D-H, I-N, O-S, T-Z

With Clerk Books

- 2 precincts > 2 stations > A-K, L-Z
- 3 precincts > 3 stations > A-G, H-P, Q-Z
- 4 precincts > 4 stations > A-E, F-K, L-R, S-Z





c. *Provisional Ballot Station*

The voting location must have one specific station dedicated for voters who may cast a ballot provisionally. The station must be staffed by precinct election officials who have been trained specifically for this task on the following:

- i. Rules and procedures for provisional voting;
- ii. Proper use of the Precinct Voting Location Guide and precinct maps (used to determine if the voter is in the correct voting location);
- iii. Correctly completing *Form 12-D* (when necessary); and
- iv. How to find and issue the proper provisional ballot and ballot style to the voter based on the voter's residential address and precinct.

d. *Voting Machines*

In general:

- i. Should be programmed such that a voter can cast a ballot using any voting device in the location
- ii. Voter must still vote the proper ballot style (both precinct and precinct split) for the voter's residential address

e. *Precinct Count Optical Scanner*

If more than one optical scanner is deployed to provide sufficient ballot box capacity or when the number of ballot styles exceeds the capability of a precinct count optical scanner to accept ballots from any ballot style in the location:

- i. the optical scanner programmed to accept the voter's particular ballot style must be clearly marked, easily identifiable to voters, and





- ii. the PEOs must be appropriately trained to direct voters to the correct scanner.
- f. Issuing Ballots: DRE Counties

For DRE counties or TOUCH SCREEN counties:

Boards should use an “authority to vote,” or similar form, on which precinct election officials at the voter sign-in table will write down the voter’s correct precinct, precinct split, or ballot style (or party for a partisan primary election) for the voter to take to the next step in the process.

In TSX counties, the programming of the smartcard for each individual voter is the necessary “authority to vote” step to ensure the voter receives the correct ballot style after signing the signature poll book.

- g. *Issuing Ballots: Optical Scan Counties*

Establish a ballot station between the signature check-in station and the voting booths. This will ensure that the voter is issued the correct ballot.

Use an “authority to vote,” or similar form to be completed by the PEO and given to the voter after signing the signature poll book.

I. Polling Locations Are Neutral Zones

A polling location is a “neutral zone.” Accordingly, Ohio law imposes specific limitations on who may enter a polling location and what conduct is





permissible therein. Only an election official,⁸⁹ an observer,⁹⁰ a police officer, a person reviewing the 11:00 a.m. or 4:00 p.m. list of registered electors, a voter (including the voter's children who are of non-voting age when accompanied by the voter), or a person assisting another person to vote shall be allowed to enter the polling location during the election.⁹¹

Two small United States flags must be placed 100 feet from the entrance to each polling location on the thoroughfares or walkways leading to the polling location (or as near to 100 feet as possible). No one, other than an election official, observer, police officer, or an elector waiting to mark, marking, or casting his/her ballot, may loiter or congregate within this "neutral zone" or within 10 feet of any elector waiting in line to vote if the line of voters extends beyond the flags.⁹² Ohio law prohibits anyone from soliciting or attempting to influence any elector's vote at a polling location and from preventing or delaying an elector from entering or leaving a polling location.⁹³

1. Media Access to a Polling Location

Elections officials must grant members of the media reasonable access to polling locations. This mandate stems from a United States Court of Appeals decision, which held that the media must be granted

⁸⁹ [R.C.3501.01\(U\)](#). An "election official" includes the following individuals:
 (1) Secretary of state;
 (2) Employees of the Secretary of State serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;
 (3) Director of a board of elections;
 (4) Deputy director of a board of elections;
 (5) Member of a board of elections;
 (6) Employees of a board of elections;
 (7) Precinct election officials;
 (8) Employees appointed by the boards of elections on a temporary or part-time basis.

⁹⁰ [Chapter 4](#) of this manual.

⁹¹ [R.C.3501.35\(B\)](#); [R.C. 3503.23\(C\)](#).

⁹² [R.C.3501.30\(A\)\(4\)](#).

⁹³ [R.C.3501.35\(A\)](#); [R.C. 3599.24](#); [R.C. 3599.26](#).





“reasonable access” for the purpose of news-gathering and reporting so long as [the members of the media] do not interfere with precinct election officials and voters as voters exercise their right to vote.”⁹⁴

In its decision, the court did not define “reasonable access.” Therefore, a board of elections must consider the following factors to ensure that the voting process is not disrupted:

- whether the media representative is credentialed (i.e., is the person from an accredited media source);⁹⁵
- the length of time the media is present at a polling location;
- the length of voter lines at the polling location;
- the size and layout of the polling location;
- protecting voter secrecy during the media’s presence;
- the conduct of the media representative; and
- the effect of the presence of the media on voters and election officials.

No person – including a representative of the media – may disrupt the voting process, interfere with the election, intimidate voters, or jeopardize the secrecy of any ballot. If a member of the media interferes with the administration of the election, intimidates a voter, or jeopardizes the secrecy of a ballot, he or she may be removed from the polling location. The media must respect a voter’s right to privacy by requesting the voter’s permission prior to recording the voter or the voter’s actions while in or about the polling location.

⁹⁴ *Beacon Journal Publishing Company, Inc. v. Blackwell* (6th Cir. 2004), 389 F.3d 683 at 685; [R.C.3501.35\(B\)\(2\)](#).

⁹⁵ A board of elections does not issue credentials to a member of the media. A member of the media already should possess press credentials. These credentials are sufficient to grant the member access to a polling location.





No person may attempt to subvert the statutory observer process by attempting to gain access to a polling location as member of the media.

Precinct election officials should inform the director and deputy director if the media visits a polling location.

2. Exit Polling at a Polling Location

Exit polling is not electioneering and is therefore permissible within 100 feet of the entrance to a polling location (i.e., within the area marked by the placement of two small U.S. flags).⁹⁶ Persons conducting exit polls may not enter a polling location, interfere with or disrupt the election, or otherwise violate the law. Further, persons conducting exit polls at a polling location may not wear anything that may be construed as campaigning for or against any candidate or issue on the ballot.

