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DIRECTIVE 2011-22

July 7, 2011

TO: COUNTY BOARDS OF ELECTIONS
MEMBERS, DIRECTORS, AND DEPUTY DIRECTORS

RE: Reviewing Circulator Statements on Statewide Issue Petitions

SUMMARY

This Directive is issued in response to questions from some county boards of elections. In order to ensure uniform application of Ohio law relative to the validation of statewide issue petitions, I am reminding boards that Ohio law requires that boards of elections invalidate the entire part-petition of an initiative or referendum when the circulator identified an "employer" on the circulator statement, but failed to list the employer's address.

DISCUSSION

Ohio law requires that on a circulator's statement "for a statewide initiative or a statewide referendum petition, the circulator shall identify the circulator's name, the address of the circulator's permanent residence, and the name and address of the person employing the circulator to circulate the petition, if any." R.C. 3501.38(E)(1).

Ohio law additionally provides the form for the circulator statement including the following: "I am employed to circulate this petition by (Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)" R.C. 3519.05.

Election laws are mandatory and require strict compliance, and substantial compliance is acceptable only when an election provision says that it is. *State ex rel. Vickers v. Summit Cty. Council*, (2002) 97 Ohio St.3d 204. That requirement has been applied to referendum petitions. See *State ex rel. Commt. v. Lorain Cty. Bd. of Elections* (2001), 96 Ohio St.3d 308.

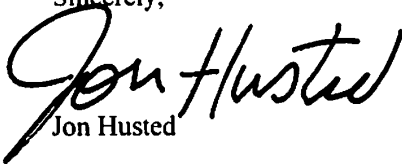
R.C. 3501.38 and R.C. 3519.05 do not say that substantial compliance is permissible. Accordingly, the law requires strict compliance.

The law compels me to direct the boards of elections to invalidate the entire part-petition of an initiative or referendum when the circulator identified an "employer" on the circulator statement, but did not provide a corresponding address. R.C. 3519.06(A). If no employer or address is

provided, or in the alternative if both the name of the employer and an address are provided, that aspect of the circulator statement is presumed, on its face, to be valid and sufficient.

If you have any questions concerning the examination of the part-petitions, please contact the Elections Attorney assigned to your county at (614) 466-2585. Thank you for your continued hard work.

Sincerely,


Jon Husted