

IN THE SUPREME COURT OF OHIO

State of Ohio ex rel. Brian M. AMES	:	
Relator	:	CASE NO. 2022-0850
vs.	:	Original Action in Mandamus
	:	Expedited Election Matter Under
Ohio Secretary Secretary of State Frank LaRose et al.	:	S.C.Prac.R. 12.08
Respondents	:	Peremptory Writ Requested
	:	

BRIEF OF BRIAN M. AMES, RELATOR

Brian M. Ames
2632 Ranfield Rd
Mogadore, OH 44260
330-354-3701
bmames00@gmail.com
Relator-Appellant Pro Se

Dave Yost
OHIO ATTORNEY GENERAL
Allison Daniel (0096186)*
*Counsel of Record
Iris Jin (0092561)
Assistant Attorneys General
Constitutional Offices Section
30 E. Broad Street, 16th Floor
Columbus, OH 43215
(614) 466-2872
(614) 728-7592 fax
Allison.Daniel@OhioAGO.gov
Iris.Jin@OhioAGO.gov
Counsel for Respondent Ohio Secretary of State Frank LaRose

Sherri Bevan Walsh (0030038)
Prosecuting Attorney
Marrett Hanna, (0065689)
Carrie Hill, (0099785)
Assistant Prosecuting Attorneys
53 University Avenue, 7th Floor
Akron, Ohio 44308
(330) 643-2792
(330) 643-8708 fax
mhanna@prosecutor.summitoh.net
chill@prosecutor.summitoh.net
*Counsel for Respondent Summit County Board
of Elections*

Christopher J. Meduri (0065072)
241 South Chestnut Street
Ravenna, Ohio 44266
(330) 297-3850
(330) 297-4594 fax
cmeduri@portageco.com
*Counsel for Respondent Portage County Board
of Elections*

James R. Flaiz (0075242)
Geauga County Prosecutor
Kristen Rine (#0083735)
Assistant Prosecuting Attorney
231 Main Street, 3rd Floor
Chardon, Ohio 44024
(440) 279-2100
james.fl aiz@gcpao.com
krine@gcpao.com
*Counsel for Respondent Geauga County Board
of Elections*

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INTRODUCTION

For the second time in as many election cycles, Ohio's primary election is in disarray. The first instance was when in-person voting for the 2020 Presidential Primary Election was delayed as a result of the Coronavirus/COVID-19. In response to that pandemic, the 133rd Ohio General Assembly ("133rd G.A.") passed H.B. 197 on March 25, 2020 and Governor DeWine signed H.B. 197 into law on March 27, 2020. Exhibit 18, Directive 2020-07, (REL_EVID_44). The legislation included many provisions concerning Ohio's response to Coronavirus/COVID-19, including changes to the 2020 Primary Election. *Id.* The bill contained an emergency clause, which meant that the bill went into effect immediately upon the Governor's signature. *Id.* Also on March 27, 2020, Ohio Secretary of State Frank LaRose ("Secretary LaRose") issued Directive 2020-07 which provided additional information regarding H.B. 197, its implementation, and the conclusion of the 2020 Presidential Primary Election. *Id.* In-person voting, originally set for March 17, 2020, was limited to April 28, 2020 and made available only for individuals with a qualifying disability or who could not receive mail. Exhibit 18, Directive 2020-07 ¶8, (REL_EVID_45).

The second instance of an Ohio primary array falling into disarray is the 2022 Gubernatorial Primary Election. Unlike the response in 2020 which was initiated by the General Assembly, Secretary LaRose directed that the primary contests for the Ohio House, Ohio Senate, and State Central Committee ("Severed Contests") would not be included on the May 3, 2022 Primary Election ballot ("May 3 Ballot"). Exhibit 11, Directive 2022-31, (REL_EVID_24). This directive did not result from any legislation enacted by the General Assembly, nor did it result from the order of any court to remove the Severed Contests from the May 3 Ballot, retaining the others ("Retained Contests"). It resulted from an unwarranted, unprecedented, and *ultra vires* action taken by Secretary LaRose.

The decision to sever the May 3 Ballot has had numerous consequences. The primary contests were all set for a single stage, the May 3 Ballot, where all contests would be attended by the same members of the electorate. As a direct result of Secretary LaRose's action, the Retained Contests became the main event with greater participation by the electorate than can reasonably be expected for the Severed Contests on the ballot for August 2, 2022 ("August 2 Ballot"). Those candidates appearing on the August 2 Ballot ("Severed Candidates"), including Relator Brian M. Ames ("Mr. Ames"), have been prejudiced as a direct result.

Additional prejudice to the Severed Candidates resulted from Secretary LaRose's directive that "[v]oters may request a ballot for either major political party or an issues-only ballot, if applicable, regardless of their participation in the May 3, 2022 Primary Election." (Exhibit 14, Directive 2022-34, REL_EVID_38 at III). This directive converted Ohio's open primary into a doubly open primary as voters may twice select which party's ballot to vote. This action effectively created ("Hybrid Ballots") consisting of contests from opposite parties. There can be no reasonable belief that the outcome of the 2022 election will be the same as it would have been if all contests had been on the ballot on May 3, 2022 eliminating the possibility of Hybrid Ballots being cast. Furthermore, much of R.C. Title 35 depends on the determination of party affiliation based on ballot selection in a primary. There is no statute that prescribes how the party affiliation of a voter who selects different ballots for different parties must be determined.

There is no benefit accruing from Secretary LaRose's decision to sever the primary ballot. Due to the May 27, 2022 order of a federal court, the general assembly districts for the August 2 Ballot are the same as they would have been for the May 3 Ballot if it had not been severed. *Gonidakis v. LaRose*, S.D.Ohio No. 2:22-cv-0773, 2022 U.S. Dist. LEXIS 95341 (May 27, 2022).

STATEMENT OF FACTS

A. Relator is certified as a candidate .

Relator Brian M. Ames (“Mr. Ames”) is a qualified elector who affiliates with the Republican Party and resides at 2632 Ranfield Road, Mogadore, OH 44260, which is in the 28th Ohio Senate District (the “28th District”) under the General Assembly district plan in place for the August 2, 2022 primary election. Compl. ¶ 4. On February 1, 2022, Mr. Ames submitted his Form No. 2-J Declaration of Candidacy and Petition for Candidate for Brian M. Ames dated January 12, 2022 to the Trumbull County Board of Elections. Exhibit 6 (REL_EVID_11-12). Mr. Ames has been certified to the ballot as a candidate for the Republican State Central Committee for the 28th District. Compl. ¶ 4; (REL_EVID_6-10). Relator Ames is certified as a candidate for 28th District State Central Committeeman, Republican as shown on the Summit County Board of Elections candidate list. Compl. ¶ 12; Exhibit 3 (REL_EVID_6). Relator Ames is certified as a candidate for Republican State Central Committeeman, 28th District as shown on the Portage County Board of Elections candidate list. Compl. ¶ 13; Exhibit 4 (REL_EVID_8). Relator Ames is certified as a candidate for Republican State Central Committeeman, 28th District as shown on the Geauga County Board of Elections candidate list. Exhibit 5 (REL_EVID_10).

On July 8, 2022, Relator Ames inquired of Ohio Attorney General Frank LaRose “[m]ay an elector request a different party ballot for the August election than for May?” Compl. ¶ 10. The response was “There is no requirement for a voter to vote in the same party’s primary election as they did in the May primary.” Exhibit 2 (REL_EVID_05).

On July 8, 2022, Relator Ames inquired of the Director of the Portage County Board of Elections “[m]ay an elector request a different party ballot for the August election than for May?” Compl. ¶ 11. The response was “Yes, per the Ohio Secretary of State, voters may request a ballot for either major political party regardless of their participation in the May 3, 2022

Primary Election.” Exhibit 2 (REL_EVID_05).

B. 2022 Directives and Ballots.

On March 9, 2022, Secretary LaRose issued Directive 2022-28 to all county boards of elections directors, deputy directors, and members regarding “Ballots and Candidates for May 3, 2022 Primary Election for All Offices”. Exhibit 7 (REL_EVID_13-17). Directive 2022-28 was accompanied by official ballot forms including the “Official Democratic Primary Ballot” (“Democrat A”) and the Official Republican Primary Ballot (“Republican A”). Exhibits 7-9 (REL_EVID_13-21). Both ballots Democrat A and Republican A included the Severed Contests. Exhibits 8 and 9 (REL_EVID_18-21).

On March 17, 2022, Secretary LaRose issued Directive 2022-30 to all county boards of elections board members directors, and deputy directors regarding “*League of Women Voters of Ohio, et al. v. Ohio Redistricting Commission, et al.* Decision and Additional Instructions”¹. Exhibit 10 (REL_EVID_22-23). In Directive 2022-30, Secretary LaRose informed the county boards of elections that “federal litigation is still pending regarding the February 24, 2022 General Assembly district maps.”² Exhibit 10 (REL_EVID_22).

Also on March 17, 2022, Secretary LaRose sent a letter (the “March 17 Letter”) to Governor DeWine and the members of the General Assembly which begins with following paragraph:

I regret to inform you that as a result of last night’s decision by the Ohio Supreme Court, and barring the immediate action of a federal court, our 88 county boards of elections can no longer include contests for the state House and state Senate in the May 3, 2022 primary election. Let there be no doubt, however, that we will continue to prepare for a May 3 primary election that includes statewide, congressional and local contests, unless directed to do otherwise by the Ohio General Assembly or a court order.

Exhibit 17 (REL_EVID_42-43). Nowhere in the March 17 Letter does Secretary LaRose request specific direction of the General Assembly. *Id.* Nowhere in the March 17 Letter does Secretary

1 See *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-789.

2 See *Gonidakis, et al. v. LaRose, et al.*, Case No. 2:22-CV-773 (S.D. Ohio 2022).

LaRose inform the General Assembly of any intent on his part to remove the Severed Contests from the May 3 Ballot. *Id.*

On March 23, 2022, Secretary LaRose issued Directive 2022-31 to all county boards of elections board members directors, and deputy directors regarding “Revised Form of Ballot for the May 3, 2022 Primary Election”. Exhibit 11 (REL_EVID_24-27). In Directive 2022-31, Secretary LaRose informed the county boards of elections that “[t]he Plaintiffs in the federal court case *Gonidakis v. LaRose*³ filed a motion on Monday asking the court to order the use of the February 24, 2022 district plan for the primary.” Exhibit 11 (REL_EVID_25). Directive 2022-31 was accompanied by official ballot forms including the “Official Democratic Primary Ballot” (“Democrat B”) and the Official Republican Primary Ballot (“Republican B”). Exhibits 11-13 (REL_EVID_25, 28-30). Neither ballot Democrat B or Republican B included the Severed Contests. Exhibits 12-13 (REL_EVID_28-30). Secretary LaRose cited no enactment by the General Assembly or order by this Court as mandating the removal of the Severed Contests from the ballot but stated only that this Court “ordered the Ohio Redistricting Commission to adopt a new General Assembly district plan by March 28, 2022.” Exhibit 11 (REL_EVID_24 at I).

On May 28, 2022, Secretary LaRose issued Directive 2022-34 to all county boards of elections board members directors, and deputy directors regarding “Instructions for the August 2, 2022 Primary Election”. Exhibit 14 (REL_EVID_31-39). In Directive 2022-34, Secretary LaRose informed the county boards of elections that “[o]n May 27, 2022, a three-judge federal panel for the Southern District of Ohio (2-1) ordered, ‘[a]ssuming no map is approved by midnight on Saturday, May 28, we order Secretary of State Frank LaRose to push back Ohio’s state primaries to August 2, 2022, and to implement Map 3 for this year’s elections only.’”⁴ Exhibit 14 (REL_EVID_31-39). Directive 2022-28 was accompanied by official ballot forms

³ Case No. 2:22-CV-773 (S.D. Ohio 2022).

⁴ *Gonidakis, et al., v. LaRose, et al.*, Case No. 2:22-cv-0773 (S.D. Ohio May 27, 2022).

including the “Official Democratic Primary Ballot” (“Democrat C”) and the Official Republican Primary Ballot (“Republican C”). Exhibits 14-16 (REL_EVID_36, 40-41). Each of ballots Democrat C and Republican C included only the Severed Contests. Exhibits 15-16 (REL_EVID_40-41). In Directive 2022-34, Secretary LaRose instructed the county boards of elections that “[v]oters may request a ballot for either major political party or an issues-only ballot, if applicable, regardless of their participation in the May 3, 2022 Primary Election” without citing any enactment by the General Assembly or order by a court to support that instruction. Exhibit 14 (REL_EVID_31-39). Secretary LaRose did not, in Directive 2022-34, instruct the county boards of elections to provide notice to the public that voters would be permitted to vote a different party’s ballot in August than voted in May. *Id.*

C. The 2020 Presidential Primary.

On March 25, 2020, the 133rd G.A. passed H.B. 197 which enacted provisions governing the conclusion of the 2020 Presidential Primary in Section 32 thereof. Exhibit 19 (REL_EVID_53-57). On March 27, 2020, Secretary LaRose issued Directive 2020-07 to all county boards of elections directors, deputy directors, and members regarding “House Bill (‘H.B.’) 197 and Additional Instructions”. Exhibit 18 (REL_EVID_44-52). Secretary LaRose summarized Directive 2022-34 for the county boards of elections as follows:

On March 25, 2020, the Ohio General Assembly passed H.B. 197. Governor DeWine signed H.B. 197 into law on March 27, 2020. The legislation includes many provisions concerning Ohio’s response to Coronavirus/COVID-19, including changes to the 2020 Primary Election. The bill contains an emergency clause, which means that the bill goes into effect immediately upon the Governor’s signature. This Directive provides additional information regarding H.B. 197, its implementation, and the conclusion of the 2020 Presidential Primary Election. (Footnote omitted.)

Exhibit 18 (REL_EVID_44-52). In-person voting, originally set for March 17, 2020, was limited to April 28, 2020 and made available only for individuals with a qualifying disability or who could not receive mail. Exhibit 18, Directive 2020-07 ¶8, (REL_EVID_45).

D. Primary election for members of the U.S. House of Representatives.

On March 21, 2022, Meryl Neiman and others filed a complaint in this Court initiating case 2022-0298: *Meryl Neiman, et al. v. Secretary of State Frank LaRose, et al.* Exhibit 20, (REL_EVID_58-65) In said complaint, Petitioners sought relief from this Court including the issuance of a permanent injunction and judgment barring Respondents from calling, holding, supervising, administering, or certifying any elections under the congressional district plan adopted by the Ohio Redistricting Commission on March 2, 2022. Exhibit 20, (REL_EVID_64 at B).

E. Failure of Respondent Summit County Board of Elections to serve its filings.

As an original action relating to a pending election, this case proceeds under S.Ct.Prac.R. 12.08. Division (C) of that rule of practice requires that “[a]ll documents in expedited election cases, except those filed to initiate a case under this rule, shall be served on the date submitted for filing by personal service, facsimile transmission, or e-mail.” That requirement is clearly stated in the summons:

The response, evidence, and merit briefs must be served by personal service, facsimile transmission, or by email on the date of the filing. See S.Ct.Prac.R. 12.08.

Notwithstanding the rule and the summons, Respondent Summit County Board of Elections has failed to properly serve its filings.

LAW AND ARGUMENT

A. Permitting an elector to vote in two parties’ primary elections conflicts with the statutory scheme enacted in Title 35 of the Ohio Revised Code.

The seventh paragraph of section 3513.05 of the Revised Code establishes the standards of affiliation to be used for the determination of a person’s party affiliation. R.C. 3513.19(A) and (A)(3). The seventh paragraph of R.C. 3513.05 reads in its entirety:

For purposes of signing or circulating a petition of candidacy for party nomination or election, an elector 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.

If an elector has been permitted to vote in two different parties' primary the determination of affiliation with a given party becomes indeterminate. The subject voter has, within the preceding two calendar years, voted in that party's primary election qualify for affiliation but has also voted in another party's primary election disqualify from affiliation.

Statutes that depend on an unambiguous determination of party affiliation go to the core of elections. R.C. 3501.06(B)(2) which provides for the appointment of members of a county board of elections is one such statute. R.C. 3501.06(B)(2) reads in its entirety:

Beginning in 2017, on the first day of March in odd-numbered years, the secretary of state shall appoint two of such board members for a term of four years. One of those board members shall be from the political party which cast the highest number of votes for the office of governor at the most recent regular state election, and the other shall be from the political party which cast the next highest number of votes for the office of governor at such election. Thereafter, all appointments shall be made on the first day of March in odd-numbered years for a term of four years.

Appointments are generally made based on the recommendation of a county executive committee pursuant to R.C. 3501.07 which reads in pertinent parts:

At a meeting held not more than sixty nor less than fifteen days before the expiration date of the term of office of a member of the board of elections, or within fifteen days after a vacancy occurs in the board, the county executive committee of the major political party entitled to the appointment may make and file a recommendation with the secretary of state for the appointment of a qualified elector. The secretary of state shall appoint such elector, unless the secretary of state has reason to believe that the elector would not be a competent member of such board. In such cases the secretary of state shall so state in writing to the chairperson of such county executive committee, with the reasons therefor, and such committee may either recommend another elector or may apply for a writ of mandamus to the supreme court to compel the secretary of state to appoint the elector so recommended. In such action the burden of proof to show the qualifications of the person so recommended shall be on the committee making the recommendation.

At least one county executive committee has successfully obtained a writ of mandamus from

this Court to compel the secretary of state to appoint the elector so recommended. *See State ex rel. Summit Cty. Republican Party Executive Commt. v. Brunner*, 118 Ohio St.3d 515, 2008-Ohio-2824.

Assuming, *arguendo*, that both persons recommended to the secretary of state for appointment to a county board of elections would be competent members of such board but have voted in both major parties' primaries in 2022. How would the secretary of state determine their party affiliations without adding words to the statute? Which party would each person represent?

Other statutes that depend on an unambiguous determination of party affiliation include R.C. 3501.09, "The director and deputy director shall be of opposite political parties"; R.C. 3501.091, "The director and deputy director shall be of opposite political parties"; R.C. 3501.14, "The board may, when necessary, appoint a deputy director, who shall not be a member of the same political party of which the director is a member"; R.C. 3501.16, "from persons belonging to the same political party as that to which the outgoing officer belonged"; R.C. 3501.161, "The director and deputy director shall be of opposite political parties, and the chairman shall be selected from the members of the board of opposite politics from those of the director"; R.C. 3501.22, "Not more than one-half of the total number of precinct election officials shall be members of the same political party"; R.C. 3501.23, "provided that such officials shall be equally divided between the two major political parties"; R.C. 3501.31, "shall appoint a qualified elector who is a member of the same political party as the political party of which such absent precinct election official is a member"; and R.C. 3517.03, "All the members of such committees shall be members of the party". Article XIX, Section 1(C)(3)(a) of the Ohio Constitution,,which states that if the General Assembly passes a congressional-district plan by a simple majority in each house, it "shall not pass a plan that unduly favors or disfavors a political party or its incumbents", may also be implicated.

