



DIRECTIVE 2018-16

July 3, 2018

To: All County Boards of Elections
Directors, Deputy Directors, and Board Members

Re: Instructions Regarding the Review, Examination, and Verification of the Petition to Form a Minor Political Party

SUMMARY

This Directive provides instructions to county boards of elections on the review, examination, and verification of signatures on a petition to form a minor political party that has been filed with the Ohio Secretary of State by the Libertarian Party of Ohio and transmitted to the county boards of elections.¹

Each board of elections must complete its review, examination, and verification consistent with the instructions regarding the number of signatures reported in the circulator's statement contained in this Directive and the "Instructions for the Examination and Verification of the Petition" contained in [Directive 2017-15](#) (Chapter 11 of the Ohio Election Official Manual). Pursuant to Ohio law governing minor party formation, petition examination and verification must be completed, and the certification forms submitted electronically to the Secretary of State's Office, no later than **4:00 p.m. on Wednesday, July 11, 2018**.²

TRACKING AND TALLYING SIGNATURES BY CONGRESSIONAL DISTRICT

Ohio law governing minor party formation requires that the petition be "signed by not fewer than five hundred qualified electors from each of at least a minimum of one-half of the congressional districts in this state."³ Accordingly, each board must track, tally, and report signatures individually by congressional district within the county. This can be done electronically, if your county's voter registration system can accommodate the tracking and tallying of signatures by congressional district, or manually by indicating the congressional district next to each signature and then hand counting the number of signatures from each congressional district.

¹ R.C. 3517.01.

² This year, the deadline for filing a petition to form a minor political party was July 3, 2018 (no later than the 126th day prior to the general election). The statutory deadline for boards of elections to determine the sufficiency and validity of the signatures is July 11, 2018 (no later than the 118th day prior to the general election). R.C. 3517.012 (A).

³ R.C. 3517.01(A)(1)(b)(ii).

INSTRUCTIONS

Before checking any petition, the board must review the instructions contained in [Chapter 11 of the Election Official Manual](#) regarding the review of circulator's statements and signatures and marking signatures.

As the instructions state, each county board of elections must process all new, valid voter registrations and changes of names and/or address to existing registrations received by the board or the Secretary of State's Office as of the date the petition was filed with the Secretary of State (i.e., Monday, July 2, 2018) before verifying the signatures on the part-petitions.⁴ These registrations are effective as of the date filed with the Secretary of State.⁵

Please note that the lack of congressional district number on a signature line is not a reason for a board to reject a signature on a petition.

A circulator does not need to be an Ohio elector. If the circulator is not an Ohio elector, as indicated on the permanent residence address the circulator provided in the circulator statement, the board should accept as true the claim of political party membership that is included in the circulator's statement.⁶

PART-PETITION BELONGS TO ANOTHER COUNTY

If you receive a part-petition that belongs to another county, please follow the process outlined below. **It is imperative, due to the short timeframe for verifying signatures on this petition, that a copy of any part-petition belonging to another county is transmitted immediately to the other county for signature verification.**

A board must not wait until all out-of-county part-petitions are located and accumulated to transmit a part-petition but must transmit each part-petition to the appropriate board of elections immediately.

⁴ R.C. 3501.38(A).

⁵ R.C. 3501.38; 3503.19.

⁶ See R.C. 3513.05.

In the event that a board receives a part-petition on which the majority of signatures on the part-petitions are in another county, that board of elections may not determine the validity of that part-petition or review the signatures contained on it. Instead, the board must follow the steps below to send a **copy** of the part-petition to the correct county:

1. Contact the Director or Deputy Director at the other county board by phone to notify him or her that your board will be forwarding a scanned copy of a part-petition(s) via email to the email address provided.
2. Complete Section A of the Part-Petition Transfer Form and select the Compose Email button.
3. Attach to the email the scanned copy of the part-petition(s) to be transferred and send the email.
4. The email will be sent to the email address provided by the county which was contacted and will also be automatically cc'd to staff within the Elections Division. The email will contain two attachments: the Part-Petition Transfer Form and the scanned part-petition(s).
5. After emailing the form and the scanned petitions, print the completed Part-Petition Transfer Form, attach to the original part-petitions and place in the Part-Petition Transfer Envelope provided for the particular part-petition.

Once a board receives a part-petition from another county, it must:

1. Open the Part-Petition Transfer Form attached to the email and complete Section B.
2. Print the form.
3. Process the part-petition(s).
4. Attach the Part-Petition Transfer Form to the scanned part-petition(s) and place in the Part-Petition Transfer Envelope provided.

When the board returns its checked part-petition(s) to the Secretary of State's Office, place the Part-Petition Transfer Envelope on top of the container used for shipping.

FULFILLING PUBLIC RECORDS REQUESTS

Your board of elections may receive a public records request for copies of the part-petitions. Boards should consult with their statutory legal counsel, the prosecuting attorney before rejecting, fulfilling, or responding to any public records request.

CERTIFICATION & RETURN OF PART-PETITIONS

As soon as the board finishes verifying the signatures on your county's part-petitions, you must return a completed certification form. The certification form must be completed and submitted electronically via Elect Collect by clicking the "Submit" button. It also must be saved and printed. The Director must sign the form and return the signed certification form to Emily Bright-Woeste via email to ebright@ohiosecretaryofstate.gov.

All certification forms must be received by 4:00 p.m. on July 11, 2018.

Once the certification form has been submitted, county boards of elections must promptly return the original part-petitions to the Secretary of State's Office, 180 East Broad Street, 15th Floor, Columbus, Ohio 43215, via a trackable delivery method **not later than Friday, July 13, 2018**. All part-petitions must be received by the Secretary of State's Office no later than Friday, July 13, 2018.

If you have any questions concerning this Directive, please contact the Secretary of State's elections counsel assigned to your county at (614) 466-2585.

Sincerely,


Jon Husted