3. Collecting Signatures at a Polling Location

Occasionally, groups may station persons outside of a polling location to gather signatures on a petition. Persons are not permitted to collect signatures inside of a polling location or within the neutral zone outside of the polling location (i.e., within the area marked by the placement of two small U.S. flags).⁹⁷ However, there is no prohibition against collecting signatures outside the neutral zone.

4. Distributing Food and Campaigning at a Polling Location

Campaigning, displaying campaign material or distributing food inside of the neutral zone of a polling location is prohibited.⁹⁸ However, nothing in Ohio's election laws prohibit a person or entity from campaigning,

⁹⁶ *American Broadcasting Co., Inc. v. Blackwell* (S.D. Ohio 2006), 479 F.Supp.2d 719 at 744.

⁹⁷ [R.C.3501.35\(A\)](#); *United Food & Commercial Workers Local 1099 v. City of Sidney* (6th Cir. 2004), 364 F.3d 738 (circulators were not deprived of their free speech rights when they were prohibited from collecting signatures within the "campaign-free zone").

⁹⁸ [R.C. 3501.35\(A\)](#).





displaying campaign material, or distributing food outside of the neutral zone of a polling location (i.e., outside of the flags marking the 100 foot barrier or beyond 10 feet from any elector waiting in line to vote, if the line to vote extends beyond the flags).

Ohio law prohibits anyone from procuring or offering “money or other valuable thing to or for the use of another, with the intent that it or part thereof shall be used to induce such person to vote or to refrain from voting.”⁹⁹ Food, discounts, and other such inducements are “things of value” for purposes of the election law statutes on bribery.¹⁰⁰

5. Problems with Conduct at a Polling Location

Boards of elections must instruct precinct election officials to contact the board office or the appropriate law enforcement official immediately if they experience a problem with the conduct of any person at a polling location.

SECTION 1.05 PRECINCT ELECTION OFFICIALS

Precinct election officials ensure the election is conducted lawfully and assist voters in a courteous and respectful manner. Ohio law provides that the county board of elections selects, generally, four residents of the county in which the precinct is located to serve as precinct election officials. Counties are permitted to assign more than four precinct election officials to a precinct, and often they do when they expect a high voter turnout.

One precinct election official will be selected to act as the voting location manager with overall responsibility for overseeing the election process, including overseeing opening and closing of the polling location and transporting of ballots and voting materials to the board of elections after the polls close. The

⁹⁹ [R.C. 3599.01\(A\)\(3\)](#); See also the prohibitions contained in [R.C. 3599.02](#).

¹⁰⁰ Even a professor's award of extra credit to a student who votes in an election has been considered to be “a thing of value.” Ohio Attorney General Opinion No. 96-033.





law requires that the voting location manager have the same political affiliation as the party whose candidate for governor received the most votes in that precinct at the last state election for governor.

Precinct election officials work as a team to conduct an election at their assigned precinct.¹⁰¹ All precinct election officials must enforce the peace and good order in and about the polling location. They must keep the entrance to the polling location open and unobstructed. They also must prevent and stop any actions or attempts to obstruct, intimidate or interfere with any elector (registered voter) when checking in or voting. They must protect official observers against being bothered or harmed while observing election processes. Ohio law requires that precinct election officials must act in such a way as to prevent riots, violence, tumult or disorder.¹⁰²

In addition to these general expectations, the voting location manager and precinct election officials have certain duties to perform before and on Election Day. See the Secretary of State Precinct Election Official Training Manual for more details.

A. Qualifications

Precinct election officials must be qualified electors registered to vote in the county where they serve. They need not reside in the precinct where they serve as precinct election officials.

Restrictions¹⁰³

An elector cannot serve as a precinct election official if that elector:

- a. has been convicted of a felony or any violation of the election laws,
- b. is unable to read and write the English language readily,

¹⁰¹ [R.C. 3501.22](#).

¹⁰² [R.C. 3501.33](#).

¹⁰³ [R.C. 3501.15](#); [R.C. 3501.27](#).





- c. is a candidate for an office to be voted for by the voters of the precinct in which the person is to serve, other than a candidate for county central committee who is not opposed by any other candidate in that precinct.
- d. an individual may not serve as a precinct election official in any precinct or polling location where a family member or business associate will appear on a ballot for election or nomination to any public or party office at that same election.

B. Appointment & Term

On or before September 15 in each year, the board of elections, by a majority vote, appoints for each precinct, four competent and qualified electors, who are residents of the county in which the precinct is located, as precinct election officials. The term of a precinct election official is for one year.

Not more than one-half of the total number of precinct election officials assigned to a precinct may be members of the same political party. This provision permits the board to hire electors unaffiliated with a political party to serve as precinct election officials. The board may, at any time, designate any number of precinct election officials, not more than one-half of who may be members of the same political party, to perform their duties at any precinct in any election.

Note: If the board of elections determines that four precinct election officials are not required in a precinct for a special election, the board of elections may select two of the precinct's election officers, who are not members of the same political party, to serve as the precinct election officials for that precinct in that special election.¹⁰⁴

¹⁰⁴ [R.C. 3501.22](#).





C. Certificate of Appointment

The board must issue to each precinct election official a certificate of appointment. The precinct election official must present his or her certificate to the voting location manager at the time the polls are opened. The board of elections may revoke the certificate at any time for good and sufficient reasons. The certificate shall be in the form the board prescribes and shall specify the precinct, ward, or district in and for which the person to whom it is issued is appointed to serve, the date of appointment, and the expiration of the person's term of service.¹⁰⁵

D. Removal From Office

The board may summarily remove any precinct election official from office at any time for neglect of duty, malfeasance, misconduct in office, or any other good and sufficient reason.¹⁰⁶

E. Vacancies

The board of elections must fill vacancies for unexpired terms. When new precincts have been created, the board must appoint precinct election officials for those precincts for the unexpired term.¹⁰⁷

F. Compensation

Every precinct election official in a county must be paid at the same hourly rate, which cannot be less than the minimum hourly rate (\$7.25 per hour) established by the Fair Labor Standards Act (FLSA) and not more than \$133.72 per day.