B. The primary date was set by statute and that date was May 3, 2022.

The date of the 2022 primary election was set by the General Assembly through the enactment of R.C. 3501.01: “Primary elections shall be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held.” R.C. 3501.01(E)(1). Since the General Assembly determined the date of the primary and chose not to change it when it enacted H.B. 93, the date of the 2022 primary election remains May 3, 2022. The August 2, 2022 is not a primary election but rather a special election during which the conclusion of the voting the 2022 primary election is being conducted. The *Gonidakis* court did not create a new primary. In granting the relief sought, the federal panel did nothing more than declare the commission’s third map (“Map 3”) valid for purposes of the primary and liberate the candidates who were legally qualified to appear on the May 3 primary ballot by setting a date for them to finish the May 3 primary. *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶53

C. Secretary LaRose has violated R.C. 3501.40 by severing the primary ballot.

Secretary LaRose’ decision to remove the Severed Contests from the May 3, 2022 ballot caused the 2022 primary election to be conducted other than in the time, place, and manner prescribed by the Revised Code in contravention of R.C. 3501.40, which reads in pertinent parts:

Except as permitted under section 161.09 of the Revised Code, and notwithstanding any other contrary provision of the Revised Code, no public official shall cause an election to be conducted other than in the time, place, and manner prescribed by the Revised Code.

D. Ballots B and C do not equate to Ballots A.

Currently, an elector who chose a Republican B ballot on May 3 is permitted to choose a Democrat C ballot on August 2. Exhibit 14, Directive 2022-34, (REL_EVID_38). The contests on the combination of a Republican B ballot and a Democrat C ballot do not equate to either a Republic A or a Democrat A ballot. Likewise, an elector who chose a Republican B ballot on

May 3 is permitted to choose a Democrat C ballot on August 2. Exhibit 14, Directive 2022-34, (REL_EVID_38). The contests on the combination of a Democrat B ballot and a Republican C ballot do not equate to either a Democrat A or a Republic A ballot. The law provides that “[s]eparate primary election ballots shall be provided by the board of elections for each political party having candidates for nomination or election in a primary election.” R.C. 3513.13. Secretary LaRose has exceeded his legal authority by permitting electors to vote Hybrid Ballots consisting of combinations of contests of candidates affiliated with different parties. The use of Hybrid Ballots has not been authorized by the General Assembly. Secretary LaRose lacks standing to argue that “Relator’s requested relief will unconstitutionally deprive Ohio voters of their constitutional right to vote.” LaRose Answer Defense 4. Furthermore, LaRose Defense 4 is without merit as the State has a compelling interest in the conduct of elections in compliance with the statutes.

E. The conduct of an election under a district plan or map found to be unconstitutional does not necessarily render that election invalid.

The Ohio Redistricting Commission a congressional-district plan on March 2, 2022 that this court decided July 19, 2022 does not comply with Ohio Constitution, Article XIX, Section 1(C) (3)(a) and is invalid. *Neiman v. LaRose*, Slip Opinion No. 2022-Ohio-2471 syllabus. This Court had neither enjoined the *Neiman* respondents barring them from calling, holding, supervising, administering, or certifying any elections under the March 2, 2022 congressional district plan nor has it held that the results of the May 3, 2022 election are invalid with respect to congressional districts. *Neiman passim*. Given the outcome of *Neiman*, it does not follow that the conduct of an election under a district plan or map found to be unconstitutional necessarily renders that election invalid.

F. Regarding Respondents’ defenses of laches.

The period of time between the discovery that electors were being allowed to vote a different

party's ballot in August than in May is measured in hours rather than days. The reply from the Portage County was sent on Friday, July 8, 2022 at 11:22am. Exhibit 2, (REL_EVID_05). The reply from Secretary LaRose's office was sent on Friday, July 8, 2022 at 12:24pm. Exhibit 1, (REL_EVID_04). Mr. Ames' complaint was filed that same day, July 8, 2022. Compl. page 1. The defense of laches clearly does not apply.

The failure of Secretary LaRose to provide for public notice of his unprecedented decision to permit electors to vote a different party's ballot in August than in May, which first appeared on May 28, 2022 in Directive 2022-34, concealed the issue from the public until Mr. Ames made his inquiry. Since there was only a de minimis delay, the doctrine of laches is inapplicable.

G. Mr. Ames has a clear legal right and Respondents have a clear legal duty.

To be entitled to a writ of mandamus, a relator must establish by clear and convincing evidence that (1) they have a clear legal right to the requested relief, (2) the boards of elections and/or the secretary of state have a clear legal duty to provide it, and (3) the relator does not have an adequate remedy in the ordinary course of the law. *See State ex rel. Linnabary v. Husted*, 138 Ohio St.3d 535, 2014- Ohio-1417, 8 N.E.3d 940, ¶ 13. A failure to establish any of these elements will result in a denial of the petition for a writ of mandamus. *See Creasy v. Waller*, 1 Ohio St.3d 93, 93-94, 438 N.E.2d 414 (1982).

Mr. Ames has established that he has been certified to the ballot as a candidate for the Republican State Central Committee for the 28th Senate District. As Ohio's chief elections officer, Secretary to conduct all elections in the time, place, and manner prescribed by the Revised Code and direct the county boards of elections to that purpose. The county boards of elections have a clear legal duty to comply with the statutes and directives of the secretary of state. Due to the proximity of the August 2 election, Mr. Ames has no adequate remedy in the ordinary course of the law. Therefore, issuance of the requested writ of mandamus is proper.

H. Additional relief requested.

Relator Brian M. Ames requests the following additional relief to minimize the harm of permitting electors to vote Hybrid Ballots:

- (1) That ballots contained in envelopes bearing the name of the elector be segregated according to the party for which the elector voted in May as reflected in the current voter rolls.
- (2) That the ballots cast for an opposite party be disqualified as to the Severed Contests and the votes in those contests not be counted.
- (3) That all envelopes bearing the name of the elector not be opened until they have been segregated as to (1).

CONCLUSION

It was the unwarranted and unprecedented decisions of Secretary LaRose to 1) sever the 2022 primary ballots and 2) permit electors to vote Hybrid Ballots consisting of contests from opposite parties that has introduced chaos into the 2022 primary election. All candidates standing for nomination or election in that primary have been and continue to be prejudiced by those decisions. It is proper for this Court to grant to Relator Brian M. Ames all the relief which he has requested.

Respectfully Submitted,



Brian M. Ames
Relator *pro se*
2632 Ranfield Rd
Mogadore, OH 44260
bmames00@gmail.com

PROOF OF SERVICE

I hereby certify that on the 28th day of July, 2022 a true copy of the foregoing was, in accordance with Civ.R. 5(B)(2)(f), sent by electronic mail to:

Dave Yost
OHIO ATTORNEY GENERAL
Allison Daniel (0096186)*
*Counsel of Record
Iris Jin (0092561)
Assistant Attorneys General
Constitutional Offices Section
30 E. Broad Street, 16th Floor
Columbus, OH 43215
(614) 466-2872
(614) 728-7592 fax
Allison.Daniel@OhioAGO.gov
Iris.Jin@OhioAGO.gov
*Counsel for Respondent Ohio Secretary of
State Frank LaRose*

Christopher J. Meduri (0065072)
241 South Chestnut Street
Ravenna, Ohio 44266
(330) 297-3850
cmeduri@portageco.com
*Counsel for Respondent Portage County Board
of Elections*

Sherri Bevan Walsh (0030038)
Prosecuting Attorney
Marrett Hanna, (0065689)
Carrie Hill, (0099785)
Assistant Prosecuting Attorneys
53 University Avenue, 7th Floor
Akron, Ohio 44308
(330) 643-2792
(330) 643-8708 fax
mhanna@prosecutor.summitoh.net
chill@prosecutor.summitoh.net
*Counsel for Respondent Summit County Board
of Elections*

James R. Flaiz (0075242)
Geauga County Prosecutor
Kristen Rine (#0083735)
Assistant Prosecuting Attorney
231 Main Street, 3rd Floor
Chardon, Ohio 44024
(440) 279-2100
james.fl aiz@gcpao.com
krine@gcpao.com
*Counsel for Respondent Geauga County Board
of Elections*



Brian M. Ames
Relator *pro se*

IN THE SUPREME COURT OF OHIO

State of Ohio ex rel. Brian M. AMES

Relator

vs.

Ohio Secretary Secretary of State Frank LaRose
et al.

Respondents

CASE NO. 2022-0850

Original Action in Mandamus

Expedited Election Matter Under S.C.Prac.R.

12.08

Peremptory Writ Requested

RELATOR'S EVIDENCE

Brian M. Ames
2632 Ranfield Rd
Mogadore, OH 44260
330-354-3701
bmames00@gmail.com
Relator-Appellant Pro Se

Dave Yost
OHIO ATTORNEY GENERAL
Allison Daniel (0096186)*
*Counsel of Record
Iris Jin (0092561)
Assistant Attorneys General
Constitutional Offices Section
30 E. Broad Street, 16th Floor
Columbus, OH 43215
(614) 466-2872
(614) 728-7592 fax
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(330) 297-4594 fax
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krine@gcpao.com
*Counsel for Respondent Geauga County Board of
Elections*

Document	Description	Pages
Affidavit	Affidavit of Brian M Ames	REL_EVID_1-3
Exhibit 1	Reply from Ohio Secretary of State Frank LaRose's Office Election <Election@ohiosos.gov> Fri, Jul 8, 2022 at 12:24 PM	REL_EVID_4
Exhibit 2	Reply from Faith Lyon <flyon@portagecounty-oh.gov> Fri, Jul 8, 2022 at 11:22 AM	REL_EVID_5
Exhibit 3	Summit County State Central Committee Candidates 06/29/22 14:59:35. URL: https://www.summitcountyboe.gov/wordpress/wp-content/uploads/2022/05/CANDIDATE-LIST-final-after-6-13-22-withdrawal-deadline.pdf posted on 30, 2022, 08:04:43 EDT	REL_EVID_6-7
Exhibit 4	Portage County Official Candidate List June 1, 2022. URL: https://www.portagecounty-oh.gov/sites/g/files/vyhlif3706/f/uploads/august_candidates.pdf posted on June 3, 2022, 11:31:41 EDT	REL_EVID_8-9
Exhibit 5	Geauga County Official Candidate List. URL: https://boelections.geauga.oh.gov/Portals/20/resources/Documents/candidates/candidates-20220802-v3.pdf posted on July 8, 2022, 09:26:25 EDT	REL_EVID_10
Exhibit 6	Form No. 2-J Declaration of Candidacy and Petition for Candidate for Brian M. Ames dated January 12, 2022.	REL_EVID_11-12
Exhibit 7	Secretary of State ("SoS") Directive 2022-28 dated March 9, 2022. URL: https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-28.pdf posted on March 10, 2022, 06:17:10 EST.	REL_EVID_13-17
Exhibit 8	Official Democratic Primary Ballot for May 3, 2022 dated 3/8/2022. URL: https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-28_democraticsampleballot_donotuse.pdf posted on March 24, 2022, 09:11:29 EDT.	REL_EVID_18-19
Exhibit 9	Official Republican Primary Ballot for May 3, 2022 dated 3/8/2022. URL: https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-28_republicansampleballot_donotuse.pdf posted on March 24, 2022, 09:11:29 EDT.	REL_EVID_20-21
Exhibit 10	SoS Directive 2022-30 March 17, 2022. URL: https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-30.pdf posted on March 18, 2022, 06:32:48 EDT.	REL_EVID_22-23
Exhibit 11	SoS Directive 2022-31 March 23, 2022. URL: https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-31.pdf posted on March 24, 2022, 09:11:29 EDT.	REL_EVID_24-27
Exhibit 12	Official Democratic Primary Ballot for May 3, 2022 dated 3/23/2022. URL: https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-31-officialdemocraticprimarysampleballot.pdf posted on March 24, 2022, 09:11:29 EDT.	REL_EVID_28

Document	Description	Pages
Exhibit 13	Official Republican Primary Ballot for May 3, 2022 dated 3/23/2022. URL: https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-31-officialrepublicanprimarysampleballot.pdf posted on March 24, 2022, 09:11:29 EDT.	REL_EVID_29-30
Exhibit 14	SoS Directive 2022-34 dated May 28, 2022. URL: https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-34.pdf posted on May 28, 2022, 11:35:00 EDT.	REL_EVID_31-39
Exhibit 15	Official Democratic Primary Ballot for August 2, 2022 dated 5/28/2022. URL: https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-34_2022_08-02_primary_democratic_sampleballot.pdf posted on May 27, 2022, 14:55:08 EDT.	REL_EVID_40
Exhibit 16	Official Republican Primary Ballot for August 2, 2022 dated 5/28/2022. URL: https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-34_2022_08-02_primary_republican_sampleballot.pdf posted on May 27, 2022, 14:55:08 EDT.	REL_EVID_41
Exhibit 17	Letter from Secretary LaRose to the General Assembly dated March 17, 2022. URL: https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-30-secretarylaroseletter.pdf posted on March 17, 2022, 21:55:37 EDT.	REL_EVID_42-43
Exhibit 18	SoS Directive 2020-07 dated March 27, 2020. URL: https://www.ohiosos.gov/globalassets/elections/directives/2020/dir2020-07pdf.pdf posted on March 27, 2020, 19:12:31 EDT.	REL_EVID_44-52
Exhibit 19	First page and Section 32 (pages 342-345) of Amended Substitute House Bill Number 197 enacted by the 133 rd General Assembly and signed into law effective March 27, 2020.	REL_EVID_53-57
Exhibit 19	Relevant pages from the comp 2022-0298: <i>Meryl Neiman, et al. v. Secretary of State Frank LaRose, et al.</i>	REL_EVID_58-65

Respectfully Submitted,



Brian M. Ames
Relator *pro se*
2632 Ranfield Rd
Mogadore, OH 44260
bmames00@gmail.com

PROOF OF SERVICE

I hereby certify that on the 28th day of July, 2022 a true copy of the foregoing was, in accordance with Civ.R. 5(B)(2)(f), sent by electronic mail to:

Dave Yost
OHIO ATTORNEY GENERAL
Allison Daniel (0096186)*
*Counsel of Record
Iris Jin (0092561)
Assistant Attorneys General
Constitutional Offices Section
30 E. Broad Street, 16th Floor
Columbus, OH 43215
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Brian M. Ames
Relator *pro se*

IN THE SUPREME COURT OF OHIO

State of Ohio ex rel. Brian M. AMES

Relator

vs.

Ohio Secretary Secretary of State Frank LaRose
et al.

Respondents

CASE NO. 2022-0850

Original Action in Mandamus

Expedited Election Matter Under S.C.Prac.R.

12.08

Peremptory Writ Requested

AFFIDAVIT OF BRIAN M. AMES

State of Ohio)
)SS
County of Portage)

Now comes Brian M. Ames, who, having first been duly cautioned and sworn deposes and says as follows:

1. I swear that I have personal knowledge of the facts stated in this affidavit and that the facts stated herein are true and accurate to the best of my information, knowledge, and belief.
2. I am, and have been during all time periods relevant to the foregoing Complaint, a citizen and taxpayer residing in Portage County, Ohio.
3. I am certified to the ballot as a candidate for Republican State Central Committee for the 28th Senate District.
4. The “date posted” information included in this affidavit was discovered by pressing Ctrl-I in the Firefox browser while the subject document was displayed and observing the “Modified:” field of the “Page Info” popup window. It represents the date the document was posted to the server and is used by web browsers to determine identity of documents in cache with those on the server.
5. Exhibit 1 Reply From Ohio Secretary of State Frank LaRose’s Office Election
<Election@ohiosos.gov> Fri, Jul 8, 2022 at 12:24 PM
6. Exhibit 2 Reply from Faith Lyon <flyon@portagecounty-oh.gov> Fri, Jul 8, 2022 at 11:22 AM
7. Exhibit 3 Summit County State Central Committee Candidates 06/29/22 14:59:35. Address:
<https://www.summitcountyboe.gov/wordpress/wp-content/uploads/2022/05/CANDIDATE-LIST-final-after-6-13-22-withdrawal-deadline.pdf> posted on 30, 2022, 08:04:43 EDT

8. Exhibit 4 Portage County Official Candidate List June 1, 2022. Address:
https://www.portagecounty-oh.gov/sites/g/files/vyhlif3706/f/uploads/august_candidates.pdf
posted on June 3, 2022, 11:31:41 EDT
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<https://boelections.geauga.oh.gov/Portals/20/resources/Documents/candidates/candidates-20220802-v3.pdf> posted on July 8, 2022, 09:26:25 EDT
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11. Exhibit 7 is Secretary of State (“SoS”) Directive 2022-28 dated March 9, 2022. Address:
<https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-28.pdf> posted on March 10, 2022, 06:17:10 EST.
12. Exhibit 8 is the Official Democratic Primary Ballot for May 3, 2022 dated 3/8/2022. Address:
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14. Exhibit 10 is SoS Directive 2022-30 March 17, 2022. Address:
<https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-30.pdf> posted on March 18, 2022, 06:32:48 EDT.
15. Exhibit 11 is SoS Directive 2022-31 March 23, 2022. Address:
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18. Exhibit 14 is SoS Directive 2022-34 dated May 28, 2022. Address:
<https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-34.pdf> posted on May 28, 2022, 11:35:00 EDT.
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20. Exhibit 16 is the Official Republican Primary Ballot for August 2, 2022 dated 5/28/2022.
Address: https://www.ohiosos.gov/globalassets/elections/directives/2022/dir2022-34_2022_08-02_primary_republican_sampleballot.pdf posted on May 27, 2022, 14:55:08 EDT.
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22. Exhibit 18 is SoS Directive 2020-07 dated March 27, 2020. Address:
<https://www.ohiosos.gov/globalassets/elections/directives/2020/dir2020-07pdf.pdf> posted on March 27, 2020, 19:12:31 EDT.
23. Exhibit 19 is the first page and Section 32 (pages 342-345) of Amended Substitute House Bill Number 197 enacted by the 133rd General Assembly and signed into law effective March 27, 2020.
24. Exhibits 6, 8, 9, 12, 13, 15, and 16 have been foreshortened from legal to letter size to meet filing requirements.
25. All exhibits are true and accurate copies of the originals.

Further, Affiant sayeth naught.


Brian M. Ames

Before me, a Notary Public in and for said county and state, personally appeared Brian M. Ames who swore to the truth of the foregoing Affidavit of Verification and subscribed same in my presence at Rootstown, Ohio on this 26th day of July, 2022.




Notary Public



Brian Ames <bmames00@gmail.com>

Reply From Ohio Secretary of State Frank LaRose's Office

Election <Election@ohiosos.gov>

Fri, Jul 8, 2022 at 12:24 PM

To: "bmames00@gmail.com" <bmames00@gmail.com>

Mr. Ames –

Thank you for contacting Ohio Secretary of State Frank LaRose's office. We appreciate hearing from you.

There is no requirement for a voter to vote in the same party's primary election as they did in the May primary.

Please let me know if we can be of any further assistance.



Dave Ward | Director of Constituent Affairs

Office of the Ohio Secretary of State

O: 614.644.0816

OhioSoS.gov

This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.



