

**In the  
Supreme Court of Ohio**

<b>LEAGUE OF WOMEN VOTERS OF OHIO, et al.,</b>	:	
	:	
<i>Relators,</i>	:	<b>Case No. 2021-1193</b>
	:	
v.	:	<b>Original Action Pursuant to</b>
	:	<b>Ohio Const., Art. XI</b>
<b>OHIO REDISTRICTING COMMISSION, et al.,</b>	:	
	:	<b>Apportionment Case</b>
<i>Respondents.</i>	:	

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<b>BRIA BENNETT, et al.,</b>	:	
	:	
<i>Relators,</i>	:	<b>Case No. 2021-1198</b>
	:	
v.	:	<b>Original Action Pursuant to</b>
	:	<b>Ohio Const., Art. XI</b>
<b>OHIO REDISTRICTING COMMISSION, et al.,</b>	:	
	:	<b>Apportionment Case</b>
<i>Respondents.</i>	:	

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<b>OHIO ORGANIZING COLLABORATIVE, et al.,</b>	:	
	:	
<i>Relators,</i>	:	<b>Case No. 2021-1210</b>
	:	
v.	:	<b>Original Action Pursuant to</b>
	:	<b>Ohio Const., Art. XI</b>
<b>OHIO REDISTRICTING COMMISSION, et al.,</b>	:	
	:	<b>Apportionment Case</b>
<i>Respondents.</i>	:	

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**SECRETARY OF STATE FRANK LAROSE'S  
RESPONSE TO PETITIONERS' OBJECTIONS**

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## I. INTRODUCTION

Petitioners are far afield from where this Court asked them to be. This Court gave Petitioners the opportunity to object to the Ohio Redistricting Commission's February 24, 2022 map, and they all did. *See Bennett Petitioners' Objections to General Assembly District Plan Adopted February 24, 2022* ("Bennett Obj."); *Objections and Request for Remedies of Petitioners the Ohio Organizing Collaborative, et al.*, ("OOC Obj."); *League of Women Voters Petitioners' Objection to the Ohio Redistricting Commission's February 24, 2022 Revised Plan* ("LWV Obj."), all filed February 28, 2022. But they also did much more. In addition to filing objections, Petitioners seek improper relief that is not prayed for in the Complaint, not supported by the procedural posture of this case, and not permissible under the Ohio Constitution.

This Court should resist Petitioners' attempt to divert attention away from the only narrow issue before it: have the Petitioners met their burden of establishing that the Ohio Redistricting Commission's February 24, 2022 Plan—a plan which meets the Court-ordered partisan statewide voter preference breakdown—violates the Ohio Constitution? They have not. And because they have not, the Plan must be upheld and immediately implemented.

## II. LAW AND ARGUMENT

### A. Petitioners seek improper, unsupportable relief.

For starters, the Bennett and Ohio Organizing Collaborative Petitioners ask for improper and legally unsupportable relief. They urge this Court to enjoin Secretary LaRose's 2022-26 Directive ("Directive") even though it is not before this Court. *See Bennett Obj.* at 31; *OOC Obj.* at 17. In the Directive, the Secretary appropriately instructs Ohio's boards of election to immediately begin the process of reprogramming their voter registration systems with the February 24, 2022 General Assembly district maps so that they can be used in the May 3, 2022 primary

election, if the Plan is found to be valid. *See* Exhibit A, Ohio Secretary of State Directive No. 2022-26, issued February 26, 2022.

Petitioners' intentional mischaracterization of the Directive fails to note that it is full of caveats. That is, although the Secretary instructs Boards how best to prepare for the election given the severely compressed time frame for doing so, he also advises them that the instructions might be temporary. He informs the Boards that "decisions in ongoing litigation may render some or all of this Directive moot. In that event, my office will issue additional instruction." *Id.* He further advises that the outcome of this case will determine whether the February 24, 2022 plan can be used in the May 3, 2022 primary election. *Id.*

The Bennett Petitioners have not brought any separate claims against the Directive, nor could they. On its face, it is conditional, it could change depending on the outcome of this case, and any challenge to it would be premature. If they nonetheless want to try to challenge and enjoin it, they can. But not in this Court and not on this Complaint, much less in a pleading that is supposed to be limited to objections to the February 24, 2022 Plan. *See State ex rel. JobsOhio v. Goodman*, 133 Ohio St.3d 297, 2012-Ohio-4425, 978 N.E.2d 153, ¶ 14 (noting that the Ohio Supreme Court lacks original jurisdiction to grant a declaratory judgment).