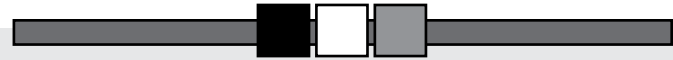
In accordance with [R.C. 3501.28\(D\)](#), the Secretary of State establishes by rule the maximum amount of per diem compensation that may be paid to precinct election officials under [R.C. 3501.28](#) each time the FLSA is amended

¹⁰⁵ [R.C. 3501.22\(A\)](#); [R.C. 3501.27\(A\)](#).

¹⁰⁶ [R.C. 3501.22](#); [R.C. 3501.27](#).

¹⁰⁷ [R.C. 3501.22](#); [R.C. 3501.27\(C\)](#).





to increase the minimum hourly rate. Upon learning of an increase, the Secretary of State must determine by what percentage the minimum hourly rate has been increased under the FLSA and establish a new maximum amount of per diem compensation that precinct election officials may be paid under [R.C. 3501.28](#) that is increased by the same percentage that the minimum hourly rate has been increased under the FLSA.

No board of elections may increase a precinct election official's pay during a calendar year unless the board has given written notice of the proposed increase to the board of county commissioners not later than October 1st of the preceding calendar year.

A board of elections may increase the pay of a judge of an election during a calendar year by up to, but not exceeding, 9 percent over the compensation paid during the previous calendar year to a judge of an election in the county where the board is located if the compensation so paid during the previous calendar year was less than \$85 per diem.

A board of elections may increase the pay of a judge of an election during a calendar year by up to, but not exceeding, 4.5 percent over the compensation paid during the previous calendar year to a judge of an election in the county where the board is located if the compensation so paid during the previous calendar year was more than \$85 but less than \$95 per diem.

The board of county commissioners may review and comment upon a proposed increase and may enter into a written agreement with a board of elections to permit an increase in the compensation paid to judges of an election for their services during a calendar year that is greater than these applicable percentage limitations.

No precinct election official who works less than a “full Election Day” will be paid the maximum amount allowed by law or as set by the board of elections, whichever is less. “Full Election Day” means the period of time





between the opening of the polls and the completion of the procedures when the polls are closed.¹⁰⁸

G. Voting location managers

In return for the performance of their statutory duties, voting location managers receive additional compensation in an amount, consistent with [R.C. 3501.28](#), determined by the board of elections.¹⁰⁹

Voting location managers who deliver and return election supplies may receive additional compensation of not more than \$5 for each trip to the polling location and \$5 for each trip from the polling location to the board office, plus mileage for each trip at the rate provided by rules governing travel adopted by the Office of Budget and Management.¹¹⁰

H. Withholding Compensation

The board of elections may withhold any precinct election official's compensation for failure to obey the instructions of the board or to comply with the law relating to the duties of such precinct judge.¹¹¹

I. Public Employees Retirement System (PERS)

Precinct election officials paid less than \$600 per calendar year are excluded from PERS participation.

J. Social Security and Medicare

The compensation of all elections officials who earn less than \$1,600 per calendar year is exempt from Social Security and Medicare deductions.

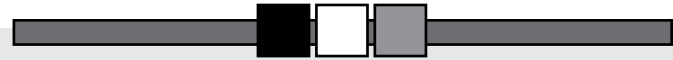
¹⁰⁸ [R.C. 3501.28](#).

¹⁰⁹ [R.C. 3501.22](#); [R.C. 3501.28](#); [R.C. 3501.36](#).

¹¹⁰ [R.C. 3501.36](#).

¹¹¹ [R.C. 3501.28](#).





K. Public Employees

State law permits a public employee (e.g., employee of the State of Ohio, a county, township, city, village, school district, etc.) to receive paid leave from the employee's employment for the purpose of being a precinct election official. In these instances, the public employee receives both the employee's regular compensation plus the compensation given for service as a precinct election official. The employee must receive authorization from his or her employer prior to confirming his or her service as a precinct election official. Local work rules and collective bargaining agreements may limit an employee's ability to serve as a precinct election official.

L. Seventeen-Year Old PEOs¹¹²

If the board of elections determines that not enough qualified electors in a precinct are available to serve as precinct election officials for any election, it may appoint as precinct election officials persons who are at least 17 years of age and are registered to vote in accordance with sections [3503.011](#) and [3503.07](#) of the Revised Code.

In addition, a board of elections, in conjunction with the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314 of the Revised Code, or the chief administrator of a nonpublic school may establish a program permitting certain high school students to apply and, if appointed by the board of elections, to serve as precinct officers at a primary, special, or general election.

A board of education, governing authority, or chief administrator that establishes a program under this division in conjunction with a board of elections may establish additional criteria that students shall meet to be eligible to participate in that program. in addition to the requirements established by [R.C. 3501.22 \(C\)\(2\)](#).

¹¹² [R.C. 3501.22\(B\)](#); [R.C. 3501.22\(C\)](#); [R.C. 3501.22\(D\)](#).





To be eligible to participate in this program the student must be a resident of the county, at least 17 years of age, and enrolled in the senior year of high school. Any student applying to participate in this program as part of the student's application process shall declare the student's political party affiliation with the board of elections. No student appointed as a precinct officer pursuant to this program shall be designated as a voting location manager. Any student participating in this program shall be excused for that student's absence from school on the day of an election at which the student is serving as a precinct officer.

In any precinct with six or more precinct officers, up to two students participating in this program who are under eighteen years of age may serve as precinct officers. Not more than one precinct officer in any given precinct with fewer than six precinct officers shall be under 18 years of age.

