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DIRECTIVE 2011-14

April 7, 2011

To: Certain County Board of Elections

Re: Initial Petitions Filed re: Prospective Referendum Petition Against Am. Sub. S.B. No. 5
(collective bargaining law affecting public employees) of the 129th General Assembly

SUMMARY

This Directive provides instructions to the certain county board of elections on the examination, scanning, and certification of signatures on two separate petitions that have been submitted to the Secretary of State to begin the referendum process against Am. Sub. S.B. No. 5. Each board of elections must complete its examination and certification consistent with the instructions outlined below and return its certification and the part-petitions to the Secretary of State's office not later than **next Wednesday, April 13, 2011**.

INITIAL PETITIONS SUBMITTED

On April 4, 2011, two petitions were submitted to this office pursuant to R.C. 3519.01(B)(1) by a group of persons seeking to circulate a referendum petition against Am. Sub. S.B. No. 5 of the 129th General Assembly. Enclosed are the parts of each petition containing signatures from your county that you must examine in order to determine the number of qualified electors who signed each petition. Please read this Directive and the accompanying instructions carefully before you start your examination of the signatures.

Important Note: Before proceeding with gathering signatures for an actual referendum petition, prospective petitioners must submit to the Secretary of State an initial petition containing at least 1,000 valid signatures, the text of the act that the petition seeks to have referred to the voters, and a summary of the act. The Secretary of State must verify the signatures on the petition and the text of the act; the Ohio Attorney General must approve the summary. In this instance, the petitioners submitted *two different sets of petitions*, each set containing a different summary. In order to properly and separately track the individual part-petitions and their respective signatures, the Secretary of State's office has designated Petition Project #1 the "Short Petition," because it has fewer pages due to the abbreviated summary, and Petition Project #2 the "Long Petition," because it is more voluminous due to the lengthier summary. In order to ensure an orderly and accurate process, it is important that you keep the parts of the two petitions physically separated during your examination and validation of the signatures.

CHECKING SIGNATURES ON THE PETITIONS

Each person who signs a petition paper must be a qualified elector of the county in which the part-petition was circulated as of the date the part-petition is examined by the board of elections. (R.C. 3519.15) If the part-petition contains signatures from any other county, the part-petition is still valid, but only signatures from your county shall be counted. The signatures from outside your county are invalid. (R. C. 3519.10)

SCANNING THE PETITIONS

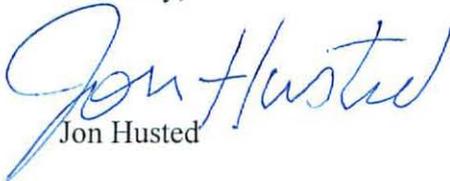
After you have completed checking the signatures on the part-petitions, you must electronically scan the relevant pages of each part-petition (including at least the cover page, the pages containing signatures and the page containing the circulator statement). Burn the scanned images onto one or as many CDs or DVDs as may be necessary and send the CDs/DVDs to the Secretary of State's office along with the part petitions and certification form. You should keep an electronic copy of the images you burned to the CDs/DVDs sent to the Secretary of State's office.

RETURNING THE PETITIONS

As soon as you verify the signatures on the part-petitions, please return your completed certification, all part-petitions and the CDs/DVDs containing the scanned images to the Secretary of State's office, 180 E. Broad Street, Columbus OH 43215. You must return your certification and accompanying materials either in person or by a method that provides for tracking of delivery (e.g. certified U.S. mail, Post Office Express Mail, UPS, or FedEx). **Your certification, the part-petitions and CDs/DVDs and must be received by the Secretary of State's office no later than Wednesday, April 13, 2011.**

If you have any questions concerning the examination of the part-petitions, please contact the Elections Attorney assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted

CODE SYMBOLS FOR VALIDATING SIGNATURES ON PETITIONS

Each signature must be individually examined. If a signature is valid, please place a red check mark at the left margin beside it. After checking an entire part petition, please **write** on the right side of the front page of each part petition **both the number of valid signers** and **the initials** of the board employee who checked the part petition under the number.

If a signature is not valid, please indicate the problem with it by using the following initials or, if no set of initials applies, an explanatory notation:

- CIR Circulator signed as an elector the part petition he or she was circulating. (This invalidates the circulator's signature as a signer, but not the entire part petition.)
- DUP “Duplication.” The person has signed more than one part petition or twice on the same part petition.
- ILL “Illegible” applies only if both the signature and address are unreadable, so that it is impossible to check the signature against a voter registration record.
- NA “No address.” The signer must have provided 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 of residence is not fatal *if* board officials can determine the county from the other information given. Ward and precinct information is not required.
- 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 other signers' dates, ditto marks.)
- NG “Not Genuine.” The signature on the petition does not appear to be the genuine signature of the person whose signature it purports to be, compared to the signature on file with the board of elections as of the date the board checks the petition.
- 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 board examines the petition.**
- NRA “Not Registered Address.” The address provided on the petition paper is not the address on file with the board of elections **as of the date the board examines the petition.**
- OC “Other County.” The signer is a resident of some other county. **Do not cross out signature or address; instead, place code at left margin.**
- P “Pencil.” The signature was written using a pencil.

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 part petition, please indicate the reason for rejection on the front of that part petition and separate it from any valid part petition. **Do not invalidate a part petition for the sole reason that it does not contain any valid signatures; it is a valid part petition, but it contains no (“zero”) valid signatures.**

