

DIRECTIVE 2010-02

January 12, 2010

To: ALL COUNTY BOARDS OF ELECTIONS

Re: Minimum Qualifications for Directors and Deputy Directors of Boards of Elections

In an effort to ensure qualified and competent Directors and Deputy Directors of boards of elections, the Ohio Secretary of State hereby sets forth minimum qualifications for persons to be appointed as Directors and Deputy Directors of boards of elections. This directive supersedes Directive 2007-01.

MINIMUM QUALIFICATIONS OF DIRECTORS AND/OR DEPUTY DIRECTORS OF BOARDS OF ELECTIONS

Accordingly, the following constitute minimum qualifications for directors and deputy directors of boards of elections. "Minimum qualifications" are attributes that must be present in a candidate to be hired for the position of Director and/or Deputy Director of a board of elections. These minimum qualifications are to be used for filling vacancies in the position of Director and/or Deputy Director that exist on or after the date of this directive.

For reorganizations of boards of elections under R.C. 3501.09, these minimum qualifications shall be considered desired attributes for selecting Directors and Deputy Directors of boards of elections. However, if the application of these minimum qualifications would result in the demotion or dismissal of a Director and/or Deputy Director who is employed by the board at the time this directive is issued, these minimum qualifications shall be used as a basis for requiring the Director and/or Deputy Director to obtain at the expense of the board, education and training in the areas needing improvement for the Director and/or Deputy Director to attain these minimum qualifications.

MINIMUM QUALIFICATIONS:

Education:

A candidate for Director and/or Deputy Director of a board of elections must possess at least a high school diploma or the attainment of the equivalency of a high school diploma (GED). College level education is desired, but specialized training and/or certification in the various aspects of election administration is to be most favored in evaluating the educational background of applicants.

Election related experience and skills:

- Operating voting machines used in the county and other automated office equipment;
- Comprehension of successful and efficient database management, including cooperating with Ohio Secretary of State on the statewide registered voter database;
- Using, interpreting and applying election law terminology and language;
- Assisting any person, without regard to that person's political affiliation, who asks the board office for information which is within the scope of the board's jurisdiction, including public records requests;
- Receiving and implementing assignments and instructions from board members and Secretary of State's office;

- Performing all other duties as assigned, delegated or required of the Director or Deputy Director, including those prescribed by law, rule or directive.

General managerial experience and skills:

- Possession of effective written and interpersonal communication abilities;
- Strong organizational skills and attention to detail;
- Familiarity with human resources policies and practices, including familiarity with equal opportunity employment practices;
- Familiarity with the handling of budgets and public appropriation of funds;
- Ability to convey or exchange information including giving assignments or direction to board personnel;
- Ability to be adaptable and to perform in a professional manner under stressful or emergency situations;
- Ability to comprehend a variety of informational documents;
- Ability to conduct self at all times in a professional and courteous manner.

ADVERTISEMENTS FOR APPLICANTS FOR POSITIONS OF DIRECTOR AND/OR DEPUTY DIRECTOR OF BOARDS OF ELECTIONS:

When a vacancy is pending or exists in the position of Director and/or Deputy Director of a board of elections, the board shall advertise the position for at least a period of one week in at least the newspaper of largest general circulation in the county in which the board is located. All advertisements for appointment of a Director and/or Deputy Director of a board of elections shall indicate that the board of elections is an equal opportunity employer and that the applicant is subject to a criminal background check. Boards of elections shall supply advertisements and job descriptions for the positions of Director and/or Deputy Director to the Secretary of State upon placing newspaper advertisements for the position(s) to enable the Secretary of State to disseminate the advertisement among the various boards of elections and for public review on the Secretary of State's website.

CRIMINAL BACKGROUND CHECKS AND QUESTIONNAIRES

All new Directors and Deputy Directors¹ who are appointed by boards of elections after the date of this directive must undergo a criminal background check that will be facilitated by the Secretary of State's office. In addition, all candidates for Director and Deputy Director (regardless of whether the person is currently the Director or Deputy Director of the board of elections) must complete a questionnaire (Form No. 305) prior to being appointed or reappointed to the position of Director or Deputy Director. The questionnaire requests information related to any misdemeanor or felony convictions regardless of whether such conviction has been expunged, sealed, or subject to a pardon. This information about criminal convictions bears a direct and substantial relationship to the position of Director and Deputy Director of a board of elections because of the need for public confidence in the integrity of election officials.

The board shall forward a completed Form 305 for the top one or two candidates for Director and for Deputy Director to the Secretary of State's office to facilitate the criminal background check. The form should be submitted promptly so that the criminal background check may be conducted in an expeditious manner. Completed forms should be sent to:

¹ New Directors and Deputy Directors are those individuals who do not hold the position of Director or Deputy Director of the county board of elections as of the date of this directive. Anyone who holds the position of Director or Deputy Director of the county board of elections as of the date of this directive is not subject to a criminal background check but must complete a questionnaire (Form 305).

Ohio Secretary of State Elections Division,
Attention: Myra Hawkins,
PO Box 2828
Columbus OH 43216.

A new Director or Deputy Director for whom the criminal background check is not complete may be conditionally sworn into office and begin to carry out the duties of the position to which he or she has been sworn until the background check is complete. If the background check reveals no convictions, then the Director or Deputy Director shall be sworn in again.

