UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHAEL GONIDAKIS,
6586 Baronscourt Loop
Dublin, OH 43016

MARY PARKER,
8925 Cupstone Drive
Galena, OH 43021

MARGARET CONDITT,
6959 Rock Springs Drive
Liberty Twp., OH 45011

BETH VANDERKOOI,
541 East Moler Street
Columbus, OH 43207

LINDA SMITH,
4998 Blendon Pond Drive
Westerville, OH 43081

DELBERT DUDUIT,
32 Greenbriar Road
Lucasville, OH 45648

THOMAS W. KIDD JR.,
10114 Brooks Carroll Road
Waynesville, OH 45068

DUCIA HAMM,
53 North Main Street
Ashland, OH 44805

Plaintiffs,

v.

FRANK LAROSE, *in his official capacity*,
22 N. Fourth St.
16th Floor
Columbus, OH 43215

Defendant.

Case No. 2:22-cv-773

Chief Judge Algernon L. Marbley

Magistrate Judge Elizabeth P. Deavers

Three-Judge Panel Requested

PLAINTIFFS' FIRST SUPPLEMENTAL COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Ohio's state legislative districts, under the United States Constitution and as confirmed by voters through amendments to the Ohio Constitution, must be substantially similar in population. Ohioans also deserve the right to vote.

2. To do so, Secretary of State Frank LaRose began in earnest carrying out the Third Plan adopted by the Ohio Redistricting Commission. But then, the Ohio Supreme Court invalidated the Third Plan.

3. Therefore, this Court should declare that the tentatively adopted state legislative districts (or lack thereof) violate the U.S. Constitution, and this Court order that the Secretary of State maintain the status quo by continuing with the Third Plan adopted by the Redistricting Commission, attached as Exhibit C, for the 2022 election cycle.

THE PARTIES

4. Plaintiffs are Ohio voters that live in House and Senate Districts that were drawn in 2010:

a. Plaintiff Michael Gonidakis resides in Dublin, Ohio at 6586 Baronscourt Loop in House District 21 and Senate District 16.

b. Plaintiff Mary Parker resides in Galena, Ohio at 8925 Cupstone Drive in House District 68 and Senate District 19.

c. Plaintiff Margaret Conditt resides in Liberty Township, Ohio at 6959 Rock Springs Drive in House District 52 and Senate District 4.

d. Plaintiff Beth Vanderkooi resides in Columbus, Ohio at 541 East Moler Street in House District 18 and Senate District 15.

e. Plaintiff Linda Smith resides in Westerville, Ohio at 4998 Blendon Pond Drive in House District 19 and Senate District 3.

f. Plaintiff Delbert Duduit resides in Lucasville, Ohio at 32 Greenbriar Road in House District 90 and Senate District 14.

g. Plaintiff Thomas W. Kidd Jr. resides in Waynesville, Ohio 45068 at 10114 Brooks Carroll Road in House District 62 and Senate District 7.

h. Plaintiff Ducia Hamm resides in Savanah, Ohio at 53 North Main Street in House District 70 and Senate District 22.

5. Plaintiffs live in either malapportioned state legislative districts or non-existent state legislative districts, thus harming Plaintiffs.

6. Plaintiffs are also harmed right now because, until valid redistricting occurs, Ohioans, including Plaintiffs, cannot decide which candidates to support, cannot decide to run or to encourage candidates to run, cannot educate themselves or others on the positions of candidates in their districts and prepare to hold those candidates responsible, and cannot associate with others in their district.

7. Defendant is Secretary of State Frank LaRose in his official capacity. Secretary of State LaRose is the Chief Elections Officer of Ohio, with such powers and duties relating to the registration of voters and the conduct of elections. *See, e.g.*, O.R.C. § 3501.04.

JURISDICTION AND VENUE

8. Plaintiffs bring this action under 42 U.S.C. § 1983 to address the deprivation, under the color of state law, of rights secured by the United States Constitution. This Court has original

jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1343 because the matters in controversy arise under the United States Constitution and the laws of the United States and involve the assertion of a deprivation, under color of state law, of rights under the Constitution of the United States. This Court has the authority to enter a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202, and order injunctive relief under Federal Rule of Civil Procedure 65.

9. This Court has personal jurisdiction over Defendant, Secretary of State Frank LaRose in his official capacity.

10. Venue is proper in the Southern District of Ohio, Eastern Division, because a substantial part of the events that give rise to Plaintiffs' claims have occurred and will occur in this District and Defendant's office is in this District.

11. A three-judge panel of this Court has jurisdiction to adjudicate this lawsuit because Plaintiffs are challenging the constitutionality of the apportionment of Ohio's statewide legislative body. *See* 28 U.S.C. § 2284(a).

STATEMENT OF FACTS

A. Ohio voters elect bicameral legislature.

12. The State of Ohio has a bicameral legislature, with a House of Representatives and a Senate.

13. Representatives are elected biennially by the electors of their respective house of representatives districts, with terms beginning of the first day of January and continuing for two years. *See* Ohio Constitution, Article II, Section 2.

14. Senators are elected by the electors of their respective senate districts. Their terms begin on the first day of January and continue for four years. *See* Ohio Constitution, Article II, Section 2.

15. The Ohio Constitution has historically provided for 99 Representatives and 33 Senators. *See* Ohio Constitution, Article XI, Section 2 (2010). The districts have been determined by using the federal decennial census to divide the total population of the state by 99 and 33, respectively. *Id.* Districts must be substantially equal in population. *See* Ohio Constitution, Article XI, Section 3 (2010).

B. New districts using federal census data in 2010 and approved by Ohio Supreme Court.

16. The 2010 decennial census found that Ohio had a population of 11,536,504 people. Two counties: Cuyahoga County and Franklin County had populations exceeding 1,000,000. Many others had populations of more than 300,000, including Hamilton, Montgomery, Summit, and Lorain, to name a few.

17. Following receipt of the 2010 census data, districts were created in accordance with the Ohio Constitution.

18. The Ohio Supreme Court subsequently confirmed the districts were apportioned consistent with the Ohio Constitution. *See Wilson v. Kasich*, 134 Ohio St.3d 221, 2012-Ohio-5367, 981 N.E.2d 814, ¶ 48.

C. Ohioans create new process for 2020 that still relies on federal census data.

19. In 2015, voters amended the Ohio Constitution with "Issue 1," which created a bipartisan process for drawing new legislative districts that relied on the decennial census data.

20. Ohio voters were clear that, as before the amendment, the legislative districts were to be based on the population of the state as determined by the federal decennial census. *See* Ohio Constitution, Article XI, Section 3.[1]

21. There were other changes as well, including the creation of the bipartisan Ohio Redistricting Commission. The Redistricting Commission was to be comprised of the governor, the auditor of state, the secretary of state, one person appointed by the speaker of the house of representatives, one person appointed by the legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member, one person appointed by the president of the senate, and one person appointed by the legislative leader of the largest political party in the senate of which the president of the senate is not a member. *See* Ohio Constitution, Article XI, Section 1.

22. Under this revised Ohio Constitution, the Redistricting Commission would be asked to draw new state legislative districts[2] tied to various factors, such as federal partisan election results. *See* Ohio Constitution, Article XI, Section 6.

23. A district plan approved by a bipartisan majority of the Redistricting Commission would be valid for ten years, while a district plan approved by a simple majority for would be valid for four years. *See* Ohio Constitution, Article XI, Sections 8(B) and 8(C)(1)(a).

