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DIRECTIVE 2011- 41

December 16, 2011

TO: All County Board Members, Directors, and Deputy Directors
RE: Sub. H.B. 369

SUMMARY

This directive explains important deadlines and information regarding the 2012 primary based on Substitute House Bill 369 (“Sub.H.B. 369”), which was enacted by the Ohio General Assembly on December 14, 2011 and became effective on December 15, 2011 when Governor Kasich signed it. Some of the key provisions are as follows:

- There will only be one primary in 2012. It will be March 6, 2012.
- The December 7, 2011 filings for candidates for U.S. Congress and candidates for presidential delegates and alternates are null and void.
- Congressional and presidential delegates and alternates, including write in candidates **MUST** file or re-file by December 30, 2011 at 4:00 p.m.
- There is a new Congressional District map in Sub. H.B. 369. The H.B. 319 map is no longer valid.
- Competitive bidding is **NOT** required for the printing of ballots for the March 6, 2012 Primary Election.
- Boards are **NOT** required to send the mailing established by H.B. 319.

Directive 2011-32 and Advisory 2011-09 are rescinded.

As you know, federal law requires military ballots to be mailed on the 45th day before an election – in this case January 21, 2012. While I understand this legislation has given you a short time frame to meet this requirement, we must comply with federal law.

DIRECTIONS

1. New Congressional District Boundaries

The congressional district legal descriptions are available at http://www.legislature.state.oh.us/BillText129/129_HB_369_EN_N.pdf. Each district is listed consecutively, followed by the area (generally using geographical definitions

established by the US Census Bureau). If your county has GIS capabilities, the shape and equivalency files are available for download at <http://www.sos.state.oh.us/SOS/reshape/Congressional/EnactedMap.aspx>.

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 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.

The act of updating the county VRS should automatically update the record in the statewide voter registration database (SWVRD). If there are steps that you must take using your local VRS to initiate the transmission of a packet to update the SWVRD, be certain to do so. Please contact your county VRS vendor for system specific information or Caitlin Decatur or Robin Fields at the Secretary of State's office if you have questions about updating the SWVRD.

Once the county VRS has been updated, you will need to update your voting system's central tabulating system to reflect the new districts.

All boards of elections must complete the updating of the county VRS, the SWVRD, and the county's voting system central tabulating system no later than Friday, January 6, 2012.

2. The only Primary Election Date in 2012 is March 6, 2012

Sub. H.B. 369 consolidates the March 6, 2012 and June 12, 2012 primary elections. **The only primary election in 2012 will be held on March 6, 2012.** Presidential delegates and alternates, candidates for party nomination for U.S. Senate, U.S. Congress, Ohio General Assembly (State House and State Senate), County Commissioner, Prosecuting Attorney, etc. will all appear on the March 6, 2012 ballot. Questions, issues, and liquor options that filed valid petitions or resolutions on or before December 7, 2011 may appear on the March 6, 2012 ballot.

The opportunity for an August special election is reconstituted. The filing deadline for the August 7, 2012 special election is May 9, 2012.

3. Presidential Delegates and Alternates and U.S. Congress Candidates for party nomination must file or re-file by 4:00 p.m. on December 30, 2011

Any petitions filed by a presidential delegate or alternate or candidate for party nomination for U.S. Congress are declared null and void by operation of Sub. H.B. 369. Boards must

“promptly” refund filing fees paid by candidates for U.S. Congress who filed on or before December 7¹. Presidential delegates and alternates do not pay a filing fee.

Presidential delegates and alternates and candidates for party nomination for U.S. Congress – including write-in candidates – must file new petitions not later 4 p.m. on December 30, 2011 (67 days before the March 6, 2012 Primary Election). Candidates should use SOS Form 2-E (<http://www.sos.state.oh.us/sos/upload/elections/forms/2-E.pdf>) even though the form states that the filing deadline is 90 days before the primary election.

The only change of majority county for the congressional districts map enacted in Sub. H.B. 369 is in the 4th Congressional District from Allen to Lorain County.

The majority county list is as follows:

- | | | |
|---------------|----------------|--------------|
| 1. Hamilton | 7. Stark | 13. Summit |
| 2. Hamilton | 8. Butler | 14. Lake |
| 3. Franklin | 9. Cuyahoga | 15. Franklin |
| 4. Lorain | 10. Montgomery | 16. Cuyahoga |
| 5. Lucas | 11. Cuyahoga | |
| 6. Columbiana | 12. Franklin | |

Majority county boards of election MUST be open on Friday, December 30, 2011 at least until 4 p.m. to facilitate the filing deadline.

In addition to the 4 p.m. December 30, 2011 filing deadline, pursuant to Section 3 of Sub. H.B. 369, the Secretary of State establishes the following deadlines:

- Wednesday, January 4 – Boards of elections must certify the validity and sufficiency of partisan candidate’s petitions for U.S. Congress and presidential delegates and alternates to a party’s national nominating convention;
- Friday, January 6 – Protests against partisan candidates for U.S. Congress (including write-in party candidates for U.S. Congress) must be filed by noon.
- Wednesday, January 11 – Form of official ballots must be certified by Secretary of State to boards of elections AND boards of elections of most populous county of a multi-county congressional district must certify names of candidates to other boards of elections²

¹ Sub. H.B. 369, Section 3, Division C

² Boards of elections of most populous county of a multi-county district (other than a congressional district) must certify names of candidates / ballot issues to other boards of elections by Tuesday, December 27, 2011, the 72nd day

4. Ballot Printing does not need to be competitively bid for March 6, 2012 primary

The competitive bid requirements of R.C. 3503.13 are waived for the March 6, 2012 Primary Election only. This means that the ten thousand dollar threshold, the five day notice, and the “lowest responsible” standard for award are waived. The surety requirement, the in-state printing, and other statutory requirements for ballot printing remain in effect. To ensure a competitive price, it is prudent for a county board of elections to secure a written quote from at least those printing vendors who have historically bid on the county’s ballot printing before selecting a printer.

5. Boards of Elections do NOT have to send the Sub. H.B. 319 Countywide Voter Mailing

The requirements of Section 3 of Sub. H.B. 319 for all county boards of election to mail a notice to each elector registered to vote in that county were rescinded by Sub.H.B. 369. **No such mailing is required for 2012.**

However, if your county has changed precinct boundaries or assigned a new voting location you are still required to send the appropriate notice to every registered voter in the precinct. You must also notify the Secretary of State (Robin Fields) of the change to ensure that the online voter registration lookup is accurate and the proper state precinct code is assigned in the SWVRD.³

The \$2.75 million appropriated to the county boards of election to pay for the costs of redistricting was not changed as a result of Sub. H.B. 369. As previously announced, these funds will be distributed to all counties during the first weeks of January on a per registered voter basis.

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

Sincerely,



Jon Husted

before the March 6, 2012 Primary Election. R.C. 3513.05. This includes districts for Ohio House of Representatives and Ohio Senate.

³ R.C. 3501.21