



DIRECTIVE 2023-15

August 7, 2023

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

Re: Instructions Regarding the Review, Examination, and Verification of the Supplemental Part-Petitions Proposing an Initiated Statute (An Act to Control and Regulate Adult Use Cannabis)

SUMMARY

On July 5, 2023, petitioners filed with this Office a supplementary petition for the initiated statute entitled, “An Act to Control and Regulate Adult Use Cannabis.” Upon review, the petitioners submitted an insufficient number of valid signatures for the issue to be placed on the ballot. The petitioners elected to submit supplemental part-petitions, as permitted under Ohio’s Constitution and statutes.¹

This Directive provides instructions to county boards of elections on the review, examination, and verification of signatures on the supplemental part-petitions for the initiated statute.² Each board of elections must complete its review, examination, and verification consistent with [Chapters 13](#) and [16](#) of the Ohio Election Official Manual and return its certification to the Secretary of State’s Office no later than **5:00 p.m. on August 15, 2023**.

INSTRUCTIONS

I. VERIFYING THE VALIDITY OF SUPPLEMENTAL PART-PETITIONS AND SIGNATURES

The board must carefully read this Directive and [Chapters 13](#) and [16](#) of the Ohio Election Official Manual before the board examines the petitions sent to its county.

1. The signers of the petition must be qualified electors as of the date the board examines the part-petitions. At this time, the boards’ voter registration systems are locked from changes due to the August 8, 2023 Special Election. Voter registrations received or postmarked after July 10, 2023 may impact the petition verification process. Therefore, boards must follow the instructions in **Section II** of this Directive to ensure signatures on the supplemental petition are not improperly rejected.³
2. The board must visually inspect each supplemental part-petition to ensure that it is the unique petition provided to petitioners for the purpose of collecting supplemental

¹ [Article II, Section 1g, Ohio Constitution](#) and [R.C. 3519.16\(F\)](#).

² [R.C. 3501.11\(K\)](#).

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

signatures. First, the unique petition must contain a diamond symbol in the top, right corner of every page of the part-petition. Next, the petition lines for an elector's signature and date of signing are both bold and italicized. See "[Unique Supplemental Petition Form July 25, 2023](#)" for an example of the form.

3. For a supplemental part-petition, there are additional requirements for an elector's signature to be valid. The elector's signature must (1) be dated between July 26, 2023 and August 3, 2023; and (2) not have appeared in the original December 20, 2021 filing, supplemental January 13, 2022 filing, or supplementary July 5, 2023 filing. **An elector who signed the prior part-petitions and then signs the supplemental part-petition must be rejected as a duplicate signature. The board must program its petition tracking system accordingly to properly validate signatures on the current, supplemental petition.**
4. 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 as soon as possible with voter-initiated activity credit if the signature and address match.
5. The board must check each supplemental 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.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
6. A circulator must indicate the number of signatures on the supplemental part-petition and attest under penalty of election falsification that they witnessed the affixing of every signature.⁷ Thus, a board may invalidate a part-petition when it has evidence that a circulator committed fraud or material misrepresentation.⁸ Moreover, the board must document and notify its prosecutor and elections counsel through legal intake, if it has evidence that a circulator committed fraud.

II. VOTER REGISTRATIONS RECEIVED AFTER JULY 10, 2023

Below are instructions for tracking new or updated voter registrations:

1. Any new voter registration form or online record may be entered into the voter registration system if placed in a hold or pending status to prevent the record from being sent to the Statewide Voter Registration Database ("SWVRD").
2. Any update to a voter registration record must be tracked but not entered in the board's voter registration system if the update would be sent to the SWVRD. For the purposes of signature verification on petitions, boards may flag a record in their voter registration

⁴ [R.C. 3501.38](#) and [3519.06](#).

⁵ See *State ex rel. Ferrara v. Trumbull Cty. Bd. Of Elections*, 166 Ohio St. 3d 64, 2021-Ohio-3156. 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.

⁷ [R.C. 3501.38\(E\)\(1\)](#).

⁸ "And nothing in [*Ferrara*] disturbs the litany of caselaw providing that evidence of fraud triggers full invalidation of a part-petition." *Ferrara* at ¶22.

system if an update is received after the July 10, 2023 voter registration deadline. Flagging the record will alert board staff to review the record to determine if an address or name change affects the validity or invalidity of the signature. Please contact your voter registration vendor if you need assistance with this process.

