



ADVISORY 2022-03

July 14, 2022

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

Re: House Bill 377 and Changes to Election Worker Exclusion from PERS

BACKGROUND

This advisory alerts boards of elections to changes in the administration of elections resulting from the passage of [House Bill 377](#) ("H.B. 377"). More specifically, H.B. 377 changes Ohio's law excluding certain election workers from the Public Employees Retirement System ("PERS"). The change in law takes effect on September 27, 2022. This bill, successfully advocated for by Secretary LaRose, builds upon the Secretary's efforts to boost poll worker recruitment by using innovative and commonsense solutions to incentivize civic participation.

SUMMARY

Under continuing law, a person who is employed as an election worker and paid less than \$600 during a calendar year is not considered a public employee and is thus excluded from PERS membership.¹ "Election worker" is defined by PERS administrative rule as "an individual who performs services as a precinct election official or voting location manager for the board of elections for a day the election polls are open and training or preparation for such service."² Note that the \$600 limit applies to compensation for service on Election Day *and* training. H.B. 377 amends the law so that in calendar years when more than one primary election and one general election are held, election workers are not considered public employees if they are paid \$600 plus an amount not to exceed \$400 (up to \$1,000 total) for their service.³

H.B. 377 takes effect on September 27, 2022 and will be in effect for the November 8, 2022 General Election. Therefore, precinct election officials who served in both the May 3, 2022 and August 2, 2022 primaries and the November 8, 2022 General Election will be excluded from PERS membership, so long as they are not paid more than \$1,000 total for their service during the 2022 calendar year.

Please share this Advisory with your legal counsel, the county prosecuting attorney, and the county auditor before the November 8, 2022 General Election. Boards should share this information publicly while recruiting precinct election officials. The change in law could enable PERS retirees to serve in all three elections this year without impacting their retirement benefits and access to health care. If you have any questions regarding this Advisory, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,

A blue ink signature of Frank LaRose, written in a cursive style. Below the signature, the name "Frank LaRose" and the title "Ohio Secretary of State" are printed in a black serif font.

Frank LaRose
Ohio Secretary of State

¹ [R.C. 145.012\(A\)\(5\)](#).

² [O.A.C. 145-1-44](#).

³ R.C. 145.012(A)(5) as amended by [H.B. 377](#).