



DIRECTIVE 2022-36

June 6, 2022

To: All County Boards of Elections
Board Members, Directors, and Deputy Directors

Re: Examination and Verification of Petitions from Statewide Independent Candidates

SUMMARY

This Directive provides instructions for the examination and verification of signatures for nominating petitions for independent candidates for Governor and Lieutenant Governor, United States Senate, and Ohio Secretary of State. Instead of issuing a separate directive with each candidate's petition, this Directive applies to all of the nominating petitions for independent candidates filed with the Ohio Secretary of State's Office for the November 8, 2022 General Election.

Nominating petitions for the following candidates were filed with the Ohio Secretary of State's Office on the dates listed to the right of each candidate's name:

For Governor and Lieutenant Governor

- Frank Patrick Cunnane/ Mary E. Cunnane April 28, 2022
- Niel J. Petersen/ Michael V. Stewart May 2, 2022

For Ohio Secretary of State

- Terpsehore P. Maras May 2, 2022

For United States Senate

- Kelli Prather May 2, 2022

Each board of elections must complete its review, examination, and verification of the petitions and submit its certification forms to the Secretary of State's Office by **4:00 p.m. on Tuesday, July 5, 2022**. The original part-petitions must be mailed via trackable delivery method and received by the Secretary of State's Office by **Tuesday, July 12, 2022**.

INSTRUCTIONS

I. VERIFYING THE VALIDITY OF PART-PETITIONS AND SIGNATURES

Please carefully read this Directive and Chapter 13 ([“Petitions,” Directive 2022-17](#)) of the Election Official Manual before the board examines the petitions sent to your county.

Each board must process all new, valid voter registrations, and changes of names and addresses to existing registrations received by the board or the Secretary of State’s Office as of the date the petition was filed with the Secretary of State before verifying the signatures on the part-petitions. These registrations are effective as of the date the petition was filed with the Secretary of State.¹

The board must verify all petition signatures, electronically record decisions on the validity or invalidity of each signature on the voter registration record, track for duplicate signatures, and ensure that the voter registration record is updated with voter activity credit if the signature and address match.² A signature on a nominating petition is not valid if it is dated more than one year before the date the petition was filed.³

Prior to verifying the validity of individual signatures contained on a part-petition, the board of elections must verify the validity of that part-petition. First, the board must check each part-petition to determine whether the circulator’s statement on the part-petition has been properly completed. The entire part-petition is invalid if the circulator’s statement is not completed as required by law.⁴ However, no board may invalidate a part-petition solely because a circulator statement includes a number that is lower than the number of signatures the part-petition actually contains,⁵ so long as there is no indication of fraud or material misrepresentation.⁶

II. PART-PETITION BELONGING TO ANOTHER COUNTY

If a board receives a part-petition with a majority of signatures from another county, that board of elections may not determine the validity of that part-petition or review the signatures contained on it. Instead, the board must promptly follow the steps below, complete the following two spreadsheets accompanying this Directive, and return the completed spreadsheets in the envelopes provided when all part-petitions are returned to the Secretary of State’s Office:

1. Part-Petitions Sent Spreadsheet (Original Part-Petition(s)); and
2. Part-Petitions Received Spreadsheet (Emailed Part-Petition(s)).

¹ [R.C. 3501.38\(A\)](#); *State ex rel. Oster vs. Lorain Cty. Bd. of Elections*, 93 Ohio St. 3d 480 (2001).

² As a reminder, voter-initiated activity includes voting, submitting a valid absentee ballot application, registering to vote, updating or confirming an address with a board of elections or the BMV, or signing a candidate or issue petition that is verified by a board of elections. After verification of part-petitions, only voters with a valid signature should be provided voter-initiated activity. See [Chapter 4](#), page 74 of the Election Official Manual.

³ [R.C. 3513.263](#).

⁴ [R.C. 3501.38](#).

⁵ See *State ex rel. Ferrara v. Trumbull Cty. Bd. Of Elections*, Slip Opinion No. 2021-Ohio-3156.

