



DIRECTIVE 2022-31

March 23, 2022

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

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

SUMMARY

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

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

INSTRUCTIONS

I. GENERAL ASSEMBLY DISTRICTS

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

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

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

II. STATE CENTRAL COMMITTEE DISTRICTS

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

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

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

IV. REVISED FORM OF BALLOT AND BALLOT PREPARATION

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

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

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

V. **UNIFORMED SERVICES AND OVERSEAS CITIZENS' ABSENTEE
BALLOTS**

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

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

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

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

VI. NOTICE ON WEBSITE AND VOTER INFORMATION LOOKUP

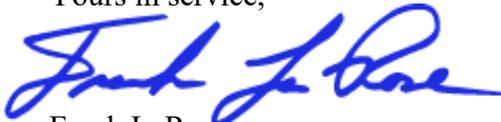
Boards must prominently display notice on their website and specifically in their Voter Information Lookup that states, “On March 16, 2022, the Supreme Court of Ohio invalidated the Ohio General Assembly district plan adopted on February 24, 2022. Therefore, the offices of Ohio House, Ohio Senate and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

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

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

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

Yours in service,



Frank LaRose
Ohio Secretary of State