

# Clinton County Board of Elections Petition Policy

Adopted November 4, 2013

## Introduction

It is the goal of the Clinton County Board of Elections (hereinafter referred to as BOE) to treat candidates consistently and with fairness with the goal of ensuring fair, open, and honest elections. In addition, the Clinton County Board of Elections agrees with the public policy which favors free competitive elections, in which the electorate has the opportunity to make a choice between candidates.

Candidates are solely responsible for properly completing the petition form(s) for the elected office they are seeking and for filing said petition form(s) in a timely manner with the Clinton County Board of Elections. Rules Governing Petitions are contained in the Ohio Candidate Requirement Guide provided to each candidate. Any candidate with questions concerning the completion of petition forms is encouraged to seek private legal counsel for assistance.

***The Clinton County Board of Elections' staff is not and/or individual board members are NOT PERMITTED to tell the petitioner or the public:***

- 1. A petition is deficient***
- 2. The number of valid or invalid signatures on a petition-part or an entire petition UNTIL after the Clinton County Board of Elections meets to certify candidate nominating petitions or declarations of candidacy.***

## Petition Terms Defined

*Below are terms commonly used and associated with the petition process. These terms relate directly to the petition process as it applies to the Clinton County Board of Elections.*

Certification: The process of the members of the Board of Elections voting to approve the placement of an issue or candidate's name on the ballot after determining the validity and sufficiency of the petition.

Circulator: The individual who *personally witnesses* the affixing of a signature to a part-petition.

Declaration of Candidacy: Form/petition used by candidates seeking placement on the ballot in order to receive nomination from a political party, typically during a primary election.

Elector: One qualified to vote under Ohio law. An elector's qualifications are determined as of the date the petition is filed.

Filing Deadline: The date which the petition must be turned in to the proper elections entity (Secretary of State or local Board of Elections).

Invalid Signature: A signature which corresponds to a voter (1) who does not meet the necessary requirement(s) or (2) whose signature does not match the voter registration documents completed by and on file with the local BOE for that elector.

Nominating Petition: Form/petition used by candidates seeking placement on the ballot when running for a non-partisan office, or as an independent candidate.

Part-petition: The part of the actual petition which is circulated and signed. A part-petition may be deemed invalid without affecting the petition as a whole since other parts may be deemed valid or acceptable. Multiple petition forms are usually required to collect enough valid signatures.

Residential address: For purposes of the candidate and the signer of petitions, this is the actual location at which the individual is registered to vote (their voting residence). For the purpose of the circulator, this is the address which the circulator considers to be his or her permanent address.

Valid Signature: A signature that meets the necessary requirements and which matches the voter registration documents signed by the elector and on file with the Board of Elections. The determination that a signature is valid is based on the date the petition is filed.

### Completing the Petition – General Requirements

1. On a Nominating Petition and Statement of Candidacy the *Statement of Candidacy* and the *Nominating Petition* sections must be completed and signed before any electors sign the petition. If you are using a Declaration of Candidacy form, the top portion of the form above *Petition For Candidate* section as well as the *Petition For Candidate* section on the front of each petition part must be completed and signed by the candidate prior to obtaining voters' signatures.
2. The section on the front of the Nominating Petition and Statement of Candidacy (in the middle of the page) is where the candidate may designate a campaign committee. This section is optional. An independent or nonpartisan candidate filing a nominating petition may, but is not required to, list three to five persons who have consented to serve as a committee to represent the candidate. This committee would be called upon to fill the vacancy created by the candidate's withdrawal or death.
3. The name a candidate uses in the Statement of Candidacy may be any combination of the first and middle names or initial or a nickname, but only if it is a natural derivative of the candidate's given name, i.e., "Bill" for William," but not "Shorty" for "John."
4. "Voting residence address" and "post office box" **are not synonymous and cannot be used interchangeably**. R.C. 3501.38(C) which does not permit substantial compliance requires a voting residence address for the petition signatures to be counted as valid.
5. Multiple copies of the petition with the completed statement of candidacy, including the candidate's signature, may be photocopied *before* the signatures of electors are placed thereon. Original petitions from which the photocopies were made must accompany all petitions at the time of filing. Statements signed and dated on two or more different dates may be accepted as **one petition**.
6. **Beginning Date of Term of Office:** Only certain petitions for elective office require that a term of office beginning date be included in the statement of candidacy. However, even in those cases, omission of the beginning date **may not** always be fatal to the petition. It is necessary only to distinguish between races involving two or more positions.
7. **Unexpired Term Ending Date:** Ohio law requires each person filing a declaration of candidacy or nominating petition as a candidate for the remainder of an unexpired term to designate the date on which that unexpired term will end. Failure to provide the correct term-ending date on the petition will result in the petition being invalidated. Indicate the full term commencing date or the unexpired term ending date so the BOE can distinguish the office and term.
8. The Circulator's Statement on the back of the petition form must:
  - ✓ Contain the correct total number of signatures contained on that petition part.
  - ✓ The Circulator's Statement must be completely filled out and must provide the circulator's voting residence address. Post office box addresses **are not** voting residence addresses.
  - ✓ Whoever circulates the petition, collects and witnesses the signatures is the person who signs the Circulator's Statement.