The Bennett Petitioners' footnoted request to "suspend or modify election-related deadlines" fares no better. *Bennett Obj.* at 31, fn. 7. Once again, the Complaint does not seek a declaration that existing election-related deadlines somehow violate state or federal law and must be enjoined. Nor could it because the Ohio Supreme Court lacks jurisdiction over declaratory judgment actions. *JobsOhio* at ¶ 14.

Finally, Bennett and OOC Petitioners' advocacy for the Rodden III Plan is an easily ignored non-starter. This Court permitted the Petitioners to submit objections to the February 24,

2022 Plan, not entirely new maps and expert reports. *See Bennett, et al. v. Ohio Redistricting Commission, et al.*, Case No. 2021-1198, *LWV, et al. v. Ohio Redistricting Commission, et al.* Case No. 2021-1193; *OOC, et al. v. Ohio Redistricting Commission, et al.*, Case No. 2021-1210, February 25, 2022 Order. But that is exactly what the Bennett and OOC Petitioners did. They went far afield of this Court’s Order. They ask this Court to do what it cannot—issue an advisory opinion that *their* map is constitutional *and* order its adoption. *Bennett Obj.* at 31-39. Fear not, the OOC Petitioners say. All previous problems with Dr. Rodden’s map spotted by the Commission have been fixed, and the map has now been “heavily vetted by the parties.” *OOC Obj.* at 18. So even though not a single member of the Commission introduced, voted on, or approved the Rodden III map, the Bennett *and* OOC Petitioners want this Court to declare it constitutional and order that it be implemented. All because they supposedly vetted it. Their request is nonsensical and unconstitutional.

Once again, the Court lacks jurisdiction to issue the requested advisory opinion and injunction. *See generally JobsOhio*, 133 Ohio St.3d 297, 2012-Ohio-4425, 978 N.E.2d 153. Nonetheless, the OOC Petitioners again go out on a limb to claim that deciding the Rodden III map is a matter of “great importance” such that this Court *should* issue an advisory opinion and declare that it is constitutional. *OOC Obj.* at 19, citing, *Allen v. Totes/Isotoner Corp.*, 123 Ohio St.3d 216, 2009-Ohio-4231, 915 N.E.2d 622, ¶¶ 19-21 (O’Connor, J., concurring in judgment only). In *Allen*, Chief Justice O’Connor recognized that the court’s duty “to answer the questions posed in [that] controversy.” *Id.* at ¶ 21, citing *Fortner v. Thomas*, 22 Ohio St.2d 13, 14, 51 O.O.2d 35. 257 N.E.2d 371 (1970). The constitutionality of a map that was not considered, voted on, let alone approved by the Commission is not a question posed in this case. It has nothing to do with the actual controversy: whether Petitioners have proven that the February 24, 2022 Plan is

unconstitutional. That decision will not be “legitimately affected” by any opinion regarding a different plan. *Fortner* at 14 (“it is the duty of every judicial tribunal to decide actual controversies between parties legitimately affected by specific facts and to render judgments which can be carried into effect”). But even if it would be, as the Bennett Petitioners acknowledge, this Court cannot order the implementation of the Rodden III Plan. *Bennett Obj.* at 34. The Ohio Constitution precludes the implementation of any General Assembly district plan that has not been approved by the Commission, and the Rodden III plan has not been so approved. Ohio Const. Art. XI, Section 9(D).

The Bennett and OOC Petitioners’ true aim is clear: *they* want to draw Ohio’s General Assembly Map and they want to divest the Commission—Republican and Democrats members alike—of their constitutional duty to do so. Seemingly blind to the inconsistency of their own position, the Bennett Petitioners complain in one breath that the *Commission* did not draw the February 24, 2022 map and in the next advocate for a *different* plan that the Commission did not draw (or even consider), so long as it is theirs. *Compare Bennett Obj.* at 29 with *Bennett Obj.* at 39. Said differently, although the Constitution requires the Commission to draw and approve the General Assembly district plan, the Bennett and OOC Petitioners want this Court to allow them to do it. They are far outside the bounds of what this Court asked them to do—lodge objections, if any to the February 24, 2022 Plan—and the Ohio Constitution.

