

DIRECTIVE 2010-60

August 25, 2010

TO: Mahoning County

RE: Board of Elections to hold hearing no later than Monday, August 30, 2010 on its current determination that 458 signatures on James A. Traficant, Jr.'s nominating petition for the 17th Congressional District that were obtained in Mahoning County are invalid

This directive is issued in connection with the Secretary of State's decision issued today to the Trumbull County Board of Elections on the tie vote on a motion to amend the certification of James A. Traficant, Jr.'s nominating petition as an independent candidate for Ohio's 17th Congressional District. Pursuant to the Secretary of State's authority under R.C. 3501.05(M), the Mahoning County Board of Elections is hereby directed to hold a hearing for the Traficant supporters who filed the appeal and protest with the Trumbull County Board of Elections on July 29, 2010. The board shall provide the Traficant supporters a reasonable opportunity to be heard on their allegations/concerns about the board's review of the signatures on petition papers circulated in Mahoning County, as outlined in the Secretary of State's decision. A copy of the decision is attached for your review.

The record of the tie vote submitted to the Secretary of State includes the "Appeal and Protest of Invalidation of the Nominating Petition for James A. Traficant as an Independent Candidate for the 17th Congressional District" that was filed with the Trumbull County Board of Elections. That document challenged, in relevant part, the Mahoning County Board of Elections' determination as to the invalidity of certain signatures on the Traficant petition. The record of the tie vote evidences that the Traficant supporters who filed the appeal and protest complain that they did not have the opportunity to present their concerns to the Mahoning County Board of Elections.

Because the Trumbull County Board of Elections is without authority to order the Mahoning County Board of Elections to hear these concerns, and the Mahoning County board has not formally heard those allegations and concerns, the Secretary of State hereby orders the Mahoning County board (1) to promptly hold a hearing as to the 458 signatures from Mahoning County that the board currently determines to be invalid and (2) to recertify to the Trumbull County Board the number of valid signatures from Mahoning County, based on the hearing.

All requisite action shall be taken by the following deadlines:

1. Deadline for the Mahoning County board to hold the hearing is Monday, August 30, 2010.
2. Deadline for the Mahoning County board's final determination, if needed to be separate from the date of the hearing, is Tuesday, August 31, 2010.
3. Deadline by which the Trumbull County Board of Elections shall receive the recertified valid number of signatures from the Mahoning County Board of Elections, determined as a result of the Mahoning County board's hearing, is Tuesday, August 31, 2010.
4. Deadline for the Trumbull County Board of Elections to make its determination on certification of James A. Traficant, Jr.'s nominating petition, and to transmit the results of its determination to the other county boards of elections within the 17th Congressional district, is Wednesday, September 1, 2010.

Sincerely,

Jennifer Brunner