



Via Electronic Mail

March 3, 2021

Earl J. Kirby, Chairman
Vinton County Democratic Party Executive Committee
421 Northview Road
McArthur, Ohio 45651

Re: Vinton County Board of Elections Appointment

Dear Chairman Kirby:

I received the Vinton County Democratic Party Executive Committee's January 25, 2021 recommendation to re-appoint Letha Toops to the Vinton 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 the 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, and 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 re-appointment, I determined that Letha Toops does not demonstrate commitment to her duty or competence in service to the voters of your county and should not be re-appointed.

In support of this determination, I offer the following reasons for denying the re-appointment to the board. On February 14, 2020, I placed the Board on Administrative Oversight. The issues that led to Administrative Oversight have not adequately been addressed. Those issues persist and include failing to submit timely reports; failing to adequately proof ballots in the November 2019 General Election and the March 2020 Primary Elections; errors in ballot language, which resulted

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 issues with the certification of tax levies; significant delays in posting required election notices and reporting ballot requests and transmission to my Office.

As you are aware, the Board must delegate responsibilities which include staff training, daily tasks, and basic administrative duties. Unfortunately, Letha Toops and other board members appear resistant to cross-train staff or delegate necessary duties. My Office constantly urged the Board to hire additional help and only after persistent urging did board members finally act on our recommendations. The lack of cross-training and engagement with continuing education opportunities continues to be a prevalent issue.

Other issues include failure to check official .gov emails for pertinent information and responding to that information in a timely fashion. Reports and responses to surveys continue to be late, even though, my Office, reminds the Board each week of what is due. Additionally, despite reminders, the Board failed to update portions of its website so that the public could have access to necessary information. Transparency and accessibility to voters must be a top priority for board members.

My Office takes seriously the issues of cybersecurity, the Board only complied with our Security Directives after extensive help and guidance from my Office, Letha Toops clearly has not made this a priority as a Member of the Board.

We have been alerted to Letha Toops' lack of civility with county commissioners during public meetings. It is crucial for the Board to have a good working relationship with the county commissioners. During the Administrative Oversight meetings, it has been apparent that Letha does not understand why oversight is needed for your county. It appears that she may not understand the gravity or importance of adhering to the basic guidelines and principles of elections administration and directives from my Office.

Therefore, based on the totality of these facts and circumstances, I reject the Executive Committee's recommendation of Letha Toops for the term beginning March 1, 2021 on the Vinton 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: Lynn Herrold, Director of the Vinton County Board of Elections
Rachel Stewart, Deputy Director of the Vinton County Board of Elections