In the event the background check reveals any convictions, whether or not expunged, sealed, or pardoned, the board of elections must make an affirmative determination by a vote of a majority of board members in a public meeting that the nature of the conviction does not affect the public trust in the election process in the county if the board of elections determines that it wishes to hire or maintain the person in the position of Director or Deputy Director. However, any convictions of crimes that involve dishonesty, false statements, or fraud are convictions of a nature that affect the veracity of a person and should be carefully examined by a board of elections before selecting or continuing to employ the Director or Deputy Director for whom they exist. **Additionally, any criminal convictions of Ohio or federal statutes involving elections or ethics laws, whether or not expunged, sealed, or pardoned, disqualify an individual from serving as a Director or Deputy Director of a board of elections.** After an affirmative vote of a majority of the board members as described in this paragraph, the Director or Deputy Director shall be sworn in again.

EVALUATING CANDIDATES FOR DIRECTOR AND/OR DEPUTY DIRECTOR OF BOARDS OF ELECTIONS:

All boards of elections, when appointing Directors and Deputy Directors, shall give priority to candidates holding previous elections administration experience. When evaluating candidates for Director and/or Deputy Director, boards of elections shall use standardized criteria based on the minimum qualifications set forth above, along with a scoring system based on answers to standardized questions relating to such minimum qualifications. Such a scoring system shall separately score education from prior work experience and as to prior work experience shall weight election related experience and skills at least fifty percent more than general managerial experience and skills. This is especially important in light of the constantly changing nature of the administration of elections in Ohio and nationally.

Candidates for Director and/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. Candidates for Director and/or Deputy Director may be required to demonstrate their abilities in operating voting machines as part of the board's evaluation process.

In the event no candidates for Director and/or Deputy Director of a board of elections possess all the minimum qualifications for the position, the board of elections shall evaluate the candidates according to the instructions for evaluating candidates for Director and/or Deputy Director of boards of elections as if all minimum requirements had been met by the candidates under consideration.

BOARD MEMBERS UNABLE TO AGREE ON DIRECTOR AND/OR DEPUTY DIRECTOR

R.C. 3501.09 provides that the Director of a board of elections shall be selected "by the votes of at least three members" of the board of elections. However, that statute also provides that, "If, after five ballots, no person is agreed upon as director, the names of all persons voted for on the fifth ballot, together with the names of the board members who nominated them, shall be certified to the secretary of state." If the board is unable to agree on a candidate for Director, it shall continue to vote on the matter until it votes five (5) times, and all such votes shall occur at a single meeting.

In the event that no nominee for Director of a board of elections receives the statutorily required three affirmative votes upon the fifth ballot, the members of the board of elections shall forthwith submit the matter in writing to the Ohio Secretary of State, who shall select the Director in accordance with the Secretary of State's statutory authority.

In the event of a tie vote by a board of elections on the appointment of a Deputy Director of the board, the board shall forthwith submit the tie vote in writing to the Ohio Secretary of State, who shall select the Deputy Director in accordance with the Secretary of State's statutory authority. The board of elections is not required to vote five (5) times on the selection of a Deputy Director before submitting the tie vote to the Secretary of State.

JOB DESCRIPTIONS FOR DIRECTORS AND/OR DEPUTY DIRECTORS OF BOARDS OF ELECTIONS:

Descriptions of the duties of a Director and/or Deputy Director of a board of elections shall contain at least the following minimum duties:

- Prepare and conduct all primary, general and special elections held in the county;
- Process, evaluate and report election results;
- Recruit and train precinct election officials;
- Supervise the processing of voter records;
- Keep a full and true record of the proceedings of the board and all moneys received and expended;
- File and preserve in the board office all orders, records, and reports pertaining to the administration of voter registrations and elections;
- Prepare the minutes of board meetings;
- Audit campaign finance reports;
- Calculate charge backs to political subdivisions;
- Assist local liquor option petitioners;
- Receive and have custody of all books, papers, and property belonging to the board;
- 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;
- Review all directives, advisories, memoranda, correspondence and materials issued by the Secretary of State and take action as required by those communications;
- Assist the board in drafting and implementing lawful personnel policies and procedures;
- Supervise and instruct board employees, assign work, coordinate activities, make recommendations concerning hiring, responsibilities, compensation, discipline, and discharge of board employees;
- Develop an annual budget and monitor the board's budget and payroll;
- Maintain and submit an annual report of consumable inventory.

OTHER REQUIREMENTS OF DIRECTORS AND DEPUTY DIRECTORS OF BOARDS OF ELECTIONS:

Directors and Deputy Directors of boards of elections must be registered to vote in the State of Ohio within thirty (30) days of their employment at a board of elections.

As provided in the Secretary of State's Ethics Policy adopted by Directive 2007-35, Section II.C., no board of elections may hire the family member of a board of elections member, Director, or Deputy Director for the position of Director or Deputy Director except for those individuals who were already hired as Directors or Deputy Directors prior to February 20, 2007. "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.

All new Directors and Deputy Directors must comply with the Secretary of State's Ethics Policy and must complete Form 350 and file a copy of the completed form with the Elections Division of the Secretary of State's office.

If you have questions about this directive, please contact the Elections Administrators at 614-466-2585.

Sincerely,

Jennifer Brunner