9. The Certificate of Validity at the bottom of the petition form is completed by the BOE.
10. Signature means cursive-style legal mark as defined in RC 3501.011. If a person's signature is on file in the BOE's Voter Registration system with a printed signature, the printed signature is acceptable.
11. The filing fee may be paid in cash (exact amount is appreciated) or by check payable to Clinton County Treasurer.
12. Candidates may have someone else pick up their petition packet but are strongly encouraged to do so personally so they understand the process.
13. Candidates may have someone else file their petition but, again, are encouraged to file personally in case of any problems.
14. Pursuant to Ohio Secretary of State (SOS) Directive 2011-018 the **BOE staff is not allowed to pre-check a candidate's petition prior to filing**. A candidate may use the public view computer at the BOE to check the signatures on their petition.
15. A candidate may also obtain a voter list or walking list from the BOE or print one from the website at <https://clinton.ohioboe.com/candidate-voter-tools/> under the Voter Lists, Reports & Labels tab.
16. When a candidate is ready to file a petition, but prior to actually filing, the BOE staff will instruct him/her to compare their petition to the sample petition (the BOE provided when they picked up the petition packet) and the filing checklist at the bottom of the Candidate Information Sheet. Candidates might also want to have a third party review the petition guidelines and then check the petition to verify all sections are properly completed.
17. **Candidates are solely responsible for the completion of their petitions.**
18. Petitions must be filed on or before the filing deadline.
19. If others will circulate your petition, please review the requirements with them prior to collecting signatures.
20. Petitions and petition-parts do not need to be notarized.
21. The BOE staff will verify all signatures on all petition parts so that all petition signers have an equal opportunity to have their voter status updated.
22. Petitions become public record upon filing with the BOE and will be made available for public inspection upon request. The petition must remain in full view of the BOE staff at all times.
23. No information regarding the certification, sufficiency or validity of a petition will be released to the candidate and/or the public until after the Board has acted on the petitions in a public session and the petitioner/candidate has been notified.

## Circulator Information

*A circulator is an individual in charge of witnessing the affixing (in other words, watching people sign) of signatures to a part-petition. Below are important reminders to keep in mind:*

