

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Michael Gonidakis, <i>et al.</i> ,	:	
	:	Case No. 2:22-cv-773
Plaintiffs,	:	
	:	
v.	:	Chief Judge Algenon Marbley
	:	
Frank LaRose,	:	Magistrate Judge Elizabeth Deavers
	:	
Defendant.	:	
	:	Three-Judge Panel Requested
	:	

**PLAINTIFFS’ EMERGENCY MOTION FOR A THREE-JUDGE PANEL AND
MARCH 7 LOCAL RULE 65.1 CONFERENCE**

Now come Plaintiffs Michael Gonidakis, Mary Parker, Margaret Conditt, Beth Vanderkooi, Linda Smith, Delbert Duduit, Thomas W. Kidd Jr., and Ducia Hamm (“Plaintiffs”), by and through undersigned counsel, and renew their motion for a three-judge panel because a failure to appoint a three-judge panel and moving the Local Rule 65.1 conference would effectively deny Plaintiffs’ pending Motion for Preliminary Injunction. A Memorandum in Support of this Motion is attached.

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MEMORANDUM IN SUPPORT

Voting rights delayed are voting rights denied. Two weeks ago, Plaintiffs asked this Court to adopt a voting plan that complies with U.S. Constitution, and to do so before more election deadlines pass. The first step is for this Court to notify the Chief Circuit Judge that this Complaint has been filed so there may be a three-judge panel. But this has not happened. As a result, this Court risks denying Plaintiffs' preliminary injunction, especially if this Court moves the currently scheduled March 7 Local Rule 65.1 conference.

I. BACKGROUND

The first step in resolving Plaintiffs' time-sensitive election complaint is notifying the Chief Circuit Judge so a three-judge panel may be established. This notification was requested on February 18, enough time for the constitutional violations to be resolved before more election deadlines passed. But now two weeks later, this Court has yet to make the required notification, and Plaintiffs have no constitutional statewide legislative districts.

A. Ohio's 2010 legislative district maps and Ohio's population changes.

Ohio's 2010 legislative district maps were created after receipt of the 2010 U.S. Census data showing that Ohio had a population of 11,536,504 people. The 2020 U.S. Census data showed that much has changed in Ohio over the last ten years, including a net gain of more than 250,000 people and double-digit growth in several regions. (ECF No. 8, First Amended Complaint, ¶ 1). Many political subdivisions such as Franklin, Delaware, Warren, and Union Counties grew by double-digits. (*Id.*, ¶ 33). Franklin, Cuyahoga, and Hamilton Counties, Ohio's most populous counties, saw a total shift of more than 200,000 people. (*Id.*, ¶ 34).

B. The Redistricting Commission adopts First Plan and Second Plan, and both are rejected by the Ohio Supreme Court.

The Ohio Redistricting Commission was created in 2015 by amendment to the Ohio Constitution. The Redistricting Commission creates statewide legislative districting using the most recent federal census data. Redistricting Commission met and adopted the First Plan in September 2021. (ECF No. 8-1, First Amend. Compl., Exhibit A). It was later sent back to the Redistricting Commission by the Ohio Supreme Court in January 2022. *See League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-65, ¶ 138.

The Redistricting Commission then met and adopted the Second Plan on January 22, 2022. The Second Plan also used the most recent federal census data. (ECF No. 8-2, First Amend. Compl., Exhibit B). Still, in February 2022, the Ohio Supreme Court sustained objections relating to the Redistricting Commission's Second Plan. *See League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-342, ¶ 67.

C. Ohio has key election deadlines that neither the Redistricting Commission nor the Ohio Supreme Court can move.

The back-and-forth between the Redistricting Commission and the Ohio Supreme Court did not stop Ohio election law. Ohio's key election deadlines are set by statute, including key deadlines in February and March. (*See* ECF No. 50-1).

Expired	February 2	Partisan candidates declare	R.C. 3313.05
Expired	February 14	Board of Elections review declarations	R.C. 3513.05
Expired	February 22	Write-in candidates declare	R.C. 3513.041
Expired	February 25	Protests against write-in candidates	R.C. 3513.041
<u>EXPIRING NOW</u>		Ballots printed for overseas voters	UOCAVA
<u>SOON</u>	March 18	UOCAVA ballots must be ready	R.C. 3511.04

<u>SOON</u>	May 3	Primary Election Day	R.C. 3501.01
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These dates are controlled by the Revised Code. For example, the primary election is on May 3 because “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.” *See* R.C. 3501.01(E)(1) (emphasis added). There is no process for the Ohio Supreme Court or the Redistricting Commission to reset these deadlines.

D. This litigation and the pending request for a three-judge panel.

Before the write-in candidate deadline had passed, on February 18, Plaintiffs filed the Complaint and asked this Court to adopt the Second Plan. (ECF Nos. 1, 2). Notification of the Chief Circuit Judge was requested so that the panel could be called. (ECF No. 1, ¶ 85). A few days later, Plaintiffs amended their Complaint and requested the adoption of the Second Plan. (ECF Nos. 8, 10). Again, Plaintiffs requested notification of the Chief Circuit Judge. (ECF Nos. 8, 10). Despite Plaintiffs’ request, according to the docket, the Chief Circuit Judge was not notified on February 18 or February 22.

