



DIRECTIVE 2023-02

January 9, 2023

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

Re: Instructions Regarding the Examination of a Petition to Form a Minor Political Party

SUMMARY

This Directive provides instructions for the review, examination, and verification of signatures on a petition to form a minor political party. This petition was filed with the Ohio Secretary of State by the “No Labels” party. Although the petition was filed on November 4, 2022, the party would not be entitled to nominate candidates to appear on the ballot until the November 5, 2024 General Election (the succeeding general election, held in even-numbered years, that occurs more than 125 days after the date of filing).¹

The statutory deadline for boards of elections to determine the sufficiency and validity of the signatures is July 10, 2024 (not later than the 118th day prior to the next general election held in an even-numbered year).² But for administrative purposes, *e.g.*, avoiding the risk of misplacing part-petitions at a board during that 18-month period, the Secretary of State’s Office encourages each board to (1) complete its review, examination, and verification of the petitions; (2) submit its certification forms to the Secretary of State’s Office via SharePoint; and (3) mail the original part-petitions via trackable delivery method to the Secretary of State’s Office by **Friday, March 3, 2023**.

INSTRUCTIONS

I. VERIFYING THE VALIDITY OF PART-PETITIONS

Before checking any part-petitions, each board of elections must carefully read this Directive and [Chapter 13](#) of the Ohio Election Official Manual regarding circulators’ statements and signature review. Then the board must proceed with the following steps:

1. Ensure that all new, valid voter registrations and voter registration updates as of the date the petition was filed with the Secretary of State (**Friday, November 4, 2022**) before verifying the signatures on the part-petitions.³ These registrations are effective as of the date filed with the Secretary of State, and the electors’ qualification must be determined as of the date the petition was filed.⁴

¹ [R.C. 3517.01](#) and [3517.012 \(A\)\(1\)](#).

² [R.C. 3517.012 \(A\)\(1\)\(b\)](#).

³ [R.C. 3501.38\(A\)](#).

⁴ [R.C. 3501.38](#) and [3503.19](#).

2. 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.
3. Check each part-petition to determine whether the circulator's statement on the part-petition was properly completed. The entire part-petition may be invalid if the circulator's statement is not completed as required by law.⁵ 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,⁶ so long as there is no indication of fraud or material misrepresentation.⁷

II. TRACKING SIGNATURES BY CONGRESSIONAL DISTRICT

Ohio law governing minor party formation requires that the petition be signed by not fewer than five hundred qualified electors from each of at least a minimum of one-half of the congressional districts in this state.⁸ Currently, that requires signatures from at least eight congressional districts. Accordingly, each board of elections must track, tally, and report signatures individually by congressional district within the county. This can be done electronically, if your county's voter registration system can accommodate the tracking and tallying of signatures by congressional district, or manually by indicating the congressional district next to each signature and then hand counting the number of signatures from each congressional district. **Please note that the lack of congressional district number on a signature line is not a reason for a board to reject a signature on a petition.**⁹

III. 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, it must promptly follow the steps below, complete the following two spreadsheets, and return them in the envelopes provided when all part-petitions are returned to the Secretary of State's Office:

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

If a board of elections receives part-petitions that belong to another county:

1. Contact the Director or Deputy Director at the other county board by phone to notify them that your board will be forwarding a scanned copy of part-petitions;
2. Log the transfer of the part-petitions being sent on the "Part-Petitions Sent" spreadsheet;
3. Send the copy of the part-petitions via email to the Director and Deputy Director; and

⁵ [R.C. 3501.38](#).

⁶ See *State ex rel. Ferrara v. Trumbull Cty. Bd. Of Elections*, Slip Opinion No. 2021-Ohio-3156.

⁷ 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.

⁸ [R.C. 3517.01\(A\)\(1\)\(b\)\(ii\)](#).

⁹ [R.C. 3513.05](#).¹⁰ If a board has not appointed a Deputy Director or Director, then the Board Chairperson or a board member of the opposite party, respectively, must sign the certification forms.

4. Return the original part-petitions with the “Part-Petitions Sent” spreadsheet in the envelope provided and marked as such. When the board returns its checked part-petitions to the Secretary of State’s Office, place this envelope on top of the checked part-petitions so it can be easily located and retrieved from the box.

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

1. Log the part-petitions that the board received on the “Part-Petitions Received” spreadsheet;
2. Process the part-petitions; and
3. Return the emailed part-petitions with the “Part-Petitions Received” spreadsheet in the envelope provided and marked as such. When the board returns its checked part-petitions to the Secretary of State’s Office, place this envelope on top of the checked part-petitions so it can be easily located and retrieved from the box.

IV. SCANNING THE PART-PETITIONS

After the board finishes checking the signatures on the part-petitions, the board must electronically scan each part-petition. A copy of the scanned images 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.

V. FULFILLING PUBLIC RECORDS REQUESTS

Your board of elections may receive a public records request for copies of the part-petitions. Boards should consult with their statutory legal counsel, the prosecuting attorney, before rejecting, fulfilling, or responding to any public records request.

VI. CERTIFICATION & RETURN OF PART-PETITIONS

As soon as the board finishes verifying the signatures on the part-petitions, the board must:

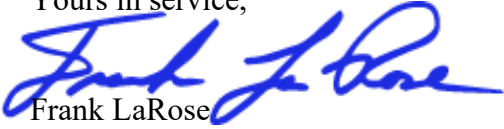
1. Complete and submit the certification form electronically by clicking the “submit” button on the bottom of the form;
2. Verify that the form received a time-stamp;
3. Print and save a copy of the completed certification form containing the time-stamp;
4. Have the Director and Deputy Director sign the time-stamped certification form; and
5. Upload the signed certification form to the SharePoint site.¹⁰

All certification forms and scanned images of petitions must be submitted through SharePoint by 4:00 p.m. on Friday, March 3, 2023. Once the certification form has been submitted, county boards of elections must promptly return the original part-petitions to the Secretary of State’s Office, 22 North Fourth Street, Columbus, Ohio 43215, via trackable delivery method. All part-petitions must be mailed to the Secretary of State’s Office by **Friday, March 3, 2023.**

¹⁰ If a board has not appointed a Deputy Director or Director, then the Board Chairperson or a board member of the opposite party, respectively, must sign the certification forms.

Each board of elections director must share this Directive with its legal counsel, the county prosecuting attorney, and its voter registration system and voting equipment vendors as soon as possible. If you have any questions concerning this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,

A handwritten signature in blue ink, appearing to read "Frank LaRose", is positioned above the printed name.

Frank LaRose
Ohio Secretary of State