D. The COVID-19 pandemic interrupts the 2020 decennial census.

24. The COVID-19 pandemic, which halted much of ordinary life during March 2020, also impacted the 2020 decennial census.

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[1] The Ohio Constitution, before and after 2015, also allows for use of alternative census information in the unlikely event the federal decennial census is unavailable.

[2] The Redistricting Commission also draws congressional districts, which are not at issue in this Complaint.

25. The Census Bureau usually relies on an army of door-knockers and phone bank employees to supplement the households that fill out forms.

26. The Census Bureau's tactic of utilizing door-knockers and phone bank employees was made impractical because of the pandemic.

27. This led to delay by the Census Bureau and litigation ensued because of the delay.

28. Ohio eventually sued the Census Bureau and secured a settlement that ensured a still delayed, yet more timely, delivery of the information needed by the Redistricting Commission.

29. The 2020 U.S. Census data shows that Ohio's population increased to 11,799,448 people, an addition of hundreds of thousands of people over ten years.

30. Many political subdivisions grew by double-digits, including Franklin County, Delaware County, Warren County, and Union County, to name a few.

31. For Ohio's most populous counties, Franklin, Cuyahoga, and Hamilton, there was a total shift of more than 200,000 people.

E. The Redistricting Commission adopts its first plan using the most recent census data in September 2021 ("First Plan").

32. With 2020 decennial census data finally in hand, the Redistricting Commission adopted an initial proposed state legislative district plan on September 9, 2021.

33. After the adoption of the September 9, 2021, proposed state legislative district plan, the Redistricting Commission held public meetings throughout Ohio on September 12, 13, and 14, 2021.

34. Shortly after midnight on September 16, 2021, the Redistricting Commission voted five to two to adopt an amended version of the initial plan, or the First Plan.

35. A copy of the First Plan is attached as Exhibit A to the Complaint.

36. Shortly thereafter, at least three organizations filed complaints in the Ohio Supreme Court challenging the Redistricting Commission's First Plan.

37. The cases were brought pursuant to Article XI, Section 9 of the Ohio Constitution, and challenged the constitutionality of the Redistricting Commission's First Plan.

F. Three months later, in January 2022, the Ohio Supreme Court rejects the First Plan.

38. On January 12, 2022, nearly three and a half months after the organizations initially challenged the Redistricting Commission's First Plan, the Ohio Supreme Court invalidated the First Plan. *See League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-65, ¶ 138.

39. The Ohio Supreme Court ordered the Redistricting Commission to be reconstituted under Article XI, Section 1, to "convene, and to ascertain and adopt a General Assembly – district plan in conformity with the Ohio Constitution" and directed the Redistricting Commission to adopt a new plan within ten days. *Id*. at ¶ 139.

G. The Redistricting Commission adopts a Second Plan, again using the most recent census data.

40. The Redistricting Commission adopted a second state legislative district plan on January 22, 2022, the Second Plan, by a five to two vote.

41. A copy of the Second Plan is attached as Exhibit B to the Complaint.

42. Because the Redistricting Commission's Second Plan did not have the bipartisan support required under Article XI, Section 8(B) of the Ohio Constitution, the Second Plan could remain in effect for no more than four years.

43. The Redistricting Commission's Second Plan changed five House districts from the Redistricting Commission's First Plan from Republican-leaning to Democratic-leaning and changed three Senate districts from Republican-leaning to Democratic-leaning.

44. This represents a greater than 6% increase in the number of Democratic-leaning districts from the Redistricting Commission's First Plan.

45. Nevertheless, the same organizations who challenged the Redistricting Commission's First Plan again filed objections.

H. Primary deadline passes in February 2022 for candidates while the Redistricting Commission's Second Plan is considered.

46. While the Redistricting Commission's Second Plan sat before the Ohio Supreme Court, the deadline for partisan candidates came and went.

47. On February 2, 2022, the deadline for partisan candidates to declare their candidacy passed.

48. On February 14, 2022, the deadline for local Boards of Elections to certify the validity and sufficiency of partisan candidates' petitions also passed.

I. Ohio Supreme Court rejects Second Plan and orders Third Plan.

49. On February 7, 2022, the Ohio Supreme Court sustained objections relating to the Redistricting Commission's Second Plan and invalidated the revised plan in its entirety. *See, League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-342, ¶ 67.

50. After invalidating the Redistricting Commission's Second Plan, the Ohio Supreme Court ordered the Redistricting Commission to adopt a Third Plan, and to file a copy of the Third Plan with the secretary of state no later than February 17, 2022, and with the Court by 9:00 am on February 18, 2022.

J. Redistricting Commission declares impasse and cannot issue Third Plan.

51. Consistent with the Ohio Supreme Court's order, the Redistricting Commission met a third time.

52. However, the Redistricting Commission could not reach an agreement that followed the U.S. Constitution, Ohio Constitution, the Ohio Supreme Court, and the applicable federal data.

53. Accordingly, on February 17, 2022, the Redistricting Commission declared an "impasse" and determined it could not issue a Third Plan.

54. The Ohio Supreme Court received notice of this impasse the next day, on February 18, 2022.

I. Redistricting Commission breaks impasse and adopts Third Plan.

55. However, shortly thereafter, the impasse was broken.

56. On February 24, 2022, by a 4-3 vote, the Redistricting Commission adopted another revised plan, the Third Plan.

57. The Third Plan was filed with the Ohio Supreme Court on February 25, 2022.

58. A true and accurate copy of the Third Plan is attached hereto as Exhibit C.

59. Objections were filed with the Ohio Supreme Court on February 28, 2022.

K. Secretary of State LaRose goes forward with Third Plan without Ohio Supreme Court's blessing.

60. Shortly after the Third Plan was adopted by the Redistricting Commission, Secretary of State LaRose, the state's Chief Election Officer, determined that the state's boards of elections would move forward with the Third Plan.

61. This decision was memorialized in Directive 2022-26, attached hereto as Exhibit D.

62. Directive 2022-26 was an exercise of the Secretary LaRose's authority to move some but not all election deadlines under House Bill 93.

63. Directive 2022-26, which assumes the adoption of the Third Plan, set deadlines for determining candidates, such as local boards of elections certifying petitions on March 14, 2022.

64. Under Directive 2022-26, protests must be filed against partisan candidates by March 17, 2022.

65. Because of Directive 2022-26, the primary election is speeding forward.

66. The Ohio Supreme Court, on March 16, 2022, invalidated the Third Plan.

67. As a result, Secretary LaRose may need to restart many of the election processes that he initiated assuming the Third Plan applied.

68. Secretary LaRose has indicated that it is too late to move away from the Third Plan to still have the primary on May 3, 2022.

L. Plaintiffs are now stuck in malapportioned districts (or no district at all).

69. Because the Ohio Supreme Court invalidated the Third Plan, it is possible that the Secretary of State may stop implementing the Third Plan.

70. Without clearly adopted legislative districts, Plaintiffs cannot decide which candidates to support, cannot decide to run for elected office or to encourage candidates to run, cannot educate themselves or others on the positions of candidates in their districts and prepare to hold those candidates responsible, and cannot associate with others in their district.

71. Plaintiffs are in districts based on census data that is more than ten years old instead of districts based on the 2020 decennial census. As a result, Plaintiffs live in malapportioned districts, with variance greater than 10%. For example, Mr. Gonidakis, Ms. Vanderkooi, and Ms. Smith live in Franklin County, which has gained more than 150,000 people since the last census, and their respective cities have experienced more than 10% in population gains, diluting their votes within their voting districts. The same is true for Ms. Parker, Mr. Kidd, and Ms. Conditt, whose

areas (and therefore districts) have also grown exponentially in population. Conversely, individuals in areas of Ohio that lost population, such as Scioto County, have seen their voting power increase because their population decreased.

