



Via Electronic Mail

March 3, 2021

William W. Henderson, Chairman
Hocking County Democratic Executive Committee
14075 SR 374
Rockbridge, Ohio 43138

Re: Hocking County Board of Elections Appointment

Dear Chairman Henderson:

I received the Hocking County Democratic Executive Committee's recommendation to re-appoint Jo Ann Murtha to the Hocking County Board of Elections for a full term, beginning March 1, 2021.

When a member's term of office on a board of elections expires, the Revised Code provides that the county executive committee of the party entitled to the appointment may recommend a qualified elector to fill such vacancy, and the Secretary of State "shall appoint such elector, unless the Secretary of State has reason to believe the elector would not be a competent member of such board."¹ According to the Ohio Supreme Court, "[t]he Secretary has discretion to determine the competence of a recommended candidate . . ."² "Competence" to serve involves qualities beyond intelligence, integrity, and dedication to professionally performing one's duty. It also includes the basic ability to get along with co-workers and inspire confidence in the election system.³

As the state's chief election officer, it is my duty to administer free and fair elections in our state which are accessible to and trusted by the citizens of our state. This duty includes the appointment of board of elections members to serve as my representatives in overseeing elections in each county. This is a responsibility that I take very seriously. After carefully considering this recommendation for reappointment, I determined that Jo Ann Murtha does not demonstrate adequate commitment to her duty or the necessary level of competence which the voters of your county deserve and expect from the team who runs their elections. As a result I have determined that she should not be re-appointed.

¹ R.C. 3501.07.

² *State ex rel. Lawrence Cty. Republican Party*, 119 Ohio St.3d 92, 2008-Ohio-3753, 892 N.E.2d 428, ¶ 13

³ *State ex rel. Lucas Cty. Republican Party Exec. Comm. v. Husted*, 2015-Ohio-3948, 144 Ohio St. 3d 352, 43 N.E.3d 411, ¶ 27.

In support of this determination, I offer the following reasons:

First, Ms. Murtha did not meet the annual minimum of eight credits of formal continuing education training; in fact, she did not earn a single credit hour, despite the abundant opportunities available. She did not participate in any of the Secretary of State's webinars. She could have received credit by attending the webinars, which are designed to communicate important developments in elections administration. Additionally, she had the opportunity to participate in several virtual training sessions at her own pace. Our staff reminded her several times that she must meet the continuing education requirements, and she did not act to remedy her violation of our directive.

Second, Ms. Murtha did not regularly check her official board of elections email account or use her .gov email address to conduct official board business. Board members must use the official email account for security reasons and to receive all communication from the Secretary of State's Office. Since the beginning of my term as Secretary of State in 2019, our Office has issued close to 100 directives, advisories, and memoranda. A board member cannot simply rely on staff to relay those documents when our Office sends them directly to the board members. Also, Ms. Murtha could have compromised the Board's cybersecurity by using her personal email account.

Therefore, based on the totality of these facts and circumstances, I reject the Executive Committee's recommendation of Jo Ann Murtha for the term beginning March 1, 2021 on the Hocking County Board of Elections. The Executive Committee may recommend another candidate for appointment no later than March 12, 2021, to ensure a timely appointment. If the Executive Committee fails to do so, I will select the new board member.

Yours in service,



Frank LaRose
Ohio Secretary of State

cc: Lisa Schwartze, Director of the Hocking County Board of Elections
Georgia Ricketts-Smith, Deputy Director of the Hocking County Board of Elections