

DIRECTIVE 2008-92

September 11, 2008

TO: ALL COUNTY BOARDS OF ELECTIONS
MEMBERS, DIRECTORS, AND DEPUTY DIRECTORS

RE: Effect of Am. Sub. H.B. 350 on Issuance of Directives

The General Assembly recently enacted Am. Sub. H.B. 350 ("H.B. 350") which added a new section to the Revised Code governing the issuance of directives by the Secretary of State. New R.C. 3501.053 classifies directives as either "permanent directives" or "temporary directives" and imposes public notice, public comment and timing requirements for the issuance of permanent directives.

H.B. 350 does not diminish the authority of the Secretary of State to issue directives, but only establishes procedural requirements prior to issuance. The effective date of H.B. 350 is September 12, 2008.

All advisories and memoranda issued by this office are not subject to "temporary" or "permanent" status and remain, as do previously issued directives, unaffected by the enactment of H.B. 350.

This office will continue after September 12, 2008, to post directives, both permanent and temporary, on the Secretary of State website, www.sos.state.oh.us. In addition, effective September 12, 2008, proposed permanent directives will be posted before being issued to boards of elections to allow reasonable notice and a reasonable amount of time for public review and public comment concerning proposed permanent directives.

Pursuant to the general legal principle that new laws are applied prospectively only and do not have retroactive effect, H.B. 350 does not affect the validity of directives issued by the Secretary of State prior to September 12, 2008, the effective date of H.B. 350.

I therefore direct the boards of elections to follow this and all previous directives identified by this office to be in full effect on the effective date of H.B. 350 (September 12, 2008) and thereafter, unless subsequently and specifically superseded, revoked or replaced by a subsequent directive of the Secretary of State, whether temporary or permanent.

A list of directives, advisories, memos, and letters in effect on September 11, 2008, that continue to be of full effect and carry the weight of law pursuant to R.C. 3501.05 and R.C. 3501.11, is available at: www.sos.state.oh.us/SOS/elections/Directives.aspx.

For your convenience a list of directives that predate the effective date of H.B. 350, and remain in effect thereafter, is attached to this directive (copy attached).

If you have any questions about this directive, please contact your assigned elections attorney by email or at telephone number (614) 466-2585.

Sincerely,

Jennifer Brunner