



**S.B. 102**

126th General Assembly  
(As Introduced)

**Sens. Roberts, Fedor, Dann, Prentiss, Fingerhut, Mallory, Zurz**

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**BILL SUMMARY**

- Creates a State Board of Elections and designates its director as the chief election officer of the state.
- Requires the director of the State Board of Elections to fulfill all statutory election-related duties of the Secretary of State with the exception of those emanating from the Ohio Constitution.
- Requires the Secretary of State to serve in an interim capacity as chief election officer of the state before the nomination and approval of the first director of the State Board of Elections, and at any time the office of director is vacant.
- Retains the office of Secretary of State to fulfill election-related duties expressly conferred upon that office by the Ohio Constitution and to fulfill all nonelection-related duties conferred upon that office by the General Assembly or the Ohio Constitution.
- Delays the effective date of the bill until January 1, 2007, and requires the General Assembly before that date to enact, amend, or repeal the necessary sections of law to implement the orderly transfer of the relevant election-related statutory duties and functions of the Secretary of State to the Director of the State Board of Elections.

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**CONTENT AND OPERATION**

*Overview*

The bill creates a State Board of Elections and designates its director as the state's chief election officer. It retains the office of Secretary of State (an office created by the Ohio Constitution) to fulfill election-related duties and functions

expressly conferred by the Ohio Constitution upon that office, but, under the bill, the director of the State Board of Elections replaces the Secretary of State as the state's chief election officer and assumes most of the statutory election-related duties and powers currently conferred upon the Secretary of State. (R.C. 3501.04, 3501.041, and 3501.05.)

The bill requires the Secretary of State to serve as the state's chief election officer in an interim capacity before the nomination and approval of the first director, and at any time the office of the director is vacant (R.C. 3501.04(B)).

### **The State Board of Elections**

#### **Membership, terms, and officers**

The bill establishes the State Board of Elections consisting of the following six members: the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the current president and the current vice-president of the Ohio Association of Election Officials. The members of the Board, by majority vote, must nominate a "seventh person" as director, whose nomination then must be approved by a majority vote of the Senate. The Board's director will serve at the pleasure of the Board. (R.C. 3501.041(A) and (E).)

The term of office for a legislative member of the Board continues for as long as the person holds the leadership position in the house of the General Assembly of which the person is a member. The term of office for the president and vice-president of the Ohio Association of Election Officials continues for as long as the person holds the office in the Association. Vacancies in Board memberships must be filled in the manner provided for original appointments. (R.C. 3501.041(B).)

Membership on the Board does not constitute the holding of another public office or employment. Accordingly, no member is disqualified from holding *any* public office or employment, and does not forfeit *any* public office or employment, *solely* because of membership on the Board. (R.C. 3501.041(C).)

The President of the Senate and the Minority Leader of the Senate must serve as the Board's co-chairpersons. The President of the Senate must convene the Board's first meeting; thereafter, the co-chairpersons must convene meetings as necessary to carry out the Board's purposes. (R.C. 3501.041(D).)

#### **Duties and powers**

Under the bill, the Board's director, as the state's chief election officer, is required to fulfill the current election-related statutory duties of the Secretary of

State that are not also expressly conferred by the Ohio Constitution.<sup>1</sup> The Secretary of State's office will still exist, and the person holding that office will be required to fulfill (1) election-related duties and functions expressly conferred upon that office by the Constitution as well as (2) nonelection related duties and functions conferred upon that office by the General Assembly or the Ohio Constitution. (R.C. 3501.04 and 3501.05; Section 3 of the bill.)

**Effective date and additional "implementing" legislation**

The bill will take effect on January 1, 2007. But, before that date, the General Assembly must enact legislation that amends, enacts, and repeals all applicable Revised Code provisions necessary to implement the orderly transfer of election-related duties and functions from the Secretary of State to the director of the State Board of Elections. Again, as mentioned above, election-related duties and functions expressly conferred upon the Secretary of State by the Ohio Constitution would not be transferred and, thus, covered by the implementing legislation. (Section 3 of the bill.)

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	03-08-05	pp. 277-278

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<sup>1</sup> Examples are (a) preparing the ballot title or statement to be placed on the ballot for any proposed law or amendment to the Ohio Constitution, (b) certifying the form and wording of state referendum questions and issues, and (c) receiving all initiative and referendum petitions on state questions and issues and determining and certifying their sufficiency (compare R.C. 3501.05(H), (I), and (K) with Article XVI, Section 1, Ohio Constitution, and Article II, Section 1a, 1b, 1c, and 1g, Ohio Constitution).