



J. KENNETH BLACKWELL
Ohio Secretary of State

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Directive No. 2006-26
February 16, 2006

To: ALL COUNTY BOARDS OF ELECTIONS

Re: Ben Espy – Justice of Supreme Court 1-2-07 - Democrat

Enclosed is a declaration of candidacy and petition for statewide office that was filed in this office on *February 16, 2006*.

You must examine the petitions in accordance with R.C. 3513.05 (requirements of declarations of candidacy), R.C. 3501.38 (rules governing petitions), R.C. 3501.011 (definition of “signature”), and the enclosed instructions. Your board must certify the validity and sufficiency of the petition papers by ***February 23, 2006***. All petition papers and certification forms must be returned to this office by ***February 28, 2006***, via a method that provides a record of sending, tracking while in transit, and receipt upon delivery. (Examples: Certified U.S. Mail, UPS, FedEx.) You also may return them in person.

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 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 the seventh paragraph of 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 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.

You are reminded that, although R.C. 3501.38(C) states that a *signer*’s address on a petition must match the signer’s address on file with the board of elections, no such requirement extends to the 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. Consequently, 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 petition papers signed by a circulator from another Ohio county, contact that county’s board of elections to confirm the circulator’s registration and party affiliation.

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

Sincerely,

A handwritten signature in cursive script that reads "J. Kenneth Blackwell".

J. Kenneth Blackwell

INSTRUCTIONS AND CODE SYMBOLS FOR VALIDATING / INVALIDATING SIGNATURES ON PETITIONS

Each signature must be examined individually to determine if it satisfies all the requirements of law. After checking an entire part-petition, write:

- the **number of valid signatures** and
 - **the initials** of the board employee who checked the part-petition,
- on the right side of the front page of each part-petition, below the Secretary of State's petition stamp number.

If a signature is **valid**, place a red check mark at the left margin beside it.

If a signature is **invalid**, use one of the following codes to indicate why it was invalidated; if none of the codes fit, provide an explanatory notation. Do not cross out any signature or address; only place code at left margin.

- NR Not Registered: The signer is not registered to vote. Each signer of a petition paper must be a qualified elector registered to vote at the address shown on the petition paper **as of the date this petition was filed with the Secretary of State (February 16, 2006)**.
- NRA Not Registered Address: Address provided on the part-petition after the signature is not the address on file with the board of elections **as of the date this petition was filed with the Secretary of State (February 16, 2006)**.
- NA No Address: The signer's street and number, or RFD, and city, village, or township, must be provided next to his/her signature on the part-petition. A post office box cannot be accepted as the signer's voting address. The signer need not have entered the name of his/her county, if the board can determine the signer's county of residence based on the other information provided on the petition. The ward and precinct information is not required.
- NG Not Genuine: The signature does not appear to be the genuine signature of the person whose signature it purports to be; i.e., it does not comport with the signature on file with the board.
- ILL Illegible: A board rejects a signature for this reason only if both the signature and signer's address are unreadable, such that it is not reasonably possible for the board to determine the signer's identity and check the signature against a voter registration record.
- P Pencil: Signed in pencil.
- ND No Date: No date appears on the part-petition after the signer's signature. (Acceptable as "dates" are: month-date-year, month-date; ditto marks.)
- DUP Duplication: The signer signed the candidate's petition more than once, in which case only the first signature shall be counted.
- OC Other county: The signer is a resident of another county.
- CIR Circulator: The circulator signed the part-petition he or she was circulating. (This invalidates only the circulator's signature as a signer, not the entire part-petition.)
- WP Wrong Party: The signer or circulator is not affiliated with the political party named on the petition.
Exception: Candidate is the circulator and is exempted from the party affiliation rules.

If the number of signatures submitted on a part-petition is **more than the** number indicated in the circulator's statement, **the entire part-petition is invalid**.

When invalidating an entire part-petition:

- Indicate the reason for rejection on the front of the part-petition.
- Place the invalid part-petition(s) on the top of the part-petitions the board is returning.
- Do **not** invalidate a part-petition solely for the reason that it contains no valid signatures.

Finally, complete the enclosed Reporting Form and return it, with the part-petitions, to the Secretary of State.

**REPORTING FORM
STATEWIDE CANDIDATE PETITION**

Candidate: **Ben Espy**
Office Sought: **Justice of Supreme Court 1-2-07**
Date Filed: **2-16-2006**

Filing Status: **Democratic**
Date of Election: **May 2, 2006**

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 of Ben Espy, Democratic candidate for the office of Justice of Supreme Court, 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)		_____

Director's Signature: _____

Date: _____

Keep a copy of the completed form for your files.