M. Training

Only qualified electors who have completed a program of instruction as prescribed by the Secretary of State in the rules, procedures, and law relating to elections may serve as election officials. The board should use training materials prepared by the Secretary of State. The board may also use additional materials prepared by or on behalf of the board. Unpaid volunteers may be used in conducting the training. The board may reimburse the volunteers for actual and necessary expenses incurred in participating in the program.

Note: The board may reimburse precinct election officials, at a rate determined by the board, for attending training sessions.¹¹³

1. New Precinct Election Officials

Each new precinct election official must be trained before participating in the person's first election as a precinct election official. Any program

¹¹³ [R.C. 3501.27](#).





of instruction must be scheduled within 60 days before the election in which the precinct election official will participate.¹¹⁴

2. **Previously Trained Precinct Election Officials**

Precinct election officials, other than voting location managers, who have been previously trained, need only receive instruction once every three years or when the board or Secretary of State considers the instruction necessary. Voting location managers must be reinstructed before the primary election in even-numbered years. Any program of instruction must be scheduled within 60 days before the election in which the precinct election official to be trained will participate.¹¹⁵

N. **Conduct**

The way a precinct election official conducts himself or herself at the polling location sets the tone for the voting location and serves as an example for voters. Treating voters and other elections officials with courtesy and respect is the foundation for a smooth process. If a precinct election official has patience with voter, the voter will have patience with the precinct official if problems arise.

1. **Desired Precinct Election Official Conduct:**

Precinct election officials should treat voters in a professional manner, work efficiently with each other and resolve problems so that voters can vote with ease and privacy. Precinct election official activity should not distract voters from their business at the polls.

2. **Unacceptable Precinct Election Official Conduct:**

- a. Precinct election officials may not campaign at the polling location or attempt to influence voters or other precinct election officials regarding their vote for or against a candidate or issue;

¹¹⁴ [R.C. 3501.27\(B\)](#).

¹¹⁵ [R.C. 3501.27\(B\)](#).





- b. Precinct election officials may not wear or disseminate any campaign literature or paraphernalia, including, but not limited to literature, sample ballots, slate cards, campaign badges, campaign clothing or campaign buttons;
- c. Precinct election officials may not introduce into the polling location, or use during their working time, items that might distract them from managing the polls (i.e., laptops not provided by the board of elections, newspapers, iPods or other music players, cell phones for personal use, radios, televisions, etc.);
- d. Precinct election officials may not solicit contributions for raffle tickets or sell anything at the polling location, such as baked goods, candy, crafts, etc.;
- e. Precinct election officials may not place any food or drink on the check-in table, or on or near voting equipment or supplies;
- f. Precinct election officials may not engage in any other activities identified as illegal or unacceptable according to the board of elections, the Secretary of State, or state or federal law; and

Precinct election officials may not refuse to enforce election laws, especially the laws that apply to precinct polling locations.¹¹⁶

O. Ethics

All precinct election officials (including rovers, scouts, and other similar, temporary election day positions) appointed by the boards of elections must comply with Ohio ethics laws and the provisions of the Secretary of State's Ethics Policy applicable to them. All current and future precinct election officials shall complete the Ethics Policy Acknowledgment Form ([Form 351](#)). The board of elections shall keep the completed form for the precinct election official on file at the board office.

¹¹⁶ [R.C. 3501.33](#); [R.C. 3501.35](#).





As outlined in the Secretary of State's Ethics Policy:

1. [R.C. 3501.15](#) prohibits precinct election officials from serving in any precinct where the precinct election official is a candidate on the ballot, except for unopposed candidates for a political party county central committee.
2. Precinct election officials (including rovers, scouts, or similar, temporary election workers) may not serve in any precinct in which a family member or business associate is a candidate for elected office, unless the candidate is unopposed, including no declared write-in candidates for the office.
3. Precinct election officials (including rovers, scouts, or similar, temporary election workers) shall not wear or distribute shirts, buttons, stickers, or other campaign paraphernalia for or against any candidate or issue at the office of the Secretary of State, at the office of the board of elections, or at any polling location.
4. Precinct election officials (including rovers, scouts, or similar, temporary election workers) shall not engage in any political activity while on board of elections time.
5. Precinct election officials (including rovers, scouts, or other similar, temporary election workers) should avoid actions and associations that create an appearance of impropriety, that undermine public confidence in Ohio elections officials, or that interfere with the performance of duties by Ohio elections officials.

For precinct election officials (including rovers, scouts, or other similar, temporary election workers), violations of this policy may be reported to the director or deputy director of the board of elections. Reports also may be made anonymously by mailing a written statement in a sealed envelope to the board of elections to the attention of the director or deputy director.





Violations of this ethics policy by a precinct election official (including rovers, scouts, or other similar, temporary election workers) may result in dismissal from service and no opportunities for further service as a precinct election official.

P. Voting Location Manager (VLM)

The voting location manager is the manager for the precinct polling location and is responsible for the overall conduct of the election at the precinct polling location.

The voting location manager will do the following prior to Election Day:

- Pick up any election supplies, following the board of elections' instructions;
- Check any supply container labels to make sure they are for the correct precinct, assuring not to break any seals in the process;
- Go to the polling location so that the VLM knows how to get there, can easily locate parking, and be familiar with where the voting equipment can be found;
- Contact the polling location facility about getting in to set up for the election, if this is required by the board of elections; and
- Contact the precinct election officials assigned to the precinct to confirm their commitment for Election Day and to arrange a time to set up the polling location, if this is required by the board of elections.

