

## RULES GOVERNING PETITIONS

The “Statement of Candidacy” portion of each petition paper must be completely filled out and signed by the candidate(s) before being circulated. (R.C. 3513.07, 3513.261)

Only qualified electors may sign a petition. An elector’s qualifications are determined as of the date the petition is filed. (R.C. 3501.38 (A))

Each signature must be an original signature of an elector or the elector’s duly appointed attorney in fact acting pursuant to R.C. 3501.382, written in ink. “Signature” means that person’s written, cursive-style legal mark written in that person’s own hand. (R.C. 3501.38 (B), 3501.382, 3501.011, 3519.051)

Each signature must be personally affixed by a registered elector who is qualified to vote on the candidacy or by the elector’s duly appointed attorney in fact who is acting pursuant to R.C. 3501.382. The elector’s name also may be printed underneath or next to the elector’s signature. (R.C. 3501.38)

Each signer’s residence address and the date of signing must be placed on the petition after the elector’s signature. (R.C. 3501.38 (C))

Petitions for a candidate for party nomination must be signed and circulated by persons who are members of the same political party as the candidate. (R.C. 3513.05)

### Special Note Regarding Petition Circulators:

On October 29, 2008, a federal court held that Ohio's requirement that circulators of candidate petitions be registered to vote in Ohio was unconstitutional. However, the court did not rule on the requirement that the circulator of a declaration of candidacy for party nomination be a member of or affiliated with the same political party as the candidate named in the declaration of candidacy. A circulator 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) *Nader v. Blackwell*, 545 F.3d 459 (C.A.6 2008))

A candidate may circulate his or her own petition, but cannot sign his or her own petition as an elector. For the purpose of circulating his or her own petition, a candidate is exempted from the party affiliation requirements described above. (R.C. 3513.191 (C)(4))

A circulator may not sign the same petition paper that he or she is circulating. However, an otherwise eligible circulator may sign a petition paper being circulated for the same candidate by a different circulator.

After circulating the petition, the circulator must sign a statement on each petition paper, under penalty of election falsification:

- Indicating the number of signatures contained on the petition;
- That the circulator witnessed the affixing of each signature on the petition;
- That all signers, to the best of the circulator's knowledge and belief, were qualified to sign; and
- That each signature is, to the best of the circulator's knowledge and belief, the signature of the person whose signature it purports to be.

If a circulator knowingly permits an unqualified person to sign a petition paper or permits a person to write a name other than the person's own on a petition paper (except for an attorney in fact under R.C. 3501.382), that petition paper is invalid; otherwise, the signature of a person not qualified to sign shall be rejected, but shall not invalidate the other valid signatures on the paper. (R.C. 3501.38 (E) and (F))

Once a petition has been filed in a public office, it cannot be changed, supplemented or, in the case of a candidate's petition, withdrawn. Certain initiative and referendum petitions may be withdrawn in accordance with

law. (R.C. 3501.38 (I))

The original petition with the candidate's original signature must be filed at the same time as all part-petitions are filed. (R.C. 3501.38 (K))

Each petition paper shall be circulated by one person only, and shall contain signatures of qualified electors of one county only. When petitions are circulated in a district that contains more than one county, separate petition papers must be circulated in each county.

(R.C. 3501.38, 3513.05, 3513.07, 3513.261)

No petition shall be filed with more than three times the minimum number of required signatures. (R.C. 3513.05, 3513.257, 3513.259)

All petitions must contain the following statement in boldface capital letters: **“WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.”** (R.C. 3501.38(J), 3599.36)

All petitions remain open for public inspection, under reasonable regulations, at the board of elections in which they were filed. (R.C. 3513.05, 3513.262)