Finally, the Bennett Petitioners’ invitation for this Court to appoint a special master to aid the Commission falls equally flat. *See Bennett Obj.* at 37-38. There is no need for a special master because there is nothing to remedy. Beyond that, the Bennett Petitioners’ suggested use of a special master is absurd and likely unconstitutional. They suggest that the special master can provide “minute-by-minute feedback on a plan” drawn collectively by the Commission. *Id.* Or,

they suggest that the Commission be ordered to sit in public view with the Special Master and “justify changes from an initial plan drawn by the Special Master.” *Id.* Said differently, they want this Court to either publicly bird-dog the Commission or to take the pen from it entirely and give it to a special master. *See* Ohio Const. Art. XI, Sec. 9(D). Again, these are the same Petitioners who complain that the Commission did not draw the Map. *Bennett Obj.* at 29. But the Ohio Constitution sets out the process for remedying a plan invalidated by a court and the Bennett Petitioners’ suggestions violate it. Ohio Const. Art. XI, Sec. 9. That process does not contemplate a court-appointed special master and leaves map-drawing responsibilities where they belong: with the Commission. The Bennett Petitioners’ request for an alternative process is unconstitutional and must be denied.

**B. The Plan Complies with All Constitutional Requirements.**

Turning to the actual question before the Court, the issue is quite narrow: Does the February 24, 2022 General Assembly Plan (“Plan”) attempt to closely correspond with this Court’s “foundational ratio” of 54 Republican leaning seats to 46 Democrat leaning seats? For the reasons set forth in the Commission’s Response to Objections, the answer is yes. The Plan should be upheld.

**III. CONCLUSION**

Petitioners’ attempt to shoehorn extra remedies into the Court’s request for objections should be rejected. They are not entitled to a declaratory judgment, an injunction, or to a General Assembly district plan of their choosing. For the reasons set forth in the Commission’s Response to Objections, the February 24, 2022 Plan is valid and the Petitioners failed to prove otherwise.



OHIO ATTORNEY GENERAL

/s/ Bridget C. Coontz

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## CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2022, the *Secretary Of State Frank Larose's Response To Petitioners' Objections* was filed electronically. I further certify that a copy of the foregoing has been served via the electronic mail upon the following counsel for Relators.

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/s/ Bridget C. Coontz

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# Exhibit A

## Directive 2022-26

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## **DIRECTIVE 2022-26**

February 26, 2022

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

Re: State House and Senate District Maps and House Bill ("H.B." 93)

I recognize the unprecedented nature of this Directive and the incredible challenge it presents to each of our 88 county boards of elections. The General Assembly has the legal authority to set the time, place, and manner of Ohio's elections, and they have made clear their instructions to include the state House and Senate contests on the May 3, 2022 Primary Election ballot. Senate President Matt Huffman and House Speaker Robert Cupp sent a letter to me on Thursday, February 24, 2022 stating the following:

*"...We are providing your office with the underlying information for the newly adopted plan, including the shape files.*

*"Please immediately transmit the relevant information to all the state's boards of elections as you deem appropriate so that the necessary preparations may be made for carrying out the primary election on May 3<sup>rd</sup>, 2022."*

I have communicated to the legislative leaders the risks associated with rushing this process and shared your concerns about the compressed timeline for everything from candidate certification and ballot preparation to the programming and testing of voting equipment. These are serious concerns, but our directive is clear, and I am confident that, together, we will work tirelessly to achieve it. Winston Churchill said, "It's not enough that we do our best; sometimes we have to do what's required." We have the hardest-working elections officials in the nation, and you are known for doing your best. This one requires more. Beyond doing our best, we will need unprecedented courage, optimism, and maybe a little divine blessing to get it done. I told the leaders of our General Assembly that we will do everything we can to rise to their challenge. As it relates to conducting this unprecedented election, I reminded them that our State's motto is: "With God all things are possible."

### **SUMMARY**

On February 24, 2022, the Ohio Redistricting Commission passed (4-3) a third General Assembly district map. Attached to this Directive are the following:

- House Shapefile;
- Senate Shapefile;
- State House and Senate Equivalency Files (otherwise known as BAFs or block assignment files);
- Addendum to Declaration of Candidacy, Nominating Petition or Declaration of Intent to be a Write-in Candidate;
- State House District – County Population and Filing Location – September 2021;

- State House District – County Population and Filing Location – January 22, 2022;
- State House District – County Population and Filing Location – February 24, 2022;
- State Senate District – County Population and Filing Location – September 2021;
- State Senate District – County Population and Filing Location – January 22, 2022;
- State Senate District – County Population and Filing Location – February 24, 2022;
- U.S. House District – County Population and Filing Location – S.B. 258; and
- Letter from Senate President Huffman and House Speaker Cupp to Secretary LaRose, February 24, 2022.

