

DIRECTIVE 2008-08

January 7, 2008

To: ALL COUNTY BOARDS OF ELECTIONS

Re: Petition of Joseph D. Russo - Justice of the Supreme Court of Ohio, Democratic

Enclosed for your review and verification is Joseph D. Russo's declaration of candidacy and petition for statewide office (Justice of the Supreme Court of Ohio) that was filed in the Secretary of State's office on January 4, 2008. The facts of qualification for signers and circulators of the part petitions are determined **as of the date the petition was filed** in the Secretary of State's office, that is: **January 4, 2008**. Please note that this differs from the standard used for the state issue part petitions you recently examined, for which those qualifications were determined based on the date a petition paper was examined by the board, not the date the petition was filed.

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 **January 11, 2008**. All petition papers and certification forms must be returned to this office by **January 16, 2008**, 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, please remember that:

- o A **signer** of this declaration of candidacy must be a qualified elector whose qualifying voting address is located in the State of Ohio and who is affiliated with the Democratic Party (see below for more details on this issue).
- o A **circulator** of this declaration of candidacy must be a qualified elector of Ohio who is affiliated with the Democratic Party, *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 petition of candidacy for party nomination or election, an elector is considered to be a member of a political party of the candidate if the signer or circulator *either*:

- o Voted in that party's primary election within the preceding two calendar years (2006-2007), or
- o Did not vote in any other party's primary election within the preceding two calendar years (2006-2007).

You are reminded that, although R.C. 3501.38(C) provides 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 that a candidate for the

Supreme Court of Ohio (statewide office) be a qualified elector of the State of Ohio, 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, please 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. We appreciate your cooperation.

Sincerely,

Jennifer Brunner