The voting location manager will carry out the following duties on Election Day:

- Arrive at the polling location not later than 6:00 a.m., or by the time required by the county board of elections, if earlier;





- Administer the oath of office to other precinct election officials and ensure they take and sign the oath statement, and personally sign the oath statement;¹¹⁷
- Formulate a work plan for Election Day, including work assignments, lunch schedules, and break schedules (if the county board of elections has not already done this);
- Arrange the polling location and set up voting machines as directed by the board of elections;
- Review with precinct election officials any special instructions or recent changes to instructions;
- Break the seal on the election supply container and confirm that the supplies, including ballots, are the correct supplies for the precinct or polling location;
- Before the polls open on Election Day, on the Official Precinct Voter Registration List to be posted at the precinct polling location, check off all absentee and early provisional ballot voters listed on the Supplemental Absentee List. Copies of the Official Precinct Voter Registration List are updated and posted throughout the day so that the public can see which registered voters in the precinct have voted;
- Post the Official Precinct Voter Registration List at 6:30 a.m. and post updates at 11:00 a.m. and 4:00 p.m. showing who has voted in the precinct. The general public is permitted to be in the polling location to read and take notes from these lists while the polls are open;
- Officially open and close the polls;
- Administer the oath to any duly appointed poll observers;

¹¹⁷ [R.C. 3501.31](#).





- Ensure that all campaigners and campaign materials are situated 100 feet beyond the entrance to the polling location, as marked by the U.S. flags posted outside the entrance to the polling location (even if the flags cannot be placed at 100 feet, the boundary extends to 100 feet);¹¹⁸
- Complete any necessary chain of custody procedures for voting materials;
- Return the ballots and required voting materials and supplies to the board of elections with a precinct election official, employee, or appointee of the board to whom an oath was given and who is a member of a different political party; and
- Perform any other duties assigned by the county board of elections.

Q. Bipartisan Return of Election Materials

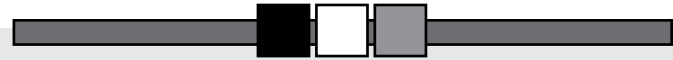
The ballots and required voting materials and supplies must be transported to the board of elections by a voting location manager with a precinct election official, employee, or appointee of the board to whom an oath was given and who is a member of a different political party than the voting location manager. Please also refer to specific transport instructions provided by your board of elections for more details.

Each board of elections must arrange for the delivery of voting equipment to polling locations prior to or on Election Day. If voting equipment will be delivered to a polling location prior to Election Day, the board must arrange for the security of the equipment at the polling location. The storage of voting equipment at a precinct election official's home, vehicle, or place of employment is prohibited, and a precinct election official must never retain custody of voting equipment overnight.

At a polling location, voting equipment must be stored in the manner recommended by the voting equipment manufacturer and in a clean and

¹¹⁸ [R.C. 3501.30](#).





climate-controlled environment. The equipment must not be stored on the ground in an area prone to flooding or where liquids accumulate.

If memory cards are inserted into the voting machines when they are delivered to a polling location or transferred to a precinct election official, the board is required to use tamper evident seals to allow detection if the memory card is tampered with while in the machine. The seal must be unique to each machine with a documented, unique identifier that corresponds to the particular voting machine. Documentation of the unique identifier for the tamper evident seal as it corresponds to a particular voting machine should be maintained on three lists. Two lists must be retained in a secure location at the board office, with one kept by the director and the other by the deputy director.

Upon set up and closing, precinct election officials must inspect all pieces of voting equipment that are assigned to their precinct for any physical damage. Precinct election officials must document the inspections on a maintenance/event log provided by the board of elections and must specifically note any signs of damage or tampering discovered on the equipment or cases used to house the equipment.

Additionally, boards of elections must use a Chain of Custody Log ([Form 400](#) or local equivalent) to document the exchange of custody of voting equipment, election supplies, and/or ballots. Boards of elections should train precinct election officials on inspection of tamper evident seals so they know what to look for when inspecting the equipment.

R. Polling Place Security and Emergency Response

Precinct election officials must maintain control over all voting equipment, keys, memory cards, ballots, and all other election supplies at all times. Any suspicious activity or damage to the equipment must be reported to the board immediately. The board must provide each voting location manager with a list of persons to contact in the event of an emergency.





Precinct election officials must be instructed that, in the event of an emergency, their first priority is the safety of the electors and other election officials. Precinct election officials should remove voting equipment, election supplies, and ballots only if it may be done safely. If any voting equipment, election supplies, and ballots are removed from a polling location, at least one (preferably two, one of each major political party) must remain with the equipment and supplies at all times.

1. **Secure Return of Ballots and Election Day Supplies**

At the close of polls, all ballots and election supplies (i.e., pollbooks, poll lists, tally sheets, election reports, and other materials) must be returned by a bipartisan team to the board of elections office or other location designated and staffed by the board. The bipartisan team must consist of the voting location manager, precinct official, employee or appointee of the board who is a member of a different political party than the voting location manager and “has taken an oath to uphold the laws and constitution of this state, including an oath that the person will promptly and securely perform the duties [of promptly and securely transporting and delivering ballots and election supplies to the board of elections].”¹¹⁹

When transporting ballots and election supplies, the bipartisan team must travel in the same vehicle. The board is permitted to have one or more additional persons, such as a law enforcement official, accompany the bipartisan team. One bipartisan team may transport the ballots and election supplies for an entire multi-precinct polling location.

¹¹⁹ [R.C.3505.31](#).





2. Other PEO General Duties

A precinct election official must perform the following duties:

- Prior to Election Day, go to the polling location to know how to get there, can easily locate parking, and be familiar with where the voting equipment can be found;
- On Election Day, arrive at the polling location not later than 6:00 a.m., or by the time required by the county board of elections, if earlier;
- Take the precinct election officials' oath of office, administered by the voting location manager and sign the oath statement;¹²⁰
- Sign the payroll sheet; and
- Conduct the election properly and lawfully.

Precinct election officials must also perform tasks assigned by the voting location manager such as:

- Assist in arranging the precinct polling location;
- Assist in opening and closing the precinct polling location;
- Assist voters, as necessary, and in a courteous and respectful manner;
- Know how to properly use the voting machines;
- Ensure the security of the voting machine(s) and all associated materials and supplies;
- Verify and sign forms as needed;
- Ensure that all campaigners and campaign materials are situated 100 feet beyond the entrance to the polling location,

¹²⁰ [R.C. 3501.31](#).





as marked by the U.S. flags posted outside the entrance to the polling location (even if the flags cannot be placed at 100 feet, the boundary extends to 100 feet);¹²¹

- Record important information as necessary;
- Post the Official Precinct Voter Registration List for the precinct at 6:30 a.m., 11:00 a.m. and 4:00 p.m.;
- Check voter ID;
- Supervise the use of Paper or Electronic Signature Poll Book(s) and check-in voters;
- Make sure voters are correctly issued regular or provisional ballots; and
- Perform any other duties as assigned by the county board of elections.

