

Directive 2010-103 (Formerly SOS 2/14/1995 Memorandum)

December 29, 2010

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

Re: Board Member Training Requirements and Director and Deputy Director Training Requirements

Through continued collaboration between Ohio Secretary of State staff and Ohio Association of Election Officials (OAEO) members in a bipartisan workgroup, the previously issued (during previous administration of Secretary of State's office) and entitled, "Rules Establishing Board Member Training and Rules Establishing Director and Deputy Director Training" have been revised and renamed "Board Member Training Requirements and Director and Deputy Director Training Requirements" to meet the increased need for training opportunities for Ohio's local election officials. All board of elections members, directors and deputy directors must meet these requirements to ensure uniformity in providing the voters of this state with equal opportunity to exercise their rights to vote and to ensure a transparent and accountable election process in which voters have confidence.

The original training "rule" for board members was adopted in 1994, and the original "rule" for directors and deputy directors was adopted in 1995. These "rules" were adopted pursuant to R.C. 3501.27(D) which requires the Secretary of State to establish an instruction program concerning election procedures and laws for board of elections members, directors and deputy directors. As such, the previous "rules" were not administrative rules adopted pursuant to R.C. 119, but rather, requirements for training imposed by memorandum issued under R.C. 3501.05.

In developing changes to the state's required board member and director and deputy director training program, the Secretary of State's office worked with the assistance of a bipartisan workgroup of local election officials that reviewed and discussed the training requirements with representatives of the Secretary of State's office. It is the understanding of our office that the bipartisan workgroup that reviewed these rules believes that the requirements contained therein are fair and will increase the level of professionalism among the board members, directors and deputy directors in the performance of their duties. Therefore all board of elections members, directors and deputy directors are directed to adhere to these requirements for training.

The Secretary of State's office is committed to continuing to research and implement best practices for elections administration, along with new and improved training opportunities for all county boards of elections members, directors, deputy directors and office staff to obtain and broaden their knowledge in the administration of elections in a professional manner that optimizes voter confidence and participation. For your convenience, copies of the revised local election official training requirements are attached to this directive.

If you have any questions concerning this directive, please contact an elections administrator at 614-466-2585 or via e-mail.

Sincerely,

Jennifer Brunner

***Director And Deputy Director Training Requirements
(as revised December 29, 2010)***

These training requirements adopted this 29th day of December, 2010, pursuant to R.C. 3501.27 (D) constitute revision to the previously issued 1995 “rules” and are subject to further modification and amendment pursuant to R.C. 3501.05 and 3501.27.¹

(A) Definitions

1. Newly appointed director or deputy director – A person appointed as a director or deputy director of a board of elections who: a) has never previously served as a board of elections director or deputy director; or b) who previously served as a 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 (4) or more consecutive years.
2. Incumbent or reappointed director or deputy director – A person appointed as a director or deputy director of a board of elections who: a) has previously served in either of these positions and will continue in that role with no break in service as a director or deputy director; or b) had a break in service as a director or deputy director for less than four (4) consecutive years.

(B) Commencement

These training requirements apply to all newly appointed and incumbent or reappointed directors and deputy directors who are appointed on or after March 1, 2012.

(C) Newly Appointed Director or Deputy Director

Within six (6) months of appointment, a newly appointed director or deputy director shall attend and complete a minimum of six (6) hours of formal instruction, “New Directors and Deputy Directors Instruction Program,” regarding the duties of a director or deputy director of a board of elections sponsored by the Secretary of State’s office. The New Directors and Deputy Directors Instruction Program shall be conducted at locations designated by the Secretary of State, and the program shall be prepared, offered and approved by her/him. Upon completion of the New Directors and Deputy Directors Instruction Program, each new director or deputy director shall be issued a certificate of completion by the Secretary of State. A newly appointed director or deputy director shall be required to receive an additional six (6) hours of training within the

¹ R.C. 3501.27(D) provides as follows:

(D) The secretary of state shall establish 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’s 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.

first full year of her or his appointment, for a total of twelve (12) hours during her or his first year of service.

(D) Incumbent and Reappointed Directors or Deputy Directors

Each incumbent or reappointed director or deputy director shall be required to attend and complete a minimum of eight (8) hours of formal instruction annually, on a calendar year basis. For newly appointed 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 (6) hours of instruction in (C) above are received during the first full calendar year of a newly appointed director or deputy director's service, those six (6) hours may be counted toward the minimum of eight (8) hours of formal instruction annually for such director or deputy director.

