



**Via Electronic Mail**

March 13, 2023

Brian Mead, Director  
Licking County Board of Elections  
20 South Second Street  
Newark, Ohio 43055

Re: Tie Vote Regarding the Nomination of Deputy Director

Dear Director Mead,

On March 6, 2023, the Licking County Board of Elections held its biennial organizational meeting pursuant to R.C. 3501.09. As you are aware, R.C. 3501.09 lays out a strict process by which boards are to reorganize that has been detailed in [Chapter 2 of the Election Official Manual](#). Under the process outlined in R.C. 3501.09, boards are to select a temporary chairperson, then appoint a Director, then appoint a Deputy Director, then appoint a chairperson.

In accordance with R.C. 3501.09, the Board selected Dave Rhodes to serve as its temporary chairman at the beginning of the March 6, 2023 meeting. However, according to the thin record you provided to my Office,<sup>1</sup> instead of following the statutory guidelines to select a Director immediately following the appointment of a temporary chairman, it appears that the Board diverged from these statutory requirements and proceeded to nomination of a Deputy Director.

**1. Initial Votes for Deputy Director**

According to the documents the Board provided to my Office, the Board proceeded to take nominations for Deputy Director prior to selecting a Director. Member Park Shai nominated Brian Mead for the position of Deputy Director, and Temporary Chairman Dave Rhodes seconded the nomination. After a vote, the Board was deadlocked at 2-2 with Member Shai and Rhodes voting in the affirmative and Member Freddie Latella and Member Kaye Hartman voting against the nomination.

Member Latella then nominated Alex Rolletta for the position of Deputy Director, and Member Hartman seconded the nomination. After a vote, the Board was again deadlocked at 2-2, this time with Members Latella and Rolletta voting in the affirmative and Temporary Chairman Rhodes and Member Shai voting against the nomination.

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<sup>1</sup> Please note that the record submitted to my Office did not include official minutes. With that said, my Office has determined that the notes submitted by Brian Mead, along with the Newark Advocate article provided by the Board, is sufficient to craft an understanding of the events of March 6, 2023. To that end, this letter assumes that the facts contained within the documents submitted to my Office are accurate.

Subsequent to the two failed votes for the position of Deputy Director, it appears that the Board then voted a total of four more times, two votes for Brian Mead to become Deputy Director and two votes for Alex Rolletta to become Deputy Director, with each of the votes resulting in 2-2 ties.

## **2. Appointment of Director and Chairman**

After the aforementioned series of votes for Deputy Director, it appears that the Board was able to revisit the appointment of the Director and selected Brian Mead as the Director in a 4-0 vote. The Board then voted for and selected Freddie Latella as the Chairman of the Board. It then appears that the Board revisited the matter of the appointment of a Deputy Director.

## **3. Second Votes for Deputy Director**

According to the record you provided to my Office, the Board once again took up the matter of the appointment of a Deputy Director. It was at this time that Chairman Rhodes entertained a vote for Alex Rolletta that resulted in Members Latella and Rolletta voting in the affirmative and Temporary Chairman Rhodes and Member Shai voting against the nomination.

However, as this was the first time that the matter of the appointment of a Deputy Director was brought before the Board subsequent to the appointment of Brian Mead as the Director, then this was the first time that the matter was rightly before the Board. Therefore, any and all actions taken subsequent to the appointment of the Director are the only matters my Office may consider under R.C. 3501.09. Given that this is the case, it appears that you have submitted this matter to my Office to consider having only properly conducted two votes for the appointment of the Deputy Director instead of the required five votes.

## **4. Importance of Compliance with the Statutory Process of Biennial Reorganization**

Compliance with the process by which a board conducts its biennial reorganization under R.C. 3501.09 is not only important, but it is also statutorily required. Accordingly, as the Board has yet to fully comply with said process, please be advised that I will be taking no further action on this matter at this time.

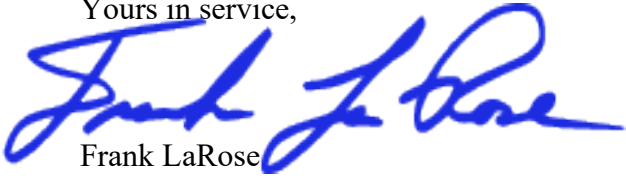
With that said, this situation provides the Board with the unique opportunity to reevaluate the current matter and to reassess how the Members should: (1) evaluate the baseline qualifications for the Deputy Director per [Chapter 2 of the Election Official Manual](#), and (2) come together in a spirit of cooperation to further the goal of providing safe and secure elections in Licking County by appointing the most qualified person to the position of Deputy Director.

Lastly, please also note that a significant amount of written bipartisan support has been submitted to my Office for the appointment of Luke Burton to the position of Deputy Director, both as part of the official record and as additional written and verbal communications.

Based upon this information, as well as an internal review of the exemplary work ethic and understanding of elections matters displayed by Luke Burton, both during and prior to his service

to the Licking County Board of Elections, I would be remiss if I did not take a moment to encourage the Board to consider the appointment of Luke Burton to the position of Deputy Director. At the very least, I would encourage the Board to compare the qualifications of any potential candidate for Deputy Director with the qualifications of Luke Burton before voting on the appointment of this position.

Yours in service,



Frank LaRose  
Ohio Secretary of State

cc: Freddie Latella, Chairman of Licking County Board of Elections  
Kaye Hartman, Member  
David Rhodes, Member  
Park Shai, Member