

DIRECTIVE 2008-71

August 25, 2008

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

RE: Nominating Petition of Richard A. Duncan and Robert C. Culbertson for President and
Vice President, Respectively

Enclosed for your review and verification are the statement of candidacy and nominating petitions of Richard A. Duncan and Robert C. Culbertson who are joint candidates for the office of president and vice president, respectively.

On June 2, 2008, the U.S. District Court for the Southern District of Ohio issued an order granting a preliminary injunction enjoining the enforcement of the requirements of R.C. 3503.06(A) that **circulators** of presidential and vice presidential candidates' joint petitions be Ohio residents and Ohio electors (*Moore v. Brunner*, S.D.Ohio Case No. 2:08-cv-224). Consequently, circulators of joint presidential and vice presidential candidates' petitions are **not required to be Ohio residents or Ohio electors**.

These documents were filed in the Secretary of State's office on August 7, 2008. The facts of qualification for signers of the part petitions are determined **as of the date the petition was filed** in the Secretary of State's office – **August 7, 2008**.

You must examine the part petitions using the requirements found in R.C. 3513.257, .261 (requirements of independent candidates), R.C. 3501.38 (rules governing petitions), R.C. 3501.011 (definition of "signature"), and the enclosed instructions.

Your board must certify the validity and sufficiency of the part petition by **September 5, 2008**. All part petitions and certification forms must be returned to the Secretary of State's office by **September 8, 2008, via a method that provides a record of sending, tracking while in transit, and receipt upon delivery (examples: certified U.S. Mail, UPS, FedEx)**. You also may return them in person.

If you have any questions concerning the petition or the part petitions submitted to you, please contact the elections counsel assigned to your county at 614-466-2585. We appreciate your hard work, dedication and cooperation.

Sincerely,

Jennifer Brunner