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DIRECTIVE 2011-21

July 7, 2011

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

RE: Constitutional Amendment Proposed by Initiative Petition

SUMMARY

This Directive provides instructions on the examination and certification of signatures on the initiative petition proposing an amendment to the State Constitution. Each county board of elections must complete its examination and certification consistent with the instructions outlined below and return its certification to the Secretary of State's office not later than **4:00 p.m. on Friday, July 22, 2011.**

PETITION SUBMITTED

On July 6, 2011, the Secretary of State's office received a petition to place a proposed amendment to the State Constitution on the November 8, 2011, general election ballot. **Please carefully read this directive and the accompanying instructions before you start examining the part-petitions circulated in your county and sent to you by this office.**

EXAMINING THE PART-PETITIONS

The Board of Elections must examine each part-petition in accordance with the instructions provided in Directive 2011-17. A copy of the Directive is attached for your convenience and available on the Secretary of State's website.

Prior to verifying the validity of the individual signatures contained on an individual part-petition, the Board of Elections must verify the validity of that part-petition. Check each part-petition to determine whether the circulator's statement on the last page of the part-petition has been properly completed. The whole part-petition is invalid if the circulator's statement is not complete as required by law.

As a reminder, each person who signs a petition paper must be a qualified elector of the county in which the part-petition was circulated as of the date the part-petition is examined by the board of elections. (R.C. 3519.15) If the part-petition contains signatures from any other county, the part-petition is still valid, but the signatures from any other county cannot be counted. (R.C. 3519.10). See Directive 2011-17 for detailed information on the review of signatures.

Each county receiving petitions must review for validity and sufficiency all of the signatures contained on all of the part-petitions sent by the Secretary of State to the county.

FULFILLING PUBLIC RECORDS REQUESTS

In order to satisfy the requirements of the Ohio Constitution (Article II, Section 1g) and the Revised Code (3519.15), the Secretary will “forthwith” separate and transmit the part-petitions to the county boards of elections. To fulfill these legal responsibilities, the Secretary of State’s office will not be photocopying or imaging any of the part-petitions prior to sending them to the counties for verification. County boards of elections are to “proceed at once” in their determination of the validity and sufficiency of the part-petitions.

At least one entity has already notified county boards of elections of its intent to request records from county boards of elections relative to the signers of this petition. Boards should consult with their statutory legal counsel, the county prosecuting attorney, before responding to any public records request. Boards should also review information published by the Ohio Attorney General and State Auditor explaining Ohio’s public records law (see <http://www.ohioattorneygeneral.gov/Legal/Sunshine-Laws>).

CERTIFICATION OF FINDINGS

As soon as you have determined the validity and sufficiency of all of the part-petitions sent to you, and the validity and sufficiency of all of the signatures contained on all valid part-petitions, you must complete and return your completed certification form via fax or email to Melanie Poole in the Secretary of State’s office (614-485-7697 or mpoole@sos.state.oh.us). **Your certification form must be received by the Secretary of State’s office no later than 4 p.m. on Friday, July 22, 2011.**

RETURNING THE PETITIONS

After you have faxed or emailed your completed certification form to Melanie Poole, you must return the original part-petitions to the Secretary of State’s office either in person or by a method that provides for tracking of delivery (e.g. certified U.S. mail, Post Office Express Mail, UPS, or FedEx sent to 180 East Broad Street, 15th Floor, Columbus, Ohio 43215). **The original part-petitions must be received by the Secretary of State’s office no later than Monday, July 25, 2011.**

If you have any questions concerning the examination of the part-petitions, please contact the Elections Attorney assigned to your county at (614) 466-2585. Thank you for your continued hard work.

Sincerely,



Jon Husted