- ✓ The candidate may circulate his or her own petition. The candidate **must** complete and sign the circulator statement if he or she is the circulator.
- ✓ A candidate may circulate his or her own petition but **may not sign the petition as an elector**. For the purpose of circulating his or her own petition, a candidate is exempted from the party affiliation requirements described in R.C. 3513.191(C) (4).
- ✓ There may be only one circulator per part-petition [R.C. 3501.38; 3513.05, paragraph 10]. There may be multiple circulators per petition, but only one circulator *per part-petition*. In other words, a circulator may not watch half the signers sign the part-petition and give the part-petition to someone else who will acquire more signatures on the original circulator's behalf. **This is never permissible.**
- ✓ A circulator may not sign the same petition paper that he or she is circulating for a candidate; a circulator may, however, sign a petition paper being circulated for the same candidate by a different circulator.
- ✓ When circulating a petition across county lines, you must use a separate part-petition for each county. *For example, if circulating a petition for Board of Education Member in the Blanchester Local School District, the circulator must be certain to use a separate petition for Clermont County signers/voters and a separate petition for Clinton County signers/voters.* If a part-petition has signers from more than one county, only signatures that correspond to the county that has the most signatures on the part-petition will be accepted and validated.
- ✓ A part-petition cannot be signed unless the circulator witnesses the signing of the petition. Therefore, leaving a petition on a bulletin board, telephone pole, etc. where witnessing the signing of the petition did not occur, is not allowed.
- ✓ Signers of a petition must be qualified electors in the district or jurisdiction that corresponds to the office on the petition. Therefore, it is always best to utilize a voter list to determine more accurately if the signer is a registered voter in the district or jurisdiction. Lists may be acquired online by visiting <https://clinton.ohioelection.com/candidate-voter-tools/> and by selecting the "Voter Lists, Reports & Labels" tab or by visiting the Clinton County Board of Election's office to personally request a list.
- ✓ If circulating a Declaration of Candidacy form for a partisan candidate, the circulator must be affiliated with the same party as the candidate. For a description of party affiliation, *please refer to the Candidate Requirement Guide* issued by the Ohio Secretary of State.
- ✓ The circulator should complete the circulator's statement on a part-petition **only after** he/she has finished soliciting signatures on that petition part. **The circulator must sign each petition part.** [R.C. 3501.38(E)]
- ✓ If a circulator knowingly permits an unqualified person to sign a petition part or to sign a name other than his/her own on a petition paper, **that entire part-petition is invalid**. Otherwise, the signature of the unqualified signer shall be rejected but shall not cause the other valid signatures on the petition paper to be invalidated. [R.C. 3501.38(F)] *Note: R.C. 3501.38(D) prohibits anyone – including someone who holds a power of attorney on behalf of a voter – from signing another person's name to a petition. Only individuals who file an attorney in fact document with the BOE for elections purposes may have another individual sign on his or her behalf.*

- ✓ Before filing a petition, the circulator may delete any signature by drawing a line through the signature but no signature may be removed *after* the petition is filed [R.C. 3501.38(G) & (H)].
- ✓ The circulator must indicate on each petition paper the number of signatures contained thereon. If a circulator fails to fill in the number of signatures on a part-petition, the entire part-petition will be invalidated. Where the number indicated by the circulator is greater than the actual number of signatures, the board of elections may examine each part-petition and, **if** it can find a *legitimate, reasonable* explanation for the discrepancy, the board **may validate** the actual number of signatures. If the number indicated is less than the actual number of signatures, **the** entire part-petition must be invalidated.
- ✓ A circulator who wants to revise the number of signatures indicated in the circulator's statement should draw a line through the original number and put in the revised number. Any signature that has been lined-out or deleted by a petitioner **shall not** be counted in determining the sufficiency of the petition. [R.C. 3501.38(G)]
- ✓ No changes, alterations, corrections, or additions may be made to a petition after it is filed with the Board of Elections. [R.C. 3501.38(I)]
- ✓ A violation of any portion of the circulator's statement may result in the entire part-petition being rejected. The decision depends on whether the board of elections determines that the circulator acted knowingly.

### **Circulator Requirements: Frequently Asked Questions**

**Does a circulator have to be a registered voter in Clinton County or the State of Ohio?**

**No, but...**

In instances where the type of petition circulated is a Declaration of Candidacy for a partisan office, the circulator must be affiliated with the same political party as the party for which the candidate is running. Ohio law stipulates that a circulator... *is considered to be a member of a political party if the elector voted in that party's primary election within the preceding two calendar years, or if the elector did not vote in any other party's primary election within the preceding two calendar years* (R.C. 3513.05 eighth paragraph).

**If the candidate circulated the petition, does the circulator statement have to be completed?**

**Yes.** If a candidate circulates his or her own petition, he or she is required to complete the circulator's section as the circulator.