Governor DeWine signed H.B. 93 into law on January 28, 2022 enacting many temporary law changes to the requirements for the 2022 primary election. Ultimately, the Ohio Redistricting Commission needed to adopt a new district plan a few weeks later. This Directive provides guidance on how to apply the temporary law provisions from H.B. 93 to the third set of General Assembly district maps. Please know that my Office is actively working with the General Assembly to develop additional temporary law changes to account for this incredibly compressed timeline, including providing additional funding for the county boards of elections. My Office has also filed with the Department of Defense and Federal Voter Assistance Program a UOCAVA waiver pursuant to 52 U.S.C. 20302(g) for the May 3, 2022 Primary Election.

Additionally, decisions in ongoing litigation<sup>1</sup> may render some or all of this Directive moot. In that event, my Office will issue additional instruction. As you know, the redistricting process has been the subject of much litigation. This Directive is not contrary to any order of the Ohio Supreme Court, nor should it be construed as such. This new General Assembly district plan adopted by the Ohio Redistricting Commission was filed with my office and is presumed valid. If there is additional litigation over this new district plan, the outcome of that litigation will be that the new plan is either valid or invalid. Because of the severe time constraints under which we are operating to hold Ohio House and Ohio Senate primary races with the May 3, 2022 Primary Election, we must begin preparations for those elections immediately in the anticipation that the Court will uphold the new plan. Obviously, if a few weeks from now the Court rules that the new plan is invalid, it will not be possible to conduct Ohio House and Ohio Senate primary elections with the May 3, 2022 Primary Election.

The Ohio Supreme Court issued a briefing schedule requiring that objections, if any, to the General Assembly maps submitted on February 25, 2022 by the Ohio Redistricting Commission be filed by 9 a.m. on Monday, February 28, 2022 and granted the Commission three days (Thursday, March 3, 2022) after the objections are filed to respond.

## **INSTRUCTIONS**

### **I. FEBRUARY 24, 2022 GENERAL ASSEMBLY DISTRICT MAP AND LEGAL DESCRIPTIONS**

On February 24, 2022, the Ohio Redistricting Commission passed a General Assembly district plan. Shortly thereafter, Senate President Matt Huffman and House Speaker Bob Cupp sent a letter

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<sup>1</sup> *Simon, et al. v. DeWine, et. al*, N.D. Ohio No. 4:21-cv-02267-JRA, *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-65, and *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89.

directing me to immediately transmit the relevant information to all boards of elections “so that the necessary preparations may be made for carrying out the primary election on May 3, 2022.”<sup>2</sup>

As such, given the incredibly unfortunate impact that redistricting litigation has had on the election calendar and our ability to administer an election in a manner that will inevitably lead to the best chances of success, all boards must immediately begin the process of reprogramming their voter registration systems with the February 24, 2022 General Assembly district maps.

The State House and Senate district shapefiles, and equivalency files accompany this Directive. My Office is waiting for the House and Senate legal descriptions from the General Assembly. We will forward those to you as soon as we receive them. However, boards and members of the public may find the most updated district maps at [OhioSoS.gov/Districts](https://OhioSoS.gov/Districts).

Boards cannot verify or certify candidate petitions until the reprogramming of the voter registration system is complete. Whenever an area included in a district is less than a county, the legal description is a political subdivision, such as city, village, township, municipal ward, or precinct and portions thereof. The descriptions are based on boundaries as they existed when the data was collected by Ohio University. If the board of elections changed precinct boundaries or if there were municipal ward boundary changes or annexations in the past year, the board needs to consider that the new assignments were made based on previous data. For example, if the board combined Precinct A and C into a new Precinct A, and Precinct A is listed in the legal description, then it is referring to the old Precinct A portion of the new Precinct A.

## **II. 2022 PRIMARY ELECTION DEADLINES**

Pursuant to H.B. 93, the 2022 primary election filing deadline was **February 2, 2022** for all candidates *other* than those for U.S. House.

