

Ohio Secretary of State Ethics Policy

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.

A. 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.

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

1. 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 member¹ 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 and conditions of his/her own family member's employment/appointment.
2. All members and employees of the boards of elections shall comply with the provisions of Ohio law that limit their political activity:
 - a. 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.

¹ For the purpose of this ethics policy, "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.

- b. 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.
 - c. 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.
- 3. Members and employees² of the boards of elections shall not engage in the following political activities:
 - a. Serving as caucus coordinator for any presidential candidate at a congressional district caucus to select delegates and alternates to a political party convention.
 - b. 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.
 - c. 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 place.
 - d. Engaging in any political activity while on state time or board of elections time.
 - e. 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.
 - f. 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.
 - g. 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

² For the purposes of section B(3) of this policy, "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.

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 places, 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.

- h. 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.
 - i. 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.
- 4. 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.
 - a. Members and employees of the boards of elections shall not participate in the consideration of any matter involving family members,³ business associates,⁴ or other individuals or entities with whom they have a close association. For example, a member of a board of elections shall not participate in the consideration of any matter related to the certification of the candidacy of his or her family member or business associate.
 - b. 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.
 - c. 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.

³ See footnote 1, above for the definition of “family member.”

⁴ For the purpose of this ethics policy, “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.

- d. 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.

5. Training, Reporting, and Enforcement

- a. 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 employees) the completed form shall be kept at the board of elections.
- b. 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.
- c. Questions about this 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.
- d. Violations of this 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.
- e. Violations of this 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.

C. Ohio ethics law provisions applicable to precinct election officials (including rovers, scouts, or other similar, temporary election workers).

- 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 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 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 place.
4. Precinct election officials shall not engage in any political activity while on board of elections time.
5. 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.
6. 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.
7. Violations of this 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.