**Does a circulator have to be present when someone signs the petition?**

**Yes.** Ohio law requires that the circulator personally witness each voter sign the petition. [R.C. 3501.38(E)]

**May a circulator sign the petition he or she is circulating?**

An eligible circulator may sign a part-petition being circulated by a different circulator ***but not the actual part-petition or part-petition(s) he or she is circulating***. Ohio Law permits an otherwise eligible circulator to sign the petition, just not the actual part-petition that he or she is circulating.

**Someone signed the petition but from the signature alone it is hard to figure out who signed the form. What can be done?**

The signer may print their name next to the signature and also may write in their voting residence and the date of signing [R.C. 3501.38 (B)].

The only person authorized to write a name other than their own name is a voter's attorney in fact [R.C. 3501.382].

**Does a circulator have to reside in the political subdivision where the petition is being circulated?**

A circulator is not required to reside in the political subdivision (county, municipality, township or district) where the petition is being circulated.

Circulator and Signer Requirements: Party Affiliation Rules

For the purposes of circulating and signing petitions, a circulator or signer is considered to be a member of a political party if the elector voted in the primary election of only that party within the preceding two calendar years, or did not vote in any other party's primary election within the preceding two calendar years (R.C. 3513.05, seventh paragraph)

**Therefore, an unaffiliated voter may circulate or sign a Declaration of Candidacy petition.**

However, if a voter voted in a party primary election in the preceding two calendar years (for example, if the current year is 2013 we would look back to 2011 and 2012) and voted a different partisan primary ballot in those two years (for example, the voter voted a Democratic Party ballot in 2011 and a Republican Party ballot in 2012), then that voter could not circulate a petition for a partisan candidacy. If he or she signed a Declaration of Candidacy form for a partisan candidate, then that signature would not be valid.

While Ohio law **does afford** voters the opportunity to change political party affiliation from primary election to primary election, **this action would prevent an individual from circulating or signing partisan Declaration of Candidacy forms. When circulating a petition for partisan office**, it is sometimes wise to acquire a voter list which shows the voting history of the previous two calendar years when there was a primary election in both years. **Please review the *Ohio Candidate Requirement Guide* for more information.**

Signer Requirements

- ✓ All signatures must be written in ink. Each signer's name may also be printed by the signer next to the signer's signature so as to clearly identify the signature. [R.C. 3501.38(B)]
- ✓ Each signer shall place on the petition after the signer's name the date of signing and the location of the signer's voting residence, including the street and number if in a municipal corporation or the rural route number, post office address, or township if outside a municipal corporation. The voting address given on the petition shall be the address appearing in the registration records at the board of elections [3501.38(G)]. A post office box **does not** constitute a voting residence address.
- ✓ For example, if the voter registration system says your address is Greenfield Pike, that is the voting residence address that must be filled in on the petition to be considered valid. If in doubt, have the voter complete a voter registration form and turn it in to the BOE before or simultaneously with the petition.
- ✓ No person shall sign any name other than his/her own on any petition **unless** a proper attorney- in-fact form has been filed with the Board of Elections. No one may

authorize any other person – *including a spouse, guardian, or other person holding power of attorney for that individual* – to sign his/her name to any petition. Only once an attorney in fact form has been filed with the Board of Elections may someone sign on another individual's behalf **and** in his or her presence. [R.C. 3501.38(D) and 3501.382(A)]

- ✓ The **voter may authorize** the circulator or another person to fill in the voter's address information, county of residence and the date on which the voter signed the petition.
- ✓ Each signature **must be dated**. However, the dates need not be in chronological order.
- ✓ Ditto marks may be used in lieu of repeating duplicate information. However, a signature that is neither dated nor followed by ditto marks in the space provided for the date will be invalidated.
- ✓ Failure to provide the signer's ward and precinct on the petition **will not** invalidate the signature.
- ✓ Any signer of a petition or an attorney in fact acting pursuant to section 3501.382 of the Revised Code on behalf of a signer may remove the signer's signature from that petition at any time before the petition is filed in a public office by striking the signer's name from the petition; no signature may be removed after the petition is filed in any public office. [R.C. 3501.38(H)and (I)]
- ✓ A circulator may also strike a signature(s) from a petition prior to filing [3501.38(G)].
- ✓ Signers of *nominating petitions* may be affiliated with any, or no, political party and may sign petitions for more than one candidate for the same office.
- ✓ A candidate's signature on his/her own petition cannot be included in determining whether the petition contains sufficient valid signatures.
- ✓ A circulator may not sign as a voter on any part-petition that he/she has circulated, but may sign a part-petition circulated by someone else.