72. As a result, Plaintiffs' districts (using the 2010 legislative district maps), including House Districts 18, 19, 21, 52, 62, 68, 70, and 90 and Senate Districts 3, 4, 7, 14, 15, 16, 19, and 22, are malapportioned, as they now are outside the permissible 5% variance of the target population.

73. Because Plaintiffs' districts are malapportioned and require adjustment, and the adjustment can only come from other state legislative districts, all of Ohio's districts are malapportioned or otherwise impacted by malapportionment and requirement adjustment.

74. Alternatively, the 2010 state legislative districts have expired, and Plaintiffs' rights have been violated because they have no state legislative districts at all because the Third Plan has been invalidated.

75. The plans adopted by the Redistricting Commission and rejected by the Ohio Supreme Court, attached as Exhibits A and B, properly distribute voting power and are based on 2020 census data.

76. The Third Plan also properly adopts voting power based on the 2020 census data.

77. Additionally, because litigation regarding the Redistricting Commission's approved legislative district plans has been pending before the Ohio Supreme Court since September 2021, no resolution will be achieved regarding Ohio's state legislative district maps before applicable voting deadlines, including the May 3, 2022, primary election.

COUNT I

78. The Fourteenth Amendment of the U.S. Constitution requires that no state shall deny any person within its jurisdiction the equal protection of its laws. This requires that both houses of a bicameral legislature be apportioned on a population basis. In other words, an individual's right to vote for state legislatures is unconditionally impaired when the weight of the individual's vote is substantially diluted when compared with citizens that in other parts of the state.

79. The 2020 U.S. Census revealed significant changes to Ohio's population.

80. But Ohio does not currently have districts modified to fit these most recent changes.

81. As a result, if elections are allowed to take place before the legal sufficiency of districts are resolved, votes in overpopulated districts, such as Plaintiffs, will suffer from vote dilution. This means a deprivation of political power and resources.

82. Additionally, the ongoing uncertainty for the 2022 election cycle prevents voters, including Plaintiffs, from knowing their voting district, engaging with candidates, holding representatives accountable, and associating and organizing with their favored candidates.

83. Plaintiffs are suffering this harm on an ongoing basis.

COUNT II (ALTERNATIVE)

84. The Fourteenth Amendment of the U.S. Constitution requires that no state shall deny any person within its jurisdiction the equal protection of its laws without due process. This requires allowing an elector the opportunity to vote for a candidate for a state legislative district.

85. To protect these rights, Secretary of State LaRose started the election processes with the Third Plan. This ensures that the May 3 primary takes place.

86. But the Ohio Supreme Court has just invalidated the Third Plan, which threatens to stop the work of the Secretary of State carrying out the Third Plan, and could disrupt the status quo.

87. If the status quo is disrupted, then there will be no state legislative districts, and Plaintiffs cannot exercise their right to vote for a candidate for a state legislative district in violation of the Equal Protection Clause and the Due Process Clause.

88. Additionally, the ongoing uncertainty for the 2022 election cycle prevents voters, including Plaintiffs, from knowing their voting district, engaging with candidates, holding representatives accountable, and associating and organizing with their favored candidates.

89. Plaintiffs are suffering this harm on an ongoing basis.

COUNT III

90. The First Amendment of the U.S. Constitution protects the freedom of association and applies to the states via the Fourteenth Amendment.

91. Unnecessary uncertainty about the 2022 election impedes candidates' abilities to run for office, and restricts Plaintiffs' First Amendment right to association because it restricts an individual's ability to assess candidate positions and qualifications, advocate for candidates, and associate with like-minded voters.

92. Because of the malapportioned districts or the tentative districts, there is imminent risk of confusion and ongoing denial of Plaintiffs' freedom of association.

93. There is no compelling reason to deny Plaintiffs' freedom of association.

94. Plaintiffs are suffering these harms on an ongoing basis.

PRELIMINARY INJUNCTION

95. Because should the Secretary of Stop implementing the Third Plan, then Plaintiffs will effectively no state legislative districts or their state legislative districts are outdated, so they are very likely to succeed on the merits of their claim.

96. Because the Plaintiffs are at risk of being denied the right to vote in violation of the U.S. Constitution, so they are suffering an irreparable injury.

97. Because voting is a fundamental right, the public interest favors restoring the voting rights of Plaintiffs and other Ohioans.

98. There is no harm in the Redistricting Commission following the U.S. Constitution and Plaintiffs receiving the right to vote.

REQUEST FOR THREE-JUDGE PANEL

99. Plaintiffs request a three-judge panel to adjudicate this lawsuit because Plaintiffs are challenging the constitutionality of the apportionment of Ohio's statewide legislative body. *See* 28 U.S.C. § 2284(a).

WHEREFORE, Plaintiffs respectfully request that this Court:

i. Declare that the removing the current configurations of Ohio's state legislative districts, the Third Plan, violates the First and Fourteenth Amendments to the U.S. Constitution;

ii. Permanently enjoin Defendant and all persons acting on his behalf or in concert with him from implementing, enforcing, or conducting any elections under Ohio's current state legislative districts other than the Third Plan;

iii. Establish a schedule that will enable the Court to adopt a timely enacted and lawful plan and implement the new plan for Ohio's state legislative districts, specifically the Third Plan, attached as Exhibit C, which is already in motion;

iv. Retain jurisdiction while Defendant enacts plans by this Court's deadline;

v. Award Plaintiffs' attorneys' fees and costs in this action; and

vi. Grant such other and further relief as this Court deems just and proper in the circumstances.

