



J. KENNETH BLACKWELL
Ohio Secretary of State

180 E. Broad Street, 16th Floor, Columbus OH 43215
614.466.2655 / Toll Free: 877.767.6446 / Fax: 614.644.0649
e-mail: blackwell@sos.state.oh.us
www.sos.state.oh.us

ADVISORY NO. 2006-09

November 3, 2006

To: All County Boards of Elections
Re: Clarification of Advisory 2006-08

This shall serve as a clarification of certain points associated with Advisory 2006-08 regarding appointments of observers pursuant to R.C. 3505.21 that was issued on November 1, 2006. Unfortunately, some boards have interpreted the Advisory to mean that no amendment to the original notice of appointment can be made if that amendment results in a substitution of one observer for another one who was previously properly appointed in the original filing. The Advisory was never intended to be interpreted to accomplish such a result. Please be advised that substitution is a permissible and proper use of the amendment filing process. If the appointing entity determines that one of its appointees shall not serve as an observer after having been appointed as such, and that entity wants to amend its filings to substitute another name for the original one, that is allowed. It is only the *addition of new observers* (meaning additions to the total numbers of observers) that is prohibited.

This leads to the second point of clarification. The use of the word "Additions" on Forms 214, 216 and 219 has caused some confusion for the boards. Again, this term is intended to reflect the situation where an amendment is being timely filed to replace one previously appointed observer with another. In that situation, one name will be subtracted and another one will be "added" to replace it. This was never intended to be a contradiction. We trust that this clears up any further confusion on this subject.

Please direct further questions to the Elections Division at (614) 466-2585.

Sincerely,

A handwritten signature in cursive script that reads "Monty Lobb".

Monty Lobb
Assistant Secretary of State