### **Signer Requirements: Frequently Asked Questions**

#### **What determines if the signature is valid?**

The signer must provide all the correct information as required by law and the Board must be able to match the signature provided on the petition with the signature on file at the BOE. *If the voter is not registered at the time of signing*, he or she must be registered or a proper and valid registration form must be submitted before or at the same time the petition is filed in order for the signature to be considered valid. Blank voter registration forms are provided when petitions are picked up at the BOE office.

#### **Does the signer have to be a registered voter in the subdivision that corresponds with the office for which the candidate is running?**

Each signer must be a registered elector who is qualified to vote on the candidate or issue that is the subject of the petition. The facts of qualification are determined as of the date when the petition is filed.

**Does the signer of a Declaration of Candidacy have to be affiliated with the party which the candidate is affiliated with?**

Not necessarily. A signer does not have to be affiliated with the same party of the candidate but may not be affiliated with a different political party. Therefore, the signer must be an unaffiliated voter or affiliated with the same party of the candidate seeking nomination. Please note, an unaffiliated voter cannot sign two or more different political parties' Declaration of Candidacy petitions for the same election. By signing a Declaration of Candidacy for a partisan candidate, you are affiliating yourself with that candidate's political party.

**What if the signature does not match what is on file with the Board of Elections?**

If the signature cannot be compared with the signature on file, that signature cannot be validated. Candidates are encouraged to gather more signatures than necessary in case a signature does not match. A submitted petition may contain three times as many signatures as the valid amount required (but no more than three times the required amount). If a signature is proven to not match the voter registration records on file, *no other information* may be filed or submitted in order to validate the signature on the petition.

**May a signer sign a declaration of candidacy and nominating petitions for candidates running for the same office?**

Yes. For example, a signer may sign a declaration of candidacy for the office of a County Commissioner and sign a nominating petition for a different candidate for the office of County Commissioner who is running as an independent.

**May a candidate sign his or her own petition for office (either a declaration of candidacy or nominating petition)?**

No. A candidate may not sign his or her own petition for office.

**May a circulator sign a part-petition that he or she is circulating?**

No. While a circulator may sign a part-petition circulated by another circulator, he or she may not sign any part-petition which he or she is circulating.

**Reasons to Invalidate a Signature**  
*(Reasons listed in no particular order)*

- ✓ The signer is not registered to vote. Each person who signs a petition paper must be a qualified elector **as of the date the petition is filed.**
- ✓ The signature on the petition does not appear to be the genuine signature of the person whose signature it purports to be, or the elector's name as signed by the elector's attorney in fact, compared to the signature on file with the board of elections as of the date the petition is filed. If the signature does not match the signature on file, **the signature will be invalidated.**
- ✓ The signer forgets to write in his or her voting residence address street and number (ditto marks are acceptable showing that the information in the block above should be construed as the same).
- ✓ The signer forgets to write in the city, village, or township and county (ditto marks are acceptable).



- ✓ The signer forgets to write the date on which the signature was affixed. However, acceptable are: month-date-year, month-date, date out of sequence with other signers' dates, ditto marks).
- ✓ The circulator signed the part-petition he or she was circulating. This will invalidate the signature but not the entire part-petition.
- ✓ Both the signature and address are unreadable, so that it is impossible to check the signature against a voter registration record.
- ✓ The address provided on the petition paper **is not** the address on file with the board of elections **as of the date the petition is filed**.
- ✓ The signature was not written in ink.
- ✓ The signer's signature date precedes the candidate's signature date in the statement of candidacy section (or the section where the candidate places his or her signature in the case of a Declaration of Candidacy form petition).
- ✓ The signer signed a part-petition which was signed by a majority of signers from another county of residence. Since the signer failed to sign a part-petition exclusively for his or her county, this signature will be invalidated.
- ✓ The signer is not affiliated with the party of the candidate or voted in a different party's primary election in the preceding two calendar years.

