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DIRECTIVE 2011-32

October 13, 2011

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

RE: **H.B. 319, Congressional Redistricting, Statehouse Legislative Redistricting and New Mandatory Mailing Requirement**

SUMMARY

On September 21, 2011 the 129th General Assembly enacted Substitute House Bill No. 319 ("H.B. 319") creating new congressional districts for the State of Ohio in which candidates will compete from 2012 through 2020. On September 30, 2011 the Ohio Apportionment Board finalized the new State House and Senate districts for that same timeframe. This Directive provides boards of elections with information on these topics and outlines your responsibilities as a result of redistricting.

DIRECTION

I. Primary Election & Filing Deadline

The 2012 primary election will be March 6, 2012, and the filing deadline for candidates and issues is 4 p.m. on December 7, 2011.

II. Congressional Districts (H.B. 319)

A. Maps & Legal Descriptions

The congressional district legal descriptions are available at www.legislature.state.oh.us/BillText129/129_HB_319_EN_N.pdf. Each district is listed consecutively followed by the area contained in the district. You will notice that whenever an area included in a district is less than an entire county, the legal description is a "Block Group" or a "Tract," as defined by the U.S. Census Bureau. If your county has GIS capabilities, the equivalency files are available for download at www.sos.state.oh.us/ReshapeOhio/Congressional/ProposedMap.aspx.

B. Possible Impact of Litigation and Referendum

Opponents of the congressional redistricting bill have filed a lawsuit in the Ohio Supreme Court to determine whether or not H.B. 319 is subject to referendum. You should proceed with updating your local systems to conform to the requirements of H.B. 319 unless advised otherwise by this office or the Court.

III. State House and Senate Districts

A. Maps & Legal Descriptions

The State House and Senate district legal descriptions are available at www.sos.state.oh.us/sos/upload/reshape/GA/Apportionment-Engrossed.pdf. Different from the legal descriptions for the congressional districts, you will notice that whenever an area included in a district is less than a county, the legal description is a political subdivision, such as city, village, township, municipal ward, or precinct and portions thereof. These descriptions are based on boundaries as they existed when the data was collected by Cleveland State University. If you have performed precinct boundary amendments or if there have been municipal ward boundary changes or annexations, you need to take into consideration that the new assignments are made based on the previous data. For example, if you have combined Precinct A and C into a new Precinct A, and Precinct A is listed in the legal description, then it is referring to the old Precinct A portion of the new Precinct A. If you need specific clarification on this matter, contact the elections attorney assigned to your county. If your county has GIS capabilities, the equivalency files are available for download at www.sos.state.oh.us/SOS/ReshapeOhio/GADistricts/adoptedMap.aspx.

B. Possible Impact of Potential Litigation

As has happened in the past, it is possible that the composition of the districts will be challenged in court. Regardless of this possibility, you should proceed with updating your local systems to conform to these new boundaries unless advised otherwise by this office or the Court.

IV. Board Responsibilities

A. Updating County Voter Registration System (VRS)

Each county board of elections must update its voter registration system ("VRS") so that the new district information is applied to the database and every voter is properly assigned to the correct House, Senate, and Congressional district. If a county VRS has a street or block segment/range database, then that portion of the county VRS must be

updated as well. While there is no statutory deadline for updating the VRS, there are practical implications to consider, such as the need to verify signatures on district candidate petitions filed on December 7 and to prepare for the March 6, 2012 primary election. **Consequently, all boards of elections should strive to have their county VRS fully updated by December 7, 2011 but no later than December 19, 2011.**

B. Updating County Central Tabulating System

Once the county VRS has been updated, you will need to update your voting system's central tabulating system to reflect the new districts as well. **This must be completed no later than December 23, 2011 or by the time you begin programming for the March 6, 2012 primary election, whichever is earlier.**

C. Updating Statewide Voter Registration Database ("SWVRD")

The act of updating the county VRS should automatically update the record in the SWVRD. If there are steps that you must take using your local VRS to initiate the transmission of a packet to update the SWVRD, please be certain to do so. Please contact your county VRS vendor for system specific information or Caitlin Decatur (CDecatur@OhioSecretaryofState.gov) or Robin Fields (RFields@OhioSecretaryofState.gov) if you have questions about updating the SWVRD.