In reviewing the supplemental petitions while the voter registration system is locked, boards must follow each of the steps below in order:

1. Manually review each petition and mark signatures on the petition as valid or invalid using the appropriate codes. However, boards must not enter information into the petition module in the voter registration system, unless it can be done without immediately changing any voter registration status.
2. After the voter registration system reopens, the board must give voter-initiated activity credit for each voter who signed the supplemental petition.
3. To account for any new voter registration or registration update forms submitted by August 3, 2023 when the petition was filed, review any signatures that were rejected as “NOT REGISTERED” or “NOT REGISTERED ADDRESS” (NR/NRA codes, respectively) to determine if those voters submitted a voter registration or registration update that was not yet entered in the voter registration system.
 - a. Boards must review new registrations and updates when doing this comparison.
 - b. If the voter signed the petition and submitted a voter registration or update to their address by August 3, 2023, that signature may be counted as valid based on this manual review.

III. COMPLETING SUPPLEMENTAL PART-PETITION SPREADSHEETS

If a board receives a supplemental part-petition with a majority of signatures from another county, that board of elections must not verify that part-petition. Instead, the board must promptly follow the steps below, complete the spreadsheet accompanying this Directive, and return the spreadsheet in the envelopes provided when all part-petitions are returned to the Secretary of State’s Office:

1. Part-Petitions Sent Spreadsheet (Circulated Supplemental Part-Petition(s)), and
2. Part-Petitions Received from Another Board Spreadsheet (Scanned Part-Petition(s)).

If a board of elections receives a supplemental 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) going to another county on the “Part-Petitions Sent” spreadsheet.
3. Send the copy of the part-petition(s) via email to the Director and Deputy Director. The board should not mail the part-petition to the other county.
4. Return the circulated 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 reviewed part-petitions to the Secretary of State’s Office, place the envelope

with the part-petition and respective spreadsheet enclosed on top of the reviewed part-petitions so it can be easily located and retrieved from the box.

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

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

Note: Even if a board does not email a copy of a part-petition to another county and/or does not receive a copy of a part-petition from another county, the board must enter the county name and mark the box (X) in the top right-hand corner of the spreadsheet and place it in the correct envelope. When the board returns its reviewed part-petitions to the Secretary of State’s Office, place both envelopes on top of the reviewed part-petitions so they 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 board need scan only the first page, any signature pages containing signatures, the circulator statement, and any other pages that contain handwriting. 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

Boards of elections may receive public records requests for copies of the supplemental and original, supplementary part-petitions. Boards should consult with their statutory legal counsel, the county prosecuting attorney, before rejecting, fulfilling, or responding to any public records request.

VI. CERTIFICATION AND RETURN OF PETITIONS

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

1. Complete and submit the certification form electronically by clicking the “submit” button on the bottom of the form;

Note: In completing the certification form, boards must include numbers of valid or invalid signatures and part-petitions from only the supplemental petition. Do not add any numbers from prior filings of the initiative petition.

2. Verify that the form received a timestamp;

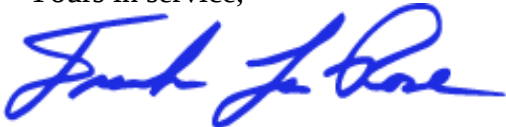
3. Print and save a copy of the completed certification form containing the timestamp;
4. Have the Director and Deputy Director sign the time stamped certification form; and
5. Upload the signed certification form to the SharePoint site.⁹

Immediately contact this Office at 1-614-466-2585, if upon submitting the form via Elect Collect the board does not receive a timestamp. All certification forms and scanned images of petitions must be submitted through SharePoint by 5:00 p.m. on August 15, 2023.

After submitting the certification forms, county boards of elections must promptly return the supplemental part-petitions to the Secretary of State's Office, Elections Division, 22 North Fourth Street, Columbus, Ohio 43215-3668 via trackable delivery method. Alternatively, county boards of elections may choose to return the original part-petitions in person by contacting the Elections Division and scheduling a time for return during business hours at (614) 466-2585. **All part-petitions must be received by the Secretary of State's Office no later than August 22, 2023.**

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

⁹ 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.