### **Certification Requirements – Why Petitions Are Not Certified**

Below are a few of the reasons why a petition would be determined to be insufficient and would prevent the Board from certifying the candidate to the ballot. Keep in mind that if one portion of the part-petition is not completed, it may jeopardize the sufficiency of the petition itself. Therefore, it is important to ensure that all parts are filled out properly and completely.

#### **Reason #1**

**Information provided on the petition by the candidate or circulator or the petition itself was incorrect.**

If information contained in the required sections of the petition form is incorrect or does not correspond to the candidate or the circulator, the **faulty part-petition would not be deemed valid**.

*For example, if the wrong address such as a P.O Box Number was listed by the candidate, the part-petition with the error would not be certified, which could potentially affect certification. In addition, if a petition required an unexpired-term ending date or a full-term commencing date and the date used on petition was wrong, it could potentially prevent a petition from being considered sufficient.*

#### **Reason #2**

**The first or top section of the part-petition was not completely filled out.**

(On a Nominating Petition, the top section is referred to as the Statement of Candidacy. On a Declaration of Candidacy (for party primary election) the top section is not titled.)

#### **Reason #3**

**The Nominating Petition section or Petition for Candidate section is not completely filled out (this in the lower half of the front of the petition form).**

This section must be completed in order for the petition to be considered complete. If this section is not completed, the signers are signing the petition in vain. The section is required to effectively nominate the named candidate for the office for which he or she is running.

#### Reason #4

**Circulator Statement section is not completely filled out. The following must be completed:**

- ✓ The printed name of the circulator (*even if the circulator was the candidate him or herself*)
- ✓ The total number of signatures
- ✓ The signature of the circulator
- ✓ The street address, city, state, and zip code of the circulator (the address may not be a P.O. Box)

#### Reason #5

**The number of valid signatures was not met.**

A candidate must obtain the number of valid signatures in order to be certified to the ballot. For example, if the requirement is 50 valid signatures, it is **NOT WISE** to only acquire the signatures of 50 individuals. **The chances that one of the signatures will be invalidated are extremely high.**

Always acquire more than the number of valid signatures required to validate the petition. However, do not exceed three (3) times the number of valid signatures (for example, if the requirement is 50 valid signatures, do not obtain more than 150 total signatures).

It is recommended that those circulating petitions obtain a current voter registration list which will help to determine if the signer is a registered voter. Registration lists are available at the Board of Election's office and online at <https://clinton.ohioelection.com/candidate-voter-tools/> under the Voter Lists, Reports, and Labels tab on the left. Remember, the validity of a signature is determined at the time of filing the petition.

#### Reason #6

Sufficient evidence reflects that Ohio law pertaining to the completing, circulating, and filing of petitions has been violated.

#### Petition Deficiencies

***The Clinton County Board of Elections' staff is not and/or individual board members are NOT PERMITTED to tell the petitioner or the public:***

- 1. A petition is deficient or***
- 2. The number of valid or invalid signatures on a petition-part or an entire petition UNTIL after the Clinton County Board of Elections meets to certify candidate nominating petitions or declarations of candidacy.***

**Board staff will NOT point out possible errors or omissions.**

**Board staff will NOT call the petitioner to inform him/her of the number of valid or invalid signatures on their nominating petition or statement of candidacy *prior to board certification.***

#### Certain Technical Deficiencies

The Supreme Court of Ohio has stated that R.C. 3501.38 (C) does not permit substantial compliance on certain parts of a petition. *Citizens for Responsible Taxation v. Scioto County Board of Elections*, 65 Ohio St. 3d 167 (1992). Accordingly, a board would not abuse its discretion by invalidating a petition because the signers did not list their complete voting

residences. However, the Supreme Court of Ohio has also indicated that a board may, through a consistently applied policy overlook such deficiencies where the board is able to identify the signer's voting residence with the information provided (house number, street name, city/village/ township, zip code).

