



Via Electronic Mail

January 18, 2019

Phyllis Eshman-Thomas, Chairperson
Marion County Board of Elections
222 West Center Street
Marion, Ohio 43302
pthomas@co.marion.oh.us

Re: Tie Vote on Terminating the Employment of the Board's Director

Dear Chairperson Eshman-Thomas:

At a special meeting held on November 8, 2018, Board Member Steven Chaffin moved to terminate the employment of the Marion County Board of Elections Director, John Meyer. The motion was seconded by yourself, Chairperson Phyllis Eshman-Thomas. The subsequent vote on the motion resulted in a tie. Board Members Thomas Frericks and Lynn Zucker voted against the motion and Chairperson Eshman-Thomas and Board Member Chaffin voted in favor of the motion. Pursuant to R.C. 3501.11(X)¹, the board appropriately² submitted the tie vote to the Secretary of State for a decision.

The Marion County Board of Elections appointed Mr. Meyer to serve as director on January 20, 2015. Under Mr. Meyer's tenure as director, issues concerning the administration of elections have plagued the board. Several of the more recent issues were outlined in the position statement provided to our office by both you and Board Member Chaffin and include serious allegations such as the failure of Mr. Meyer to: 1) proofread ballots, 2) correctly conduct logic and accuracy testing, and 3) maintain a working relationship with outside vendors.

Our office also reviewed the position statement written by Board Members Frericks and Zucker, which highlights the operational and technological improvements Mr. Meyer made at the board of elections' office. However, their statement does nothing to address the serious issues related to the administration of elections that have been raised by both you and Board Member Chaffin.

¹ R.C. 3501.11(X) provides that "[i]n all cases of a tie vote or a disagreement in the board, if no decision can be arrived at, the director or chairperson shall submit the matter in controversy... to the secretary of state, who shall summarily decide the question, and the secretary of state's decision shall be final."

² See R.C. 3501.14 ¶ 5 (The statute does not contain the same explicit prohibition for submitting tie votes to the Secretary of State on matters where the board disagrees on the removal of a director as it does regarding setting the compensation of the director.) See also Secretary of State Directive 2017-11 (The removal of a director and his inability to appropriately administer elections in accordance with Title XXXV does not simply relate to the internal operations of the board but rather involves issues of substantive election law.)

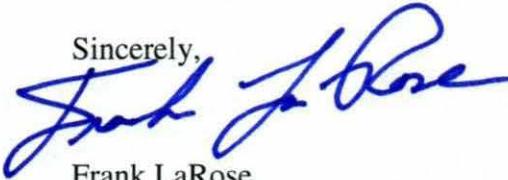
To safeguard our democracy, the director of a board of elections must be capable of ensuring the proper administration of elections in a county. The two most elementary tasks that are central to the proper administration of elections are: 1) providing voters with the correct ballot and 2) accurately tabulating votes.

Based on the facts before me as outlined in the two position statements, I conclude Mr. Meyer has failed to properly administer elections in Marion County. Accordingly, I break the tie in favor of the motion to terminate the employment of Mr. Meyer as director of the Marion County Board of Elections.

The bipartisan members of the Marion County Board of Elections must find a way to work together to hire a director and deputy director that are qualified to administer elections and capable of working with others to achieve this goal. To this end, I instruct the board to promptly solicit and consider applications submitted by qualified individuals interested in the director and deputy director vacancies and vote to select a director and deputy director not later than Friday, February 1, 2019.

Forthcoming correspondence from my office will provide guidance to the board on maintaining operations until the board hires a director and deputy director.

Sincerely,



Frank LaRose

cc: Thomas Frericks, Member, Marion County Board of Elections
Carolyn Weston, Member, Marion County Board of Elections
Lynn Zucker, Member, Marion County Board of Elections