



Ohio Secretary of State J. Kenneth Blackwell

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DIRECTIVE NO. 2005-04

February 11, 2005

To: COUNTY BOARDS OF ELECTIONS

Re: Determining Validity & Sufficiency of Candidate's Petition for Statewide Office

Enclosed is a declaration of candidacy and petition for statewide office that was filed in this office on **December 21, 2004**.

Please examine the signatures in accordance with R.C. 3501.38 and the enclosed instructions. Your board must certify the validity and sufficiency of the petition papers **by February 24, 2005**. All petition papers and certification forms must be returned to this office **by March 1, 2005**. You must return the petition papers by a method that provides a record of sending, tracking while in transit, and receipt upon delivery. (Examples: Certified mail, UPS, FedEx.)

When examining each part-petition, remember that:

- A **signer** of any declaration of candidacy for a partisan candidate must be a qualified elector whose qualifying voting address is located in the territory of the office stated on the declaration of candidacy, and who is affiliated with the political party of the candidate named on that declaration of candidacy.
- A **circulator** of any declaration of candidacy for a partisan candidate must be a qualified elector of Ohio, but not necessarily of the territory of the office stated on the declaration of candidacy, who is affiliated with the political party of the candidate named on that declaration of candidacy, unless the circulator is the candidate named in that petition and is exempted by R.C. 3513.191(C)(4) from the party affiliation rule contained in R.C. 3513.05.

For purposes of signing or circulating a declaration of candidacy, an elector is considered affiliated with a political party of the candidate if, in 2003, 2004 and 2005, the signer or circulator **either**:

- Voted in primary elections only of the political party stated on the declaration of candidacy, or
- Did not vote in a primary election of any other political party.

R.C. 3501.38(C) requires that a signer's address on a petition match the signer's address on file with the board of elections. However, no such requirement extends to addresses of candidates or circulators. State law requires only that a candidate be a qualified elector of the territory of the office sought, and that a circulator be a qualified elector of Ohio. Thus, there is no basis in law for invalidating a part-petition solely because the address of the candidate and/or circulator on that part-petition differs from the address on file with a board of elections.

If you receive petitions signed by a circulator from another county, confirm with that county's board of elections the circulator's registration including verifying signature and party affiliation.

If you have any questions concerning the petitions, please call the Elections Division at 614-466-2585.

Sincerely,

J. Kenneth Blackwell

REPORTING FORM STATEWIDE CANDIDATE'S PETITION

On behalf of the Board of Elections of _____ County, I hereby certify that we have examined the enclosed part-petitions. The number of valid and invalid signatures on the part-petitions for _____, candidate(s) for _____ of the _____ Party, are as follows:

	PETITIONS	SIGNATURES
1. Number of valid part-petitions	_____	
Number of valid signatures		_____
Number of invalid signatures		_____
2. Number of invalid part-petitions	_____	
Number of signatures on invalid part-petitions		_____
3. Total number of <i>part-petitions</i> received (valid and invalid)	_____	
4. Total number of <i>signatures</i> on part-petitions (valid and invalid)		_____

Signature _____
Director

Date

Keep a copy for your files

INSTRUCTIONS AND CODE SYMBOLS FOR VALIDATING SIGNATURES ON PETITIONS

Each signature must be individually examined. If a signature is valid, place a red check mark at the left margin beside it. After examining the entire part-petition, **place the number of valid signers** on the right side of the front page below the Secretary of State's stamp; **write the initials** of the board employee who checked the part-petition under the number.

If a signature is not valid, indicate what is wrong by the use of the following initials or an explanatory notation if no set of initials fits:

- NR “Not registered” The signer is not registered to vote. Each person who signs a petition paper must be a qualified elector **as of the date the petition was filed with the Secretary of State – December 21, 2004.**
- NRA “Not registered address” The address provided on the petition is not the address on file with the board of elections at the time the petition was filed with the Secretary of State’s office – *see note above.*
- NG “Not genuine” The signature does not appear to be the genuine signature of the person whose signature it purports to be, or the signature is not in cursive if it is supposed to be.
- ILL “Illegible” Both the signature and address are unreadable, so that it is impossible to check the signature against a voter registration record.
- P “Pencil” The signature was written using a pencil.
- DUP “Duplication” The person has signed more than one petition for the same person.
- NA “No address” The signer must have entered his/her complete address; house number and street name, or RFD, and the appropriate city, village, or township. Failure to provide the name of the county is not fatal if board officials can determine it from the other information given. The ward and precinct information is not required.
- OC “Other county” The signer is a resident of another county. Do not cross out the signature or address; instead, only place code at left margin.
- ND “No date” The petition does not indicate the date on which the signature was affixed. (However, acceptable are: month-date-year, month-date, date out of sequence with the other signers’ dates, ditto marks.)
- OP “Other party” The signer is affiliated with a party other than that of the candidate.
- CIR “Circulator” Circulator signed the part-petition he or she circulated. (This invalidates the circulator’s signature as a signer, but not the entire part-petition.)

If the number of signatures on a part-petition is more than the number indicated by the circulator, the entire part-petition is invalid.

When invalidating an entire petition, indicate the reason for rejection on the front of the petition and separate it from the valid petitions. Please place any invalid petitions on the top of the returned petitions with the report form. **Do not invalidate a petition solely for the reason it does not contain any valid signatures; it is a valid petition, but contains no valid signatures.**