Respectfully submitted,

Isaac Wiles & Burkholder LLC

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Attorneys for Plaintiffs

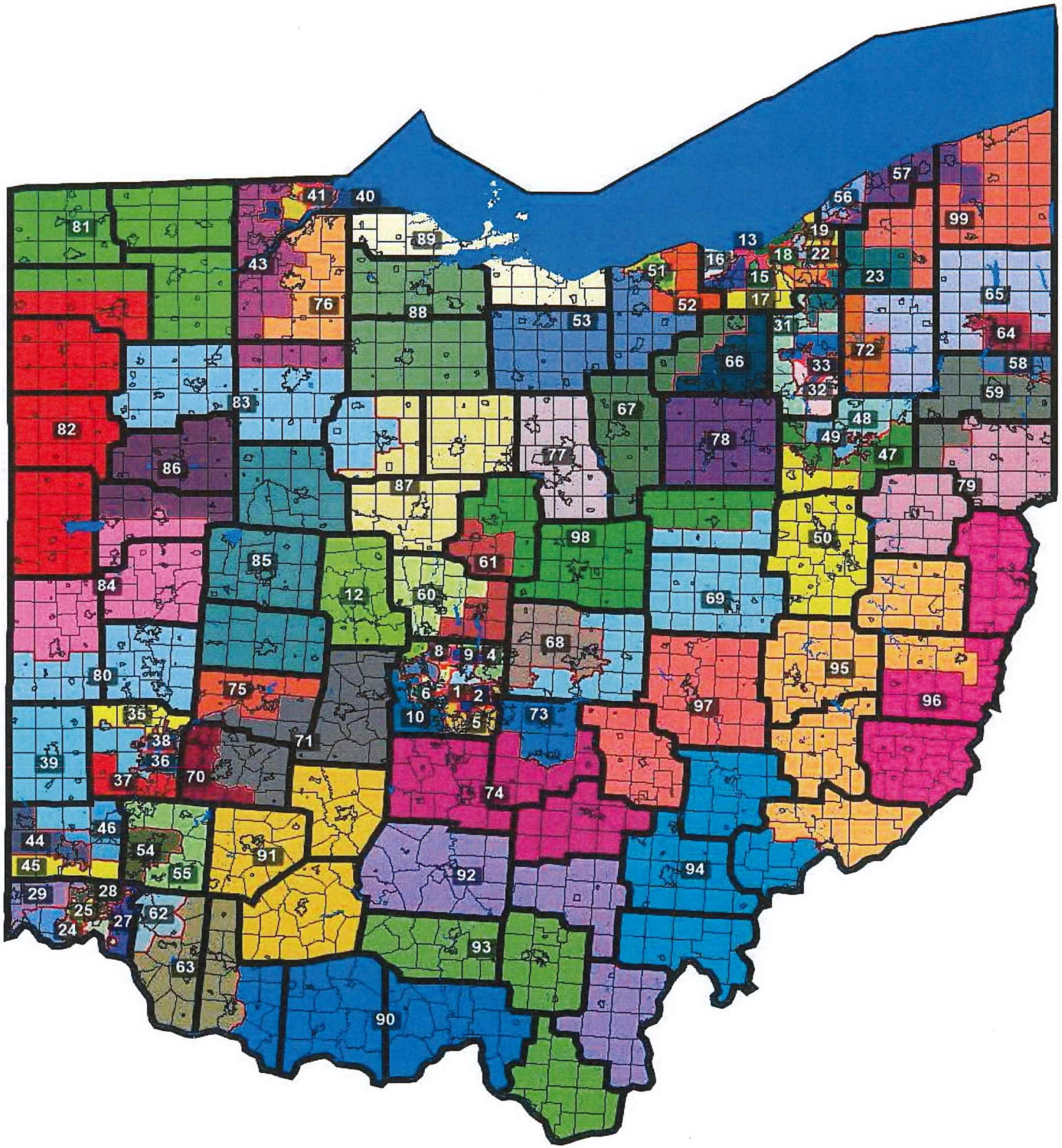
CERTIFICATE OF SERVICE

I hereby certify that on March 18, 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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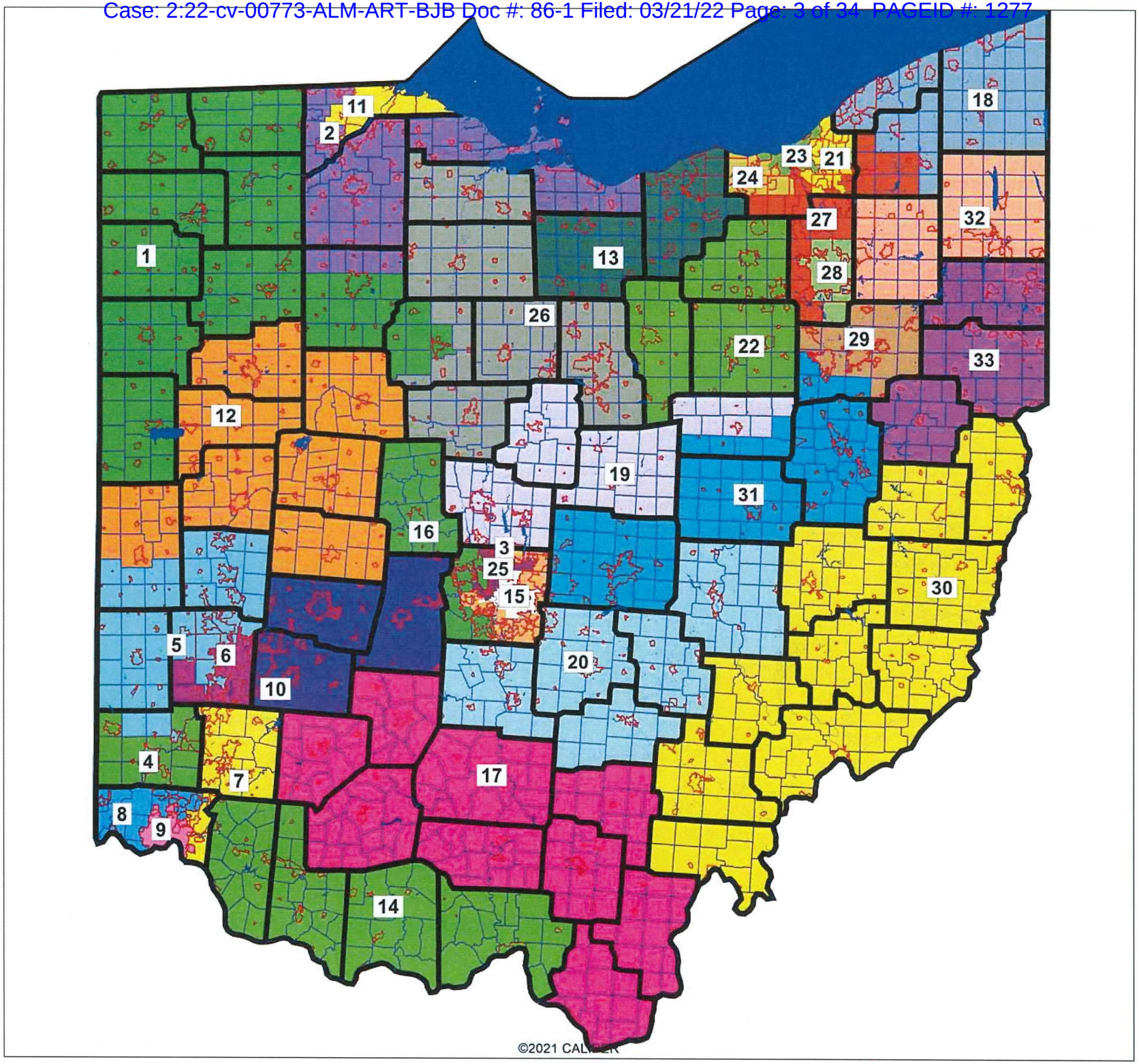
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Pursuant to the 2020 U.S. Census, the population of Ohio as of April 1, 2020 was 11,799,448. The target population for each district is therefore 119,186.

Statistical Information – Proposed Ohio House Districts

House District	Population	Deviation
1	115,498	-3.09%
2	117,559	-1.37%
3	114,104	-4.26%
4	114,500	-3.93%
5	116,735	-2.06%
6	115,517	-3.08%
7	115,170	-3.37%
8	115,189	-3.35%
9	120,997	1.52%
10	113,326	-4.92%
11	114,236	-4.15%
12	113,760	-4.55%
13	124,554	4.50%
14	125,064	4.93%
15	125,088	4.95%
16	121,879	2.26%
17	124,819	4.73%
18	123,226	3.39%
19	124,679	4.61%
20	125,098	4.96%
21	122,023	2.38%
22	124,633	4.57%
23	122,775	3.01%
24	123,469	3.59%
25	123,568	3.68%
26	124,802	4.71%
27	116,286	-2.43%
28	114,050	-4.31%
29	114,653	-3.80%
30	113,811	-4.51%
31	124,467	4.43%
32	122,679	2.93%
33	123,791	3.86%