3. Oath

On or before Election Day, each precinct election official must execute the following oath of office:

State of Ohio, County of _____, ss: I do solemnly swear that under the penalty of perjury that I will support the Constitution of the United States of America and the Constitution of the State of Ohio and its laws; that I have not been convicted a felony or any violation of election laws; that I will discharge to the best of my ability the duties of PRECINCT ELECTION OFFICIAL in and for Precinct _____ in the County of _____ (Township) or (Ward and City or Village) _____, in the election to be held on the _____ as required by law and the rules and

¹²¹ [R.C. 3501.30.](#)





instructions of the Board of Elections of said county; and that I will endeavor to prevent fraud in such election, and will report immediately to said Board any violation of the election laws which come to my attention, and will not disclose any information as to how any elector voted which is gained by me in the discharge of my official duties.

SECTION 1.06 ELECTION ADMINISTRATION PLANNING

A. Election Administration Plans

Each board of elections must submit an Election Administration Plan (EAP) to the Secretary of State's Office 60 days before each statewide presidential primary election and 120 days before each statewide general election in even-numbered years.

An EAP template for use by each board of elections is provided in Chapter 15 of this Manual. To promote consistency in plan content and format among all 88 county boards of elections, each board must use this template when drafting its plan. Additional information beyond the categories in the template is acceptable, so long as the additional information is provided as an addendum and not comingled with the response to the template categories.

Detailed election administration planning is something that each board of elections should do prior to any election, not just federal or statewide elections. The EAP template pinpoints the most important election administration action-items for consideration in building the EAP to execute each election. Look at the EAP process not just as a critical planning exercise, but also as an opportunity for continuous process improvements.

In order to assist this office with the processing of public records requests, each county must submit its EAP electronically, as one unrestricted PDF. Additionally, each county must submit a second electronic file of the same document, also as an unrestricted PDF, with specified portions redacted as





may be permitted under Ohio's public records laws. Each redaction must cite to the relevant legal authority and be reviewed and approved by your prosecuting attorney. This office will use the second, redacted electronic file to respond to public records requests for copies of an EAP.

Additional information, including the template for the EAP, is included in [Chapter 15](#).

B. Contingency Plans

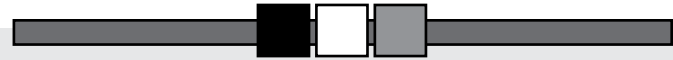
Experience teaches that a variety of problems, natural and man-made, may occur on an Election Day. There is no constitutional or statutory provision to postpone or suspend an election in the event of severe weather (flood, blizzard, tornado).

The only provision for postponing an election is set forth in [R.C. 161.09](#), which states as follows:

In the event of an emergency resulting from enemy attack, the governor, his successor, or interim successor, shall, when in his judgment the public interest requires, postpone any state or local election for a period not exceeding six months. When, because of conditions resulting from an enemy attack, a scheduled election is not held or scheduled appointments cannot be made, the elected or appointed incumbents of affected offices, or their emergency interim successors, shall continue to hold office until their successors are elected or appointed and duly qualified.

The board should consult with appropriate public officials and agencies to coordinate contingency plans appropriate to a given situation and adopt plans that comply with the Homeland Security Act so that election officials will be prepared to act in the face of a disturbance at any polling location in the county.





Contingency planning is part of a board's Election Administration Plan. For elections in which an EAP is not required, each board needs to have a contingency plan in place.

SECTION 1.07 SECURITY

A. Security of the Board Office

Each board of elections is required to adopt a policy regarding the overall security of its office. When adopting its security policy, a board must consider, at minimum, the following:

1. How it can best prevent unauthorized access to the board office;
2. How board staff will register and supervise visitors;
3. How the board can restrict access to those areas of its office that house voting equipment, election materials, and its tabulation and voter registration servers;
4. How will the board regularly audit its records and procedures to ensure they are being followed; and
5. If there is a violation of the security policy, what is the reporting process?

B. Secure and Proper Storage of Voting Equipment

In addition to adopting a policy to address the overall security of the board office, each board of elections must adhere to the following guidelines in storing voting equipment at its office or other designated site whenever the equipment is not in use.

1. To prevent damage and maintain the integrity of the equipment, each board of elections must store its voting equipment properly in a secure, clean, and climate-controlled area.





2. Physical security of voting equipment in the storage area must be maintained at all times. Access to the equipment should be limited to the least number of board personnel as possible.
3. All equipment, along with the cases, cabinets, and/or shelving units that house the equipment, must be locked under a dual-control lock system, such that any access to the equipment requires a bipartisan team. The director or designee of the same political affiliation must hold one key or lock combination and the deputy director or designee of the same political affiliation must hold the other key or lock combination.
4. The identification of any visitor, vendor, or maintenance personnel must be verified before he or she may be granted access to the equipment storage area. The board must keep a log of the name of each visitor, vendor, or maintenance person who enters the area, along with the date and time of his/her entry and exit. Visitors should be monitored at all times. The best method for access control is one that uniquely identifies the person, authorizes entry, and logs the date and time of access (i.e., badges, door entry access devices, and video monitoring system).
5. The storage area must be equipped with a monitored, alarmed smoke detection system and the proper fire extinguisher(s) or suppression system, so, if a fire occurs, it may be detected, extinguished, or suppressed as quickly as possible. Board personnel must be trained on how to respond to a fire in the storage area.
6. All voting equipment must be stored properly. Each board must contact the manufacturer of its voting equipment and request and review the voting equipment or system manual for instruction on the proper storage of the equipment. Please note that improper storage of the equipment may affect the voting system maintenance agreement and/or the equipment's warranty.