County and township road names are assigned by the county engineer's office and the cities and villages assign the street names in their legal subdivisions. The BOE uses the assigned names as the official street/road segments for the voter registration system.

There are several roads and/or streets throughout Clinton County that have well known and established previous or historical names other than the current name assigned by the county engineer's office or the legal subdivision. Certain street/roads are frequently interchanged resulting in an invalid signature. For example, the voter registration system says an address is Greenfield Pike but the voter uses Sabina-Greenfield Road, the commonly known name, to complete the petition.

If the voting residence address given on the petition by the voter **is not** the address appearing in the registration records at the board of elections, then the board, following a consistently applied policy, may overlook such deficiencies where the board is able to identify the signer's voting residence with the information provided. (Also see Ohio Secretary of State Directive 2013-32, page 3.)

**Additional Technical Voting Residence Deficiencies Include:**

- ✓ No direction in the street/road name for example, S.R. 350 but no East or West.
- ✓ Interchanging state route (S.R.) and U.S. Highway (U.S.).
- ✓ Interchanging the name of a street and the road when a portion of a route passes through a village. For example, in the Village of Port William, outside the village corporation lines there is a road named Paintersville Road that passes through the village. Outside the corporation limits the name is Paintersville Road; inside the village limits the street name is First Street. Voters typically interchange Paintersville Road and First Street.
- ✓ Interchanging legally assigned road names with historical or commonly known road names. Roads right on the line between two counties are sometimes interchanged when the name differs across county lines. For example, in Clinton County there is a road in the Sabina area officially named Greenfield Pike. The road extends into Highland County where it is officially named Greenfield-Sabina Road. Clinton County voters very often interchange these road names.

When the BOE encounters these technical deficiencies in the voting residence address given by the voter on the petition, the board may consider the address as valid where the board is able to identify the signer's voting residence address with the information provided: house number, city, village or township name and/or the zip code).

See Appendix A for a list of road/street names that voters frequently use improperly as a voting residence address. As new roads/streets are identified through the petition process, a revised list will be presented to the board to update the Clinton County Board of Elections Petition Policy.

## **Other Deficiencies**

All petition parts must be filed at same time. You cannot supplement a petition filing.

Pursuant to Ohio SOS Directive 2011-29 a candidate who timely withdraws his candidacy (not petition) prior to Board action on that petition and prior to the filing deadline, may file a new petition even if the petition is for the same office to be elected at the same election as the withdrawn petition as long as the board has not officially acted upon the petition.

After the filing deadline and after board action on petitions, the board cannot accept for filing a declaration of intent to be a write-in candidate if that person, for the same election has already filed a declaration of candidacy, a declaration of intent to be a write- in candidate or has become a candidate by party nomination at a primary election or by the filling of a vacancy under R.C. 3513.30 or 3513.31. Also see Ohio SOS Directive 2011-02.

Filing fees cannot be refunded or returned.

Any information gathered by board staff concerning any action by a candidate, petitioner, circulator, or individual that is deemed to be contrary to any law concerning a petition must be presented to the members of the board in open public session.

## **Board Discretion**

If the Statement of Candidacy section is not completely filled out, the decision to certify is a board decision to make in consultation with its legal counsel, the county prosecutor's office.

If the Statement of Candidacy on the front of the petition is completed but the Nominating Petition section is not completed, the decision to certify is a board decision to make in consultation with its legal counsel, the county prosecutor's office.

In making its decision, the board will consider among other factors, if the omission or error would possibly mislead any petition signer or elector, if there is a claim of fraud or deception, and where there is sufficient prima facie evidence appearing on the face of the jurat, which is part of the petition paper, to determine the petition to be valid. [State, ex. Rel., William Pace v. Montgomery County BOE, et al, 2013 Ohio App. LEXIS 1280].

## **Notification If Petition Is Not Certified**

If an individual's petition is not certified by the board, the board staff will send out, on the same day the board meets for the purpose of certification, a notice regarding why a petition was not certified. Individuals whose petition is certified will NOT be notified.