In the event a director or deputy director exceeds the required minimum of eight (8) hours of formal instruction, 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 directors or deputy directors may attend the New Directors or Deputy Directors Instruction Program to help meet their instructional requirements.

On or before February 28, 2012, and thereafter on or before January 31st of each year, each incumbent or reappointed director or deputy director shall be given a letter from the Secretary of State's office certifying the number of hours of qualifying instruction attended during the previous calendar year.

(E) Approved Programs of Instruction

1. The following sponsored programs of instruction may be used to obtain the required instruction as is required by R.C. 3501.27, concerning the duties of a director or deputy director for the administration of Ohio elections:
 - a. Secretary of State's office: (New Directors or Dep. Directors Instruction Program, with at least 6 credit hours required.) This training will be offered at least twice per year. Experienced board of elections members, directors, and deputy directors may be invited to participate as presenters.
 - b. Secretary of State's office: Training for incumbent and reappointed directors and deputy directors provided through specific training sessions, regional conferences, seminars, webinars and other instruction programs, including Secretary of State's Summer Conference.
 - c. Ohio Association of Election Officials (O.A.E.O.): Training for incumbent and reappointed directors and deputy directors through specific training sessions, regional conferences, seminars and other instruction programs, including

O.A.E.O Winter Conference, with pre-approval of instructional sessions or courses offered, based on length and information contained in the instructional program.

- d. Instructional sessions offered by state and federal elections organizations, such as International Association of Clerks, Records, Election Officials and Treasurers

(IACREOT), National Association of State Election Directors (NASSED), National Association of Election Officials, Election Center, National Association of County Officials, and the Federal Elections Commission (FEC), or Bar Associations or other continuing legal education program providers with credit hours to be determined by the Secretary of State, based on length and relevancy to Ohio election administration contained in the instructional program. To obtain credit, the subject matter offered at the conference or program must directly deal with substantive issues of election law or procedure applicable to Ohio election administration, and a request for credit must be submitted to the Secretary of State's office along with documentation of program content. Approval and the number of credit hours given shall be determined by the Secretary of State on an individual basis.

2. Regional Meetings Conducted by Boards of Elections

All directors and deputy directors are encouraged to attend regional meetings that are conducted by a county board of elections. However, attendance at these meetings does not count towards a director's or deputy director's yearly instructional requirements unless the content of the meeting has educational value and the number of credit hours has been given prior approval by the Secretary of State's office.

3. Credits for Preparation and Teaching

The Secretary of State may approve instructional credit for directors or deputy directors who participate materially in the preparation and teaching of programs of instruction concerning the rules, procedures and laws relating to elections. Such credit shall be given in the form of two (2) hours credit for each one (1) hour of teaching. In addition the Secretary of State may approve for instructional credit for other activities and projects, including, but not limited to, writing and publishing articles on election related matters. Such approval and the number of credit hours shall be granted on a case by case basis.

(F) Exemption

An exemption from all or any part of the 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.

(G) Enforcement

Failure of a newly appointed director or deputy director to meet the training requirements within one (1) year following his/her appointment or the failure of any incumbent to fulfill the requirements in any one (1) calendar year will result in a letter from the Secretary of State advising the members of the board of elections of the failure of the election official to comply with the training requirements. The board shall take action to enforce the training requirements and promptly report action taken to the Secretary of State.

(H) Miscellaneous

No registration fee will be charged to participants in the New Director or Deputy Director Instruction 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.

Board of Elections Member Training Requirements *(as revised December 29, 2010)*

These training requirements adopted this 29th day of December, 2010, pursuant to R.C. 3501.27 (D) constitute revision to the previously issued 1994 “rules” and are subject to further modification and amendment pursuant to R.C. 3501.05 and 3501.27.

(A) Definitions

1. Newly appointed board member. A person appointed as a member of a board of elections who: a) has never previously served as a member of a board of elections; or b) who previously served as a member of a board of elections but has had a break in service as a member of a board of elections for at least four (4) or more consecutive years.
2. Incumbent or reappointed board member. A person appointed as a member of a board of elections who: a) has previously served in the position and will continue in that role with no break in service as a member of the board of elections; or b) had a break in service as a member of the board of election for less than four (4) consecutive years.

(B) Commencement

Board of election members who are newly appointed or who are reappointed in 2012 are subject to these training requirements from the date of their appointment. Board of election members serving terms that commenced prior to March 1, 2012, are not subject to these training requirements unless they are reappointed on or after March 1, 2012.