7. The storage area must be clean and free of excess dust, debris, and pests. The board should routinely inspect and clean the area. Voting equipment must not be stored on the ground in an area prone to flooding or in any area where liquid accumulates.

C. Inventory of Voting Equipment

The board must inventory all of its voting equipment and maintain a list of each item of equipment and its corresponding serial number. Additionally, for each piece of equipment, the board must retain the following:

1. Invoice, purchase order, or other documentation of the purchase of the equipment;
2. Chain of Custody Log for at least 90 days following every election;
3. Record of the equipment's usage (i.e., the date and location of use and the individual(s) using the equipment);
4. A report of any damage to or unauthorized handling of the equipment; and
5. Any repair history (when, where, by whom, for what purpose, and the outcome) and documentation of the repair.

The inventory list must be maintained and reviewed on a regular basis by the board's director and deputy director.

D. Secure and Proper Storage of Ballots and Election Data Media

For purposes of this section, ballots and election data media includes, but is not limited to the following:

- Optical scan ballots prepared by a vendor or printed in house by the board for use in an upcoming or previous election;
- Blank ballot stock for a Ballot on Demand (BOD) printer;
- All memory cards or PCMCIA's;





- CDs or USB drives that house election results;
- VVPATs;
- Personal Electronic Ballot cartridges; and
- eCM tokens.

When not in use, all ballots and election data media also must be stored properly in a clean and climate-controlled environment that is equipped with a monitored, alarmed smoke detection system, and the proper fire extinguisher(s) or suppression system following the guidance provided above for the storage voting equipment. These items must not be stored on the ground in an area prone to flooding or in any area where liquid accumulates. Food and beverages should never be stored or consumed within the storage area.

Access to ballots and election data media must be restricted to authorized personnel only. These items should be segregated and stored in a separate, locked room or storage unit (e.g., cabinet) designated for that purpose. As with voting equipment, ballots and election data media must be locked under a dual-control lock system. An explanation of a dual-control lock system is provided above under “Secure and Proper Storage of Voting Equipment.” ([Page 108](#))

Ballots must be stored as recommended by the printer (or, if storing blank ballot stock, as recommended by the manufacturer of the blank ballot stock). They must be stored in protective cases, containers, or if recommended by the printer or manufacturer, in their original packaging.

Election data media should be stored in a sleeve or case and should be marked so that each item is easily identifiable.





E. Inventory of Ballots

The board must inventory all ballots by implementing the following procedures:

1. If optical scan ballots are printed by an outside source, the board must maintain a list of the ballot styles and the number of ballots for each style that are delivered to the board by the printer. The board must document any discrepancy between what was ordered and what was received and the steps taken to rectify the discrepancy. The board must also maintain a list of the sequence numbers of the ballots received, the number and sequence number range of the ballots that will be provided to each precinct, and number and sequence number range of the ballots for absentee and provisional voting. The board must document the disposition of each ballot (i.e., voted, unvoted, or spoiled).
2. If optical scan ballots are printed in house via a BOD printer, the board must document the use of each sheet of blank ballot stock.¹²²

A Chain of Custody Log must be used to document the delivery of optical scan ballots to each precinct.

F. Security of Voting System and Tabulation Programs/Software

No voting machine¹²³ or component of a voting system may be connected to the internet. A voting system includes the total combination of mechanical, electromechanical, and electric equipment, including software or firmware required to program, control, and support the equipment that is used to: set up elections, define ballots cast, receive voting data from polling locations, count votes, report or display election results, and maintain and produce any audit trail information. The board's voter registration server is not

¹²² No board of elections shall use a ballot-on-demand system unless each ballot printed by the system includes a tracking number. [R.C. 3506.20\(B\)](#).

¹²³ [R.C.3506.22](#).





considered a voting machine or component of a voting system for purposes of this section.

Voting machines or components of a voting system may only be connected via a local computer network cable to the central tabulating system (a closed local network) for the purpose of creating or uploading memory cards, ballots definitions, precinct results, and other required tasks. Additionally, voting machines in a polling location may be connected to a closed local network.

Election results, ballot definitions, or other similar information must never be transferred to a voting system via the internet (except that blank ballots may be transmitted to a UOCAVA voter via the internet or facsimile).

No one may download or install software or firmware on a voting machine or components of a voting system without prior approval from the Secretary of State's Office.

G. Passwords

In order to maintain the proper security of the voting equipment and central tabulating system the following password protocols must be used:

- A BIOS password shall be required for all vote tabulation sever systems, forcing users to enter a correct BIOS password in order to boot the machine.
- All central tabulating systems must be password protected. At a minimum the passwords must be composed as follows:
 - The password must be split with authorized Republican personnel possessing half of the password and authorized Democratic personnel possessing the other half of the password;
 - The entire password must be at least 12 characters or the minimum number that the system will accommodate, whichever is greater;





- Each half of the password must have a number included in it;
 - Each half of the password must include one non-alphanumeric character;
 - Each half of the password must include mixed-case letters; and
 - The entire password must have no more than two consecutively repeating characters.
- Both the BIOS and central tabulating system software passwords must be changed prior to every election.
 - Both the BIOS and central tabulating system software passwords must require 10 unique passwords prior to reuse of a prior password.
 - Both the BIOS and central tabulating system passwords shall be distributed to only authorized users. This means that the posting of the either half of a password on a monitor or keyboard is strictly prohibited.
 - The system shall log out users after five minutes of inactivity.

H. User Account Management

For all IT systems containing voter information and central tabulating systems, boards of election must require every user to have a single unique user ID and a personal password unique to that user. This ID and password must be required for multi-user access to computers and networks.

I. Access Log

Directors and deputy directors shall regularly monitor the access logs maintained by their election management systems and voting system servers. When checking these logs, directors and deputy directors should look for any unusual or suspicious access or activity on the system. Examples of this kind of activity would be accessing the systems at unusual hours and with unusual frequency. Electronic logs must not be disabled.





