



March 28, 2017

Mr. James M. Hartley  
5530 Olde Post Road  
Sylvania, Ohio 43560

Dear Mr. Hartley:

On Wednesday, March 22, 2017, my Senior Elections Counsel provided you with a letter from me to the members of the Lucas County Board of Elections. In the letter, I instructed you and the other board members to provide the following:

(1) Copies of all communications, including electronic forms of communications such as email, text messages, or instant-messaging methods (IM), sent to or received by board members during the course of the March 3, 2017, special meeting of the board. You may only exclude communications from individuals regarding personal matters unrelated to the Lucas County Board of Elections. However, all communications sent to or received by a board member during the course of the March 3, 2017, special meeting that are related in any way to the Lucas County Board of Elections are required to be provided to my office, including all communications between any board member and any person identified as attending the meeting in the minutes from March 3, 2017; and

(2) Copies of all communications including electronic forms of communications such as email, text messages, or instant-messaging methods (IM), sent to or received by board members regarding discussions to allow Lucas County Republicans to secure their preferred choice as Board Director, including all communications between any board member and any person identified as attending the meeting in the minutes from March 3, 2017. This includes communications regarding planning to meet prior to March 3, 2017 to discuss the matter of securing a preferred choice as board director as well as communications that may have stemmed from those prior discussions.

The letter prescribed a deadline of 5:00 p.m. on Friday, March 24, 2017 to comply. My office did not receive any response from you by that deadline as to the information above and as such you did not comply with my clear instructions. The responses that I received from your fellow board members indicate that you may have communications responsive to my request.

Your failure to respond to my letter is just the latest example of an emerging pattern of irresponsible behavior. This, along with your most recent nomination of an individual who has proven himself to be wholly unqualified to serve the voters of Lucas County as an election official and your ill-timed attempt to remove the board's director on the eve of the 2016 Presidential General Election, cannot be overlooked.

I am, therefore, suspending you from any official duties as a member of the Lucas County Board of Elections pursuant to my statutory authority.<sup>1</sup>

Any authority you have as a board member, as it relates to employees of the board or business of the board, also is suspended. The suspension shall be with pay, and will exist at least until such time as my office has provided you with notice for a hearing and I have considered your possible removal as a board member for “neglect of duty, malfeasance, misfeasance, or nonfeasance in office, for any willful violation of Title XXXV of the Revised Code, or for any other good and sufficient cause.”<sup>2</sup> During your suspension, you are instructed to retain any public records of the board of elections or other records that may be responsive to my request that may be in your possession.

Sincerely,



Jon Husted

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<sup>1</sup> R.C. 3501.16.

<sup>2</sup> *Id.* Note that LAWriter Ohio Laws and Rules, as found at [www.codes.ohio.gov/codes/3501.16](http://www.codes.ohio.gov/codes/3501.16) (last accessed on March 27, 2017), omits the phrase “or for any other good and sufficient cause” from its rendering of R.C. 3501.16. A review of Am. Sub. H.B. 99 (121st General Assembly) (effective August 22, 1995), the most recently enacted legislation affecting this section, confirms that the text of the law as used herein is a correct and accurate recitation of the statute as it presently exists in state law.