Brian Ames <bmames00@gmail.com>

Primary voting

Faith Lyon <flyon@portagecounty-oh.gov>
To: Brian Ames <bmames00@gmail.com>

Fri, Jul 8, 2022 at 11:22 AM

Brian,

Yes, per the Ohio Secretary of State, voters may request a ballot for either major political party regardless of their participation in the May 3, 2022 Primary Election.

Best,
Faith

Faith Lyon, Director - CERA, OREO
Portage County Board of Elections
[449 S. Meridian St. Room 101](#)
[Ravenna, OH 44266](#)
[Phone: 330-297-3511](#)
[Fax: 330-297-3518](#)
www.portagecounty-oh.gov/board-elections

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[ZA102637858](#)

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From: Brian Ames <bmames00@gmail.com>
Sent: Friday, July 8, 2022 9:26 AM
To: Faith Lyon <flyon@portagecounty-oh.gov>
Subject: [External] Primary voting

Faith,

May an elector request a different party ballot for the August election than for May?

Best regards,

Brian M. Ames

**SUMMIT COUNTY
SUMMIT COUNTY BOARD OF ELECTIONS
470 GRANT STREET
AKRON, OHIO 44311
PRIMARY ELECTION - August 2, 2022**

NAME ADDRESS

27TH DISTRICT STATE CENTRAL COMMITTEEMAN, DEMOCRATIC

VOTE FOR NO MORE THAN 1 - TERM COMM 09/06/22

Tom Bevan (D)	530 MEADOWRIDGE WAY	HUDSON 44236
---------------	---------------------	--------------

27TH DISTRICT STATE CENTRAL COMMITTEEMAN, REPUBLICAN

VOTE FOR NO MORE THAN 1 - TERM COMM 09/06/22

Mark Gillig (R)	1708 SACKETT AVE	CUYAHOGA FALLS 44223
Michael L. Harrison (R)	4614 DRESHER TRL	STOW 44224
Don L. Robart (R)	1745 CALVERT DR	CUYAHOGA FALLS 44223
Scott W. Sigel (R)	1007 BUNKER DR	FAIRLAWN 44333
Bryan C. Williams (R)	2834 ORCHARD GROVE CT	FAIRLAWN 44333

27TH DISTRICT STATE CENTRAL COMMITTEEWOMAN, DEMOCRATIC

VOTE FOR NO MORE THAN 1 - TERM COMM 09/06/22

Erin Dickinson (D)	117 CHESHIRE RD	HUDSON 44236
--------------------	-----------------	--------------

27TH DISTRICT STATE CENTRAL COMMITTEEWOMAN, REPUBLICAN

VOTE FOR NO MORE THAN 1 - TERM COMM 09/06/22

Kayla Atchison (R)	2764 COPLEY RD	COPLEY 44321
Debbie Carr (R)	2047 DORNOCH DR	UNIONTOWN 44685
Marcy Shay (R)	2996 OAKRIDGE DR	SILVER LAKE 44224
Stephanie Stock (R)	4634 GARRETT DR	NORTON 44203

28TH DISTRICT STATE CENTRAL COMMITTEEMAN, DEMOCRATIC

VOTE FOR NO MORE THAN 1 - TERM COMM 09/06/22

Brad Cromes (D)	550 E RIDDLE AVE	RAVENNA 44266
Pete Zeigler (D)	797 E MARKET ST APT 317	AKRON 44305

28TH DISTRICT STATE CENTRAL COMMITTEEMAN, REPUBLICAN

VOTE FOR NO MORE THAN 1 - TERM COMM 09/06/22

Brian M. Ames (R)	2632 RANFIELD RD	MOGADORE 44260
Mike Berger (R)	3976 ELEANOR ST	MOGADORE 44260
James S. Simon (R)	76 EDGERTON RD	AKRON 44303

28TH DISTRICT STATE CENTRAL COMMITTEEWOMAN, DEMOCRATIC

VOTE FOR NO MORE THAN 1 - TERM COMM 09/06/22

Kathleen Clyde (WITHDRAWN) (D)	456 HARVEY ST	KENT 44240
Elizabeth Walters (D)	325 MELBOURNE AVE	AKRON 44313

**SUMMIT COUNTY
SUMMIT COUNTY BOARD OF ELECTIONS
470 GRANT STREET
AKRON, OHIO 44311
PRIMARY ELECTION - August 2, 2022**

NAME

ADDRESS

28TH DISTRICT STATE CENTRAL COMMITTEEWOMAN, REPUBLICAN

VOTE FOR NO MORE THAN 1 - TERM COMM 09/06/22

Elayne Cross (R)	321 SUZANNE DR	KENT 44240
Patty Gascoyne (R)	17973 RAVENNA RD	CHAGRIN FALLS 44023
Mary E. O'Toole (R)	16770 JENNIFER LN	AUBURN TWP 44023

**PORTAGE COUNTY
PRIMARY ELECTION – AUGUST 2, 2022
OFFICIAL CANDIDATE LIST**

Name	Party Affiliation	Address
-------------	--------------------------	----------------

STATE REPRESENTATIVE – 35th DISTRICT

For State Representative

Vote for Not More Than 1 – Full Term Commencing 01/01/2023

Lori O'Neill	(DEM)	
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Steve Demetriou	(REP)	
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STATE REPRESENTATIVE – 72nd DISTRICT

For State Representative

Vote for Not More Than 1 – Full Term Commencing 01/01/2023

Kathleen Clyde	(DEM)	456 Harvey Street, Kent 44240
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Gail Pavliga	(REP)	1965 New Milford Road, Atwater 44201
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**PORTAGE COUNTY
PRIMARY ELECTION – AUGUST 2, 2022
OFFICIAL CANDIDATE LIST**

Name	Party Affiliation	Address
------	-------------------	---------

DEMOCRATIC STATE CENTRAL COMMITTEEMAN – 28TH DISTRICT

For Member of State Central Committee, Man

Vote for Not More Than 1

Brad Cromes	(DEM)
Pete Zeigler	(DEM)

REPUBLICAN STATE CENTRAL COMMITTEEMAN – 28TH DISTRICT

For Member of State Central Committee, Man

Vote for Not More Than 1

Brian M. Ames	(REP)
Mike Berger	(REP)
James S. Simon	(REP)

DEMOCRATIC STATE CENTRAL COMMITTEEWOMAN – 28TH DISTRICT

For Member of State Central Committee, Woman

Vote for Not More Than 1

Elizabeth Walters	(DEM)
Kathleen Clyde	(DEM)

REPUBLICAN STATE CENTRAL COMMITTEEWOMAN – 28TH DISTRICT

For Member of State Central Committee, Woman

Vote for 1 Not More Than

Elayne Cross	(REP)
Patty Gascoyne	(REP)
Mary E. O'Toole	(REP)

AUGUST 2, 2022 PRIMARY

STATE CENTRAL COMMITTEE MAN (28TH DISTRICT)

Brian M. Ames	Republican
Mike Berger	Republican
Brad Cromes	Democrat
James S. Simon	Republican
Pete Zeigler	Democrat

STATE CENTRAL COMMITTEE WOMAN (28TH DISTRICT)

Kathleen Clyde	Democrat
Elayne Cross	Republican
Patty Gascoyne	Republican
Mary E. O'Toole	Republican
Elizabeth Walters	Democrat

STATE CENTRAL COMMITTEE MAN (32ND DISTRICT)

Steve DeBolt	Republican
Charles W. Johnston	Republican
Jimmy Julian	Democrat
Randy Law	Republican
Casey O'Brien	Republican

STATE CENTRAL COMMITTEE WOMAN (32ND DISTRICT)

Kathi Creed	Republican
Nancy McArthur	Republican
Melissa Pope	Republican
Kathy DiCristofaro	Democrat

STATE REPRESENTATIVE (35TH DISTRICT)

Steve Demetriou	Republican
Lori O'Neill	Democrat

STATE REPRESENTATIVE (99TH DISTRICT)

Sara Fowler Arthur	Republican
Abby Kovacs	Democrat

Declaration of Candidacy**Party Primary Election****For Member of State Central Committee to be Elected**

To be filed with the Board of Elections of the most populous county or part county in the district not later than 4 p.m. of the 90th day before the primary election.

R.C. 3513.05, .07, .09, .10, .191, 3501.38, 3517.03, 3513.262.

The controlling committee of each major political party or organization is the state central committee consisting of two members, one a man and one a woman, representing each senatorial district in the state, as the outgoing committee determines. The candidate must fill in and sign the declaration of candidacy before obtaining signatures on the petition. No less than 5 nor more than 15 signatures must be obtained. Each signer must be a member of the same political party as the candidate and must be a qualified elector of the state senatorial district the candidate wishes to represent on the committee.

Declaration of Candidacy

NOTE - The candidate must fill in, sign and date this declaration of candidacy before the signatures of electors are affixed.

I, Brian M. Ames, the undersigned, hereby declare under penalty of election falsification that
 my voting residence address is 2632 Ranfield Rd, Mogadore, Ohio 44260,
Name of Candidate Street Number and Address, if any, (or rural route and number) City or Village Zip Code
 and I am a qualified elector.

TCBOE_FEB1'22_11:54

I further declare that I desire to be a candidate for election to the office of Member of the State Central Committee as a member of the Republican Party from the 32 Senate District, at the primary election to be held on the 3 day of May, 2022.
Political Party District Number Day Month Year

I further declare that, if elected to this office or position, I will qualify therefor, and that I will support and abide by the principles enunciated by the Republican Party.
Political Party

Dated this 12 day of January, 2022.
Day Month Year

Brian M. Ames
 Signature of Candidate

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

Petition for Candidate

This petition shall be circulated only by a member of the same political party as stated above by the candidate.

We, the undersigned, qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township, set opposite our names, and members of the Republican Party, hereby certify that Brian M. Ames, whose declaration of candidacy is filed herewith, is in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.
Name of Candidate Political Party

Signatures on this petition should be from only one county and must be written in ink. Signatures on this petition shall be of persons who are of the same political party as stated above by the candidate.

Signature	Voting Residence Street Number and Address	City, Village, or Township	County	Date of Signing
1. <u>Charles J. Searcy</u>	<u>103 Johnson Rd</u>	<u>North Benton</u>	<u>Portage</u>	<u>1-25-2022</u>
2. <u>John J. Searcy</u>	<u>45 N. Chillicothe Rd</u>	<u>Across</u>	<u>Portage</u>	<u>1-25-2022</u>
3. <u>Christopher Brumitt</u>	<u>4360 Hattner Rd</u>	<u>Rootstown</u>	<u>Portage</u>	<u>1/25/2022</u>
4. <u>Marina Ames</u>	<u>2632 Ranfield Rd</u>	<u>Randolph</u>	<u>Portage</u>	<u>1/26/2022</u>
5. <u>Dail K. Paulise</u>	<u>1965 New Milford</u>	<u>Atwater</u>	<u>Portage</u>	<u>1/29/22</u>
6. <u>Guy V. Jeanblanc</u>	<u>10176 KENDALL LN</u>	<u>Streetsboro</u>	<u>Portage</u>	<u>1-29-22</u>
7. <u>[Signature]</u>	<u>144 Hawthorne Dr</u>	<u>N Benton</u>	<u>Portage</u>	<u>1-29-22</u>
8. <u>[Signature]</u>	<u>1327 AARSONSON</u>	<u>Kent</u>	<u>Portage</u>	<u>1-29-22</u>

	Signature	Voting Residence Street Number and Address	City, Village, or Township	County	Date of Signing
9.	<i>[Signature]</i>	9275 Cort Rd	Shakerville	Portage	1-28-22
10.	<i>[Signature]</i>	3976 ELEANOR ST	MOGADORE	PORTAGE	1/29/22
11.	<i>[Signature]</i>	10508 Wall Street	Kawarua	Portage	1/29/22
12.	<i>[Signature]</i>	180-23 Hawthorne Dr	Aurora	Portage	1/29/22
13.	<i>[Signature]</i>	566 N PARK AVE	RAVENNA	PORTAGE	1/29/22
14.	<i>[Signature]</i>	10000 ST. Rt. 204	Deerfield	Portage	1/29/22
15.	<i>[Signature]</i>	1314 Matti Rd	Randolph	Portage	1/29/22

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

Circulator Statement

Must be completed and signed by the circulator.

I, Brian M. Ames, declare under penalty of election falsification that I reside at the address
Printed Name of Circulator
 appearing below my signature; that I am a member of the Republican Party; that I am the circulator
Political Party
 of the foregoing petition containing 15 signatures; that I witnessed the affixing of every signature;
Number
 that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best
 of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact
 acting pursuant to section 3501.382 of the Revised Code.

[Signature]
 Signature of Circulator
 2632 Ranfield Rd

Permanent Residence Address

Mogadore	OH	44260
City or Village	State	Zip Code



DIRECTIVE 2022-28

March 9, 2022

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

Re: Ballots and Candidates for May 3, 2022 Primary Election for All Offices

SUMMARY

On February 22, 2022, the Secretary of State's Office issued [Directive 2022-25](#) to provide the form of the official ballot for the May 3, 2022; however, the offices of U.S. Representative to Congress ("U.S. House"), Ohio House, Ohio Senate, and State Central Committee were not included due to delays in redistricting. Since then, the Ohio Redistricting Commission adopted district maps for the Ohio House, Ohio Senate, and U.S. House.¹ This Directive provides the forms of the official ballots to be used in the May 3, 2022 Primary Election, together with the names of all statewide candidates to be printed on those ballots.² This Directive supersedes [Directive 2022-25](#) and the forms of the ballot that accompanied [Directive 2022-25](#). This Directive also clarifies the requirements regarding candidate withdrawals.

INSTRUCTIONS

Boards of elections must not print ballots until after the March 17, 2022 protest deadline for the offices of U.S. House, Ohio House, Ohio Senate, and State Central Committee. However, boards may begin to program and proof ballots as soon as candidates are certified to appear on the ballot. The most populous board of a district must immediately notify less populous counties if a protest is resolved against a candidate.

Please note that, in lieu of issuing a separate Directive with specific details covering ballot layout and proofing the Secretary of State's Office is issuing this Directive, which must be used in conjunction with [Chapter 5 of the Election Official Manual](#) when preparing ballots for this election. [Chapter 5 of the Election Official Manual](#) provides specific instructions on the following subjects:

- Ballot format;
- Voter instructions;
- Ballot stubs;
- Partisan primary elections;
- Candidate ballots (names, restrictions, political party, rotation, etc.);
- Questions and issues ballot;
- Ballot proofs;

¹ See Directives [2022-26](#) and [2022-27](#).

² [R.C. 3505.01](#).

- Bid requirements;
- Ballot quantities;
- Logic and accuracy testing; and
- Public test.

I. VERIFYING DISTRICT RELATIONSHIPS

Before programming any aspect of the central tabulating system for the May 3, 2022 Primary Election, boards of elections must verify the accuracy of district relationships in the central tabulating system against the county's voter registration system.³ This is to ensure that each voter receives the correct ballot style (i.e., the correct combination of candidate offices and issues) based upon that voter's residential address.

II. OFFICIAL BALLOT FORMS

Each board of elections is to provide a separate ballot for each political party listing candidates for nomination or election in a primary election.⁴ Accordingly, accompanying this Directive are the following ballot forms:

- Official Democratic Primary Ballot;
- Official Republican Primary Ballot; and
- Official Questions and Issues Ballot.

The names of all candidates, who have not withdrawn pursuant to [R.C. 3513.30](#) (*see* Section VI of this Directive), must be arranged, rotated, and printed upon the ballot in accordance with the provisions of Ohio Revised Code Chapters [3505](#), [3506](#), and [3513](#) and [Chapter 5 of the Election Official Manual](#).

III. ORDER OF OFFICES FOR PRIMARY BALLOTS⁵

A. The order of offices for **Democratic Party** ballots shall be as follows:

- Governor and Lieutenant Governor
- Attorney General
- Auditor of State
- Secretary of State
- Treasurer of State
- Chief Justice of the Supreme Court (Full term commencing 1-1-2023)
- Justice of the Supreme Court (Full term commencing 1-1-2023)
- Justice of the Supreme Court (Full term commencing 1-2-2023)
- United States Senator
- Representative to Congress
- Member of State Central Committee, Man

³ Boards must proof and verify the accuracy of all districts including but not limited to Congressional, Ohio House, Ohio Senate, and State Central Committee districts.

⁴ [R.C. 3513.13](#).

⁵ [R.C. 3513.13](#).

- Member of State Central Committee, Woman
- State Senator
- State Representative
- Judge of the Court of Appeals
- Judge of the Court of Common Pleas
- County Commissioner
- County Auditor
- Member of County Central Committee, if applicable

B. The order of offices for **Republican Party ballots shall be as follows:**

- Governor and Lieutenant Governor
- Attorney General
- Auditor of State
- Secretary of State
- Treasurer of State
- Chief Justice of the Supreme Court (Full term commencing 1-1-2023)
- Justice of the Supreme Court (Full term commencing 1-1-2023)
- Justice of the Supreme Court (Full term commencing 1-2-2023)
- United States Senator
- Representative to Congress
- Member of State Central Committee, Man
- Member of State Central Committee, Woman
- State Senator
- State Representative
- Judge of the Court of Appeals
- Judge of the Court of Common Pleas
- County Commissioner
- County Auditor
- Member of County Central Committee, if applicable

Candidates for statewide office appear on the sample ballot layouts provided with this Directive.

C. Blank Spaces for Write-In Votes⁶

A write-in space must be provided on the ballot for every office for which the board of elections received a valid declaration of intent to be a write-in candidate.⁷

- **Write-In Candidates for Statewide Office:**

No write-in candidates for statewide office filed for the May 3, 2022 Primary Election.

⁶ [R.C. 3513.041](#); [3513.14](#).

⁷ [R.C. 3513.14](#).

- **For State Central Committee:** The board may not accept declarations of intent to be a write-in candidate for state central committee.⁸ If no valid declarations of candidacy were filed for the positions, the office does not appear on the ballot.⁹
- **For County Central Committee:** The board may accept valid declarations of intent to be a write-in candidate and provide a write-in space on the ballot for county central committee, even if no declarations of candidacy were filed for the positions.

D. Full or Unexpired Term

For judicial offices, the designation of “Full Term Commencing,” followed by the appropriate date, must appear on the ballot. If for an unexpired term, the designation “Unexpired Term Ending,” followed by the term ending date of the office, must appear on the ballot.

The judicial offices for that court should appear in chronological order by the date the terms commence, followed by unexpired terms in descending order based on the ending date of the term.

For all other offices, the designation of term is necessary only when there is an unexpired term to elect (e.g., if a candidate is running for an unexpired term for mayor) and where two or more full terms for the office are to appear on the ballot (e.g., municipal court judge), in which case the offices should appear in chronological order by the date the terms commence. If there is both full and unexpired term for the same office, place the full term first followed by the unexpired term.