J. Third Party Access to Voting System

Board policies on voting system server security must prohibit individuals who are not employees, contractors, or consultants of the board of elections or Secretary of State's Office from being granted a user ID or otherwise be given privileges to access any network or component of the election system within the board offices or at a satellite location, unless the written approval of both the board's chairman and director have been obtained.

Before providing to any third party access to any network or component of the election system within the board's offices or at a satellite location, written documentation defining the following shall be executed: the scope of work and authorization for access to any network or component of the election system within the board offices or at a satellite location; relevant terms, including the name of a responsible manager at the third party organization; and the timeframe, with starting and ending dates and times, if applicable, for access.

SECTION 1.08 LEGAL COUNSEL

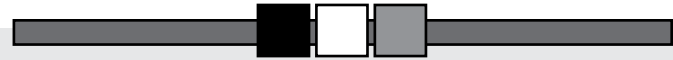
A. County Prosecuting Attorney

Under Ohio law, the county prosecuting attorney is legal counsel to the board of elections.¹²⁴ The board may solicit written opinions or instructions from the prosecutor in matters connected with the board's official duties, and the prosecutor must prosecute all actions the board directs and defend all suits to which the board is a party. The board may not employ any other legal counsel or attorney at the expense of the county, except with approval of the county commissioners and the court of common pleas.¹²⁵

¹²⁴ [R.C. 309.09.](#)

¹²⁵ [R.C. 305.14.](#)





B. Municipal Legal Counsel

Municipalities (cities and villages) have their own legal counsel, such as a city attorney, law director, or village solicitor. In a charter municipality, the legal counsel of the charter city or village is the primary authority for interpreting the provisions of the municipality's charter.

Generally, the board will defer to a charter municipality's interpretation of its charter's provisions. However, the board has an independent duty to fulfill its responsibilities under the election laws, and should consult its legal counsel, the county prosecuting attorney.

C. Secretary of State

As the state's chief election officer, the Secretary of State is vested with duties and powers relating to election administration, including voter registration and the conduct of elections.¹²⁶ Consequently, the Secretary issues instructions to the board on the proper methods of election administration, including but not limited to, registering voters, maintaining, correcting and updating voter registration records, and conducting and canvassing elections

The elections attorneys on the Secretary of State's staff are legal counsel to the Secretary. At the Secretary's request, the elections attorneys are available to clarify the guidance the Secretary provides to county boards of elections through Directives, Advisories, and other communications. However, the elections attorneys cannot offer legal advice on a board's fact-specific situation since the board's statutory legal counsel is the county prosecutor.

D. Conflicting Opinions

The board often consults the Secretary of State's Office for guidance at the same time it consults the prosecuting attorney for legal advice on a particular issue facing the board. The Ohio Supreme Court has held that,

¹²⁶ [R.C. 3501.04](#); [R.C. 3501.05](#).





“when an election statute is subject to two different, but equally reasonable interpretations, the interpretation of the Secretary of State, the state’s chief election officer, is entitled to more weight.”¹²⁷

E. Election-related Law Enforcement Duties of Sheriff

The members and employees of the board of elections are essential personnel for the conduct of every election. They must be allowed to perform their legally prescribed duties in a timely fashion to ensure the fair, orderly, efficient, and transparent administration of the election.

Election officials are charged with preventing violence and disorder at the polls and may call upon the sheriff or other peace officers to aid them in enforcing the law, including the arrest of violators.¹²⁸ The sheriff has a statutory duty to respond immediately to such a request.¹²⁹

Further, Ohio Revised Code Section 3501.34 provides as follows:

The officer or authority having command of the police force of any municipal corporation or the sheriff of any county, on requisition of the board of elections or the Secretary of State, shall promptly detail for service at the polling location in any precinct of such municipal corporation or county such force as the board or Secretary of State considers necessary. On every day of election such officer or authority shall have a special force in readiness for any emergency and for assignment to duty in the precinct polling locations. At least one policeman shall be assigned to duty in each precinct on each day of an election, when requested by the board or the Secretary of State. Such police officer shall have access at all times to the polling location, and he shall promptly place under arrest any person found violating any provisions of Title XXXV of the Revised Code.

¹²⁷ *State ex rel. Herman v. Klopfleisch*, 72 Ohio St.3d 581, 586 (1995).

¹²⁸ [R.C. 3501.33](#).

¹²⁹ [R.C. 3501.33](#); [R.C. 3501.34](#).





No officer of the law shall fail to obey an order of a voting location manager of a polling location requesting aid in the enforcement of election laws.¹³⁰

Ohio's election laws prohibit a person from hindering or delaying a voter as he or she attempts to enter or leave a polling location. The statutes that prohibit interfering with the conduct of elections are Ohio Revised Code Sections [3501.35](#), [3599.24](#) and [3599.26](#). Additionally, no one may loiter or solicit voters within the designated area outside of a polling location.¹³¹

On Election Day, a board of elections may call upon the Sheriff to keep the polls open, to transport ballots, or to assist voting location managers. On Election Night, the Sheriff may be contacted by election authorities, including representatives of the Secretary of State's Office, to secure ballots and other elections-related records, equipment, and supplies.¹³²

In the event that the Sheriff is requested to help secure ballots, the Sheriff and his or her deputies should assist the board of elections in making sure that all ballots and election materials are locked in a safe place with double locks securing the door of the place in which they are stored. One key should be left in the possession of the director of the board of elections or a board member of the same political party as the director. The key to a second lock should be left in the possession of the deputy director or a board member of the opposite political party as the director. Any additional or duplicate keys should remain in the possession of the persons with control of the original keys. This double lock system will ensure that access to the ballots and other election materials is not controlled by any particular political party.

¹³⁰ [R.C. 3599.31](#).

¹³¹ [R.C. 3501.30](#); [R.C. 3501.35](#).

¹³² If the office of Sheriff is on the ballot, to avoid appearance of impropriety, the Sheriff should send a deputy or another representative who is not a candidate on the ballot.