34	121,807	2.20%
35	121,171	1.67%
36	114,991	-3.52%
37	125,125	4.98%
38	122,075	2.42%
39	116,366	-2.37%
40	113,280	-4.96%
41	113,996	-4.35%
42	115,350	-3.22%
43	115,804	-2.84%
44	123,473	3.60%
45	123,472	3.60%
46	121,992	2.35%
47	115,745	-2.89%
48	113,975	-4.37%
49	124,555	4.50%
50	113,841	-4.48%
51	125,115	4.97%
52	124,642	4.58%
53	121,772	2.17%
54	121,704	2.11%
55	120,633	1.21%
56	124,454	4.42%
57	124,671	4.60%
58	116,292	-2.43%
59	123,105	3.29%
60	113,964	-4.38%
61	113,860	-4.47%
62	124,425	4.40%
63	113,544	-4.73%
64	124,731	4.65%
65	117,025	-1.81%
66	116,342	-2.39%
67	118,575	-0.51%
68	115,385	-3.19%
69	114,369	-4.04%
70	116,643	-2.13%
71	115,026	-3.49%

72	122,012	2.37%
73	123,971	4.01%
74	121,539	1.97%
75	116,122	-2.57%
76	116,323	-2.40%
77	124,936	4.82%
78	116,894	-1.92%
79	117,815	-1.15%
80	124,211	4.22%
81	113,487	-4.78%
82	122,541	2.81%
83	113,996	-4.35%
84	118,816	-0.31%
85	115,560	-3.04%
86	114,486	-3.94%
87	113,433	-4.83%
88	113,965	-4.38%
89	115,986	-2.68%
90	115,793	-2.85%
91	114,286	-4.11%
92	119,113	-0.06%
93	117,981	-1.01%
94	122,131	2.47%
95	124,027	4.06%
96	124,223	4.23%
97	121,818	2.21%
98	113,571	-4.71%
99	125,112	4.97%

Statistical Information – Proposed Ohio Senate Districts

Senate District	Population	Deviation
1	350,024	-2.11%
2	348,113	-2.64%
3	346,752	-3.02%
4	368,937	3.18%
5	361,748	1.17%
6	362,191	1.30%
7	358,623	0.30%
8	342,514	-4.21%
9	371,839	3.99%
10	347,791	-2.73%
11	342,626	-4.18%
12	348,862	-2.43%
13	371,529	3.91%
14	353,762	-1.06%
15	347,161	-2.91%
16	341,322	-4.54%
17	351,380	-1.73%
18	374,237	4.66%
19	341,395	-4.52%
20	367,328	2.73%
21	371,335	3.85%
22	351,811	-1.61%
23	372,878	4.28%
24	372,031	4.05%
25	351,356	-1.73%
26	352,334	-1.46%
27	372,061	4.06%
28	368,277	3.00%
29	354,275	-0.92%
30	370,381	3.59%
31	343,595	-3.91%
32	363,768	1.74%
33	357,212	-0.10%

Ohio's 33 Senate districts are comprised of the following Ohio House districts.

Senate District 1:	House Districts 81, 82, 83	
Senate District 2:	House Districts 43, 76, 89	
Senate District 3:	House Districts 4, 5, 6	
Senate District 4:	House Districts 44, 45, 46	
Senate District 5:	House Districts 35, 39, 80	
Senate District 6:	House Districts 36, 37, 38	
Senate District 7:	House Districts 27, 54, 55	
Senate District 8:	House Districts 28, 29, 30	
Senate District 9:	House Districts 24, 25, 26	
Senate District 10:	House Districts 70, 71, 75	
Senate District 11:	House Districts 40, 41, 42	
Senate District 12:	House Districts 84, 85, 86	
Senate District 13:	House Districts 51, 52, 53	
Senate District 14:	House Districts 62, 63, 90	
Senate District 15:	House Districts 1, 2, 3	
Senate District 16:	House Districts 10, 11, 12	
Senate District 17:	House Districts 91, 92, 93	
Senate District 18:	House Districts 56, 57, 99	Assigned to Senator Cirino
Senate District 19:	House Districts 60, 61, 98	
Senate District 20:	House Districts 73, 74, 97	
Senate District 21:	House Districts 19, 21, 22	
Senate District 22:	House Districts 66, 67, 78	Assigned to Senator Romanchuk
Senate District 23:	House Districts 13, 18, 20	
Senate District 24:	House Districts 14, 15, 16	Assigned to Senator Dolan
Senate District 25:	House Districts 7, 8, 9	
Senate District 26:	House Districts 77, 87, 88	Assigned to Senator Reineke
Senate District 27:	House Districts 17, 23, 31	
Senate District 28:	House Districts 32, 33, 34	
Senate District 29:	House Districts 47, 48, 49	
Senate District 30:	House Districts 94, 95, 96	
Senate District 31:	House Districts 50, 68, 69	
Senate District 32:	House Districts 64, 65, 72	Assigned to Senator O'Brien
Senate District 33:	House Districts 58, 59, 79	

All of the above assignments of Senators are made pursuant to Section 5, Article XI of the Ohio Constitution.