A 2-point rule must separate the title of the office from the names of the candidates for that office.¹⁰

IV. CERTIFICATION OF CANDIDATE PETITIONS FOR U.S. HOUSE, OHIO SENATE, OHIO HOUSE, AND STATE CENTRAL COMMITTEE

Candidates for U.S. House, Ohio House, Ohio Senate, and State Central Committee must be certified to the appropriate board(s) of elections by the most-populous county board of elections of the district **no later than March 14, 2022**.¹¹ Boards cannot verify or certify candidate petitions until the reprogramming of the voter registration system based on Directives [2022-26](#) and [2022-27](#) is complete. If a less-populous county board of elections of a district has not received a list of candidates from the most-populous county board of elections, the less-populous county board of elections must contact the most-populous county before programming ballots.

V. OFFICIAL QUESTIONS AND ISSUES BALLOT¹²

Offices for which candidates may be nominated or elected are presented on the ballot first, followed by the questions and issues. The Official Questions and Issues Ballot must be used for all voting systems. The ballot form also contains examples of some of the local questions and issues that may appear on the ballot in your county. Not every category or type of question/issue will appear on every ballot in every county, so please apply as much of the form as is appropriate to the ballots in your county.

⁸ See [1970 Ohio Atty.Gen.Ops. No. 70-011](#).

⁹ [R.C. 3513.14](#).

¹⁰ [R.C. 3505.08\(A\)](#).

¹¹ See [Directives 2022-26](#) and [2022-27](#).

¹² [R.C. 3505.06](#).

Additional instructions on headings, ballot language, and percentage of votes can be found in [Chapter 5 of the Election Official Manual](#).

Questions and issues must be grouped together in the following political subdivision order for elections held in 2022:

- School and Other Districts
- County
- Municipal
- Township

Each board of elections may determine the specific order in which the questions/issues within each group are placed on the ballot in that county, however, a board should adopt a method for doing so (i.e., ordered alphabetically or by date filed, etc.). Absentee ballots must contain identical ordering of issues within groups to regular ballots.

Please review the appropriate sections of the Ohio Revised Code, local charter (if applicable), and the [Questions and Issues Handbook](#) for ballot language and formats that are not on the attached Official Questions and Issues Ballot.

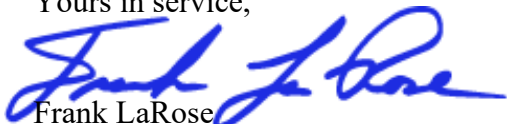
VI. CANDIDATE WITHDRAWALS

Pursuant to Ohio law, when a person withdraws their candidacy after the seventieth day before Election Day, a board of elections must not remove the name of the withdrawn candidate from the ballots.¹³ However, H.B. 93 authorizes the Secretary of State to adjust certain deadlines pertaining to the May 3, 2022 primary election.¹⁴ Directives [2022-26](#) and [2022-27](#) adjusted the certification and protest deadlines for U.S. House, Ohio House, Ohio Senate, and State Central Committee. This Directive adjusts the withdrawal deadline for those offices. If a candidate for any of those offices withdraws prior to the certification deadline of **March 14, 2022**, the candidate's name **must not** appear on the ballot.

If a candidate for U.S. House, Ohio House, Ohio Senate, or State Central Committee withdraws on or after **March 14, 2022**, the board of elections must post a notice at each polling place on Election Day, and enclose a notice with each absentee ballot that states that votes for the withdrawn candidate will be void and will not be counted. If the name is not removed from all ballots before Election Day, the votes for the withdrawn candidate are void and must not be counted.¹⁵

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

Yours in service,



Frank LaRose
Ohio Secretary of State

¹³ [R.C. 3513.30\(E\)](#).

¹⁴ Section 4(G) of [H.B. 93](#).

¹⁵ [R.C. 3513.30\(E\)](#).

Exhibit 8

OFFICIAL DEMOCRATIC PRIMARY BALLOT

D	County	E	Primary Election	F	May 3, 2022
For Judge of the Court of Common Pleas (Division) (Full term commencing) (Vote for not more than 1) <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name		<div style="position: relative; height: 100px;"> <div style="position: absolute; top: 50%; left: 50%; transform: translate(-50%, -50%) rotate(-45deg); opacity: 0.3; font-size: 100px; pointer-events: none;"> DO NOT USE </div> </div>			
For County Commissioner (Vote for not more than 1) <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
For County Auditor (Vote for not more than 1) <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
For Member of County Central Committee (Vote for not more than 1) <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
<p style="text-align: center;">If applicable insert: OFFICIAL QUESTIONS AND ISSUES BALLOT from this point forward</p> <p>Insert board member signatures</p>					
D	001 TWP A	E	0001:1	F	001

This **SAMPLE** ballot provides the **CORRECT TITLE and ORDER OF OFFICES** for ballot layout for candidates for offices for the May 3, 2022 Primary Election. The space for a write-in candidate should be provided only if applicable.

See Directive 2022-28 and Chapter 5 of the Election Official Manual.

This sample replaces **REL EVID 19** with Directive 2022-25.

OFFICIAL REPUBLICAN PRIMARY BALLOT

A	County	B	Primary Election	C	May 3, 2022
Instructions to Voter <ul style="list-style-type: none"> To vote: completely darken the oval (<input type="radio"/>) to the left of your choice. Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed. If you mark the ballot for more choices than permitted, that contest or question will not be counted. To vote for a write-in candidate: completely darken the oval (<input type="radio"/>) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted. Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest. Before casting your ballot, if you make a mistake or want to change your vote: return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times. 		For Governor and Lieutenant Governor (To vote for Governor and Lieutenant Governor, darken the oval at the left of the joint candidates of your choice)	For U.S. Senator (Vote for not more than 1)		
		<input type="radio"/> Joe Blystone and Jeremiah W. Workman	<input type="radio"/> Matt Dolan		
		<input type="radio"/> Mike DeWine and Jon Husted	<input type="radio"/> Mike Gibbons		
		<input type="radio"/> Ron Hood and Candice Keller	<input type="radio"/> Josh Mandel		
		<input type="radio"/> Jim Renacci and Joe Knopp	<input type="radio"/> Neil Patel		
		For Attorney General (Vote for not more than 1)	<input type="radio"/> Mark Pukita		
		<input type="radio"/> Dave Yost	<input type="radio"/> Jane Timken		
		For Auditor of State (Vote for not more than 1)	<input type="radio"/> JD Vance		
		<input type="radio"/> Keith Faber	For Representative to Congress (_____ District) (Vote for not more than 1)		
		For Secretary of State (Vote for not more than 1)	<input type="radio"/> Print Candidate Name		
		<input type="radio"/> John Adams	<input type="radio"/> Print Candidate Name		
		<input type="radio"/> Frank LaRose	For Member of State Central Committee, Man (_____ District) (Vote for not more than 1)		
		For Treasurer of State (Vote for not more than 1)	<input type="radio"/> Print Candidate Name		
		<input type="radio"/> Robert Sprague	<input type="radio"/> Print Candidate Name		
		For Chief Justice of the Supreme Court (Full term commencing 1-1-2023) (Vote for not more than 1)	For Member of State Central Committee, Woman (_____ District) (Vote for not more than 1)		
<input type="radio"/> Sharon L. Kennedy	<input type="radio"/> Print Candidate Name				
For Justice of the Supreme Court (Full term commencing 1-1-2023) (Vote for not more than 1)	<input type="radio"/> Print Candidate Name				
<input type="radio"/> Pat Fischer	For State Senator (_____ District) (Vote for not more than 1)				
For Justice of the Supreme Court (Full term commencing 1-2-2023) (Vote for not more than 1)	<input type="radio"/> Print Candidate Name				
<input type="radio"/> Pat DeWine	<input type="radio"/> Print Candidate Name				
	For State Representative (_____ District) (Vote for not more than 1)				
	<input type="radio"/> Print Candidate Name				
	<input type="radio"/> Print Candidate Name				
	For Judge of the Court of Appeals (_____ District) (Full term commencing _____) (Vote for not more than 1)				
	<input type="radio"/> Print Candidate Name				
	<input type="radio"/> Print Candidate Name				
		Page 1 of 2			
A	001 TWP A	B	0001:1	C	001

This **SAMPLE** ballot provides the **CORRECT TITLE and ORDER OF OFFICES** for ballot layout for candidates for offices for the May 3, 2022 Primary Election. The space for a write-in candidate should be provided only if applicable.

See Directive 2022-28 and Chapter 5 of the Election Official Manual.
 This sample replaces **REL_EVID_20** with Directive 2022-25.

Exhibit 9

OFFICIAL REPUBLICAN PRIMARY BALLOT

D	County	E	Primary Election	F	May 3, 2022
For Judge of the Court of Common Pleas (Full term commencing _____) (Vote for not more than 1) <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
For Judge of the Court of Common Pleas (_____ Division) (Full term commencing _____) (Vote for not more than 1) <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
For County Commissioner (Vote for not more than 1) <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
For County Auditor (Vote for not more than 1) <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
For Member of County Central Committee (Vote for not more than 1) <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
For Member of County Central Committee (Vote for not more than 1) <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name					
If applicable insert: OFFICIAL QUESTIONS AND ISSUES BALLOT from this point forward Insert board member signatures					
D	001 TWP A	E	0001:1	F	001

This **SAMPLE** ballot provides the **CORRECT TITLE and ORDER OF OFFICES** for ballot layout for candidates for offices for the May 3, 2022 Primary Election. The space for a write-in candidate should be provided only if applicable.

See Directive 2022-28 and Chapter 5 of the Election Official Manual.
 This sample replaces **REL_EVID_21** with Directive 2022-25.



DIRECTIVE 2022-30

March 17, 2022

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

Re: *League of Women Voters of Ohio, et al. v. Ohio Redistricting Commission, et al.* Decision
and Additional Instructions

SUMMARY

Last night, the Supreme Court of Ohio ruled (4-3) in [*League of Women Voters of Ohio, et al. v. Ohio Redistricting Commission, et al.*](#) that the third Ohio General Assembly district plan adopted by the Ohio Redistricting Commission on February 24, 2022, does not comply with Article XI of Ohio's Constitution. Thus, the Court ruled that the General Assembly district plan is invalid and ordered the Ohio Redistricting Commission to adopt a new district plan by March 28, 2022.¹

However, federal litigation is still pending regarding the February 24, 2022 General Assembly district maps. As such, boards of elections are prohibited from altering or sending ballots and must pause any reprogramming of voter registration and tabulating systems until my Office provides additional instruction.

INSTRUCTIONS

I. BALLOTS AND VOTER REGISTRATION SYSTEMS

Boards of elections are prohibited from altering or sending ballots until my Office provides additional information in light of ongoing federal litigation.² Additionally, boards must pause any reprogramming of voter registration and tabulating systems until my Office provides additional instruction.

II. OTHER REQUIREMENTS ASSOCIATED WITH MAY 3, 2022 PRIMARY ELECTION

The General Assembly has not changed the date of the primary election. Boards of elections must do all of the following:

- Continue to prepare for an election on May 3, 2022;
- Continue to recruit precinct election officials and conduct precinct election official training;

¹ See *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-789.

² See *Gonidakis, et al. v. LaRose, et al.*, Case No. 2:22-CV-773 (S.D. Ohio 2022).

- Post the 46-day Federal Write-In Absentee Ballot (“FWAB”) notice that was updated and provided to boards of elections on Wednesday, March 16, 2022 by March 18, 2022;³
- Advertise in newspaper(s) the places, dates, times, qualifications, and methods for voter registration by March 22, 2022.⁴

III. NOTICE ON WEBSITE AND VOTER INFORMATION LOOKUP

Boards must prominently display notice on their website and specifically in their Voter Information Lookup tool that states, “On March 16, 2022, the Supreme Court of Ohio invalidated the Ohio General Assembly district plan adopted on February 24, 2022. Voter district information for Ohio House, Ohio Senate, and State Central Committee will be updated as soon as that information is available.”

IV. PROTESTS AGAINST CANDIDATES FOR OHIO HOUSE, OHIO SENATE, AND STATE CENTRAL COMMITTEE

Boards of elections must not hold any protest hearings regarding General Assembly and State Central Committee candidates and notify the protestor and any candidate whose candidate certification was challenged that the protest is cancelled at this time.

V. BOARD OFFICES MAY BE CLOSED ON MARCH 26, 2022

Boards of elections are no longer required to be open to the public on Saturday, March 26, 2022.

If you have any questions regarding this Directive, please contact the Secretary of State’s Office at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State

³ [R.C. 3511.16\(C\)](#); [R.C. 3509.01\(B\)\(1\)](#).

⁴ [R.C. 3503.12](#).



DIRECTIVE 2022-31

March 23, 2022

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

Re: Revised Form of Ballot for the May 3, 2022 Primary Election

SUMMARY

Last Thursday, our Office issued [Directive 2022-30](#) (“*League of Women Voters of Ohio, et al. v. Ohio Redistricting Commission, et al.* Decision and Additional Instructions”). That Directive prohibited boards of elections from altering or sending ballots until further notice. This step was taken to maintain the state of preparedness that all 88 county boards of elections have worked tirelessly toward for the last three months in anticipation of administering a complete May 3, 2022 Primary Election.

In the wake of the Ohio Supreme Court’s decision last week invalidating the February 24, 2022 General Assembly district plan, it is not possible to include the primary contests for the Ohio House, Ohio Senate, and State Central Committee on the May 3, 2022 Primary Election ballot. The Plaintiffs in the federal court case *Gonidakis v. LaRose*¹ filed a motion on Monday asking the court to order the use of the February 24, 2022 district plan for the primary. But the federal court’s ultimate decision on that motion has not been made as of the issuance of this Directive or rather in time for boards of elections to finalize ballots for the May 3, 2022 Primary Election. Likewise, the General Assembly has not changed the date of the election. Therefore, offices and candidates for Ohio House, Ohio Senate, or State Central Committee will not appear on the ballot. This is the only currently lawful and reasonable option to continue to move forward toward the May 3, 2022 Primary Election at this unprecedented point in time. This Directive provides a revised form of the ballot without those offices for the May 3, 2022 Primary Election. This Directive supersedes any provisions that may conflict in [Directive 2022-26](#), [Directive 2022-28](#), and [Directive 2022-30](#).

INSTRUCTIONS

I. GENERAL ASSEMBLY DISTRICTS

The Ohio Supreme Court’s decision in *League of Women Voters of Ohio et al. v. Ohio Redistricting Commission, et al.* (“*League of Women Voters of Ohio*”) invalidated the General Assembly district plan adopted on February 24, 2022. Therefore, the House and Senate shapefiles, legal descriptions, and lists of most populous counties accompanying [Directive 2022-26](#) are invalid. The Court ordered the Ohio Redistricting Commission to adopt a new General Assembly district plan by March 28, 2022. Even if the Commission adopts a new district plan by that

¹ Case No. 2:22-CV-773 (S.D. Ohio 2022).

deadline, the shapefiles, legal descriptions, and lists of most populous counties will not be ready in time to program the new districts and re-certify petitions by the start of absentee voting on April 5, 2022.

II. STATE CENTRAL COMMITTEE DISTRICTS

Ohio's major political parties' state central committee members are elected according to State Senate districts. Due to the invalidation of the February 24, 2022 General Assembly district plan, the districts for State Central Committee are also invalid.

III. CONSEQUENCE FOR CERTIFIED CANDIDATES FOR OHIO HOUSE, OHIO SENATE, AND STATE CENTRAL COMMITTEE

Candidates' petitions for Ohio House, Ohio Senate, or State Central Committee were certified based on the February 24, 2022 General Assembly district plan. Due to the Supreme Court's decision in *League of Women Voters of Ohio*, by operation of law, a board's decision to certify or reject those candidates' petitions for the May 3, 2022 Primary Election is null and void. Board members must acknowledge this on the record at their next board meeting.

IV. REVISED FORM OF BALLOT AND BALLOT PREPARATION

Boards must reprogram their election databases and prepare ballots to be ready by April 5, 2022, without the offices of Ohio House, Ohio Senate, or State Central Committee. If boards' election management systems allows for it, boards must maintain a copy database of the ballot program file that contains the offices and candidates for Ohio House, Ohio Senate, and State Central Committee pursuant to the February 24, 2022 district map.

Please see the accompanying form of the ballot with a revised order of offices for each major political party accompanying this Directive. This revised form of ballot does not include the offices of Ohio House, Ohio Senate, or State Central Committee. This Directive supersedes the forms of the ballot that accompanied [Directive 2022-28](#). Boards are required to notify my Office via Intake@OhioSoS.gov or by calling (614) 728-8789 as soon as their ballots are reprogrammed and finalized but prior to sending any ballots. Once ballots are finalized, my Office will direct boards to issue the ballots to ensure that any impact of ongoing litigation is taken into consideration. In the event that the federal court order alters the ballot outside of this Directive, my Office will issue additional guidance immediately to comply with the court's order.

[R.C. 3505.14](#) requires boards to post printed proofs of the ballot for 24 hours for inspection and correction of any errors on the ballot. Even if a board previously posted proofs of the ballot, the board must post proofs again once the offices of Ohio House, Ohio Senate, or State Central Committee are removed from the ballot. Boards must notify the chairman of the local executive committee of each party or group represented on the ballot by candidates or issues and should proactively encourage both parties to review ballots for accuracy.

V. UNIFORMED SERVICES AND OVERSEAS CITIZENS' ABSENTEE BALLOTS

Substitute Senate Bill 11 of the 134th General Assembly requires Uniformed Services and Overseas Citizens' Absentee ("UOCAVA") ballots to be sent no later than April 5, 2022.² Boards must take prompt action to revise their ballots to meet the April 5, 2022 deadline. Boards must not transmit a UOCAVA ballot with the offices of Ohio House, Ohio Senate, or State Central Committee. Boards must follow all other directions in [Directive 2022-29](#) with respect to UOCAVA voting, with the exception of instructions for "Return of the Ballot" in Section II.B. of that Directive. The United States Postal Service has since clarified that boards should use the following procedure:

- For **uniformed services voters, eligible spouses, and dependents**:
 - For any voter with an **APO/FPO/DPO address**, prepare and provide a USPS label to the voter. If the voter requests to receive their ballot by email, a .pdf of the label must be one of the attachments to the email. The .pdf can be created and downloaded on the USPS "Click-N-Ship" site. When selecting a method for mailing, utilize the quickest, earliest time for Priority Mail. Boards must include "United States of America" when inserting the board's address into the label.
 - For a **domestic mailing address**, do **one** of the following:
 - Set up and use an account with a private carrier to prepare a label containing the board's account number. This prepared label must be provided electronically or by mail, if the ballot is delivered by mail. Boards should use information available on websites or contact the delivery service directly to determine the best and fastest shipping service for the delivery of the ballot to the board of elections. Boards must include "United States of America" when inserting the board's address into the label.
 - Prepare and provide a USPS label to the voter or follow the same instructions provided below for mailing to non-military overseas voters. When utilizing the USPS, if the voter requests to receive their ballot by email, a .pdf of the label must be one of the attachments to the email. The .pdf can be created and downloaded on the USPS "Click-N-Ship" site. When selecting a method for mailing, utilize the quickest, earliest time for Priority Mail Express.
 - For an **overseas mailing address (other than an APO/FPO/DPO address)**, set up and use an account with a private carrier to prepare a label containing the board's account number. This prepared label must be provided electronically or by mail, if the ballot is delivered by mail. Boards should use information available on websites or contact the delivery service directly to determine the best and fastest shipping service for the delivery of the ballot to the board of elections. Boards must include "United States of America" when inserting the board's address into the label.
- For **non-military overseas voters**, set up and use an account with a private carrier to prepare a label containing the board's account number. This prepared label must be

² See [Directive 2022-29](#) and [S.B. 11, Section 5](#).

provided electronically or by mail, if the ballot is delivered by mail. Boards should use information available on websites or contact the delivery service directly to determine the best and fastest shipping service for the delivery of the ballot to the board of elections. Boards must include “United States of America” when inserting the board’s address into the label.