## Request for Reconsideration

If a person submits a written request to the Board of Elections for the board to reconsider a prior decision, the following procedures will be following by the Board.

There is no procedure in Title 35 of the Ohio Revised Code, no Directive issued by the Ohio Secretary of State or instructions in the Elections Officials Manual for handling such a request. It is within the Board's discretion to decide if it will consider requests for reconsideration. The policy to entertain requests for reconsideration is intended to protect the requestor's due process rights.

All Requests for Reconsideration shall be presented to the Clinton County Board of Elections in typewritten form by one of the following methods on or prior to the due date outlined below:

1. Delivered by certified mail by the United States Post Office or by overnight carrier;
2. Delivered in person by requestor or his/her legal representative;
3. Delivered as an attachment to an email addressed to [vote@cinci.rr.com](mailto:vote@cinci.rr.com) (non-receipt by the Board of Elections is a risk accepted solely by the requestor with this type of delivery); or
4. Delivered by facsimile transmission to 937-383-3538 (non-receipt by the Board of Elections is a risk accepted solely by the requestor with this type of delivery).

All Requests for Reconsideration must be received by the Clinton County Board of Elections at their office at 111 S. Nelson Ave., Suite 4, Wilmington, OH 45177, on or before 4:00 p.m. of the fifth (5th) business day following the board meeting at which the board made their initial decision.

The director shall be responsible for expeditiously setting the date, time and place of a board meeting to consider the Request for Reconsideration and shall provide written notice to the requestor and his/her legal representative; any opposing candidate(s) or party(s); and to the public in the same manner as regular board meetings. Notice must be provided to all interested parties at least 24 hours before the reconsideration meeting or hearing.

The meeting shall be a public meeting with the same formalities afforded at a regular board meeting (sunshine law applies; a quorum is required, majority vote rules). The board shall keep a record of the proceedings of the meeting by hiring a court reporter, by electronic recording or similar means.

The requestor and/or his/her legal representative shall be afforded ample time to speak and present any and all facts and evidence relating to the request. Other interested parties may also address the board.

Following the presentation of the facts and evidence, the board must make a final decision in public session and must announce its decision (whether that decision is to stand by the board's prior decision or to take a different action) in public session at the same meeting. The Board reserves the right to move into executive session if/when it deems it is warranted by the circumstances. [Adopted August 25, 2011; Revised August 16, 2013]

## Protests

Written protests against nominating petitions may be filed by any qualified elector eligible to vote for the candidate whose nominating petition he/she objects to in accordance with the requirements of R.C. 3513.262.

## Compatibility Issues:

Compatibility problems become an issue only after a candidate wins an election and a protest is filed with the Clinton County Prosecutor's Office. The BOE is only responsible for checking the validity and sufficiency of the petition and completing the certification process of the petition.

## Liquor Option Petitions:

The staff at the BOE is not permitted to give instruction and/or legal advice to applicants for liquor option petitions. **Petitioners are required to know which petition form they want prior to coming into the board of elections.** Petitioners are encouraged to seek the advice of an attorney or a designated agent prior to appearing at the board office to request petitions and related information.

There are five different types of liquor option petitions. The BOE will provide the forms and information required for the various petition process(s) as outlined in the Secretary of State's *Guide To Local Liquor Options Elections (09/2013)*.

**APPENDIX A\***

**To Clinton County Board of Elections Petition Policy**

**Street/Road Name in EVIS**

**Acceptable Deviations**

- |  |   |
|--|---|
| 1. Greenfield Pike, Sabina                 | Greenfield-Sabina Road<br>Greenfield Road |
| 2. Paintersville Rd. (inside Port William) | First Street                              |
| 3. Elm Street (in Wilmington)              | Martin Luther King Jr. Way                |
| 4. W. Main St. (Clarksville)               | S.R. 350, Clarksville                     |
| 5. Main Street (Martinsville)              | S.R. 28, Martinsville                     |

\*Additions to this list must be approved at board meetings.

Revised 5/10/2019 JLB