This Court set a status conference for February 25, a week after the Complaint was filed. (ECF No. 16). This Court made clear this status conference *would not* satisfy Local Rule 65.1. (*Id.*). This Court did not notify the Chief Circuit Judge in setting the status conference.

The status conference was held on February 25. Plaintiffs asked this Court to hold the Local Rule 65.1 conference as soon as counsel for Defendants could be available, which was March 3. This Court declined, and determined that the Local Rule 65.1 conference would be held March 7, four days later. This Court suggested that the delay was based on the Redistricting Commission’s adoption of a Third Plan.

During the February 25 status conference, this Court suggested that notifying the Chief Circuit Judge may not be needed if this case is nonjusticiable or unripe, and asked that counsel be prepared to address these issues at the March 7 Local Rule 65.1 conference.

E. The Ohio Supreme Court is now considering the Third Plan, but the Court cannot move the expired or upcoming deadlines.

This Court's wait-and-see approach has not paid off. The Third Plan adopted by the Redistricting Commission again satisfied the U.S. Constitution. If unchallenged, this would have ended this litigation. It did not. Multiple parties objected to the Third Plan. The objecting parties are the same that told this Court that the process would soon be complete. (*See, e.g.*, ECF No. 33, Intervenor-Defendants' Motion for Stay). Because of their actions, that is not true.

F. The possible move of the Local Rule 65.1 conference from March 7 to March 14 would make it impossible to have the ballots printed by March 18, denying Plaintiffs' rights, and risking the May 3 primary.

Plaintiffs now understand that this Court may move the March 7 Local Rule 65.1 to March 14. No order has been issued. But if ordered, it would move the Local Rule 65.1 conference to more than three weeks after Plaintiffs' time-sensitive complaint was filed. As of this filing, March 4, the Chief Circuit Judge has not been notified of this lawsuit. No panel to determine Plaintiffs' apportionment claims has been called.

But the lack of a notification has not slowed the election deadlines. Secretary LaRose recently shared that, without adopting statewide legislative districts, Ohio is "dangerously close" to violating federal law.¹ That is because right now, in early March, the Ohio should be printing ballots so that they can be ready by March 18. These deadlines have forced Secretary LaRose to

¹ ABC6ONYOURSIDE, *Frank LaRose: It's impossible to see scenario to hold complete May 3 primary*, February 22, 2022, available at <https://abc6onyourside.com/news/local/frank-larose-its-impossible-to-see-scenario-to-hold-may-3-primary-election> (last visited March 3, 2022).

move forward with the Third Plan. (Exhibit A). Secretary LaRose is taking this step even though is unclear if the Third Plan may be approved, and demonstrates that action is required now.

II. ANALYSIS

This Court's delay in notifying the Chief Circuit Judge risks denying Plaintiffs' preliminary injunction contrary to 28 U.S.C. § 2284(b)(3), especially if the panel cannot convene on March 7, as first scheduled by this Court.

A. This Court should immediately notify the Chief Circuit Judge that a three-judge panel has been requested so that the panel may appear on March 7.

Because Plaintiffs challenge the constitutionality of the apportionment of a statewide legislative body, this Court should immediately notify the Chief Circuit Judge of the request so that a panel may be appointed before the March 7 Local Rule 65.1 conference. As the U.S. Supreme Court recently explained, "all the district judge must determine is whether the request for three judges is made in a case covered by § 2284(a)—no more, no less." *Shapiro v. McManus*, 577 U.S. 39, 44 (2015). This case is covered by § 2284(a) because Plaintiffs allege malapportionment, both if the old districts are used and if no districts exist. (ECF No. 8, First Amend. Compl., ¶¶ 67–82). Plaintiffs have requested notification of the Chief Circuit Judge so that he may form a three-judge panel. (*Id.*, ¶¶ 14, 87). As a result, this Court's role—no more, no less—is to immediately notify the Chief Circuit Judge of this lawsuit so that the panel may attend the currently scheduled March 7 Local Rule 65.1 conference.

B. An ongoing failure to notify the Chief Circuit Judge is a denial of Plaintiffs' motion for a preliminary injunction.

Should this Court fail to notify the three-judge panel so that the panel may attend the currently scheduled March 7 Local Rule 65.1 conference, then it is a denial of Plaintiffs' motion for preliminary injunction. A plaintiff must diligently ask for relief, particularly in time-sensitive

election cases, or risk denial of the requested injunction. *See Crookston v. Johnson*, 841 F.3d 396, 399 (6th Cir. 2016); *ACLU of Ohio v. Taft*, 385 F.3d 641, 647 (6th Cir. 2004).

Plaintiffs' request for a preliminary injunction was timely. The lawsuit was filed on February 18. The Complaint (and the First Amended Complaint) allege constitutional violations: either the 2010 statewide legislative districts are malapportioned, or the lack of any statewide legislative districts is unlawful malapportionment. These facts are largely undisputed, so no evidentiary hearing is required. And Plaintiffs proposed an easy remedy for this Court to adopt: the Second Plan. The Second Plan solves both malapportionment problems: the 2010 state legislative district problem and the no legislative district problem. And if done now, this would still allow the Secretary of State and local boards of election time to comply with state and federal law, including the May 3 primary. (*See Exhibit A*).