EXHIBIT

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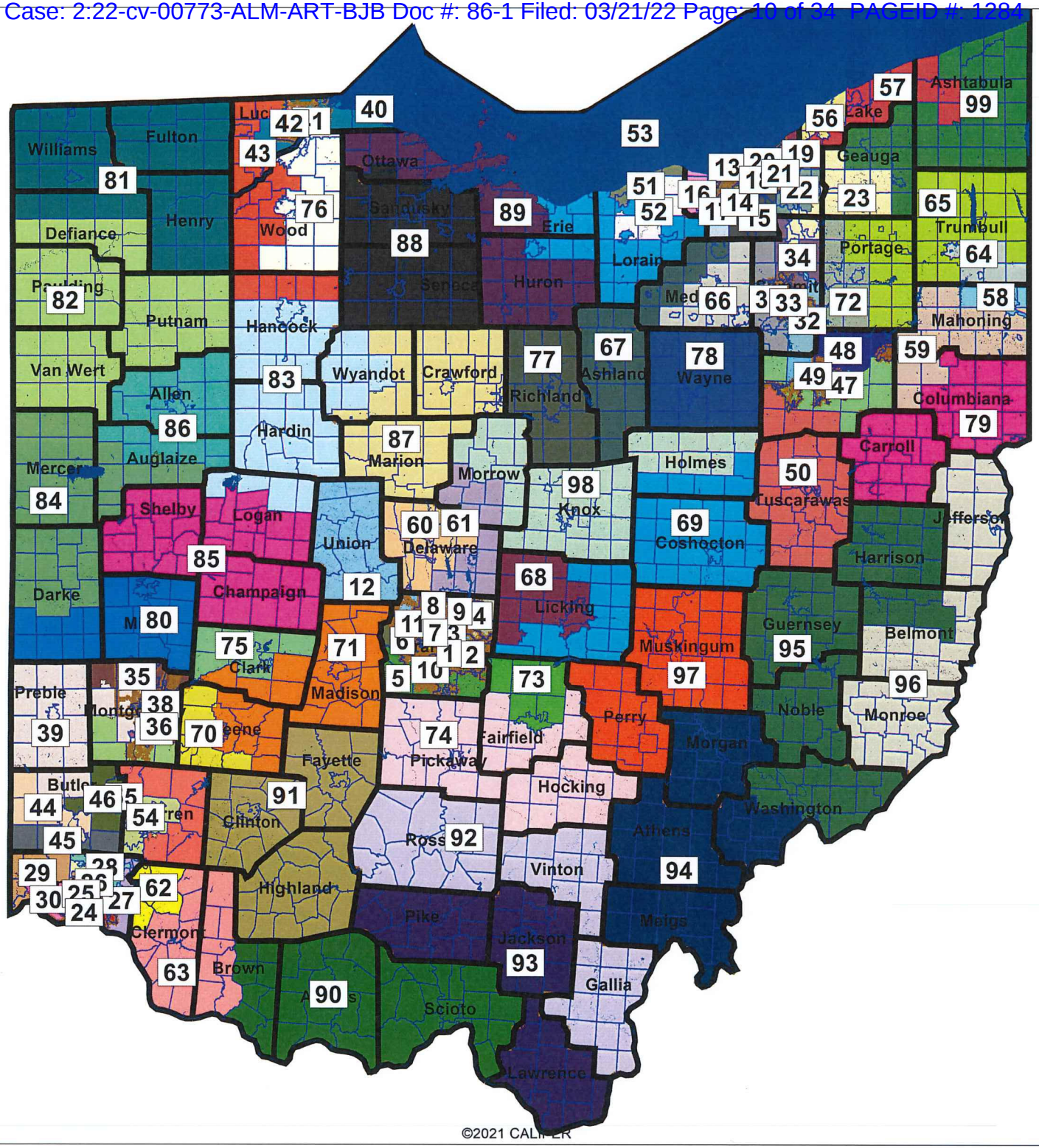
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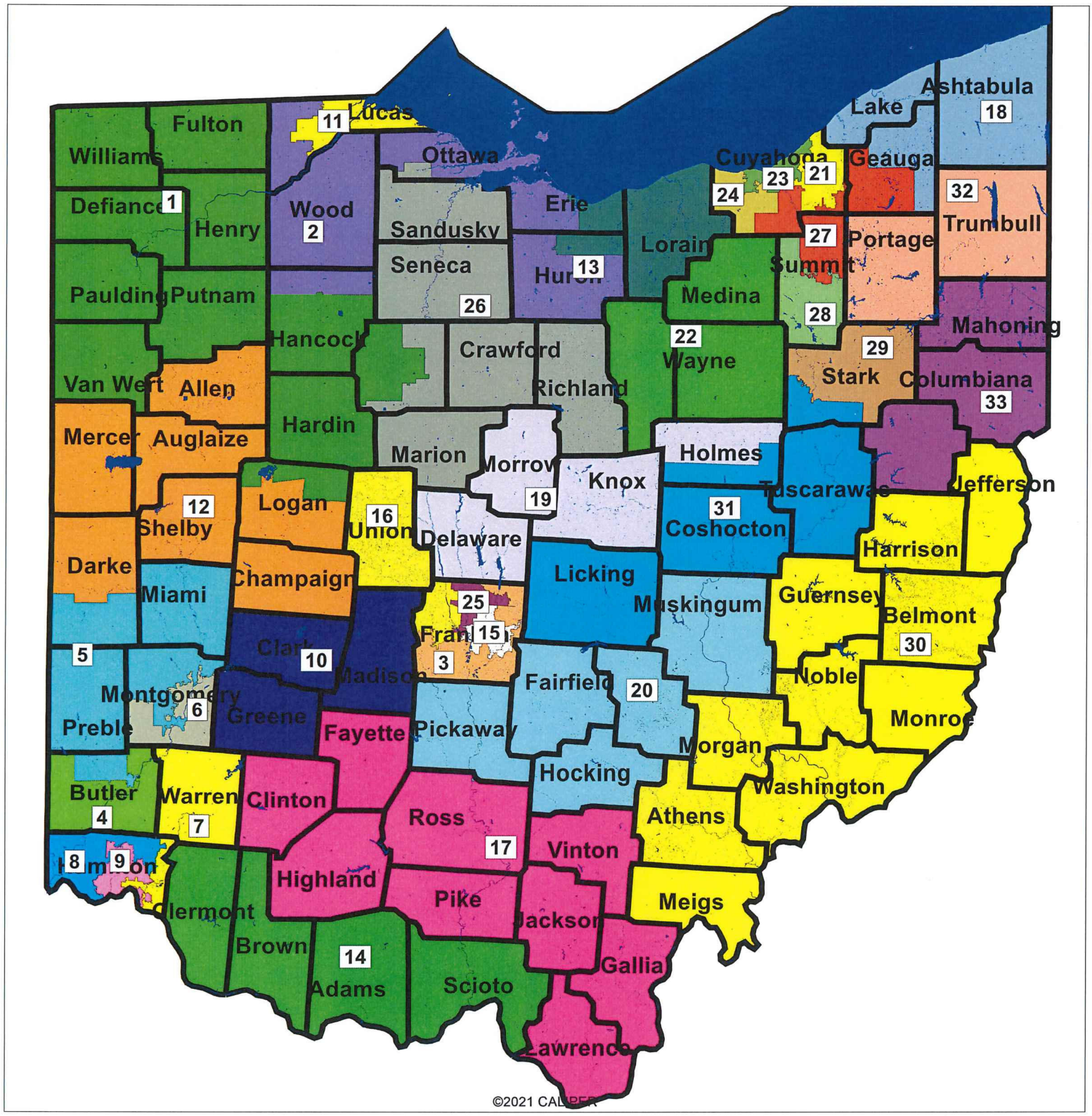
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Pursuant to the 2020 U.S. Census, the population of Ohio as of April 1, 2020 was 11,799,448. The target population for each district is therefore 119,186.

Statistical Information – Ohio House Districts
Revised January 22, 2022

House District	Population	Deviation
1	113,426	-4.83%
2	113,423	-4.84%
3	113,935	-4.41%
4	113,292	-4.95%
5	114,607	-3.84%
6	117,140	-1.72%
7	118,578	-0.51%
8	116,036	-2.64%
9	113,314	-4.93%
10	122,847	3.07%
11	116,233	-2.48%
12	113,760	-4.55%
13	125,080	4.95%
14	123,343	3.49%
15	124,886	4.78%
16	124,466	4.43%
17	120,136	0.80%
18	124,926	4.82%
19	124,679	4.61%
20	124,935	4.82%
21	123,674	3.77%
22	124,471	4.43%
23	123,242	3.40%
24	122,543	2.82%
25	120,544	1.14%
26	115,016	-3.50%
27	123,894	3.95%
28	120,869	1.41%
29	113,611	-4.68%
30	114,162	-4.22%
31	124,384	4.36%
32	119,235	0.04%
33	124,651	4.59%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED JANUARY 22, 2022

House District	Population	Deviation
34	124,474	4.44%
35	121,171	1.67%
36	114,991	-3.52%
37	125,125	4.98%
38	122,075	2.42%
39	116,366	-2.37%
40	113,280	-4.96%
41	113,996	-4.35%
42	115,350	-3.22%
43	115,804	-2.84%
44	123,473	3.60%
45	123,472	3.60%
46	121,992	2.35%
47	115,745	-2.89%
48	113,975	-4.37%
49	124,555	4.50%
50	113,841	-4.48%
51	123,149	3.33%
52	123,593	3.70%
53	114,203	-4.18%
54	121,704	2.11%
55	120,633	1.21%
56	124,454	4.42%
57	124,671	4.60%
58	116,292	-2.43%
59	123,105	3.29%
60	113,964	-4.38%
61	113,860	-4.47%
62	124,425	4.40%
63	113,544	-4.73%
64	124,731	4.65%
65	117,025	-1.81%
66	116,342	-2.39%
67	118,575	-0.51%
68	115,385	-3.19%
69	114,369	-4.04%
70	116,643	-2.13%

