



Via Electronic Mail

March 27, 2023

Margaret Casey, Director
Jackson County Board of Elections
25 E. South Street, Suite B
Jackson, Ohio 45640

Re: Tie Vote Regarding the Nomination of Deputy Director

Dear Director Casey,

On March 3, 2023, the Jackson County Board of Elections held its biennial organizational meeting pursuant to [R.C. 3501.09](#) and in accordance with [Chapter 2 of the Election Official Manual](#). At this meeting, Chairman Rodney Smith nominated Marsha Batey for the position of Deputy Director, and Member Alayne Speakman seconded the motion. A roll call vote was taken that resulted in a 2-2 tie with Chairman Rodney Smith and Member Alayne Speakman voting in favor of the appointment and Members Kida Newell and Deborah Canter voting against the appointment.

Pursuant to Ohio law, a nominee must obtain three affirmative votes to be selected as the Deputy Director. When voting on the nomination results in a tie, the Board must continue to vote an additional four times before declaring the vote to be deadlocked and submitting the matter to the Secretary of State to break the tie. In this case, the Board completed the statutorily required number of votes on the appointment of Marsha Batey to the position of Deputy Director but remained deadlocked. This matter was then certified to my Office pursuant to R.C. 3501.09 on March 8, 2023.¹

When a tie vote on the appointment of a Deputy Director is submitted to my Office, it is my duty to examine all the evidence before me to determine whether a nominee is qualified and capable of carrying out the duties required to successfully manage the daily operations of the Board. The minimum qualifications for a nominee include a high school diploma or its equivalent; a baseline understanding of the rules, processes, procedures, and equipment used in local election administration; general managerial experience and skills; and successful completion of a background check.² The deputy director must be a resident elector of the county within 30 days of employment with the Board.³

A review of the materials submitted by the Board on this matter shows that both Director Margaret Casey and Marsha Batey were hired by the Board as clerks at the same time in 2021. This was done in anticipation of the retirements of former Director Joanne Evans and Deputy Director

¹ Please note that materials the Board submitted with the tie vote reference a meeting that was held on March 7, 2023. Only three board members were present. It appears that the appointment of the Deputy Director was also discussed and voted upon at the March 7, 2023 meeting. However, as there were not the required three affirmative votes to appoint the Deputy Director at that time, the March 7, 2023 meeting will not be discussed herein.

² Chapter 2, pages 2-5 through 2-6 of Election Official Manual.

³ [Directive 2022-48](#).

Cheryl Browning so that both Ms. Casey and Ms. Batey could train under and successfully take over for their predecessors in their respective positions in 2022.

Since the time of transition, Director Casey has demonstrated the ability to take her training and put it into practice. Moreover, Director Casey has demonstrated that it is possible to successfully lead from the front when it comes to working towards providing accurate and secure elections in Jackson County.

Conversely, while Ms. Batey has been given all the same training, Ms. Batey has not been able to demonstrate similar skills. In fact, in her own self-assessment, Ms. Batey identified that her knowledge of the position needs improvement. In this same round of assessments, Director Casey stated that Ms. Batey's knowledge of the position was "Unacceptable", but that Ms. Batey is "not unwilling, merely unable" to complete the tasks required of the Deputy Director.

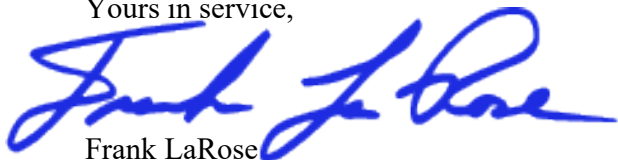
This difference in productivity creates concerns for an office that has only the Director and Deputy Director as full-time staff. As the Board operates without full-time clerks, there is an urgent need for the Director and the Deputy Director to perform optimally. When there is a gap in performance, a significant burden is placed on the Director, the seasonal workers, and the members themselves. The current imbalance between the abilities of the Director and Deputy Director creates a burden in the division of labor. Such an imbalance can have additional knock-on effects that may negatively impact the voters in Jackson County.

Upon review of the evidence provided by the Board, I have determined that Marsha Batey does not satisfy the minimum requirements necessary to successfully assist in leading the Board from the position of Deputy Director. Accordingly, I am breaking the current tie vote in favor of the position set forth by Board Members Kida Newell and Deborah Canter and am rejecting the nomination of Marsha Batey for the position of Deputy Director. To be clear, I do not doubt Ms. Batey's passion or desire to complete the tasks required of the Deputy Director to ensure that elections remain accurate and secure in Jackson County. However, I believe that Ms. Batey would be more suited to fill a different role at this time if determined by the board.

The next step is for the Jackson County Board of Elections to meet once more to appoint a Deputy Director. The position of Deputy Director is a working position of great importance to the entire election process in Jackson County that cannot be filled solely based on politics or patronage. I urge the Democrat Members of the Board to identify and nominate a qualified candidate to fill the position of Deputy Director so that the voters of Jackson County can rest assured that the election process remains accurate and secure.

Should you have any additional questions, please do not hesitate to contact my Office.

Yours in service,



Frank LaRose
Ohio Secretary of State

cc: Rodney Smith, Chairman of the Jackson County Board of Elections
Kida Newell, Board Member
Alayne Speakman, Board Member
Deborah Canter, Board Member