

Via Electronic Mail

June 7, 2024

Laura Bruns, Director
Christina Panagouleas-Stephens
Miami County Board of Elections
215 W. Main St.
Troy, Ohio 45373

Re: Tie Vote from April 30, 2024, Board Meeting

Dear Director Bruns and Deputy Director Panagouleas-Stephens,

On April 30, 2024, the Miami County Board of Elections (Board) voted and tied on a motion to authorize the board members, directors, and staff to seek a new board office and storage facility space and bring potential properties to the board for purposes of passing a motion to enter into the lease or purchase of new space.

It is undisputed that the Board and the Miami County Board of Commissioners (Commissioners) have discussed the need for better space for the past five years. The source of the dispute is whether the board should pursue leasing a new space or accept the Commissioners' offer to use other vacant space owned by the county.

Ohio Revised Code 3501.11 sets forth all duties that boards are required to exercise by a majority vote. In the event boards cannot agree upon matters before them pursuant to R.C. 3501.11, those matters shall be submitted to the Secretary of State for a decision.¹

Separate and apart from the duties listed in R.C. 3501.11, boards are required to provide suitable space for offices and records at the boards' expense, and boards may enter into lease agreements to do so.² However, the ability to lease appropriate space is not without limitation. Specifically, R.C. 3501.10(A) states:

Thirty days prior to entering into such a lease, the board shall notify the board of county commissioners in writing of its intent to enter into the lease. The notice shall specify the terms and conditions of the lease. Prior to the thirtieth day after receiving the notice and before any lease is entered into, the board of county

¹ R.C. 3501.11(X).

² R.C. 3501.10(A).

commissioners may reject the proposed lease by a majority vote. After receiving the notification of the rejection by the board of county commissioners, the board of elections shall not enter into the lease that was rejected, but may immediately enter into the additional lease negotiations, subject to the requirements of this section.

Significantly, R.C. 3501.10 does not grant the authority to review boards' decisions regarding office spaces to the Secretary of State but to the boards of county commissioners. Additionally, the Election Officials Manual expressly states the tie vote procedure is inappropriate for issues related to internal operations that do not involve substantive election law.³

After careful review of the April 30, 2024, minutes, the issue presented is one steeped in an ongoing disagreement between the Board and Commissioners on the most appropriate and economical solution for the board's office space concerns. Furthermore, it seems the dialogue between the Board and Commissioners is ongoing. Absent an allegation of substantive election law concern, I am unable to take any action under R.C. 3501.11.

While I respect the concerns regarding the adequacy of the current office space, I encourage the Board to continue working with the Commissioners to reach a mutually beneficial solution. If you have any questions regarding this decision, please contact Sarah Huffman, Senior Elections Counsel at the Secretary of State's office, at shuffman@OhioSoS.gov.

Yours in service,



Frank LaRose
Ohio Secretary of State

cc: Dave Fisher, Chair
Audrey Gillespie, Member
Rob Long, Member
W. Lance Ray, Member

³ [Chapter 2, page 30 of the Election Official Manual.](#)