D. Mandatory Mailing

Section 3 of H.B. 319 requires all county boards of elections to:

"... mail a notice to each elector registered to vote in the applicable county notifying the elector of all of the following: 1) the date of the 2012 primary election; 2) the precinct in which the elector is registered to vote; 3) the congressional district in which the elector's residential address is located; [and] 4) the house of representatives and senate districts in which the elector's residential address is located."

In addition to these four items, I direct all county boards of elections to include on the mandatory mailing the elector's polling location name and address.

You cannot send the mailing until you have updated your county VRS and performed any precinct boundary realignment (see V. below.) However, the mailing must be mailed on or before January 31, 2012 (the thirty-fifth day before the day of the March 6, 2012 primary election).

V. Precinct Boundary Adjustments (R.C. 3501.18)

Boards of elections are not required to re-precinct in response to the redistricting. However, in some instances, House, Senate, and Congressional redistricting may increase the number of split precincts in the county. Though not a requirement, some boards may choose to realign precinct boundaries to reduce splits once the redistricting process is complete.

If county party central committee members are to be elected from any party at the March 6, 2012 election, then redrawing precincts is prohibited between January 1, 2012 and March 6, 2012. R.C. 3501.18(A). If your board plans on redrawing precincts before January 1, 2012, please keep in mind that some county party central committee members are elected by precinct and that those candidates will be required to circulate petitions and file by December 7, 2011.

If no county party central committee members are to be elected in your county in the March primary election, then you may not change precinct boundaries after February 9. R.C. 3501.18(A).

Please remember that, if a precinct boundary does not follow census boundaries, then the board must seek a waiver from the Secretary of State before approving the change. A precinct can contain no more than 1,400 registered voters (voters in confirmation status can be excluded from this count). Waiver requests take approximately ten working days to review and complete, assuming all of the information required on Form 50 is provided at time of submission.

VI. Funding

Implementation of the congressional districts is dependent upon the appropriation in Section 4 of H.B. 319. The General Assembly has allocated \$2.75 million to assist county boards with this implementation. The Secretary of State will allocate these funds to counties on a per registered voter basis (i.e., using the registered voter counts reported to the state for the November 8, 2011 general election). You will receive a check with your county's allocation after January 1, 2012. Please note that your county is responsible for paying for the difference if these funds do not cover your redistricting costs and expenses.

VII. Resources

Most boards of elections will need to contract with their voter registration system vendor, their voting system vendor, a GIS vendor, or some other qualified entity to assist with performing these duties. These are acceptable practices, though boards of elections are reminded to work

with their county prosecuting attorney and other local procurement office to ensure that any contracts properly protect the county and follow all applicable contracting requirements.

VIII. Most Populous Counties (R.C. 3513.05)

Please see the attached list for the new most populous county for each district for filing purposes.

IX. State Board of Education Districts (R.C. 3301.01(B))

The General Assembly must enact legislation establishing state board of education districts by December 31, 2011. R.C. 3301.01 (B). If the General Assembly does not adopt new state board of education districts by the time you have completed your work on the House, Senate, and Congressional districts, then you will need to add state board of education districts to your file after the March 6, 2012 primary election and include them in your voter history upload for that election.

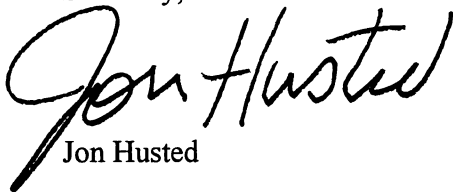
The filing deadline for state board of education candidates is August 8, 2012.

X. Signature Requirements for Independent Candidates (R.C. 3513.05 and 3513.257)

You will need to calculate the signature requirements for independent candidates based upon the vote totals from the 2010 gubernatorial race. With redistricting and possible precinct changes, such calculations may prove to be difficult. Accordingly, if you have questions about how to determine signature requirements for independent candidates, please contact the Elections Division for assistance.

If you have any questions, please contact the elections attorney assigned to your county.

Sincerely,



Jon Husted