General Assembly District Plan
Revised January 22, 2022

House District	Population	Deviation
71	115,026	-3.49%
72	122,012	2.37%
73	123,971	4.01%
74	121,539	1.97%
75	116,122	-2.57%
76	116,323	-2.40%
77	124,936	4.82%
78	116,894	-1.92%
79	117,815	-1.15%
80	124,211	4.22%
81	113,487	-4.78%
82	114,464	-3.96%
83	120,963	1.49%
84	114,313	-4.09%
85	122,372	2.67%
86	113,287	-4.95%
87	113,433	-4.83%
88	116,875	-1.94%
89	123,660	3.75%
90	115,793	-2.85%
91	114,286	-4.11%
92	119,113	-0.06%
93	117,981	-1.01%
94	122,131	2.47%
95	124,027	4.06%
96	124,223	4.23%
97	121,818	2.21%
98	113,571	-4.71%
99	125,112	4.97%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED JANUARY 22, 2022

Statistical Information – Ohio Senate Districts
Revised January 2022

Senate District	Population	Deviation
1	348,914	-2.42%
2	355,787	-0.50%
3	350,746	-1.91%
4	368,937	3.18%
5	361,748	1.17%
6	362,191	1.30%
7	366,231	2.43%
8	348,642	-2.49%
9	358,103	0.15%
10	347,791	-2.73%
11	342,626	-4.18%
12	349,972	-2.12%
13	360,945	0.95%
14	353,762	-1.06%
15	340,784	-4.69%
16	347,133	-2.92%
17	351,380	-1.73%
18	374,237	4.66%
19	341,395	-4.52%
20	367,328	2.73%
21	372,824	4.27%
22	351,811	-1.61%
23	374,941	4.86%
24	367,945	2.90%
25	347,928	-2.69%
26	355,244	-0.65%
27	372,602	4.21%
28	368,270	3.00%
29	354,275	-0.92%
30	370,381	3.59%
31	343,595	-3.91%
32	363,768	1.74%
33	357,212	-0.10%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED JANUARY 22, 2022

Ohio's 33 Senate districts are comprised of the following Ohio House districts.

Senate District 1:	House Districts 81, 82, 83	
Senate District 2:	House Districts 43, 76, 89	Assigned to Senator Gavarone
Senate District 3:	House Districts 4, 5, 10	
Senate District 4:	House Districts 44, 45, 46	
Senate District 5:	House Districts 35, 39, 80	
Senate District 6:	House Districts 36, 37, 38	
Senate District 7:	House Districts 27, 54, 55	
Senate District 8:	House Districts 28, 29, 30	
Senate District 9:	House Districts 24, 25, 26	
Senate District 10:	House Districts 70, 71, 75	
Senate District 11:	House Districts 40, 41, 42	
Senate District 12:	House Districts 84, 85, 86	
Senate District 13:	House Districts 51, 52, 53	
Senate District 14:	House Districts 62, 63, 90	
Senate District 15:	House Districts 1, 2, 3	
Senate District 16:	House Districts 6, 11, 12	
Senate District 17:	House Districts 91, 92, 93	
Senate District 18:	House Districts 56, 57, 99	Assigned to Senator Cirino
Senate District 19:	House Districts 60, 61, 98	
Senate District 20:	House Districts 73, 74, 97	
Senate District 21:	House Districts 19, 21, 22	
Senate District 22:	House Districts 66, 67, 78	Assigned to Senator Romanchuk
Senate District 23:	House Districts 13, 18, 20	
Senate District 24:	House Districts 14, 16, 17	Assigned to Senator Dolan
Senate District 25:	House Districts 7, 8, 9	
Senate District 26:	House Districts 77, 87, 88	Assigned to Senator Reineke
Senate District 27:	House Districts 15, 23, 34	
Senate District 28:	House Districts 32, 33, 31	
Senate District 29:	House Districts 47, 48, 49	
Senate District 30:	House Districts 94, 95, 96	
Senate District 31:	House Districts 50, 68, 69	
Senate District 32:	House Districts 64, 65, 72	Assigned to Senator O'Brien
Senate District 33:	House Districts 58, 59, 79	

All of the above assignments of Senators are made pursuant to Section 5, Article XI of the Ohio Constitution.

EXHIBIT

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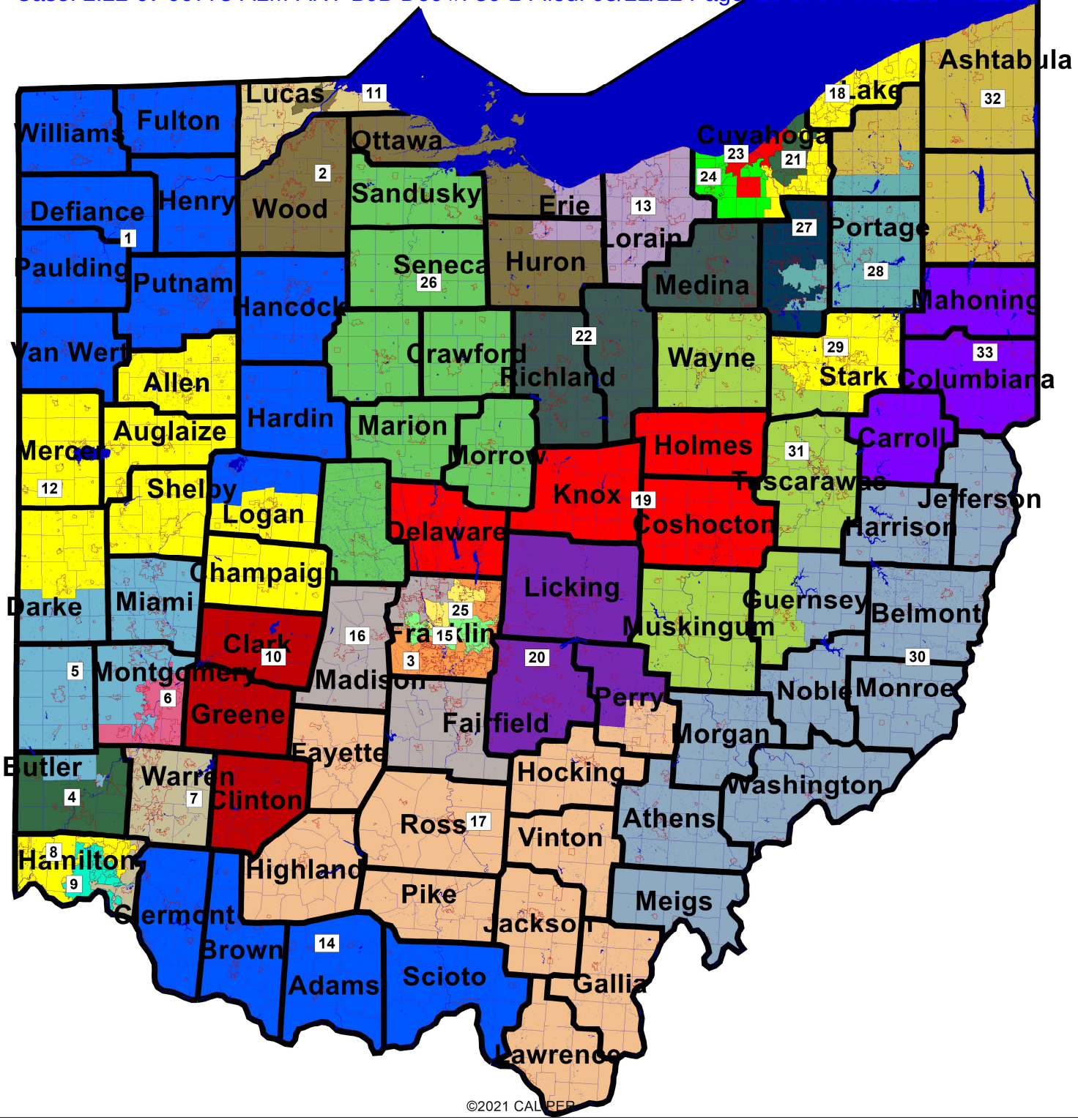
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Pursuant to the 2020 U.S. Census, the population of Ohio as of April 1, 2020 was 11,799,448. The target population for each Ohio House district is therefore 119,186.

