

DIRECTIVE 2010-54

June 11, 2010

TO: ALL COUNTY BOARDS OF ELECTIONS

RE: Nominating Petition of Frank Patrick Cunnane and Michael Mendlovic joint candidates for the office of Governor and Lieutenant Governor, respectively

Enclosed for your review and verification are the statement of candidacy and nominating petitions of Frank Patrick Cunnane and Michael Mendlovic, joint candidates for the office of Governor and Lieutenant Governor, respectively. These documents were filed in the secretary of state's office on May 3, 2010. 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 – **May 3, 2010**.

You must examine the part petitions in accordance with R.C. 3513.257, .261 (requirements of independent candidates), 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 **July 9, 2010**. All petition papers and certification forms must be returned to the Secretary of State's office by **July 13, 2010, 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 the subject statement of candidacy must be a qualified elector whose qualifying voting address is located in the State of Ohio.
- o A federal court has ruled unconstitutional the provision of R.C. 3503.06(A) that required a circulator of a declaration of candidacy or nominating petition to be a resident of Ohio. Consequently, a **circulator** of the subject statement of candidacy is not required to be a qualified elector or resident of Ohio.

We remind you 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*. 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 have any questions concerning the petition or any part petition, please call the Elections Attorney assigned to your county at 614-466-2585. We appreciate your cooperation.

Sincerely,

Jennifer Brunner