



DIRECTIVE 2021-09

February 9, 2021

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

Re: H.B. 500 (132nd General Assembly) – Electronic Certification of Questions and Issues

SUMMARY

In 2018, the 132nd General Assembly enacted Substitute House Bill 500, which made various changes to township law.¹ Among other provisions, the bill updated the law governing certification of questions and issues to the ballot. As of January 1, 2021, there is no longer a statutory prohibition against a political subdivision or other entity emailing a certified question or issue to a board of elections for placement on the ballot. The law still allows the certification to be submitted in paper form, but it now permits political subdivisions and other entities to use an electronic form as an alternative.

This change in law was first noted in [Advisory 2019-03](#), and it is referenced in Chapter 2 of the Questions and Issues Handbook.² This Directive provides additional guidance to ensure that boards of elections, political subdivisions, and other entities follow proper security requirements when questions or issues are certified by electronic mail.

INSTRUCTIONS

I. RELEVANT CHANGE TO LAW ENACTED BY H.B. 500

H.B. 500 amended [R.C. 3501.021](#) to allow political subdivisions or other entities to certify a question or issue to a board of elections in electronic form. This change had a delayed effective date of January 1, 2021. According to [R.C. 3501.021](#), as amended, “Notwithstanding any provision of the Revised Code to the contrary, a political subdivision or other entity that certifies a question or issue to a board of elections for placement on the ballot may make that certification in electronic or paper form.” It is important to note that electronic filings are subject to the same filing deadlines as would apply to the paper form, including both date and time.

¹ [Sub. H.B. 500](#) (132nd General Assembly).

² [Chapter 2, page 12 of the Questions and Issues Handbook](#). “Effective January 1, 2021, a political subdivision or other entity may file the certification in electronic or paper form. Each board of elections should have an email address specifically designated for this purpose.”

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This change in law does *not* allow petitions to be filed electronically. As in the past, candidate and issue petitions (such as citizen-initiated initiatives, recalls, or referendums) must be filed in paper form. Electronic filing is only permitted for questions or issues certified by a political subdivision or other entity, such as tax levies and bond issues. For example, a taxing authority will submit its resolution to proceed, auditor's certificate, and resolution of necessity to the board of elections in either electronic or paper form.

II. SECURITY REQUIREMENTS FOR ELECTRONIC CERTIFICATION

To avoid compromising cybersecurity, boards of elections must not open any electronic attachment from an unknown or unexpected source. If the political subdivision or other entity's method of electronic submission is via email,³ boards of elections must comply with the following security requirements when questions or issues are certified to the board electronically:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The board of elections' [REDACTED] must contain the following automated security controls:

- [REDACTED]
- [REDACTED]
- [REDACTED]

³ If a board of elections intends to offer another avenue for electronic submissions, the board must notify the Secretary of State's Information Technology department before implementing the new system.

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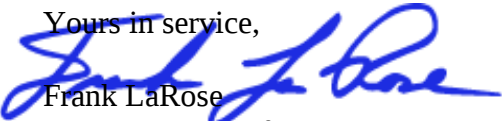
III. COMMUNICATING EXPECTATIONS TO LOCAL ENTITIES

As stated above, each board of elections must have an email address specifically designated for receiving electronic filings for the certification of questions or issues. Each board of elections must provide this email address to political subdivisions and other entities that may certify ballot issues or questions within its county. [REDACTED]

[REDACTED] It is best practice for each political subdivision and other entities to designate a point of contact for this purpose and provide their contact information to the board.

If you have any questions concerning this Directive, please contact the Secretary of State's Elections Counsel at 614-728-8789. For technical assistance, please reach out to the Ohio Secretary of State's Information Technology Help Desk at [REDACTED] or by telephone at 614-466-8467.

Yours in service,


Frank LaRose
Ohio Secretary of State

⁴ Government entities should consider adopting the .gov top-level domain for maximal security and official recognition. See [About us | DotGov](#).

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