H.B. 93 also permits the Secretary of State to adjust deadlines pertaining to the administration of the May 3, 2022 primary election *except* for the following: <sup>3</sup>

- The deadline to file a declaration of candidacy, declaration of candidacy and petition, or declaration of intent to be a write-in candidate;
- The deadline to certify a ballot issue or question to the election officials or to file a petition with the election officials to place a question or issue on the ballot at the May 3, 2022 primary election or a special election on that date;
- The UOCAVA deadline Unless the Secretary of State obtains a waiver pursuant to 52 U.S.C. 20302(g) for the May 3, 2022 primary election; and
- Any deadline that, under Ohio law, falls on or after April 3, 2022.

The Secretary submitted a UOCAVA waiver request to the Department of Defense and Federal Voting Assistance Program. We will keep you informed on the outcome of that request.

Therefore, the certification and protest deadline for candidates to the offices of Ohio House of Representatives (“Ohio House”), Ohio Senate, and state central committee of a political party shall be as follows:

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<sup>2</sup> See Letter from Senate President Matt Huffman and House Speaker Bob Cupp to Secretary LaRose, February 24, 2022.

<sup>3</sup> Section 4(C) of H.B. 93.



- **Monday, March 14, 2022** – Most populous county board of elections or board of elections must certify the validity and sufficiency of partisan candidate petitions and provide the names of the certified candidates to the less populous county board(s) of elections in the district, subject to any filers changing districts and completing their move by March 26, 2022. Boards cannot verify or certify candidate petitions until the reprogramming of the voter registration system is complete.
- **Thursday, March 17, 2022** – Protests against partisan candidates for Ohio House, Ohio Senate, and state central committee of a political party (including write-in candidates) must be filed with the most populous county board of elections by 4:00 p.m.

Each board must be open to the public on Saturday, March 26, 2022, and must notify my Office no later than 4:00 p.m. on March 26, 2022 if a candidate for General Assembly, as of that date, has not become a resident of the district the filer seeks to represent, filed an addendum, and updated their voter registration record to reflect their new residency. My Office will issue a form of the ballot directive as soon as possible. Pending the outcome of the ongoing litigation mentioned above, the Secretary may establish or amend other deadlines and dates related to the administration of the May 3, 2022 primary election.

### **III. OHIO HOUSE AND SENATE CANDIDATES**

#### **A. DECLARATION OF CANDIDACY, PETITION, NOMINATING PETITION, OR DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE**

##### **i. REQUIREMENTS FOR FILING VALIDITY AND IDENTIFYING DISTRICTS**

For candidates for Ohio House and Ohio Senate, boards are prohibited from invalidating a declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate on the basis that it does not include the number of the district the filer seeks to represent or includes an incorrect district number.<sup>4</sup> The appropriate document filed by the candidate shall be deemed to include the correct number of the applicable House or Senate district in which the filer (i.e. the candidate filing to run) for Ohio House or Ohio Senate currently resides.<sup>5</sup>

On February 24, 2022, in conjunction with the Ohio Redistricting Commission's adoption of the new General Assembly district plan on February 24, 2022, the Commission approved a motion that I made to authorize me to issue to the boards of election directives by which House and Senate candidates who have filed to run shall comply with Article XI, Section 9(C), if any candidates wish to do so.

This statement made it clear that I have the responsibility to reasonably interpret the law to administer an election under such unprecedented time constraints. In the alternative, Section 9(C) of Article XI of the Ohio Constitution provides that when the Ohio Redistricting Committee adopts a new district plan pursuant to an order of the Ohio Supreme Court, as is currently the case, a candidate is allowed up to 30 days to change their residence to be eligible for election in a district in which the candidate may not currently reside. As such, boards are prohibited from invalidating a declaration of

<sup>4</sup> Section 4(B) of H.B. 93.

<sup>5</sup> Section 4(B) of H.B. 93.

candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate filed by a person seeking nomination for Ohio House or Ohio Senate on the basis that it contains the filer's former residence address that is **not** located in the district the filer seeks to represent.

Section 4(C) of H.B. 93 implements the broad constitutional provision in Article XI, Section 9(C) by requiring any such candidate to:

- (1) Become a resident of the district the filer seeks to represent;
- (2) File an addendum to the declaration of candidacy declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate with the board of elections that indicates the filer's new address; and
- (3) Update their voter registration record to reflect their new residency.