VI. NOTICE ON WEBSITE AND VOTER INFORMATION LOOKUP

Boards must prominently display notice on their website and specifically in their Voter Information Lookup that states, “On March 16, 2022, the Supreme Court of Ohio invalidated the Ohio General Assembly district plan adopted on February 24, 2022. Therefore, the offices of Ohio House, Ohio Senate and State Central Committee will not appear on the May 3, 2022 Primary Election ballot. Voter district information for Ohio House, Ohio Senate, and State Central Committee will be updated as soon as that information is available.”

VII. PROTESTS AGAINST CANDIDATES FOR OHIO HOUSE, OHIO SENATE, AND STATE CENTRAL COMMITTEE

Any protest against a candidate for Ohio House, Ohio Senate, or State Central Committee is moot due to the Court’s decision invalidating the February 24, 2022 General Assembly district plan. The most populous county board of elections in the district must promptly notify the protestor and any candidate whose certification was challenged by protest.

If you have any questions regarding this Directive, please contact the Secretary of State’s Office at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State

OFFICIAL DEMOCRATIC PRIMARY BALLOT

A _____ County	B Primary Election	C May 3, 2022	
Instructions to Voter <ul style="list-style-type: none"> To vote: completely darken the oval (<input type="radio"/>) to the left of your choice. Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed. If you mark the ballot for more choices than permitted, that contest or question will not be counted. To vote for a write-in candidate: completely darken the oval (<input type="radio"/>) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted. Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest. Before casting your ballot, if you make a mistake or want to change your vote: return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times. 	For Governor and Lieutenant Governor (To vote for Governor and Lieutenant Governor, darken the oval at the left of the joint candidates of your choice)	For Representative to Congress (_____ District) (Vote for not more than 1)	
	<input type="radio"/> John Cranley and Teresa Fedor	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	
	<input type="radio"/> Nan Whaley and Cheryl L. Stephens	For Judge of the Court of Appeals (_____ District) (Full term commencing _____) (Vote for not more than 1)	
	For Attorney General (Vote for not more than 1)	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	
	<input type="radio"/> Jeffrey A. Crossman	For Judge of the Court of Common Pleas (Full term commencing _____) (Vote for not more than 1)	
	For Auditor of State (Vote for not more than 1)	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	
	<input type="radio"/> Taylor Sappington	For Judge of the Court of Common Pleas (_____ Division) (Full term commencing _____) (Vote for not more than 1)	
	For Secretary of State (Vote for not more than 1)	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	
	<input type="radio"/> Chelsea Clark	For Judge of the Court of Common Pleas (_____ Division) (Full term commencing _____) (Vote for not more than 1)	
	For Treasurer of State (Vote for not more than 1)	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	
	<input type="radio"/> Scott Schertzer	For County Commissioner (Vote for not more than 1)	
	For Chief Justice of the Supreme Court (Full term commencing 1-1-2023) (Vote for not more than 1)	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	
	<input type="radio"/> Jennifer Brunner	For County Auditor (Vote for not more than 1)	
	For Justice of the Supreme Court (Full term commencing 1-1-2023) (Vote for not more than 1)	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	
	<input type="radio"/> Terri Jamison	For Member of County Central Committee (Vote for not more than 1)	
	For Justice of the Supreme Court (Full term commencing 1-2-2023) (Vote for not more than 1)	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	
	<input type="radio"/> Marilyn Zayas	For U.S. Senator (Vote for not more than 1)	
	<input type="radio"/> Morgan Harper <input type="radio"/> Traci TJ Johnson <input type="radio"/> Tim Ryan	If applicable insert: OFFICIAL QUESTIONS AND ISSUES BALLOT from this point forward Insert board member signatures	
	Page 1 of 1		

A 001 _____ TWP A	B 0001:1	C 001
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This **SAMPLE** ballot provides the **CORRECT TITLE and ORDER OF OFFICES** for ballot layout for candidates for offices for the May 3, 2022 Primary Election. The space for a write-in candidate should be provided only if applicable.

See Directive 2022-31 and Chapter 5 of the Election Official Manual.
 This sample replaces **REL_EVID_28** with Directive 2022-28.

Exhibit 12

OFFICIAL REPUBLICAN PRIMARY BALLOT

A _____ County	B Primary Election	C May 3, 2022	
Instructions to Voter <ul style="list-style-type: none"> To vote: completely darken the oval (<input type="radio"/>) to the left of your choice. Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed. If you mark the ballot for more choices than permitted, that contest or question will not be counted. To vote for a write-in candidate: completely darken the oval (<input type="radio"/>) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted. Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest. Before casting your ballot, if you make a mistake or want to change your vote: return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times. 	For Governor and Lieutenant Governor (To vote for Governor and Lieutenant Governor, darken the oval at the left of the joint candidates of your choice)	For U.S. Senator (Vote for not more than 1)	
	<input type="radio"/> Joe Blystone and Jeremiah W. Workman <input type="radio"/> Mike DeWine and Jon Husted <input type="radio"/> Ron Hood and Candice Keller <input type="radio"/> Jim Renacci and Joe Knopp	<input type="radio"/> Matt Dolan <input type="radio"/> Mike Gibbons <input type="radio"/> Josh Mandel <input type="radio"/> Neil Patel <input type="radio"/> Mark Pukita <input type="radio"/> Jane Timken <input type="radio"/> JD Vance	
	For Attorney General (Vote for not more than 1)	<input type="radio"/> Dave Yost	For Representative to Congress (_____ District) (Vote for not more than 1)
	<input type="radio"/> Keith Faber	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	
	For Auditor of State (Vote for not more than 1)	For Judge of the Court of Appeals (_____ District) (Full term commencing _____) (Vote for not more than 1)	
	<input type="radio"/> John Adams <input type="radio"/> Frank LaRose	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	
	For Secretary of State (Vote for not more than 1)	For Judge of the Court of Common Pleas (Full term commencing _____) (Vote for not more than 1)	
	<input type="radio"/> Robert Sprague	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	
	For Treasurer of State (Vote for not more than 1)	For Judge of the Court of Common Pleas (_____ Division) (Full term commencing _____) (Vote for not more than 1)	
	<input type="radio"/> Sharon L. Kennedy	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	
	For Chief Justice of the Supreme Court (Full term commencing 1-1-2023) (Vote for not more than 1)	For County Commissioner (Vote for not more than 1)	
	<input type="radio"/> Pat Fischer	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	
	For Justice of the Supreme Court (Full term commencing 1-1-2023) (Vote for not more than 1)	For County Auditor (Vote for not more than 1)	
	<input type="radio"/> Pat DeWine	<input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name	

Page 1 of 2

A 001 _____ TWP A	B 0001:1	C 001
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This **SAMPLE** ballot provides the **CORRECT TITLE and ORDER OF OFFICES** for ballot layout for candidates for offices for the May 3, 2022 Primary Election. The space for a write-in candidate should be provided only if applicable.

See Directive 2022-31 and Chapter 5 of the Election Official Manual.
 This sample replaces **REL_EVID_29** with Directive 2022-28.

Exhibit 13

OFFICIAL REPUBLICAN PRIMARY BALLOT

D ████ _____ County	E ████ Primary Election	F ████ May 3, 2022
<div style="background-color: #cccccc; padding: 5px; border: 1px solid black;"> For Member of County Central Committee (Vote for not more than 1) </div> <div style="border: 1px solid black; padding: 2px;"> <input type="radio"/> Print Candidate Name </div> <div style="border: 1px solid black; padding: 2px;"> <input type="radio"/> Print Candidate Name </div> <div style="padding: 20px; text-align: center;"> <p>If applicable insert: OFFICIAL QUESTIONS AND ISSUES BALLOT from this point forward</p> <p>Insert board member signatures</p> </div>		
D ████ 001 _____ TWP A	E ████ 0001:1	F ████ 001

Page 2 of 2

This **SAMPLE** ballot provides the **CORRECT TITLE and ORDER OF OFFICES** for ballot layout for candidates for offices for the May 3, 2022 Primary Election. The space for a write-in candidate should be provided only if applicable.

See Directive 2022-31 and Chapter 5 of the Election Official Manual.
This sample replaces **REL_EVID_30** with Directive 2022-28.

3/23/2022



DIRECTIVE 2022-34

May 28, 2022

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

Re: Instructions for the August 2, 2022 Primary Election

SUMMARY

On May 27, 2022, a three-judge federal panel for the Southern District of Ohio (2-1) ordered, “[a]ssuming no map is approved by midnight on Saturday, May 28, we order Secretary of State Frank LaRose to push back Ohio’s state primaries to August 2, 2022, and to implement Map 3 for this year’s elections *only*.”¹ The Ohio Redistricting Commission’s rules require at least 24 hours public notice prior to holding a meeting and no such notice has been provided to the public. Therefore, boards of elections are required to implement the General Assembly district plan that was adopted by the Ohio Redistricting Commission on February 24, 2022, and to conduct a primary election for the offices of State Representative, State Senator, and Member of State Central Committee on August 2, 2022.

INSTRUCTIONS

PART ONE: FEDERAL COURT ORDER AND AUGUST 2, 2022 PRIMARY ELECTION

I. AUGUST 2, 2022 PRIMARY ELECTION

The federal court order requires the Secretary of State’s Office to conduct a primary election on August 2, 2022 for the offices of State Representative, State Senator, and Member of State Central Committee. In addition, boards may conduct a Special Election on August 2, 2022 for local questions and issues that were filed by May 4, 2022 (90 days before Election Day).² If a local option petition was filed by May 4, 2022, the local option question(s) may be placed on the August 2, 2022 primary election ballot.³ The board must contact the local option petitioner and confirm in writing whether the petitioner intends for the question to appear on the ballot in the primary election or general election.

II. STATE HOUSE AND SENATE DISTRICT MAPS

The State House and Senate district shape files, equivalency files, legal descriptions, and most populous county lists for the Third District Map (adopted on February 24, 2022) are linked on the Secretary of State’s [website](#) under the heading for this Directive. Based on information collected from the boards, it is our understanding that 86 of the 88 counties have the Third District

¹ *Gonidakis, et al., v. LaRose, et al.*, Case No. 2:22-cv-0773 (S.D. Ohio May 27, 2022).

² [R.C. 3501.01\(D\)](#).

³ [R.C. 4301.33\(B\)](#), [4301.331\(B\)](#), [4301.332\(B\)](#), [4301.333\(A\)](#), [4301.334\(A\)](#), and [4301.356](#).

Map programmed into their systems. If a board's voter registration system and central tabulating system are not programmed to reflect the Third District Map, the board must immediately begin working with its vendor(s) to reprogram its systems and complete reprogramming as soon as possible, but no later than Tuesday, **June 7, 2022**.

III. PRECINCT BOUNDARY CHANGES

Boards of elections that had members of county central committee on the ballot could not change the number of precincts or precinct boundaries between January 1, 2022, and the May 3, 2022 Primary Election.⁴ Boards of elections are not required to re-precinct in response to redistricting. However, new Ohio House and Senate districts may increase the number of split precincts in the county, and boards may choose to realign precinct boundaries to reduce splits. Boards may combine precincts within their jurisdiction. However, boards should note the following:⁵

- Changes in precinct boundaries must not occur during the 25 days immediately preceding a primary or general election.
- A precinct cannot contain more than 1,400 electors in active status.

IV. CERTIFICATION OF CANDIDATE PETITIONS AND PROTESTS

The federal court order did not alter the partisan candidate filing deadlines for the primary election. The filing deadline for candidates for State Representative, State Senator, or Member of State Central Committee to file a declaration of candidacy was 4:00 p.m. on February 2, 2022.⁶ Write-in candidates for the primary election were required to file their declaration of intent to be a write-in candidate by February 22, 2022.⁷ If a declaration of candidacy or declaration of intent to be a write-in candidate was filed after those filing deadlines, the board must reject the candidacy.⁸

If a board **did not** receive a Form 2-ZA addendum by March 10, 2022 indicating that a candidate for State Representative or State Senator intended to change their residence to a new district, the board must meet by Friday, **June 3, 2022**, to re-certify or reject declarations of candidacy filed by the February 2, 2022 deadline for State Representative, State Senator, and Member of State Central Committee based on the Third District Map. If the board **did** receive a Form 2-ZA by March 10, 2022, indicating a State Representative or State Senator candidate's intent to change districts, the board must wait to re-certify or reject declarations of candidacy until Wednesday, **June 8, 2022**. If a candidate for State Representative, State Senator, or Member of State Central Committee withdraws their candidacy before the board meets, the board must not recertify that candidate to appear on the ballot.

[Directive 2022-26](#) established a protest deadline of March 17, 2022; however, the Supreme Court of Ohio issued its decision regarding the Third District Map the day before that deadline.⁹

⁴ [R.C. 3501.18\(A\)](#).

⁵ [R.C. 3501.18](#).

⁶ [R.C. 3513.05](#).

⁷ [R.C. 3513.041](#).

⁸ Note that [R.C. 3513.10](#) prohibits returning a filing fee to a candidate.

⁹ See *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-789.

Therefore, protests may be filed against candidates for the primary election no later than 4:00 p.m. on Monday, **June 6, 2022** for certifications done by Friday, **June 3, 2022** and by 4:00 p.m. on Thursday, **June 9, 2022** for certifications done by Wednesday, **June 8, 2022**. Protest hearings must be held, and protests decided no later than Friday, **June 10, 2022**.

V. OHIO CONSTITUTION ARTICLE XI, SECTION 9(C)

Pursuant to [Article XI, Section 9\(C\)](#), “Notwithstanding any provision of this constitution or any law regarding the residence of senators and representatives, a general assembly district plan made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election.” On February 24, 2022, the Ohio Redistricting Commission adopted the Third District Map. Thirty days following February 24, 2022 was March 26, 2022. However, the Ohio Supreme Court decision in *League of Women Voters*,¹⁰ issued on March 16, 2022, effectively paused the implementation of the Third District Map for the May 3, 2022 Primary Election. As such, there are ten remaining days for candidates for State Representative or State Senator to change residence in order to be eligible for the August 2, 2022 Primary Election. Candidates for State Representative and State Senator may establish residency in a new district no later than **June 7, 2022** (ten days following the implementation of the May 27, 2022 federal court order).

Pursuant to [Directive 2022-26](#), candidates for State Representative or State Senator were required to file a [Form 2-ZA](#) addendum to their petitions by March 10, 2022. The most populous board of elections where the Form 2-ZA addendum was filed by March 10, 2022, was required to transfer the petition to the most populous county board of elections for the district that the candidate seeks to represent. The most populous county’s board of elections for the candidate’s new district must confirm that the candidate filed an addendum, became a resident of the district the candidate seeks to represent, and updated their voter registration to reflect their new residence within the district no later than Tuesday, **June 7, 2022**. Boards that received Form 2-ZA from a former most-populous county board of elections must contact any filer informing them of the Tuesday, **June 7, 2022** deadline no later than 4:00 p.m. on Tuesday, **May 31, 2022**, but as soon as practicable. A board of elections may not accept a Form 2-ZA addendum filed after March 10, 2022.

VI. CANDIDATE WITHDRAWALS

Once filed, a candidate petition cannot be withdrawn or amended.¹¹ However, a candidate may withdraw their candidacy at any time before the primary by filing a written statement of withdrawal with the most populous county board of elections for the district.¹² The federal court order was issued less than 70 days before Election Day. As a result, the deadline to withdraw and not appear on the ballot is Monday, **June 13, 2022**. If a candidate withdraws after that date, the board cannot remove the name of the withdrawn candidate from the ballot. The board of elections must post a notice at each polling place on the day of the election, and enclose with each absentee ballot, a notice that votes for the withdrawn candidate will be void and will not be counted.¹³

¹⁰ *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-789.

¹¹ [R.C. 3501.38\(I\)](#).

¹² [R.C. 3513.30\(B\)](#) and [\(D\)](#).

¹³ [R.C. 3513.30\(E\)](#).

Boards must inform candidates certified to the primary election ballot that Monday **June 13, 2022**, is the deadline to withdraw and be removed from the ballot.

VII. INDEPENDENT CANDIDATES FOR OHIO HOUSE AND SENATE FOR THE NOVEMBER 8, 2022 GENERAL ELECTION

According to [R.C. 3513.257](#), nominating petitions to run as an independent candidate must be filed by 4:00 p.m. on the day before the day of the primary election immediately preceding the general election at which the candidacy is to be voted on. Due to the August 2, 2022 date for the General Assembly's primary election, the independent candidate filing deadline for candidates for State Representative or State Senator is 4:00 p.m. on Monday, **August 1, 2022**. Boards of elections must certify the validity and sufficiency of independent candidates' nominating petitions for State Representative or State Senator no later than Monday, **August 22, 2022**, and protests against the candidates' nominating petitions must be filed no later than Friday, **August 26, 2022**.

VIII. CAMPAIGN FINANCE DEADLINES

Campaign committees for candidates on the August 2, 2022 Primary Election ballot, and non-candidate committees that attempt to influence the August 2, 2022 Primary Election, are required to file a Pre-Primary Report on Thursday, **July 21, 2022** (12 days before the August 2, 2022 Primary Election) to reflect activity through Wednesday, **July 13, 2022** (20 days before the August 2, 2022 Primary Election), if the committee raised or spent \$1,000 or more to influence the August 2, 2022 Primary Election by the close of business on Wednesday, **July 13, 2022**.

Campaign committees for candidates on the August 2, 2022 Primary Election ballot, and non-candidate committees that attempt to influence the August 2, 2022 Primary Election are required to file a Post-Primary Report on Friday, **September 9, 2022** (38 days after the August 2, 2022 Primary Election) to reflect activity through Friday, **September 2, 2022** (31 days after the August 2, 2022 Primary Election). Contribution limits for General Assembly candidates did not reset after the May 3, 2022 election.¹⁴ However, the contribution limits for General Assembly candidates will reset after the August 2, 2022 election.

IX. POLLING LOCATIONS AND PRECINCT ELECTION OFFICIALS

Boards of elections must contact all polling locations to ensure availability for the August 2, 2022 Primary Election. Boards that employ outside organizations/companies for delivery of voting equipment and supplies must confirm availability and establish a delivery schedule.