⁶ See *Ohio Mfrs.’ Assn. v. Ohioans for Drug Price Relief Act*, 147 Ohio St.3d 42, 2016-Ohio-3038, 59 N.E.3d 1274, ¶19.

If a board of elections receives a part-petition that belongs to another county:

1. Contact the Director or Deputy Director at the other county board by phone to notify them that your board will forward a scanned copy of a part-petition;
2. Log the transfer of the part-petition(s) being sent on the “Part-Petitions Sent” spreadsheet;
3. Send a scanned copy of the part-petition(s) via email to the Director and Deputy Director; and
4. Return the original part-petition(s) with the “Part-Petitions Sent” spreadsheet in the marked transfer envelope included with the circulated part-petitions. When the board returns its checked part-petitions to the Secretary of State’s Office, place this envelope with the spreadsheet enclosed on top of the checked part-petitions so it can be easily located and retrieved from the box.

If a board receives a scanned copy of a part-petition from another county:

1. Log the part-petition(s) that the board received on the “Part-Petitions Received” spreadsheet;
2. Print and process the part-petition(s); and
3. Return the emailed part-petition(s) with the “Part-Petitions Received” spreadsheet in the marked transfer envelope included with the circulated part-petitions. When the board returns its checked part-petitions to the Secretary of State’s Office, place this envelope with the spreadsheet enclosed on top of the checked part-petitions so it can be easily located and retrieved from the box.

III. SCANNING THE PART- PETITIONS

After the board of elections finishes checking the signatures on the part-petitions, the board must electronically scan each part-petition. A copy of the scanned images – one for each set of joint candidates in the case of governor/lieutenant governor – must be uploaded to the Secretary of State’s SharePoint site (using the instructions accompanying this Directive). Each board must retain an electronic copy of the images for the board’s records.

IV. PERIOD FOR PUBLIC INSPECTION

Ohio law requires all nominating petitions for independent candidates to be open to public inspection from **Wednesday, June 15, 2022**, at 4:00 p.m. until **Thursday, June 30, 2022**, at 4:00 p.m.⁷ Boards of elections may receive public records requests for copies of the part-petitions. Boards should consult with their statutory legal counsel, the county prosecuting attorney, before rejecting, fulfilling, or responding to any public records request.

V. CERTIFICATION AND RETURN OF PETITIONS

As soon as the board of elections finishes verifying the signatures on the part-petitions, the board must return a completed certification form for each candidate’s petition. The certification form for each candidate’s petition must be completed and submitted electronically via Elect Collect by clicking the “Submit” button. Each certification form also must be saved and printed.

⁷ [R.C. 3513.262](#).

The Director must sign the certification forms and upload the signed certification form to the SharePoint site. **All certification forms and scanned images of petitions must be submitted through SharePoint by 4:00 p.m. on Tuesday, July 5, 2022.**

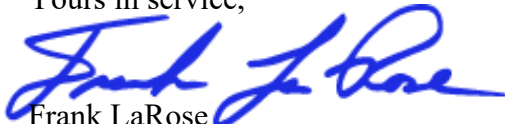
Once the certification forms are submitted, county boards of elections must promptly return the original part-petitions to the Secretary of State's Office, Elections Division, 22 North Fourth Street, Columbus, Ohio 43215-3668 via trackable delivery method. **All original part-petitions must be received by the Secretary of State's Office no later than Tuesday, July 12, 2022.**

VI. INDEPENDENT CANDIDATES FOR GENERAL ASSEMBLY

As stated in [Directive 2022-34](#), due to the August 2, 2022 date for the General Assembly's primary election, the independent candidate filing deadline for candidates for State Representative or State Senator is 4:00 p.m. on **Monday, August 1, 2022**.⁸ Boards of elections must certify the validity and sufficiency of independent candidates' nominating petitions for State Representative or State Senator no later than **Monday, August 22, 2022**, and protests against the candidates' nominating petitions must be filed no later than **Friday, August 26, 2022**.

If you have any questions concerning this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State

⁸ [R.C. 3513.257](#).