The Redistricting Commission adopted the present General Assembly district plan on February 24, 2022. Thus, the 30-day period provided for by Article XI, Section 9(C) ends on March 26, 2022. The constitutional provision simply says that the new district plan "shall allow thirty days for persons to change residence in order to be eligible for election." Thus, Section 9(C)'s irreducible minimum is that any such candidate must be given 30 days to change their residence to run in another district.

While Section 4(C) of H.B. 93 attempts to implement Article XI, Section 9(C) by stating the three requirements that a candidate must undertake to qualify under Section 9(C) to run in another district, I am interpreting Section 4(C) of H.B. 93 to mean that as long as we allow any such candidate the constitutionally required 30 days to change their residence, which we are, the constitutional requirement is satisfied.

Thus, the requirement in Section 4(C)(1)(b) of filing the addendum indicating an intention to run in another district can be done as the first step in the process, not the second step. Once a candidate files the addendum with the board stating their intention to be a candidate in another district, the candidate may later perfect their residency in the new district and change their voter registration to the new district within the remainder of the 30-day period.

Thus, I am instructing all boards of election with which an Ohio House or Ohio Senate candidate filed petitions to immediately:

- (1) Contact all such candidates by phone and/or email, inform them of this constitutional provision, and inquire of each of them whether they intend to change their residence to run in another district and confirm such contact with any candidate by **March 1, 2022**.
- (2) Ask all such House and Senate candidates who may wish to change their residence to run in another district to file the addendum contemplated by Section 4(C)(1)(b) of H.B. 93 with the board no later than **4:00 p.m. on March 10, 2022**.
- (3) Provide all such House and Senate candidates with the attached template of the addendum contemplated by Section 4(C)(1)(b) of H.B. 93. The attached addendum template includes not only a space for the filer's new residence address, but in lieu of an actual new residence address, the template alternatively includes space in which the filer may simply state an indication of the filer's intent to change their residence to a new district the filer seeks to represent.

- (4) If a candidate files the addendum with the board, then on whatever date a candidate files the addendum with the board, whether that addendum lists a new residence address or simply states the filer's intention to change their residence to a new district the filer seeks to represent, the board shall immediately begin to verify the signatures on the filer's petition under this section based on either the filer's new residence address or the new district the filer has indicated they now seek to represent.
- (5) If a candidate who has filed with the board has not filed the addendum with the board by **4:00 p.m. on March 10, 2022**, the board shall begin to verify the signatures on the filer's petition under this section based on the filer's residence address as stated in their declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate.
- (6) Notify my Office no later than **4:00 p.m. on March 26, 2022** if a candidate for General Assembly, as of that date, has not become a resident of the district the filer seeks to represent, filed an addendum, and updated their voter registration record to reflect their new residency.

However, even if a candidate files the addendum with a board of elections, the board must invalidate an Ohio House or Ohio Senate declaration of candidacy declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate if the filer **does not** take **all** three actions required in Section 4(C) of H.B. 93 on or before **March 26, 2022**.

## **ii. REQUIREMENTS FOR SIGNATURE VALIDITY**

Boards are prohibited from invalidating a signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for Ohio House or Ohio Senate on the ground that the signer does not reside in the *new* district the filer seeks to represent (i.e., per the plan the Ohio Redistricting Commission adopted on February 24, 2022) so long as:

- (1) The House or Senate district in which the filer resided under the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021 had territory in the county in which the signer resides; **and**
- (2) The *new* House or Senate district the filer seeks to represent has territory in the county in which the signer resides.<sup>6</sup>

Attached with this Directive is a list of counties within each district under the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021 and a list of counties within each district under the General Assembly district plan adopted by the Ohio Redistricting Commission on February 24, 2022.

Moreover, boards are prohibited from invalidating a signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for Ohio House or Ohio Senate on the ground that the signature was signed before a district plan for Ohio House of Representatives was adopted or enacted or took effect, provided that a signature on a nominating petition is not valid if it is dated more than one year before the date the nominating petition is filed.<sup>7</sup>

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<sup>6</sup> Section 4(D)(2)-(3) of H.B. 93.

<sup>7</sup> Section 4(F) of H.B. 93.

