

Board of Elections

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October 17, 2008

TO: Lisa Anderson
Budget Analyst

FROM: Jerry Collier 
Fiscal Officer

Subject: Non-Mandated Expenditures

All services of the Board of Elections are mandated by Ohio Revised Code Title 35

240028 – Administration

Employees – There is no duplication of job duties. Employees may have the same job title but each employees performs a specify duty. While we may have 10 Registration Specialist some do data entry while others do a specify job, such as “Notice of Death of a Voter”, dupe registrations, editing of voter registration data and filing.

Travel – ORC 3501.27 Section D mandates that Board Members and employees of the Board of Election must attend training sessions. Also please find enclosed the section of the Election Officials Manual issued by the Secretary of State 2008:

240036 – Elections

Temporary Employees (Poll Workers) - ORC 3501.22 mandates the number of Poll Workers a Board must hire. This section of the ORC also allows the Board to hire additional Poll Worker to expedite voting.

Polling Places – Section 3501.29 mandates the rental of polling locations. The Board of Elections cannot reduce the number of polling places as each precinct must have a polling location.

DEPARTMENT/PROGRAM	MINIMUM MANDATED BY:	2009 GENERAL FUND PRELIMINARY BSI	FTEs	REIMBURSEMENT, COST PLAN, REVENUE CONSIDERATIONS
240044 – Registration	ORC 3503.08 – The board of elections shall provide such printed forms, blanks, supplies and equipment and prescribe such reasonable rules as are necessary to carry out sections 3503.06 to 3503.32.	\$100,000	0.00	
	TOTAL MINIMUM MANDATED:	\$7,208,591	40.40	
	NOT MANDATED			
240028 – Administration	Includes an absentee voting clerk, an administrative position, travel, subscription, training and data processing equipment.	\$126,933	2.00	
240036 – Elections	Reduce temporary employee costs and polling locations rent by 25%.	\$457,890	0.00	
240044 – Registration		\$0	0.00	
	SUB-TOTAL NOT MANDATED	584,823	2.00	
	REIMBURSEMENTS	\$0	0.00	
	TOTAL	\$7,793,414	42.40	

APPENDIX F - ETHICS AND TRAINING HOURS

elections may result in disciplinary action in accordance with the secretary of state's statutory authority under Title 35 of the Ohio Revised Code, including removal of a board member or board employee.

- K. Violations of this ethics policy by a pollworker (including elections judges, rovers, scouts, or other similar, temporary election workers) may result in dismissal from service and no opportunities for further service as a pollworker.
- L. Violations of Ohio ethics laws may be a criminal offense and may result in criminal sanctions.

RULE ESTABLISHING BOARD MEMBER TRAINING REQUIREMENTS

This rule is adopted this 21st day of January, 1994 pursuant to R.C. 3501.27(D) and is subject to modification and amendment.

A. LEGAL BASIS

In accordance with R.C. 3501.27(D) the Secretary of State is required to establish an instructional program concerning the rules, procedures, and law relating to elections for board members and employees. Each new board member must complete a program within six (6) months of appointment. Thereafter each member must complete an update instruction program once every four years or more often as determined by the Secretary of State.

B. PROPOSED RULE

a) Definitions

- (1) Newly appointed board member. A person appointed for the first time as a member of a board of elections.
- (2) Reappointed board member. A person reappointed to a board of elections after the completion of a prior term.

b) Phase In Schedule

Board members who are newly appointed or who are reappointed in 1994 are subject to the requirements of this rule from the date of their appointment. Board members serving terms that commenced prior to March 1994 are not subject to the requirements of this rule until reappointed.

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c) Newly Appointed Board Members

Each newly appointed member of a board of elections shall attend and complete within six months of appointment, a minimum of six (6) hours of formal instruction concerning the rules, procedures, and law relating to his/her duties as a member of the board. Such New Board Member Instruction Program shall consist of a six (6) hour program prepared, offered and approved by the Secretary of State at locations designated by him. Upon completion each board member shall be issued a certificate of completion by the Secretary of State.

Board members newly appointed in 1994 must meet the training requirement applicable to reappointed board members during the final two years of their term – March 1, 1996 thru February 28, 1998.

d) Reappointed Board Members

Each reappointed member of a board of elections shall attend and complete each two years a minimum of four (4) hours of formal instruction concerning the rules, procedures and laws relating to his/her duties as a member of a board. Such instruction shall consist of programs of instruction approved by the Secretary of State.

No later than June 1, 1996 for board members newly appointed or reappointed in 1994 and June 1 of every even numbered year after prescribed by the Secretary of State, certifying that he/she has completed the required number of hours of instruction during the preceding two calendar years and a listing of the approved programs attended. A certificate of completion shall be issued by the Secretary of State to each board member who meets the requirement of this rule.

e) Approved Programs of Instruction

(1) The following program of instruction concerning the rules, procedures, and laws relating to elections and the number of hours of instructional credit are approved by the Secretary of State.

- | | |
|---|---|
| (a) New Board Member Instructional Program | 6 hrs. |
| (b) Ohio Association of Election Officials
Winter Conference | up to 6 hrs.;
attendance required at
sessions to get credit |
| (c) Ohio Association of Election Officials
Summer Conference | up to 6 hrs.;
attendance required at
sessions to get credit |

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- (d) Elections Conferences and Programs sponsored by state and federal agencies and elections organizations such as International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT), National Association of State Election Directors (NASSED), Elections Center, National Association of County Officials, and the Federal Elections Commission (FEC) – credit hours to be determined by the Secretary of State based on length and content of program.

The New Board Member Instruction Program will be offered at least two times per calendar year.

This program will be prepared and taught by members of the Secretary of State's office. Experienced board members, directors, and deputy directors may be requested to participate as presenters.