But to resolve these malapportionment issues by adopting the Second Plan, the first step is notifying the Chief Circuit Judge. *See* 28 U.S.C. § 2284(a). Again, Plaintiffs have done their part by requesting notification. (ECF No. 8, ¶¶ 14, 87). This Court's ongoing failure to notify the Chief Circuit Judge risks the failure of the panel attending the March 7 Local Rule 65.1 conference. And moving the conference further back would make it much harder for Ohio to comply with the state and federal laws that govern elections. Already, even assuming the Third Plan applies, Secretary LaRose is calling for a "little divine blessing to get it done." (*Exhibit A*). For these reasons, a failure to notify, especially should it be combined with moving the Local Rule 65.1 conference, would effectively deny Plaintiffs' preliminary injunction.

C. Moving the March 7 Local Rule 65.1 conference to March 14 also deviates from 28 U.S.C. § 2284(b)(3).

Should this Court move the March 7 Local Rule 65.1 conference to March 14, then it would also be a denial of Plaintiffs' preliminary injunction contrary to 28 U.S.C. § 2284(b)(3). As

provided by the statute, a “single judge shall not . . . determine any application for a preliminary or permanent injunction or motion to vacate such an injunction, or enter judgment on the merits.” Moving the currently scheduled March 7 Local Rule 65.1 conference to March 14, as discussed above, would effectively deny Plaintiffs’ preliminary injunction on the merits. As a result, this Court should immediately notify the Chief Circuit Judge of this lawsuit and maintain the currently scheduled March 7 conference.

III. CONCLUSION

For all these reasons, Plaintiffs respectfully request that this Court notify the Chief Circuit Judge of this lawsuit and maintain the currently scheduled March 7 conference. Plaintiffs’ counsel will be available at the scheduled place and time.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2022, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/Donald C. Brey _____
Donald C. Brey (0021965)

EXHIBIT A



DIRECTIVE 2022-26

February 26, 2022

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

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

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

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

“Please immediately transmit the relevant information to all the state’s boards of elections as you deem appropriate so that the necessary preparations may be made for carrying out the primary election on May 3rd, 2022.”

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

SUMMARY

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

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

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

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

Additionally, decisions in ongoing litigation¹ may render some or all of this Directive moot. In that event, my Office will issue additional instruction. As you know, the redistricting process has been the subject of much litigation. This Directive is not contrary to any order of the Ohio Supreme Court, nor should it be construed as such. This new General Assembly district plan adopted by the Ohio Redistricting Commission was filed with my office and is presumed valid. If there is additional litigation over this new district plan, the outcome of that litigation will be that the new plan is either valid or invalid. Because of the severe time constraints under which we are operating to hold Ohio House and Ohio Senate primary races with the May 3, 2022 Primary Election, we must begin preparations for those elections immediately in the anticipation that the Court will uphold the new plan. Obviously, if a few weeks from now the Court rules that the new plan is invalid, it will not be possible to conduct Ohio House and Ohio Senate primary elections with the May 3, 2022 Primary Election.

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

INSTRUCTIONS

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

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

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

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

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

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

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

II. 2022 PRIMARY ELECTION DEADLINES

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

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

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

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

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

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

³ Section 4(C) of H.B. 93.

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

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

III. OHIO HOUSE AND SENATE CANDIDATES

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

i. REQUIREMENTS FOR FILING VALIDITY AND IDENTIFYING DISTRICTS

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

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

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

⁴ Section 4(B) of H.B. 93.

⁵ Section 4(B) of H.B. 93.

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

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

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

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

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

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

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

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

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

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

ii. REQUIREMENTS FOR SIGNATURE VALIDITY

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

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

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

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

⁶ Section 4(D)(2)-(3) of H.B. 93.

⁷ Section 4(F) of H.B. 93.

IV. CANDIDATE FOR STATE CENTRAL COMMITTEE OF A POLITICAL PARTY

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

i. REQUIREMENTS FOR FILING VALIDITY AND IDENTIFYING DISTRICTS

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

ii. REQUIREMENTS FOR SIGNATURE VALIDITY

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

a. SENATE DISTRICTS

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

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

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

⁸ Section 4(B) of H.B. 93.

⁹ Section 4(F) of H.B. 93.

¹⁰ Section 4(D)(5) of H.B. 93.

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

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

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

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

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

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

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

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

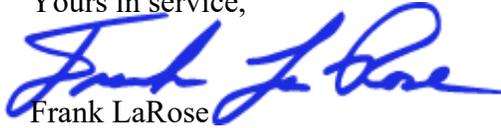
If the Ohio Redistricting Commission does pass a new congressional district map following March 4, 2022, and the most populous county changed, the board of elections that the declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in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

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

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

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

Yours in service,



Frank LaRose
Ohio Secretary of State