Statistical Information – Ohio House Districts
Revised February 24, 2022

House District	Population	Deviation
1	118,269	-0.77%
2	121,167	1.66%
3	119,267	0.07%
4	113,292	-4.95%
5	116,055	-2.63%
6	116,844	-1.97%
7	123,620	3.72%
8	123,378	3.52%
9	117,175	-1.69%
10	118,982	-0.17%
11	124,045	4.08%
12	114,076	-4.29%
13	125,018	4.89%
14	125,123	4.98%
15	125,126	4.98%
16	124,466	4.43%
17	124,902	4.80%
18	125,122	4.98%
19	123,250	3.41%
20	125,116	4.98%
21	125,129	4.99%
22	125,144	5.00%
23	124,913	4.81%
24	122,543	2.82%
25	115,014	-3.50%
26	120,124	0.79%
27	124,316	4.30%
28	120,869	1.41%
29	113,611	-4.68%
30	114,162	-4.22%
31	121,137	1.64%
32	121,972	2.34%
33	124,678	4.61%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED FEBRUARY 24, 2022

House District	119,468	0.24%
34	124,362	4.34%
35	114,991	-3.52%
36	121,534	1.97%
37	122,075	2.42%
38	123,935	3.98%
39	117,193	-1.67%
40	114,264	-4.13%
41	117,985	-1.01%
42	113,597	-4.69%
43	113,261	-4.97%
44	123,472	3.60%
45	121,992	2.35%
46	123,473	3.60%
47	124,669	4.60%
48	116,324	-2.40%
49	113,282	-4.95%
50	113,841	-4.48%
51	118,043	-0.96%
52	123,651	3.75%
53	119,251	0.05%
54	120,633	1.21%
55	121,704	2.11%
56	124,111	4.13%
57	119,785	0.50%
58	123,071	3.26%
59	113,964	-4.38%
60	120,578	1.17%
61	124,425	4.40%
62	113,544	-4.73%
63	124,867	4.77%
64	114,353	-4.06%
65	116,342	-2.39%
66	118,575	-0.51%
67	115,385	-3.19%
68	120,418	1.03%
69	115,458	-3.13%
70	114,405	-4.01%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED FEBRUARY 24, 2022

House District	121,758	2.16%
71	123,971	4.01%
72	116,122	-2.57%
73	115,928	-2.73%
74	124,936	4.82%
75	116,894	-1.92%
76	113,287	-4.95%
77	114,356	-4.05%
78	124,211	4.22%
79	113,487	-4.78%
80	114,464	-3.96%
81	122,058	2.41%
82	114,313	-4.09%
83	116,652	-2.13%
84	113,566	-4.72%
85	113,452	-4.81%
86	113,965	-4.38%
87	115,062	-3.46%
88	115,793	-2.85%
89	113,883	-4.45%
90	116,490	-2.26%
91	120,113	0.78%
92	114,124	-4.25%
93	114,126	-4.25%
94	114,020	-4.33%
95	114,521	-3.91%
96	123,138	3.32%
97	124,572	4.52%
98	118,269	-0.77%
99	121,167	1.66%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED FEBRUARY 24, 2022

Pursuant to the 2020 U.S. Census, the population of Ohio as of April 1, 2020 was 11,799,448. The target population for each Ohio Senate district is therefore 357,559.

Statistical Information – Ohio Senate Districts
Revised January 2022

Senate District	Population	Deviation
1	350,009	-2.11%
2	344,251	-3.72%
3	348,329	-2.58%
4	368,937	3.18%
5	365,339	2.18%
6	358,600	0.29%
7	366,653	2.54%
8	348,642	-2.49%
9	357,681	0.03%
10	345,985	-3.24%
11	345,846	-3.28%
12	344,252	-3.72%
13	360,945	0.95%
14	353,762	-1.06%
15	356,280	-0.36%
16	361,499	1.10%
17	350,486	-1.98%
18	372,274	4.12%
19	357,680	0.03%
20	359,774	0.62%
21	375,395	4.99%
22	359,853	0.64%
23	375,257	4.95%
24	374,494	4.74%
25	360,062	0.70%
26	340,983	-4.64%
27	362,577	1.40%
28	370,798	3.70%
29	354,275	-0.92%
30	342,270	-4.28%
31	345,256	-3.44%
32	363,792	1.74%
33	357,212	-0.10%

Ohio's 33 Senate districts are comprised of the following Ohio House districts.

Senate District 1:	House Districts 81, 82, 83	
Senate District 2:	House Districts 44, 75, 89	Assigned to Senator Gavarone
Senate District 3:	House Districts 4, 5, 10	
Senate District 4:	House Districts 45, 46, 47	
Senate District 5:	House Districts 39, 40, 80	
Senate District 6:	House Districts 36, 37, 38	
Senate District 7:	House Districts 27, 55, 56	
Senate District 8:	House Districts 28, 29, 30	
Senate District 9:	House Districts 24, 25, 26	
Senate District 10:	House Districts 70, 71, 74	Assigned to Senator Hackett
Senate District 11:	House Districts 41, 42, 43	
Senate District 12:	House Districts 78, 84, 85	
Senate District 13:	House Districts 52, 53, 54	
Senate District 14:	House Districts 62, 63, 90	
Senate District 15:	House Districts 1, 2, 6	
Senate District 16:	House Districts 8, 11, 12	
Senate District 17:	House Districts 91, 92, 93	
Senate District 18:	House Districts 19, 23, 57	Assigned to Senator Cirino
Senate District 19:	House Districts 60, 61, 98	
Senate District 20:	House Districts 68, 69, 73	
Senate District 21:	House Districts 18, 21, 22	
Senate District 22:	House Districts 66, 67, 76	
Senate District 23:	House Districts 13, 14, 20	
Senate District 24:	House Districts 15, 16, 17	Assigned to Senator Dolan
Senate District 25:	House Districts 3, 7, 9	
Senate District 26:	House Districts 86, 87, 88	
Senate District 27:	House Districts 31, 32, 34	
Senate District 28:	House Districts 33, 35, 72	Assigned to Senator Sykes
Senate District 29:	House Districts 48, 49, 50	
Senate District 30:	House Districts 94, 95, 96	
Senate District 31:	House Districts 51, 77, 97	
Senate District 32:	House Districts 64, 65, 99	
Senate District 33:	House Districts 58, 59, 79	

All of the above assignments of Senators are made pursuant to Section 5, Article XI of the Ohio Constitution.

EXHIBIT

D

Frank LaRose
Ohio Secretary of State

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 litigation[1] 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:

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[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 is 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.

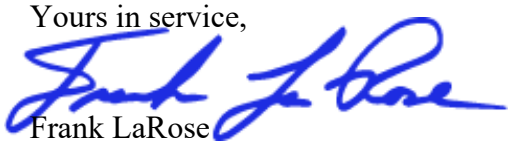
If the Ohio Redistricting Commission does pass a new congressional district map following March 4, 2022, and the most populous county changed, the board of elections that the declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in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