#### **IV. CANDIDATE FOR STATE CENTRAL COMMITTEE OF A POLITICAL PARTY**

##### **A. DECLARATION OF CANDIDACY, PETITION, NOMINATING PETITION, OR DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE**

###### **i. REQUIREMENTS FOR FILING VALIDITY AND IDENTIFYING DISTRICTS**

Boards are prohibited from invalidating a declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate filed by a person seeking nomination for the state central committee of a political party on the basis that it does not include the number of the district the filer seeks to represent or that it includes an incorrect district number. If the filer seeks nomination for the office of the state central committee of a political party, the document shall be deemed to include the number of the applicable district in which the filer resides.<sup>8</sup>

###### **ii. REQUIREMENTS FOR SIGNATURE VALIDITY**

Boards are prohibited from invalidating a signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for the office of state central committee of a political party on the ground that the signature was signed before a district plan of the applicable type was adopted or enacted or took effect, provided that a signature on a nominating petition is not valid if it is dated more than one year before the date the nominating petition is filed.<sup>9</sup>

###### **a. SENATE DISTRICTS**

If the state central committee of a political party representation is based on Senate districts, boards are prohibited from invalidating a signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for the office of state central committee of a political party on the ground that the signer does not reside in the district the filer seeks to represent so long as the filer seeks nomination for the office of member of the state central committee of a political party to represent a Senate district and:

(1) The Senate district in which the filer resided under the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021 had territory in the county in which the signer resides; **and**

(2) The *new* Senate district the filer seeks to represent has territory in the county in which the signer resides.<sup>10</sup>

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<sup>8</sup> Section 4(B) of H.B. 93.

<sup>9</sup> Section 4(F) of H.B. 93.

<sup>10</sup> Section 4(D)(5) of H.B. 93.

**V. TRANSFER OF DECLARATION OF CANDIDACY, DECLARATION OF CANDIDACY AND PETITION, NOMINATING PETITION, OR DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE**

Please review [Directive 2022-03](#) and the following instruction set forth below.

**A. GENERAL ASSEMBLY AND STATE CENTRAL COMMITTEE PETITIONS**

As you know, the filing deadline for General Assembly declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate was February 2, 2022 with the most populous county board of elections pursuant to the January 22, 2022 Ohio Redistricting Commission maps. The Ohio Supreme Court invalidated those maps on February 7, 2022. The Ohio Redistricting Commission passed new Ohio House and Senate maps on February 24, 2022. As such, the most populous county may have changed. If a candidate *properly* filed their declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate properly in the most populous county board of elections under the January 22, 2022 map by February 2, 2022, then the board of elections is required to promptly transfer that declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate to the new most populous county board of elections pursuant to Section 4(E) of H.B. 93.

**B. U.S. HOUSE PETITIONS**

Conversely, the Ohio Redistricting Commission has not passed congressional district maps. District maps may not exist prior to the March 4, 2022 filing deadline for congressional candidates. If new congressional district maps do not exist prior to the March 4, 2022 filing deadline and a candidate has not yet filed their petition, those candidates for U.S. House must file in the most populous board of elections pursuant to the district maps set forth in S.B. 258. That list is attached.

If the Ohio Redistricting Commission passes a new congressional district map prior to the March 4, 2022 filing deadline, and a candidate has not yet filed their petition, that candidate should file their petition with the most populous county under the new district map.

However, if a candidate has already properly filed their petition prior to the Ohio Redistricting Commission passing a new map but prior to the filing deadline with the most populous county board of elections pursuant to S.B. 258, and the most populous county board of elections has changed under the new congressional district map, that board of elections must transfer that filing to the new most populous county board of elections pursuant to the new map.

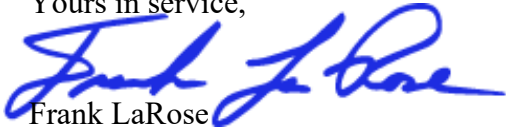
If the Ohio Redistricting Commission does pass a new congressional district map following March 4, 2022, and the most populous county changed, the board of elections that the declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate was filed in must transfer that filing to the new most populous county board of elections pursuant to the new map.

If the General Assembly makes any changes to the election administrative procedures in temporary law, my Office will issue guidance as soon as possible.

Each board of elections director must share this Directive with its legal counsel, the county prosecuting attorney, and voter registration system and voting system vendors as soon as possible. If

you have any questions regarding this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose  
Ohio Secretary of State

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