



**Via Electronic Mail**

April 16, 2021

John Mead, Director  
Ashtabula County Board of Elections  
8 West Walnut Street  
Jefferson, OH 44047

Re: Tie Vote on the Appointment of the Deputy Director

Dear Director Mead,

On April 1, 2021, the Ashtabula County Board of Elections held a second organizational meeting, following its failure to properly reorganize on March 2, 2021. During the April 1, 2021 meeting, the Board voted five times on the selection of a deputy director and tied each time. The only individual nominated for the position was the former Board of Elections Director – Charlie Frye. On April 5, 2021, the Board submitted the tie vote to my Office for resolution pursuant to [Section 3501.09](#) of the Ohio Revised Code.

Ohio law requires the person nominated to be of the same political party as the board member making the nomination.<sup>1</sup> The director and deputy director must be of opposite political parties.<sup>2</sup> The nominee must receive at least three affirmative votes to be selected as a deputy director.<sup>3</sup> However, if, after five ballots, no nominee has received three affirmative votes, the name of the nominees must be certified to my Office. If this were not a Biennial Organizational Meeting, this tie vote would be a matter of internal operations and inappropriate for submission to my Office.<sup>4</sup>

As stated in [Chapter 2 of the Election Official Manual](#), a nominee for deputy director must have the experience and capability to manage daily operations. The minimum qualifications for a nominee include a high school diploma or its equivalent, familiarity with the handling of budgets and public appropriation of funds, election-related experience, general managerial experience and skills, and successful completion of a background check.<sup>5</sup> The deputy director must be a resident elector of the county within 30 days of employment with the Board.<sup>6</sup>

Based on the letters submitted to my Office, it appears three of the Board Members have concerns with Charlie Frye's past conduct. I take those concerns seriously. However, the two

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<sup>1</sup> [R.C. 3501.09](#).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> [Chapter 2, page 26 of the Election Official Manual](#).

<sup>5</sup> [Chapter 2, pages 5-6 of Election Official Manual](#).

<sup>6</sup> [Directive 2020-26](#).

Board Members who voted against his appointment proposed no alternative, even while the Board is in the midst of conducting early voting for the May 4, 2021 Primary/Special Election. This tie occurred even after, in a letter to the Board Members sent on March 17, 2021, our Director of Elections and Deputy Assistant Secretary of State challenged the Board to focus its “time, energy, and resources toward the best interests of the voters of Ashtabula County, rather than petty political quarrels.”

Charlie Frye served without controversy for many years as a board member before becoming the Board’s director. Furthermore, he earned the respect of Board employees. When the Board Members did not re-appoint Mr. Frye as director or deputy director on March 2, 2021, bipartisan staff walked out of the meeting in protest. The entire staff, including Director Mead, signed on to a letter in support of Charlie Frye. In the words of the Board’s own staff, “[t]he execution of the 2020 extended Primary and General Election in Ashtabula County was flawless and much of the credit is due to the ingenuity and leadership of then Director Frye.” They note that Charlie Frye anticipated challenges in the 2020 presidential election and proactively labored to improve the Board’s cybersecurity, secured a reliable mail house for absentee ballot mailings, and set up an Early Voting Center for the first time in anticipation of record turnout.

There is currently only one nominee for Deputy Director of the Ashtabula County Board of Elections, and the Board is in the middle of a primary election without a deputy director. It is in everyone’s best interest to have experienced election officials administering Ashtabula County’s elections. Therefore, I break the tie in favor of appointing Charlie Frye as Deputy Director of the Ashtabula County Board of Elections.<sup>7</sup>

Yours in service,



Frank LaRose  
Ohio Secretary of State

cc: Isaac Arthur, Chairman of Ashtabula County Board of Elections  
Joseph J. Varckette, Board Member  
Christopher M. Newcomb, Board Member  
Jeffrey R. Magyar, Board Member

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<sup>7</sup> According to R.C. 3501.09, the director and deputy director serve at the pleasure of the board. The Board is expected to continue its bipartisan review of all officers’ job performance.