(C) Newly Appointed Board Members

Each newly appointed member of a board of elections shall attend and complete, within six months of appointment, a minimum of six (6) hours of formal instruction, “New Board Member Instruction Program,” regarding the rules, procedures and laws relating to his/her duties as a member of the board sponsored by the Secretary of State’s office. Such New Board Member Instruction Program shall consist of a six (6) hour program prepared, offered and approved by the Secretary of State at locations designated by her/him. Upon completion of the program, each board member shall be issued a certificate of completion by the Secretary of State.

A newly appointed member of a board of elections shall also be required to receive an additional four (4) hours of training within the first two years of appointment, for a total of ten (10) hours during the first two years of his/her term.

In addition, board of election members newly appointed in 2012 must also attend and complete the training requirement applicable to reappointed board members during the final two years of their term – between March 1, 2014, and February 28, 2016.

(D) Reappointed Board Members

Each reappointed member of a board of elections shall attend and complete every two calendar years, starting with the calendar year of his/her reappointment, a minimum of

ten (10) hours of formal instruction concerning the rules, procedures and laws relating to his/her duties as a member of a board. Such instruction shall consist of programs of instruction approved by the Secretary of State.

No later than February 28, 2012, and each February 1 of every even-numbered year thereafter, board members shall be given a letter from the Secretary of State certifying the number of hours of qualifying instruction attended during the preceding two calendar years.

In the event a board of elections member exceeds the required minimum of ten (10) hours of formal instruction in a two calendar year period, no carryover hours apply to a subsequent two calendar year period. 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 of a board of elections may attend the New Board Member Instruction Program to help meet their training requirements.

(E) Approved Programs of Instruction

1. The following sponsored programs of instruction may be used to obtain the required instruction as is required by R.C. 3501.27, concerning the duties of a board of elections member for the administration of Ohio elections:

a. Secretary of State's office: (New Board Member Instruction Program at least 6 credit hours required.) This training will be offered at least twice per year. Experienced board of elections members, directors, and deputy directors may be invited to participate as presenters.

b. Secretary of State's office: Training for incumbent and reappointed board of election members provided through specific training sessions, regional conferences, seminars, webinars and other instruction programs, including Secretary of State's Summer Conference.

c. Ohio Association of Election Officials (O.A.E.O.): : Training for incumbent and reappointed board of election members through specific training sessions, regional conferences, seminars and other instruction programs, including O.A.E.O Winter Conference, with pre-approval of instructional sessions or courses offered, based on length and information contained in the instructional program.

d. Instructional sessions offered by state and federal elections organizations, such as International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT), National Association of State Election Directors (NASD), National Association of Election Officials, Election Center, National Association of County Officials, and the Federal Elections Commission (FEC), or Bar Associations or other continuing legal education program providers with credit hours to be determined by the Secretary of State, based on length and relevancy to Ohio election administration contained in the instructional program. To obtain credit,

the subject matter offered at the conference or program must directly deal with substantive issues of election law or procedure applicable to Ohio election administration, and a request for credit must be submitted to the Secretary of State's office along with documentation of program content. Approval and the number of credit hours given shall be determined by the Secretary of State on an individual basis.

2. Regional Meetings Conducted by Boards of Elections

All board members are encouraged to attend regional meetings that are conducted by a county board of elections. However, attendance at these meetings does not count towards a board member's yearly instructional requirements unless the content of the meeting has educational value and the number of credit hours has been given prior approval by the Secretary of State's office.

3. Credits for Preparation and Teaching

The Secretary of State may approve instructional credit for members of a board of elections who participate materially in the preparation and teaching of programs of instruction concerning the rules, procedures and laws relating to elections. Such credit shall be given in the form of two (2) hours credit for each one (1) hour of teaching. In addition the Secretary of State may approve for instructional credit for other activities and projects, including, but not limited to, writing and publishing articles on election related matters. Such approval and the number of credit hours shall be granted on a case by case basis.

(F) Exemption

An exemption from all or any part of the board of elections member 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.

(G) Enforcement

Unless granted exemption by the Secretary of State, failure of a newly appointed or reappointed board of elections member to comply with the board of elections member training requirements will subject the board member to progressive discipline, including warning notices, written reprimands, and possible removal under R.C. 3501.16, or possible failure to reappoint as a member of a board of elections under R.C. 3501.07.

(H) Miscellaneous

No registration fee will be charged to participants in the New Board Member Instruction Program sponsored by the Secretary of State's office. Participants will be responsible for transportation 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.

