

DIRECTIVE 2024-15

July 19, 2024

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

Re: The Examination and Verification of Petitions from Minor Party "Libertarian Party of Ohio" Candidates for U.S. Senate as well as President and Vice President of the United States

SUMMARY

This Directive provides instructions on the examination and verification of signatures for nominating petitions for the Libertarian Party of Ohio¹ candidates for U.S. Senate and President and Vice President of the United States that have been filed with the Ohio Secretary of State for the November 5, 2024, General Election.

The examination and verification of signatures must be complete and the certification forms returned to the Secretary of State's office by **4:00 p.m. on Tuesday, July 23, 2024.**² The original part-petitions must be postmarked no later than **Thursday, July 25, 2024**, and mailed via a trackable delivery method. The part-petitions must be received by the Secretary of State's office by **Thursday, August 1, 2024.**

INSTRUCTIONS

I. PETITION SUBMITTED

The Secretary of State's office received nominating petitions for U.S. Senate and for President and Vice President of the United States for placement on the ballot in the November 5, 2024, General Election. These petitions must be kept separate from any other petition and not commingled while in storage, during review, and upon return.

¹ The Libertarian Party of Ohio filed a petition to form a minor party on July 2, 2024, which is under review by the Secretary of State in accordance with [R.C. 3517.012](#).

² One hundred five days before the general election, as required by [R.C. 3517.012\(B\)\(3\)\(a\)](#).

II. VERIFYING THE VALIDITY OF PART-PETITIONS AND SIGNATURES

Please carefully read this Directive and Chapters 13 ("[Petitions](#)") and 15.03 ("[Minor Political Parties – Nomination of Candidates](#)") of the Election Official Manual before the board examines the petitions sent to your county. Then the board must proceed with the following steps:

1. Ensure that all new, valid voter registrations and voter registration updates are processed 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 filed with the Secretary of state, and the electors' qualification must be determined as of the date the petition was filed.³
2. Boards 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.⁴
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 different than the number of signatures the part-petition actually contains,⁶ so long as there is no indication of fraud or material misrepresentation.⁷ Moreover, the board must document and notify the Public Integrity Division – Election Integrity Unit of the Secretary of State at EIU@OhioSoS.gov if it has evidence that a circulator committed fraud.
4. Each person who signs the nominating petition must be a qualified elector of Ohio and registered to vote at the address provided on the part-petition as of the date the board examines it.
5. A signature on a nominating petition for a minor party must be signed by an elector who has not voted as a member of a different political party at any primary election within the current year or the immediately preceding two calendar years.⁸ Or in other words the elector must be unaffiliated.

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

⁴ [Election Official Manual, Chapter 4, Section 4.01.](#)

⁵ [R.C. 3501.38.](#)

⁶ See *State ex rel. Ferrara v. Trumbull Cty. Bd. Of Elections*, 166 Ohio St.3d 64 (2021).

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. 3517.012\(B\)\(2\)\(a\).](#)

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

If a board of elections receives a part-petition(s) 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 be forwarding a scanned copy of a part-petition(s);
2. Log the transfer of the part-petition(s) being sent on the "Part-Petitions Sent" spreadsheet;
3. Send the 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 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 a part-petition from another county:

1. Log the part-petition(s) that the board received on the "Part-Petitions Received" spreadsheet;
2. Process the part-petition(s); and
3. Return the emailed part-petition(s) 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.

Note: Even if a board does not email a copy of a part-petition(s) 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 checked

part-petitions to the Secretary of State's Office, place both envelopes on top of the checked part-petitions so they can be easily located and retrieved from the box.

IV. SCANNING THE PART-PETITIONS

After the board of elections finishes verifying 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 – 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 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 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 selecting the "Submit" button. Each certification form also must be saved and printed. The director and deputy director must sign the certification forms and upload the signed certification form to the SharePoint site.⁹ **If, upon submitting the form via Elect Collect, the board does not receive a timestamp, immediately contact this office at 614.466.2585. All certification forms and scanned images of petitions must be submitted by 4:00 p.m. on Tuesday, July 23, 2024.**

Once the certification forms have been submitted, county boards of elections must promptly return the original part-petitions to the Secretary of State's office, Elections Division, 180 Civic Center Drive, Columbus, Ohio 43215 via a trackable delivery method. **All original part-petitions must be received by the Secretary of State's office no later than Thursday, August 1, 2024.**

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.

If you have any questions concerning this Directive, please contact the Secretary of State's elections counsel at 614.466.2585.

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