Any board that changes polling locations for the August 2, 2022 Primary Election must mail notice to registered voters in the precinct(s)¹⁵ and do all of the following:

- (1) Issue a press release to local media containing information regarding the new polling location(s);
- (2) Post a notice in a clear and conspicuous place at the previous polling location that redirects voters to the new polling location;
- (3) Update the polling location on the board of election's website;

¹⁴ [R.C. 3517.102\(A\)](#).

¹⁵ [R.C. 3501.21](#).

- (4) Update the board of election's voter registration system with the new polling location;
- (5) Provide the updated precinct and polling location packet to the Secretary of State's Office immediately. Once the packet is sent, email the updated list to SWVRD@OhioSOS.gov;
- (6) Update the board of election's election management system, if possible; and
- (7) Update the board of election's electronic pollbook, if possible.

All new polling locations must comply with the Americans with Disabilities Act ("ADA").

In any election, a board of elections, by a vote of at least three members of the board, may opt to have a single voting location serve more than one precinct.¹⁶ If a multi-precinct voting location uses electronic pollbooks, the board may reduce the number of precinct election officials from four per precinct to two, so long as the board approves the reduction by the affirmative vote of at least three of its member.¹⁷

Each new precinct election official must be trained in-person on the county's voting equipment before participating in the person's first election as a precinct election official, and programs of instruction must be scheduled within 60 days before the election.¹⁸ Precinct election officials, other than voting location managers, who have been previously trained, need only receive instruction once every three years, when the county changes voting equipment, or when the board or Secretary of State considers the instruction necessary.¹⁹ For this election, boards are not required to retrain precinct election officials who received training within the past three years, so long as the county has not changed voting equipment. However, voting location managers must receive training before the August 2, 2022 Primary Election if they were not trained before the May 3, 2022 Primary Election.²⁰

X. SECURITY OF VOTING EQUIPMENT

Each board must review the security requirements outlined in [Chapters 3](#) and [6](#) of the Election Official Manual. During precinct election official training, boards must provide instructions to precinct election officials on the importance of maintaining the security of voting equipment and electronic pollbooks, verifying that all voting equipment is properly sealed, and recording information per the board's instructions on the custody log.

Boards of elections must use a Chain of Custody Log ([Form 400](#) or a local equivalent) to document the exchange of custody of voting equipment, election supplies, and/or ballots. Boards of elections must train precinct election officials on inspection of tamper-evident seals to ensure precinct election officials know how to inspect the physical security of the voting equipment at their location.

¹⁶ [R.C. 3501.22\(A\)\(2\)](#).

¹⁷ [R.C. 3501.22\(A\)\(2\)\(c\)](#).

¹⁸ [R.C. 3501.27\(B\)](#).

¹⁹ [Chapter 6](#), page 184 of the Election Official Manual.

²⁰ [R.C. 3501.27\(B\)](#).

PART TWO: FORM OF THE BALLOT

I. BALLOT LAYOUT

Instead of issuing a separate Directive with specific details covering ballot layout and proofing, the Secretary of State's Office is issuing this portion of the Directive, which must be used in conjunction with [Chapter 5 of the Election Official Manual](#) when preparing ballots for this election.

A. VERIFYING DISTRICT RELATIONSHIPS

Before programming any aspect of the central tabulating system for the August 2, 2022 Primary Election, boards of elections must verify the accuracy of district relationships in the central tabulating system against the county's voter registration system.²¹ This is to ensure that each voter receives the correct ballot style (*i.e.*, the correct combination of candidate offices and issues) based upon that voter's residential address.

B. OFFICIAL BALLOT FORMS

Each board of elections is to provide a separate ballot for each political party listing candidates for nomination or election in a primary election.²² Accordingly, the following ballot forms are posted to the Secretary of State's [website](#) under the heading for this Directive:

- Official Democratic Primary Ballot;
- Official Republican Primary Ballot; and
- Official Questions and Issues Ballot.

The names of all candidates, who have not withdrawn (*see* Part One, Section VI of this Directive), must be arranged, rotated, and printed upon the ballot in accordance with the provisions of Ohio Revised Code Chapters [3505](#), [3506](#), and [3513](#) and [Chapter 5 of the Election Official Manual](#).

C. ORDER OF OFFICES FOR PRIMARY BALLOTS²³

1. The order of offices for **Democratic Party** ballots shall be as follows:

- Member of State Central Committee, Man
- Member of State Central Committee, Woman
- State Senator
- State Representative

2. The order of offices for Republican Party ballots shall be as follows:

- Member of State Central Committee, Man

²¹ Boards must proof and verify the accuracy of all districts including, but not limited to, Ohio House, Ohio Senate, and State Central Committee districts.

²² [R.C. 3513.13](#).

²³ [R.C. 3513.13](#).

- Member of State Central Committee, Woman
- State Senator
- State Representative

D. BLANK SPACES FOR WRITE-IN VOTES

A write-in space must be provided on the ballot for every office for which the board of elections received a valid declaration of intent to be a write-in candidate.²⁴ However, the board may not accept declarations of intent to be a write-in candidate for state central committee.²⁵ If no valid declarations of candidacy were filed for state central committee, the office does not appear on the ballot.²⁶

E. OFFICIAL QUESTIONS AND ISSUES BALLOT²⁷

Offices for which candidates may be nominated or elected are presented on the ballot first, followed by the questions and issues. The Official Questions and Issues Ballot must be used for all voting systems. The ballot form also contains examples of some of the local questions and issues that may appear on the ballot in your county. Not every category or type of question/issue will appear on every ballot in every county.

Additional instructions on headings, ballot language, and percentage of votes can be found in [Chapter 5 of the Election Official Manual](#). For questions and issues that were filed in time for the August 2, 2022 Special Election, the questions and issues must be grouped together in the following political subdivision order:

- School and Other Districts
- County
- Municipal
- Township

Each board of elections may determine the specific order in which the questions/issues within each group are placed on the ballot in that county, however, a board should adopt a method for doing so (i.e., ordered alphabetically or by date filed, etc.). Absentee ballots must contain identical ordering of issues within groups to regular ballots.

Boards must review the appropriate sections of the Ohio Revised Code, local charter (if applicable), and the [Questions and Issues Handbook](#) for ballot language and formats that are not on the Official Questions and Issues Ballot.

II. BOARD WEBSITES AND FEDERAL WRITE-IN ABSENTEE VOTERS (“FWAB”) NOTICE

Boards of elections must remove from their website and Voter Information Lookup the Special Notice prescribed in [Directive 2022-31](#). Boards must also remove the following disclaimer

²⁴ [R.C. 3513.041](#) and [R.C. 3513.14](#).

²⁵ See [1970 Ohio Atty.Gen.Ops. No. 70-011](#).

²⁶ [R.C. 3513.14](#).

²⁷ [R.C. 3505.06](#).

from their FWAB notice: “The content of this notice may change if a court order or legislative act requires a primary election for the General Assembly and State Central Committee in August.”

III. ABSENTEE BALLOTS AND APPLICATIONS

Boards of elections must send a copy of each absentee ballot style (including candidates and questions and issues) to the Secretary of State’s Office at least 47 days before the election, by Thursday, **June 16, 2022**. Absentee ballots must be uploaded to the SharePoint site.²⁸

Voters may request a ballot for either major political party or an issues-only ballot, if applicable, regardless of their participation in the May 3, 2022 Primary Election. An absentee ballot application must identify the election for which absent voter's ballots are requested.²⁹ However, an absentee ballot application that is marked for the primary election must not be rejected due to an error in the date of the election, so long as it is otherwise clear that the voter is requesting a ballot for the August 2, 2022 Primary Election.

The voter registration deadline is Tuesday, **July 5, 2022**. Each board of elections must have absentee ballots printed and ready for use by Friday, **June 17, 2022** (46 days before the August 2, 2022 Primary Election) for Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”) voters.³⁰ Absentee voting, by mail and in-person for non-UOCAVA voters, begins on Wednesday, **July 6, 2022** for regular (non-UOCAVA) absentee voters.³¹ Boards must conduct in-person early voting according to the days and hours set forth in [Chapter 7 of the Election Official Manual](#) (page 201) for a primary election.

PART THREE – BALLOTS

I. ABSENTEE BALLOT OUTSOURCING

[Chapter 7 of the Election Official Manual](#) requires a board of elections that seeks to outsource the printing and mailing of absentee ballots to vendors or any third party to receive prior written authorization from the Director of Elections. A board that received written authorization to outsource absentee ballot mailings for the May 3, 2022 Primary Election need only submit an application that includes updates to its last application, including a copy of the new contract with the vendor and confirmation of the county prosecutor’s review.

To outsource absentee ballot processing for the August 2, 2022 election, a board must in a public meeting vote to outsource the printing and mailing of absentee ballots by Tuesday, **June 7, 2022**. Boards must submit a copy of the contract for the August 2, 2022 election to our Office by Tuesday, **June 14, 2022** via email at Results@OhioSoS.gov, along with any updates to their processes and plans from their May 3, 2022 Primary Election application.

II. TESTING OF ABSENTEE AND ELECTION DAY BALLOTS

In addition to the logic and accuracy testing requirements outlined in [Chapter 5 of the Election Official Manual](#), all ballots produced and used by the board must be tested to ensure that

²⁸ [Chapter 5, Section 5.04](#) of the Election Official Manual.

²⁹ [R.C. 3509.03](#).

³⁰ [R.C. 3511.04](#).

³¹ [R.C. 3509.01](#).

the ballots interact properly with the voting system and electronic pollbooks. The board of elections must test absentee ballots printed at the board of elections or from a printing vendor. The board must also test ballots produced for Election Day to ensure the correct information is displayed in any barcodes produced on the stubs. For boards that produce a unique barcode containing ballot style information and a consecutive number on the ballot stub, a sampling of each precinct's ballots must be tested for accuracy. Pre-printed paper ballots used by precincts on Election Day must also be scanned in the precinct-based and central count scanner to ensure ballots properly scan and tabulate.

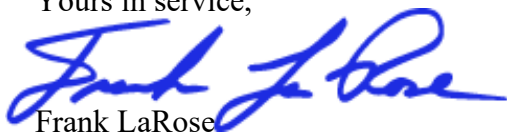
PART FOUR: PRE-PAYMENT AND CHARGE-BACKS FOR LOCAL ISSUES

The entire cost of special elections held on a day other than the day of a primary or general election, both in odd- and even-numbered years, is charged to the political subdivision that places an issue on the ballot. However, the August 2, 2022 Special Election will be held on the same date as a statewide primary election. Therefore, a political subdivision submitting the special election may be charged only for the cost of ballots and advertising. The State will be responsible for the remainder of the cost of the election.³² Our Office will inform boards as soon as possible of any additional funding that the General Assembly makes available to conduct the August 2, 2022 Special Election. Our Office is actively engaged with legislative leaders to facilitate this necessary funding.

Prior to the federal court's order to conduct an August 2, 2022 Primary Election, political subdivisions submitting a question or issue for placement on the ballot were required to prepay 65 percent of the estimated cost of the election. Not later than Monday, **October 1, 2022**, the board must provide the true and accurate cost of ballots and advertising to each political subdivision that submitted a question or issue for placement on the ballot. Presuming the political subdivision prepaid more than the actual cost of ballots and advertising for the special election, the board of elections must promptly notify the board of county commissioners of that difference. The county commissioners then must remit the amount of the overpayment from the county elections revenue fund to the political subdivision within 30 days after receiving that notification.³³

Each board of elections director must share this Directive with its legal counsel, the county prosecuting attorney, and its voter registration system and voting equipment 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

³² [R.C. 3501.17\(D\)](#).

³³ [R.C. 3501.17\(J\)\(2\) and \(3\)](#).

OFFICIAL DEMOCRATIC PRIMARY BALLOT

A _____ County	B Primary Election	C August 2, 2022
Instructions to Voter <ul style="list-style-type: none"> • To vote: completely darken the oval (●) to the left of your choice. • Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed. • If you mark the ballot for more choices than permitted, that contest or question will not be counted. • To vote for a write-in candidate: completely darken the oval (●) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted. • Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest. • Before casting your ballot, if you make a mistake or want to change your vote: return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times. 	<div style="background-color: #f0f0f0; padding: 5px; margin-bottom: 5px;"> For Member of State Central Committee, Man (_____ District) (Vote for not more than 1) </div> <div style="margin-bottom: 5px;"> <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name </div> <div style="background-color: #f0f0f0; padding: 5px; margin-bottom: 5px;"> For Member of State Central Committee, Woman (_____ District) (Vote for not more than 1) </div> <div style="margin-bottom: 5px;"> <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name </div> <div style="background-color: #f0f0f0; padding: 5px; margin-bottom: 5px;"> For State Senator (_____ District) (Vote for not more than 1) </div> <div style="margin-bottom: 5px;"> <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name </div> <div style="background-color: #f0f0f0; padding: 5px; margin-bottom: 5px;"> For State Representative (_____ District) (Vote for not more than 1) </div> <div style="margin-bottom: 5px;"> <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name </div> <div style="text-align: center; padding: 20px;"> If applicable insert: OFFICIAL QUESTIONS AND ISSUES BALLOT from this point forward </div> <div style="padding: 20px;"> Insert board member signatures </div>	Page 1 of 1
A 001 _____ TWP A	B 0001:1	C 001

This **SAMPLE** ballot provides the **CORRECT TITLE** and **ORDER OF OFFICES** for ballot layout for candidates for offices for the August 2, 2022 Primary Election. The space for a write-in candidate should be provided only if a
See Directive 2022-34 and Chapter 5 of the Election Official Manual.

REL_EVID_40

Exhibit 15

OFFICIAL REPUBLICAN PRIMARY BALLOT

A _____ County	B Primary Election	C August 2, 2022
Instructions to Voter <ul style="list-style-type: none"> • To vote: completely darken the oval (●) to the left of your choice. • Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed. • If you mark the ballot for more choices than permitted, that contest or question will not be counted. • To vote for a write-in candidate: completely darken the oval (●) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted. • Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest. • Before casting your ballot, if you make a mistake or want to change your vote: return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times. 	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> For Member of State Central Committee, Man (_____ District) (Vote for not more than 1) </div> <div style="margin-bottom: 5px;"> <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> For Member of State Central Committee, Woman (_____ District) (Vote for not more than 1) </div> <div style="margin-bottom: 5px;"> <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> For State Senator (_____ District) (Vote for not more than 1) </div> <div style="margin-bottom: 5px;"> <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> For State Representative (_____ District) (Vote for not more than 1) </div> <div style="margin-bottom: 5px;"> <input type="radio"/> Print Candidate Name <input type="radio"/> Print Candidate Name </div> <div style="text-align: center; padding: 20px;"> If applicable insert: OFFICIAL QUESTIONS AND ISSUES BALLOT from this point forward </div> <div style="padding: 20px;"> Insert board member signatures </div>	Page 1 of 1
A 001 _____ TWP A	B 0001:1	C 001

This **SAMPLE** ballot provides the **CORRECT TITLE** and **ORDER OF OFFICES** for ballot layout for candidates for offices for the August 2, 2022 Primary Election. The space for a write-in candidate should be provided only if a
 See Directive 2022-34 and Chapter 5 of the Election Official Manual.

REL_EVID_41

Exhibit 16



March 17, 2022

Honorable Mike DeWine
Governor, State of Ohio
77 South High Street, 30th Floor
Columbus, Ohio 43215

Honorable Matt Huffman
President, Ohio Senate
Ohio Statehouse
Columbus, Ohio 43215

Honorable Robert Cupp
Speaker, Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215

Honorable Allison Russo
Minority Leader, Ohio House
77 South High Street, 14th Floor
Columbus, Ohio 43215

Honorable Kenny Yuko
Minority Leader, Ohio Senate
Ohio Statehouse
Columbus, OH 43215

Members of the General Assembly
Columbus, Ohio

Dear Colleagues:

I regret to inform you that as a result of last night's decision by the Ohio Supreme Court, and barring the immediate action of a federal court, our 88 county boards of elections can no longer include contests for the state House and state Senate in the May 3, 2022 primary election. Let there be no doubt, however, that we will continue to prepare for a May 3 primary election that includes statewide, congressional and local contests, unless directed to do otherwise by the Ohio General Assembly or a court order.

The election effectively begins with the delivery of ballots to military and overseas voters. Due to the Court's order invalidating the third Ohio General Assembly district plan, it's no longer logistically possible to include district-specific legislative races on the ballots without federal court intervention allowing the boards to proceed as scheduled.


After mounting a monumental effort over the last few weeks, our bipartisan elections officials were ready to conduct this election on time, as I directed. However, those boards are now left once again without clear districts to certify legislative candidates, and they're simply out of time to complete the required work that must be done to reprogram election systems with new district data. **The Court's majority opinion effectively causes the primary election for these contests "to be conducted other than in the time, place, and manner prescribed by the Revised Code."** (ORC Section 3501.40)

I remind the General Assembly that a cascading series of delays beyond our control have brought us to this point. The process of redrawing Ohio's political districts requires the use of U.S. Census data to determine population shifts over the past decade. The Biden administration failed to deliver that data to the Ohio Redistricting Commission by the required April 2021 deadline. I believe this delay was intentional. After Ohio Attorney General Dave Yost sued the federal government to get the data, it finally arrived by mid-August – nearly five months late and just days before the Commission's constitutional deadline for new district maps (September 1). The Redistricting Commission moved quickly to adopt a new state House and Senate district plan, giving final approval on September 16, 2021. Opponents then filed lawsuits against the plan just days later, and the Ohio Supreme Court has so far taken six months in total to consider that litigation, including nearly four months to issue its first ruling and then additional weeks of deliberation each time the Commission has attempted to comply with the Court's ever-changing orders.

Additionally, my office is currently involved in or monitoring no less than *nine* local, state or federal lawsuits seeking in some way to cause chaos and confusion for voters and to postpone the primary election. As I've often stated in recent weeks, I believe the motive is entirely political, and the strategy is being bankrolled by out of state special interests ultimately seeking court-ordered gerrymandering for partisan advantage. Nevertheless, our team at the Secretary of State's Office and our bipartisan colleagues at the boards of elections have been working tirelessly to overcome these unprecedented obstacles, even as some in the General Assembly opposed efforts to accommodate military voters and attempted to block our local elections officials from receiving critical funding needed to get this job done. Regardless, we've never let up in the effort to make a *complete* May 3 primary election a success, and I'm confident we're prepared to do that.

I look forward to working closely with the General Assembly as we chart a course forward to give Ohioans the honest and accessible election they deserve. Please consider me and my office a resource as you make some very important decisions in the days ahead.

Yours in service,



Frank LaRose
Ohio Secretary of State



DIRECTIVE 2020-07

March 27, 2020

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

Re: House Bill ("H.B.") 197 and Additional Instructions

SUMMARY

On March 25, 2020, the Ohio General Assembly passed H.B. 197. Governor DeWine signed H.B. 197 into law on March 27, 2020. The legislation includes many provisions concerning Ohio's response to Coronavirus/COVID-19, including changes to the 2020 Primary Election. The bill contains an emergency clause, which means that the bill goes into effect immediately upon the Governor's signature.¹ This Directive provides additional information regarding H.B. 197, its implementation, and the conclusion of the 2020 Presidential Primary Election.

