

ADVISORY 2008-15

August 7, 2008

To: All County Boards of Elections

Re: 17-year old Poll Workers – R.C. 3501.22 as amended by Am. Sub. H.B. 350

On September 12, 2008, provisions of Amended Substitute House Bill 350 that concern the appointment of 17-year old poll workers will become effective. Am. Sub. H.B. 350 makes changes to R.C. 3501.22(D).

Under R.C. 3501.22(D), as amended, precincts with six or more poll workers (including presiding judges) may have up to two (2) 17-year old high school students who are participating in a program established under R.C. 3501.22(C) serve as poll workers. Precincts with fewer than six poll workers will be able to have only one poll worker who is 17 years old.

Other Requirements for 17-year old Poll Workers

All of the requirements and limitations of R.C. 3501.22(B) and (C) that currently exist for 17-year old poll workers remain unchanged. Specifically, R.C. 3501.22(C) allows a board of elections, in conjunction with the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the chief administrator of a nonpublic school may establish a program permitting certain high school students to apply and, if appointed by the board of elections, to serve as poll workers at a primary, special, or general election.

This means that boards of elections may use as poll workers certain 17-year olds even if they will not be 18 years of age on or before the date of the next general election in which they will be poll workers. To do this, a board of elections must establish a program in conjunction with school authorities permitting high school students who are:

- United States citizens;
- residents of your county;
- at least 17 years of age; and
- enrolled in their senior year of high school

to serve as poll workers.

The students participating in the program also must declare their political party affiliation with the board of elections during the application process; they may not be appointed a presiding judge.

In addition to these requirements established, a board of education, governing authority, or chief administrator that establishes a program under this division in conjunction with a board of elections may establish additional criteria that students must meet to be eligible to participate in the program.

In summary, R.C. 3501.22(D) as amended provides that:

- Precincts with **six or more** poll workers (including the presiding judge) may have up to TWO poll workers who are 17-year old high school seniors participating in a program established under R.C. 3501.22(C);
- Precincts with **less than six** poll workers may have up to ONE poll worker who is 17 years old, whether appointed under R.C. 3501.22(B) or 3501.22(C).

Child Labor Law Exemption

A provision of Ohio's labor laws, R.C. 4109.06(A)(11), still specifically exempts 17 year students participating as poll workers from the child labor restrictions of R.C. Chapter 4109.

If you have any questions concerning this advisory, please contact your assigned elections counsel at 614-466-2585. For assistance in developing a "Youth at the Booth" or similar program in your county to recruit eligible high school students as poll workers, you may contact the Voting Rights Institute in the Secretary of State's office at (877)-868-3874.

Sincerely,

Jennifer Brunner