The New Board Member Instructional Program must be completed by all newly appointed board members within six (6) months of appointment. A reappointed board member may fulfill his/her instructional requirement under this rule by completing the New Board Member Instructional Program.

Regional Meetings

All board members are encouraged to attend regional meetings of boards of elections. However attendance at these meetings does not count towards a board member's yearly instructional requirement.

- (2) The Secretary of State may approval instructional credit for preparation and teaching of programs of instruction concerning the rules, procedures, and laws relating to elections. Such credit shall be given in the form of two (2) hours credit for each one (1) hour of teaching. In addition the Secretary of State may approve for instructional credit other activities and projects, including but not limited to writing and publishing articles on election related matters. Such approval and the number of credit hours granted shall be on a case by case basis.

f) Exemption

The Secretary of State may grant an exemption from all or any part of the instructional requirement provided for in this rule to any board member on the basis of physical inability to attend and participate in instructional programs or because illness or emergency otherwise prevents a board member from complying with this rule.

g) Enforcement

Unless granted exemption by the Secretary of State, failure to comply with the requirements of this rule will subject a board member to progressive discipline including warning notices and written reprimands, and up to

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and including possible removal under R.C. 3501.16, or possible failure to reappoint as a member of a board of elections under R.C. 3501.07.

h) Miscellaneous

No registration fee will be charged to participants in the New Member Instructional Program. Participants will be responsible for transportation and meal costs. Attorney General's Opinion No. 2045 (1930) states that the actual expenses of county boards of elections which are incurred in the attendance at meetings of the elections which are incurred in the attendance at meetings of the members of the board, held upon the call of the Secretary of State, may be paid from the treasury of the county which they represent.

Please Note: These training requirements are subject to change.

RULE ESTABLISHING DIRECTOR AND DEPUTY DIRECTOR TRAINING REQUIREMENTS

This rule is adopted this 10th day of February, 1995 pursuant to R.C. 3501.27 (D) and is subject to modification and amendment. In accordance with R.C. 3501.27 (D), the Secretary of State is required to establish an instructional program concerning the rules, procedures, and laws relating to elections for board members and employees.

a) Definitions

Newly appointed director or deputy director – A person appointed for the first time as a director or deputy director of a board of elections who has not previously served as a director or deputy director.

Incumbent or reappointed director or deputy director – A person who is serving as a director or deputy director or who has previously served in either of these positions.

b) Commencement

This rule applies to all newly appointed and reappointed directors and deputy directors appointed on or after March 1, 1996.

c) Newly Appointed Director or Deputy Director

Within six (6) months of appointment, a newly appointed director or deputy director shall attend and complete a minimum of six (6) hours of formal instruction applicable to the duties of a director or deputy director. The Program for New Directors and Deputy Directors shall be conducted at locations designated by the Secretary of State and prepared, offered and approved by him. A certificate of completion shall then be issued by the Secretary of State. Completion of the New Director and Deputy Director

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Training Program by a newly appointed director or deputy director fulfills their training requirement for that calendar year.

d) Incumbent and Reappointed Directors or Deputy Directors

Each incumbent or reappointed director or deputy director shall be required to attend and complete a minimum of four (4) hours of formal instruction annually.

On or before January 31st of each year beginning in 1997, each incumbent or reappointed director or deputy director shall submit a statement on a prescribed form certifying the number of hours of qualifying instruction attended during the past calendar year.

e) Approved Programs of Instruction

(1) Type of program and number of hours of instructional credit as approved by the Secretary of State:

(a) Instructional Program for New Directors or Deputy Directors - 6 hours; (Specific training will be offered at least once per year, more often if necessary)

(b) O.A.E.O. Winter Conference - up to 6 hours; (attendance required to receive credit)

(c) Secretary of State's Summer Conference - up to 6 hours; (attendance required to receive credit)

(d) Conferences and programs sponsored by state and federal elections organizations, such as International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT), National Association of State Election Directors (NASSED), Elections Center, National Association of County Officials, and the Federal Elections Commission (FEC), with credit hours to be determined by the Secretary of State, based on length and information contained in the program. To obtain credit, the conference or program must directly deal with substantive issues of election law or procedure.

Incumbent and reappointed directors or deputy directors may attend the instructional program for new directors or deputy directors to meet their instructional requirements.

(e) Regional Meetings

Although attendance at these meetings does not count toward yearly instructional requirements, directors or deputy directors are urged to participate in regional meetings.

(2) A director or deputy director who participates materially in the preparation and teaching of programs of instruction relating to the

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administration of elections may be granted instructional credit by the Secretary of State. Two (2) hours credit shall be given for each one (1) hour of teaching. In addition, other activities and projects, including but not limited to writing and publishing articles on election related matters may be approved. Approval and the number of credit hours given shall be determined by the Secretary of State on an individual basis.

f) Exemption

An exemption from all or any part of the instructional requirements provided for in this rule may be granted by the Secretary of State based on the physical inability to attend and participate in instructional programs or for other good and sufficient cause.

g) Enforcement

Failure of a newly appointed director or deputy director to meet the requirements of this rule within one (1) year following their appointment or the failure of any incumbent to fulfill the requirements in any one (1) calendar year will result in a letter from the Secretary of State advising the members of the board of elections of the failure of the official to comply with this rule. The board shall take action to enforce the requirements of the rule and report action taken to the Secretary of State.

Miscellaneous

No registration fee will be charged to participants in the Director or Deputy Director Instructional Program. Participants will be responsible for transportation, lodging and meal costs. Attorney General's Opinion No. 2046 (1930) states that the actual expenses of county boards of elections which are incurred in the attendance at meetings of the members of the board, held upon the call of the Secretary of State, may be paid from the treasury of the county which they represent.

Please Note: These training requirements are subject to change.