Additional guidance regarding the unofficial and official canvasses, Election Night Reporting, and other information is forthcoming.

H.B. 197 SUMMARY – 2020 PRIMARY ELECTION PROVISIONS

The election provisions in H.B. 197 lays out the path chosen by the Ohio General Assembly to conclude the 2020 Primary Election. Please note that the provisions are uncodified law and will not appear in the Ohio Revised Code. In sum, the temporary law does the following:

1. Extends absentee voting by mail in the March 17, 2020 Primary Election until 7:30 p.m. on April 28, 2020;
2. Allows an elector who has not already cast a ballot in the election, and who was registered to vote by the February 18, 2020 deadline, to cast an absentee ballot;
3. Requires the board of elections to prepay the return postage on the envelopes for absentee ballots for the remainder of this election;
4. Requires boards to have a secure receptacle outside the office for the return of ballots;

¹ Art. 2, Section 1(d) of the Ohio Constitution.

5. Appropriates \$7 million to fund 050627, the “Absent Voter’s Ballot Application Mailings” fund but does not authorize the mailing of absent voter’s ballot applications. These funds will be used to pay for the required informational postcard and other expenses related to implementing the bill’s provisions that conclude the 2020 Primary Election;
6. Requires the Secretary of State to send a postcard to all registered electors in the state for the 2020 Primary Election, regardless of whether they have voted in the 2020 Primary Election, already or not, advising the voters on how to request an absentee ballot from their board of elections;
7. Permits the boards of elections to mail provisional ballots in certain circumstances;
8. Limits in-person voting to April 28, 2020 and makes it available only for individuals with a qualifying disability or who cannot receive mail;
9. Sets out the timeline for campaign finance reporting; and
10. Sets out the timeline for post-election activities.

Additional instructions regarding the implementation of H.B. 197 and the 2020 Primary Election are set forth below.

INSTRUCTIONS

PART I – LEGISLATION IMPLEMENTATION INSTRUCTIONS

A. PROHIBITIONS

Boards of elections are prohibited from counting any ballots cast in the March 17, 2020 Primary Election, or releasing the count or any portion of the count of ballots cast in that election until after 7:30 p.m. on April 28, 2020. Additionally, H.B. 197 requires boards and election officials to wait until after April 28, 2020 to process any voter registration application submitted after February 18, 2020.² Please see Part II of this Directive for additional guidance on processing voter registrations. For the sake of brevity, this Directive will refer to both the primary election and any simultaneous special election as “the primary election.”

B. ABSENTEE BALLOT APPLICATIONS AND COMPILING OF DATA

Boards of elections must process absentee ballot applications for voters who were registered to vote in Ohio by February 18, 2020 and have not already cast a ballot in the March 17, 2020 Primary Election. If a board of elections receives an absentee ballot application that does not contain all of the required information, the board must promptly notify the voter of the additional

² H.B. 197, Section 32(B). See additional instructions regarding processing voter registrations in Part II of this Directive.

information required to be provided by the voter to complete the application. Boards should utilize telephone numbers and email to complete this process as quickly as possible. However, if electronic contact is not possible, boards should attempt to correct missing information by mail. Boards should ultimately retain a completed application at the board office. All applications for absentee ballots, including corrected applications, must be received at the office of the board of elections not later than noon on April 25, 2020.³

Each day, boards of elections are required to compile and transmit to the Secretary of State a list of all absentee ballot applications received by the board, except for any information that is not considered a public record under Ohio law.⁴ This list must be submitted to the Secretary of State in a format prescribed by the Secretary of State and must be submitted via email by 10 a.m. daily.

Any absentee ballot application must not be considered invalid solely on the basis that the application indicates a date other than March 17, 2020 as the date of the 2020 Primary Election. An absentee ballot application that indicates the voter's desire to vote in the 2020 Primary Election is acceptable even if an incorrect date or no date is indicated.⁵

C. VOTING PROCEDURES

Voters who have not already cast a ballot in the March 17, 2020 Primary Election and who registered to vote in Ohio as of February 18, 2020 may vote an absentee ballot in the 2020 Primary Election. A voter must deliver the absentee ballot to the board of elections by 7:30 p.m. on April 28, 2020, or have the ballot postmarked by April 27, 2020, and the ballot must be received at the board of elections by May 8, 2020. UOCAVA ballots received by May 8, 2020 are valid, so long as they were submitted for mailing not later than 12:01 a.m. at the place where the voter completed the ballot on April 28, 2020, regardless of whether the ballots are postmarked.⁶

1. DROP BOXES

Boards of elections must place a secure receptacle outside of the board for the return of ballots.⁷ The secure receptacle must be monitored 24/7, and at least one Republican and Democrat must together retrieve the drop box's contents daily. Boards of elections must also retrieve the contents at 7:30 p.m. on April 28, 2020.

2. VOTE BY MAIL

Boards must promptly deliver an absentee ballot to a voter who submits a valid application. Boards of elections should use their current ballots, including Election Day ballots, before purchasing additional ballot stock. The board of elections must deliver those absentee ballots by

³ H.B. 197, Section 32(C)(3) and (C)(5)(a); See R.C. 3509.08, [Form 11-B](#), and [Form 11-B-2](#) for hospitalized voters. Except that an elector who would qualify to apply by 3:00 p.m. on Election Day because of an unforeseeable hospitalization may apply by 3:00 p.m. on April 28, 2020.

⁴ H.B. 197, Section 32(C)(4).

⁵ H.B. 197, Section 32(C)(5)(b).

⁶ H.B. 197, Section 32(C)(1) and (E).

⁷ H.B. 197, Section 32(E)(1).

mail unless a voter submitted an application for assistance due to a disability, confinement, or unforeseeable hospitalization.⁸ Boards of elections must prepay the return postage for the ballots.⁹

The United States Postal Services (“USPS”) recommends the following options for prepaying the postage on return ballot envelopes:

1. The board may utilize the board or county’s postage meter to apply sufficient, first-class postage to the return envelope for the return of the ballot. The metered postage must not contain a date.
2. The board may utilize or obtain a Business Reply Mail permit to allow for a voter to return the ballot without applying postage to the return envelope. The board should work with the USPS and a Mailpiece Design Analyst (“MDA”) to ensure the proper artwork is created for the return envelope.
3. The board may apply a sufficient, first-class postage stamp to the return envelope for the return of the ballot.

The board must not delay fulfilling absentee ballot requests because of the implementation of a Business Reply Mail permit. Boards must use one of the alternative methods listed above to apply postage to the return envelope in the interim.

For assistance with mailpiece design, contact the MDA Support Center at (855) 593-6093 (hours of operation are Monday – Friday, 7:00 a.m. – 5:00 p.m. CT) or by sending your request by email to mda@usps.gov. Please contact the local Election Mail Coordinator in your district if assistance is needed.

The following deadlines apply to the return of absentee ballots by mail:

- All non-UOCAVA absentee ballots sent by mail must be postmarked by April 27, 2020 and received by the boards of elections by May 8, 2020.
- UOCAVA ballots sent by mail must be received at the board of elections by May 8, 2020.

3. LIMITED OPTIONS FOR IN-PERSON OPPORTUNITY VOTING

The bill does not allow most people to vote in-person. A qualified elector must fit into either of the following exceptions to vote in person:¹⁰

- An elector who has a qualifying disability and who wishes to cast an absentee ballot using a direct recording electronic voting machine or marking device that is accessible for voters with disabilities, including nonvisual accessibility for the blind

⁸ See R.C. 3509.08, [Form 11-B](#), and [Form 11-F](#).

⁹ H.B. 197, Section 32(C)(6).

¹⁰ H.B. 197, Section 32(D)(1).

and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters. Each board must have at least one such machine or device available for use at the board of elections; and

- An elector who is unable to receive mail at the place where the elector resides or at another location.

In-person voting will only be at the board of elections. There will be no polling locations. In-person voting will occur on April 28, 2020, beginning at 6:30 a.m. and ending at 7:30 p.m. However, if electors are waiting in line to cast ballots at 7:30 p.m., they must be permitted to cast a ballot.¹¹ Additionally, the board must provide a provisional ballot to any qualifying voter who chooses to vote in person and is required to receive a provisional ballot. Boards should follow social distancing, voting machine disinfection, hand hygiene, and all other directions in accordance with public health authorities and voting machine manufacturer guidelines. Additionally, boards are encouraged to work with advocacy groups that represent disability and homeless populations in their county to help inform these voters of the limited in-person voting opportunity on April 28, 2020.

During this extended absentee voting period for the 2020 Primary Election, it is imperative that we ensure voters with disabilities can safely participate in the election and have access to accessible absentee voting. As accessible absentee voting is available through the use of your remote ballot marking system, boards should be prepared to receive, process requests, send accessible ballots, and receive marked ballots from voters using this system. Voters with a qualifying disability who want to use the remote ballot marking system may submit [Secretary of State Form 11-G](#) or other written application for an absentee ballot by 12:00 noon on April 25, 2020.¹²

4. PROVISIONAL BALLOTS BY MAIL

Boards of elections must promptly deliver a provisional ballot if the board determines that an application for an absentee voter's ballot is not valid because the voter has moved or changed their name without updating their voter registration as set forth in R.C. 3503.16, or for any other reason. The board must deliver the provisional ballot by mail, except to those voters with a disability, those who are unable to receive mail at the place where the voter resides or at another location, or those who have requested assistance in casting the elector's ballot pursuant to R.C. 3509.08. Boards of elections must prepay the return postage for the provisional ballot.¹³

The board must include the following with the provisional ballot:

- The reasons the voter has received a provisional ballot instead of a regular absentee ballot;

¹¹ H.B. 197, Section 32(D)(2).

¹² For additional instructions regarding remote ballot marking systems, review [Chapter 5, pages 6-8 of the EOM](#).

¹³ H.B. 197, Section 32(C)(7).

- Instructions for the voter to complete the provisional ballot affirmation, including an option to submit a copy of a form of identification described in R.C. 3505.182;
- Instructions for the voter to return the provisional ballot in the same manner as a regular absentee voter's ballot and a return envelope in which the applicant may return the provisional ballot;
- Instructions for the applicant to ascertain the status of the applicant's provisional ballot, as described in R.C. 3505.181.

The following forms have been updated or created for the special purposes of the 2020 Primary Election and will be available on the Secretary of State's website:

- Form 12: Instructions to Absentee Voters (updated for the 2020 Primary Election only);
- Form 12-1: Special Notice to Absentee Voters (updated for the 2020 Primary Election only);
- Form 12-H: Provisional Ballot Notice (updated for the 2020 Primary Election only);
- Provisional Ballot Instructions (created for the 2020 Primary Election only); and
- Provisional Ballot Reason Form (created for the 2020 Primary Election only).

As described above, the Provisional Ballot Reason Form, the Provisional Ballot Instructions, the Provisional Ballot Envelope, a return envelope, and the Provisional Ballot Notice must be provided to each provisional voter.

D. PROCESSING ABSENTEE BALLOTS

Boards of elections may begin processing absentee ballots using the guidelines outlined in [Chapter 5, Section 1.06 of the Election Official Manual](#) ("EOM").

E. CURE PERIOD

For seven days following April 28, 2020 the boards of elections must maintain hours that permit voters to cure a deficiency on an absentee or provisional ballot. Voters have until May 5, 2020 to cure any deficiency regarding their absentee or provisional ballot.¹⁴ Those dates and hours are:

- Wednesday, April 29, 2020 8:00 a.m. – 5:00 p.m.
- Thursday, April 30, 2020 8:00 a.m. – 5:00 p.m.

¹⁴ H.B. 197, Section 32(F).

- Friday, May 1, 2020 8:00 a.m. – 5:00 p.m.
- Saturday, May 2, 2020 8:00 a.m. – 12:00 p.m.
- Sunday, May 3, 2020 1:00 p.m. – 5:00 p.m.
- Monday, May 4, 2020 8:00 a.m. – 5:00 p.m.
- Tuesday, May 5, 2020 8:00 a.m. – 5:00 p.m.

F. DEADLINES AND UNOFFICIAL AND OFFICIAL CANVASSES

Boards of elections and the Secretary of State must complete the unofficial canvass, the canvass of the election returns, and all other post-election procedures with respect to the March 17, 2020 Primary Election on the following dates:¹⁵

- Saturday, April 25, 2020, 12:00 p.m. – Application Deadline to Receive an Absentee Ballot by Mail
- Monday, April 27, 2020 – Absentee Ballot Postmark Deadline
- Tuesday, April 28, 2020, 3:00 p.m. – Application Deadline for Unforeseeably Hospitalized Voters
- Tuesday, April 28, 2020, 7:30 p.m. – Last Day for Voting
- Wednesday, April 29, 2020, 12:00 p.m. – Unofficial Canvass Must Be Completed
- Tuesday, May 5, 2020 – Absentee and Provisional Ballot Cure Deadline
- Friday, May 8, 2020 – Absentee Ballots Must Be Received
- Saturday, May 9, 2020 – Official Canvass May Begin
- Wednesday, May 13, 2020 – Official Canvass Must Begin
- Tuesday, May 19, 2020 – Official Canvass Must Be Completed
- Tuesday, June 2, 2020 – Voter History Must Be Uploaded to the Statewide Voter Registration Database

¹⁵ H.B. 197, Section 32(G).

- Friday, June 5, 2020, 4:00 p.m. – Post-Primary Campaign Finance Reports Due

Each board should follow the instructions provided in [Chapter 6 of the EOM](#) for processing provisional ballots. The board of elections must not vote on the eligibility of any provisional ballot cast in the 2020 Primary Election until after May 5, 2020.

G. CAMPAIGN FINANCE

For the purpose of the contribution limits described in R.C. 3517.102, the date of the 2020 Primary Election is March 17, 2020. However, the statements of contributions and expenditures required to be filed as part of the post-primary report must be filed no later than 4:00 p.m. on June 5, 2020 to reflect activity through May 29, 2020.¹⁶

Boards of elections and the Secretary of State must notify candidates of their requirement to file the post-primary report by May 26, 2020, as set forth in R.C. 3517.11.

PART II – VOTER REGISTRATION

Boards of elections must not process any voter registration forms submitted after February 18, 2020 voter registration deadline.¹⁷ H.B. 197 prohibits processing the voter registration forms before 7:30 p.m. on April 28, 2020. The Secretary of State directs boards to wait until the official canvass has ended to process voter registration forms, including processing records received electronically from the online voter registration system and through the Bureau of Motor Vehicles. Boards must not transmit voter history to the Secretary of State until further information is provided.

PART III – REIMBURSEMENT

The Ohio General Assembly and the United States Congress appropriated funds for the completion of the 2020 Primary Election and to aid in Ohio's response to Coronavirus/COVID-19 pandemic, respectively. In the coming days and weeks, the Secretary of State's Office will work with boards of elections to ensure that appropriate protocols are in place for reporting covered expenses. The Secretary of State's Office will provide additional information regarding the reimbursement for postage and other expenses related to concluding the March 17, 2020 Primary Election. Part II, Section C.2 of this Directive outlines the available methods of prepaying return postage for absentee ballots.

PART IV – RECORDS RETENTION

Because ballots for the 2020 Primary Election include candidates for election to federal offices, each board of elections is required by law to retain all ballots prepared for the election – both used and unused – for 22 months following the election.¹⁸ If there is litigation relating to the Primary still pending at the end of that period, the Secretary of State's Office may direct counties

¹⁶ H.B. 197, Section 32(H).

¹⁷ H.B. 197, Section 32(B)(3).

¹⁸ [R.C. 3505.31](#); [52 U.S.C. 20701](#).

to retain the ballots for the duration of the litigation. If the board uses a voting system and software that captures images of ballots as they are scanned by a high-speed scanner, those images may be subject to disclosure pursuant to a public records request and must be retained. Accordingly, consult with the county prosecuting attorney regarding the retention of those images.

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

Yours in service,

A handwritten signature in blue ink, appearing to read "Frank LaRose", with a stylized, cursive script.

Frank LaRose
Ohio Secretary of State

AN ACT

To amend sections 122.075, 125.831, 131.45, 133.01, 133.06, 133.07, 133.18, 135.142, 305.31, 306.322, 307.671, 307.672, 307.674, 307.678, 307.695, 319.301, 321.03, 321.20, 323.154, 323.155, 351.01, 351.03, 351.141, 718.01, 718.021, 929.01, 1545.041, 1545.21, 1711.15, 1711.16, 3316.03, 3316.06, 3317.01, 4301.20, 4582.024, 4582.26, 4582.56, 4723.43, 4729.01, 4761.17, 5104.31, 5701.08, 5701.11, 5701.12, 5703.04, 5703.211, 5703.54, 5703.94, 5703.95, 5705.03, 5705.13, 5705.19, 5705.195, 5705.213, 5705.252, 5705.29, 5705.315, 5705.34, 5705.35, 5705.36, 5705.49, 5709.201, 5709.43, 5709.48, 5709.53, 5709.61, 5709.80, 5709.85, 5709.93, 5713.03, 5713.30, 5713.351, 5715.13, 5715.36, 5721.06, 5721.191, 5721.39, 5725.98, 5726.50, 5726.98, 5727.02, 5727.11, 5727.23, 5727.32, 5727.33, 5727.80, 5727.83, 5727.84, 5729.98, 5733.042, 5733.05, 5733.052, 5733.055, 5733.40, 5733.98, 5735.026, 5735.06, 5739.01, 5739.011, 5739.02, 5739.021, 5739.028, 5739.03, 5739.034, 5739.08, 5739.09, 5739.21, 5740.02, 5743.05, 5743.08, 5743.33, 5743.65, 5745.14, 5747.01, 5747.011, 5747.012, 5747.013, 5747.02, 5747.058, 5747.061, 5747.07, 5747.082, 5747.11, 5747.231, 5747.41, 5747.51, 5747.52, 5747.55, 5747.98, 5748.08, 5748.09, 5751.01, 5751.08, 5751.09, 5751.50, 5751.51, 5751.98, and 5753.11; to enact sections 4723.433, 4723.434, 4723.435, 5739.091, 5739.092, 5751.40, 5751.41, and 5751.42; and to repeal sections 901.13, 5705.211, 5727.87, 5733.46, 5739.105, 5747.75, and 5751.23 of the Revised Code and to amend Section 757.40 of H.B. 166 of the 133rd General Assembly to continue essential operations of state government and maintain the continuity of the state tax code in response to the declared pandemic and global health emergency related to COVID-19, to make appropriations, and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 122.075, 125.831, 131.45, 133.01, 133.06, 133.07, 133.18, 135.142, 305.31, 306.322, 307.671, 307.672, 307.674, 307.678, 307.695, 319.301, 321.03, 321.20, 323.154, 323.155, 351.01, 351.03, 351.141, 718.01, 718.021, 929.01, 1545.041, 1545.21, 1711.15, 1711.16, 3316.03, 3316.06, 3317.01, 4301.20, 4582.024, 4582.26, 4582.56, 4723.43, 4729.01, 4761.17, 5104.31, 5701.08, 5701.11, 5701.12, 5703.04, 5703.211, 5703.54, 5703.94, 5703.95, 5705.03, 5705.13, 5705.19, 5705.195, 5705.213, 5705.252, 5705.29, 5705.315, 5705.34, 5705.35, 5705.36,

whether the students received scholarships for that school year, and remain eligible for the 2020-2021 school year;

(4) Students who did not receive a scholarship for the 2019-2020 school year but, for the 2020-2021 school year are or would be newly enrolled in a building operated by the students' resident district that met the conditions prescribed in section 3310.03 of the Revised Code for the 2019-2020 school year, as that section existed for that school year, and also continued to meet the conditions for the 2020-2021 school year, including students entering kindergarten, entering high school students, or students who have recently relocated to the district or building's attendance territory.

Scholarships for students described in divisions (A)(1), (2), (3), and (4) of this section shall be funded through deductions from the students' resident school districts in the manner described in section 3310.08 of the Revised Code.

The Department shall accept, process, or award performance-based Educational Choice scholarships for the 2020-2021 school year for students described in divisions (A)(1) to (4) of this section under the sixty-day-application period that begins on April 1, 2020, pursuant to Section 265.210 of H.B. 166 of the 133rd General Assembly, as amended by S.B. 120 of the 133rd General Assembly.

(B) The Department shall accept, process, and award performance-based Educational Choice scholarships under section 3310.03 of the Revised Code on February 1, 2021, for the 2021-2022 school year.

(C) This section does not affect the awarding of income-based scholarships.

SECTION 32. Notwithstanding any contrary provision of the Revised Code:

(A) Secretary of State Directive 2020-06, issued on March 16, 2020, is void.

(B) During the period beginning on the effective date of this section and ending at 7:30 p.m. on April 28, 2020, no board of elections, and no election official, shall do any of the following:

(1) Count any ballots cast in the March 17, 2020, primary election, or in any special election held on the day of the primary election;

(2) Release the count or any portion of the count of any ballots cast in the March 17, 2020, primary election, or in any special election held on the day of the primary election;

(3) Process any voter registration application submitted after February 18, 2020.

(C)(1)(a) An elector who has not already cast a ballot in the March 17, 2020, primary election, or in any special election held on the day of the primary election, and who was registered to vote in this state as of February 18, 2020, may vote in that election in accordance with this section.

(b) An elector who was registered to vote in this state as of February 18, 2020, and who cast a ballot at any time before the effective date of this section in the March 17, 2020, primary election, or in any special election held on the day of the primary election, shall have the elector's ballot counted if it is received at the office of the board not later than the applicable deadline specified in division (E) of this section and is otherwise eligible to be counted.

(2) As soon as possible after the effective date of this section, the Secretary of State shall send a postcard to each registered elector in this state, notifying the elector of the methods by which the elector may obtain an application for absent voter's ballots, the procedures and deadlines to apply

for absent voter's ballots under this section, and the procedures and deadline to return voted ballots to the office of the board of elections under this section.

(3) An elector described in division (C)(1)(a) of this section may apply by mail to the appropriate board of elections for absent voter's ballots. If the elector is eligible to cast absent voter's ballots with the assistance of election officials under section 3509.08 of the Revised Code, the elector may include with the elector's application a request that the board of elections assist the elector in casting the elector's ballots in accordance with section 3509.08 of the Revised Code. All applications submitted under this division shall be received at the office of the board not later than noon on April 25, 2020, except that an application submitted by an elector described in division (C)(1)(a) of this section who would be eligible to apply for absent voter's ballots not later than 3:00 p.m. on the day of an election under section 3509.08 of the Revised Code shall be received at the office of the board not later than 3:00 p.m. on April 28, 2020. Any application received after the applicable deadline shall be invalid.

(4) At the end of each day, the board of elections shall compile and transmit to the Secretary of State a list of all applications the board received that day, provided that the list shall exclude all information that is not considered a public record under the laws of this state. The Secretary of State shall make the list available to the public upon request.

(5)(a) If a board of elections receives an application under this section that does not contain all of the required information, the board promptly shall notify the applicant of the additional information required to be provided by the applicant to complete that application. In order for the application to be valid, the applicant shall provide that additional information to the board not later than the applicable deadline under division (C)(3) of this section.

(b) An application submitted under this section shall not be considered invalid solely on the basis that the applicant indicated a date other than March 17, 2020, as the date of the 2020 primary election or of any special election held on the day of the election.

(6) If the board of elections determines that an application submitted under this section is valid, the board promptly shall deliver absent voter's ballots to the elector. The board shall deliver those ballots by mail, except as otherwise provided in division (D) of this section and except in the case of an elector whom the board assists in casting the elector's ballots in accordance with section 3509.08 of the Revised Code. When the board delivers those ballots by mail, it shall prepay the return postage for the ballots.

(7) If the board of elections determines that an application submitted under this section is not valid because the applicant is an elector who has moved or had a change of name without updating the elector's registration, as described in section 3503.16 of the Revised Code, or for any other reason, the board promptly shall deliver a provisional ballot to the applicant. The board shall deliver the ballot by mail, except as otherwise provided in division (D) of this section and except in the case of an elector whom the board assists in casting the elector's ballot in accordance with section 3509.08 of the Revised Code. When the board delivers the ballot by mail, it shall prepay the return postage for the ballot. The board shall include all of the following with the provisional ballot:

- (a) The reason the applicant has received a provisional ballot instead of absent voter's ballots;
- (b) Instructions for the applicant to complete the provisional ballot affirmation, including an option to submit a copy of a form of identification described in section 3505.182 of the Revised

Code;

(c) Instructions for the applicant to return the provisional ballot in the same manner as absent voter's ballots and a return envelope in which the applicant may return the provisional ballot;

(d) Instructions for the applicant to ascertain the status of the applicant's provisional ballot, as described in section 3505.181 of the Revised Code.

(D)(1) Only the following electors may apply for and cast absent voter's ballots in person at the office of the board of elections on April 28, 2020, not later than 7:30 p.m., instead of applying to receive those ballots by mail:

(a) An elector to whom division (C)(1)(a) of this section applies, who has a disability, and who wishes to cast absent voter's ballots using a direct recording electronic voting machine or marking device that is accessible for voters with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters. Each board shall have at least one such machine or device available for use at the office of the board.

(b) An elector to whom division (C)(1)(a) of this section applies and who is unable to receive mail at the place where the elector resides or at another location.

(2) All eligible electors waiting in line to cast ballots in person under division (D) of this section as of 7:30 p.m. on April 28, 2020, shall be permitted to cast absent voter's ballots.

(E)(1) Absent voter's ballots and provisional ballots cast at any time before or after the effective date of this section by electors who were registered to vote in this state as of February 18, 2020, for the March 17, 2020, primary election, or for any special election held on the day of the primary election, shall be eligible to be counted if they are received at the office of the appropriate board of elections not later than 7:30 p.m. on April 28, 2020. The board shall place a secure receptacle outside the office of the board for the return of ballots under this section. Except as otherwise provided in divisions (E)(2) and (3) of this section, ballots received after 7:30 p.m. on April 28, 2020, shall not be counted.

(2) Ballots received by mail at the office of the board after 7:30 p.m. on April 28, 2020, and not later than May 8, 2020, are eligible to be counted if they are postmarked on or before April 27, 2020, and are not postmarked using a postage evidencing system, including a postage meter, as defined in 39 C.F.R. 501.1.

(3) Ballots cast by uniformed services and overseas absent voters that are received by mail at the office of the board after 7:30 p.m. on April 28, 2020, and not later than May 8, 2020, are eligible to be counted if they were submitted for mailing not later than 12:01 a.m. at the place where the voter completed the ballots on April 28, 2020, regardless of whether the ballots are postmarked.

(F)(1) If the election officials find that the identification envelope statement of voter containing absent voter's ballots for the March 17, 2020, primary election, or for any special election held on the day of the primary election, is incomplete or that the information contained in that statement does not conform to the information contained in the Statewide Voter Registration Database concerning the voter, as described in section 3509.06 of the Revised Code, the voter shall provide the necessary information to the board of elections in accordance with that section not later than May 5, 2020.

(2) An individual who casts a provisional ballot under this section and who is required under

sections 3505.181 to 3505.183 of the Revised Code to provide identification or additional information to the board of elections shall provide the necessary identification or information to the board in accordance with those sections not later than May 5, 2020.

(G) The boards of elections and the Secretary of State shall complete the unofficial count, the canvass of the election returns, and all other post-election procedures with respect to the March 17, 2020, primary election, and any special election held on the day of the primary election, on the dates provided in the Revised Code, except that each deadline shall be calculated by adding 42 days.

(H) For the purpose of the contribution limits described in section 3517.102 of the Revised Code, the date of the 2020 primary election is March 17, 2020. However, the statements of contributions and expenditures required to be filed under division (A)(2) of section 3517.10 of the Revised Code after the primary election shall be filed not later than 4:00 p.m. on June 5, 2020.

(I) In implementing this act, the Secretary of State shall proceed as though the Department of Administrative Services has suspended, under section 125.061 of the Revised Code, the purchasing and contracting requirements contained in Chapter 125. of the Revised Code that otherwise would apply to the Secretary of State. The Secretary of State shall comply with division (E) of that section.

SECTION 33. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2020 and those in the second column are for fiscal year 2021. The appropriations made in this act are in addition to any other appropriations made for the FY 2020-FY 2021 biennium.

	1	2	3	4	5
A	SOS SECRETARY OF STATE				
B	Dedicated Purpose Fund Group				
C	5RG0	050627	Absent Voter's Ballot Application Mailings	\$ 7,000,000	\$ 0
D	TOTAL Dedicated Purpose Fund Group			\$ 7,000,000	\$ 0
E	TOTAL ALL BUDGET FUND GROUPS			\$ 7,000,000	\$ 0
	ABSENT VOTER'S BALLOT APPLICATION MAILINGS				
	The foregoing appropriation item 050627, Absent Voter's Ballot Application Mailings, shall				

IN THE SUPREME COURT OF OHIO

Meryl Neiman

2115 Clifton Ave.

Columbus, OH 43209

Regina C. Adams

14360 Rockside Rd.

Maple Heights, OH 44137

Bria Bennett

2977 Dunstan Dr. NW

Warren, OH 44485

Kathleen M. Brinkman

400 Pike St. Unit 809

Cincinnati, OH 45202

Martha Clark

4439 Filbrun Ln.

Trotwood, OH 45426

Susanne L. Dyke

2558 Guilford Rd.

Cleveland Heights, OH 44118

Carrie Kubicki

13201 Vermillion Rd.

Amherst, OH 44001

Dana Miller

1211 Dana Dr.

Oxford, OH 45056

Holly Oyster

21370 Harrisburg Westville Rd.

Alliance, OH 44601

Constance Rubin

3088 Whitewood St. NW

North Canton, OH 44720

Solveig Spjeldnes

87 University Estates Blvd.

Athens, OH 45701

Case No. _____

Original Action Filed Pursuant to Ohio
Constitution, Article XIX, Section 3(A)
and Article IV Section 2(B)(1)(f)

*Expedited Election Matter Under
S.Ct.Prac.R. 12.08*

Everett Totty
145 S. St. Clair St. Unit 28
Toledo, OH 43604

Petitioners,

v.

**Secretary of State Frank LaRose, in his official
capacity as Secretary of State**
22 North Fourth St. 16th Floor
Columbus, OH 43215

**House Speaker Robert R. Cupp, in his official
capacity as Speaker of the Ohio House of
Representatives**
77 South High St. 14th Floor
Columbus, OH 43215

**Senate President Matt Huffman, in his official
capacity as President of the Ohio Senate**
1 Capitol Sq. 2nd Floor
Columbus, OH 43215

Ohio Redistricting Commission
1 Capitol Sq.
Columbus, OH 43215

Respondents.

**PETITIONERS' COMPLAINT
IN ORIGINAL ACTION**

Abha Khanna**
Ben Stafford**
ELIAS LAW GROUP, LLP
1700 Seventh Ave., Suite 2100
Seattle, WA 98101
(206) 656-0176
akhanna@elias.law

Jyoti Jasrasaria**
Spencer W. Klein**
Harleen K. Gambhir**
Raisa Cramer**
ELIAS LAW GROUP, LLP
10 G St. NE, Suite 600
Washington, DC 20002
(202) 968-4490
jjasrasaria@elias.law

Donald J. McTigue (0022849)
Counsel of Record
Derek S. Clinger (0092075)
McTIGUE COLOMBO & CLINGER, LLC
545 East Town Street
Columbus, OH 43215
(614) 263-7000
dmctigue@electionlawgroup.com

Counsel for Petitioners

**Applications for Admission Pro Hac
Vice Forthcoming

Dave Yost
OHIO ATTORNEY GENERAL
Bridget C. Coontz (0072919)
Julie M. Pfeiffer (0069762)
Michael A. Walton (0092201)
Assistant Attorneys General
Constitutional Offices Section
30 E. Broad Street, 16th Floor
Columbus, OH 43215
(614) 466-2872
bridget.coontz@ohioago.gov

*Counsel for Respondent Ohio Secretary of State
Frank LaRose*

Phillip J. Strach
Thomas A. Farr
John E. Branch, III
Alyssa M. Riggins
NELSON MULLINS RILEY & SCARBOROUGH, LLP
4140 Parklake Ave., Suite 200
Raleigh, NC 27612
(919) 329-3812
phil.strach@nelsonmullins.com

*Counsel for Respondents House Speaker Bob Cupp
and Senate President Matt Huffman*

Erik J. Clark (0078732)
Ashley Merino (0096853)
ORGAN LAW LLP
1330 Dublin Road
Columbus, OH 43215
T: (614) 481-0900
F: (614) 481-0904
ejclark@organlegal.com
amerino@organlegal.com

*Counsel for Respondent Ohio Redistricting
Commission*

INTRODUCTION

1. In *Adams v. DeWine*, this Court found that the congressional redistricting plan passed by the General Assembly on November 20, 2021 (“November 20 Plan”), did not comply with Article XIX, Sections 1(C)(3)(a) and (b) of the Ohio Constitution, because it was “infused with undue partisan bias.” Slip Opinion No. 2022-Ohio-89, ¶ 101. This partisan bias, the Court wrote, “extends from one end of the state to the other,” and “defies correction on a simple district-by-district basis.” *Id.* at ¶ 96. The Court therefore saw “no recourse but to invalidate the entire congressional-district plan.” *Id.*

2. In going back to the drawing board after the General Assembly failed to adopt a remedial map within its allotted 30 days, the reconstituted Ohio Redistricting Commission (the “Commission”) had clear instructions: “to draw a map that comports *with the directives of [the Court’s] opinion.*” *Id.* at ¶ 99 (emphasis in original).

3. The new congressional districting plan (the “March 2 Plan”) does not comport with the Court’s directives. Rather, it bears a striking resemblance to the plan struck down by the Court on January 14, and is again infused with partisan bias. It is an extreme partisan outlier again. It eschews sensible, compact districts that respect Ohio’s political geography precisely because doing so would not result in extreme partisan advantage at odds with Ohio’s voting patterns.

4. By the same token, the March 2 Plan unduly splits governmental units. In the urban areas of southwest and northeast Ohio in particular, the plan splits counties unnecessarily for the transparent purpose of minimizing the voting power of Democratic and Black voters.

5. Article XIX was added to the Constitution by an overwhelming majority of voters, who through their votes expressed their desire to have the opportunity to meaningfully participate in the democratic process by living and voting in districts that are drawn fairly. In adopting the

November 20 Plan, Respondents sought to turn the clock back to before 2018, when partisan map-drawers had free rein to press partisan advantage in the congressional districting as they wished. This Court set Respondents straight: it struck down the plan, ordered the General Assembly and, if necessary, the Commission back to the drawing board, and told it to draw a map that complied with Article XIX.

6. Undeterred, Respondents have enacted a plan that is more of the same. After the General Assembly sat on its hands for a month, the Commission took up the mantle and passed a congressional plan that makes, by its members' own admission, only minor changes to the invalidated plan. The Court should not countenance this flouting of its order, Article XIX, and the wishes of Ohio voters.

7. The Court should instead strike down the March 2 Plan; stay election-related deadlines and dates as appropriate; and, if necessary, itself adopt a constitutional plan or issue any other remedies it deems appropriate.

NATURE OF THE ACTION AND JURISDICTION

8. This is a case commenced pursuant to this Court's original jurisdiction under Article XIX, Section 3 and Article IV, Section 2(B)(1)(f) of the Ohio Constitution.

9. Pursuant to Article XIX, Petitioners seek a determination that the March 2 Plan is invalid.

10. Pursuant to Article IV, Section 2(B)(1)(f), Petitioners seek an order from this Court staying election-related deadlines, moving back the May 3 primary date for elections for congressional offices in the state. Petitioners also seek an order implementing a congressional plan that comports with Article XIX of the Ohio Constitution.

11. Under the current schedule for primary elections for United States House of

Pages 3 through 45, 48 and subsequent have been omitted for brevity.

IV, Section 2(B)(1)(f) in original action related to General Assembly redistricting brought under Article XI, noting that “because the election cycle should not proceed with a General Assembly–district map that we have declared invalid, it is appropriate to issue further remedial orders in an effort to have the redistricting commission adopt a plan that complies with Article XI in time for the plan to be effective for the 2022 election cycle”).

166. Respondents acted in bad faith in adopting a plan in contravention of Section 1(C)(3)(b), *see supra* ¶ 157.

PRAYER FOR RELIEF

Accordingly, Petitioners respectfully request that this Court:

A. Declare that the March 2 Plan adopted by Respondents is invalid for failure to comply with Article XIX of the Ohio Constitution;

B. Pursuant to Article IV, Section 2(B)(1)(f) of the Ohio Constitution, issue a permanent injunction and judgment barring Respondents from calling, holding, supervising, administering, or certifying any elections under the March 2 Plan, as Petitioners have no adequate remedy at law and will be irreparably harmed by the continued violation of their constitutional rights;

C. Pursuant to Article IV, Section 2(B)(1)(f) of the Ohio Constitution, stay relevant election-related deadlines to ensure that Ohioans vote under a constitutional map in the 2022 primary and general elections.

D. Pursuant to Article IV, Section 2(B)(1)(f) of the Ohio Constitution, move the date set for the primary elections for congressional races to a date that will allow the elections to be conducted under a constitutionally valid congressional plan.

E. Pursuant to Article IV, Section 2(B)(1)(f) of the Ohio Constitution, order the

adoption of a new map, chosen by the Court, that remedies the defects articulated in its January 14, 2022 Opinion.

F. In the alternative, pursuant to Article IV, Section 2(B)(1)(f) of the Ohio Constitution, order the General Assembly, or if necessary the Commission, to adopt a congressional map that remedies the defects articulated in the Court's January 14, 2022 Opinion.

G. Hold hearings, consider briefing and evidence, and otherwise take actions necessary to adopt a constitutional plan;

H. Retain jurisdiction of this action to render any and all further orders that the Court may from time to time deem appropriate; and

I. Grant such other or further relief the Court deems appropriate, including, but not limited to, an award of Petitioners' attorneys' fees and reasonable costs.