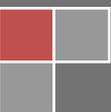


2007

Instructions for Local Option Petition Circulators

How to qualify a local option question for the ballot

Making the decision to circulate a local liquor option petition is often times a difficult one. Poor weather, busy voters, not enough time and anxiety over approaching unknown people are just a few reasons why unprofessionally managed local option petition drives fall short. Other reasons include a lack of understanding about how to circulate a petition a collect a valid signature. This guide outlines the do's & don'ts of local option petition circulation for the non-political business owner.



Instructions for Local Liquor Option Petition Circulators

NOTE: Please Read Carefully BEFORE Gathering Signatures.

All signatures gathered are validated by comparing the actual signature on the official voter registration form with the signature on the petition.

PETITION FRAUD IS A FELONY OF THE FIFTH DEGREE.

Since a local liquor option petition is a **LEGAL DOCUMENT**, there are a few things petitioners should know before beginning the process of collecting voter signatures.

Please read through these guidelines to minimize the number of invalid signatures that are collected. There are many different reasons for ruling a signature invalid. Most of these reasons are simple mistakes made by petition circulators that are correctable at the moment the signature is collected.

It goes without saying that the success of any liquor option petition drive is directly related to the number of **VALID** voter signatures collected.

Signatures which do not meet the guidelines below should be considered **INVALID** by circulators collecting signatures. Many of the guidelines listed here are stricter than the guidelines listed in the Revised Code. However, our goal is to help individual petitioners produce a “flawless” or “unchallengeable” petition in order to guarantee ballot placement for the necessary local liquor option question(s).

All petition drives should be approached from the position that the petition paper itself is NEUTRAL. That is, voter participation by signing the petition does not commit the signer to a position of FAVORING or OPPOSING the question to be submitted. Rather the petition MERELY asks that the question be submitted to a vote of the precinct’s registered voters. With that in mind, there are a few;

THINGS TO REMEMBER WHEN GATHERING VOTER SIGNATURES:

It is the circulator’s responsibility to determine IF someone is a registered voter. Determining whether or not someone is registered is a relatively simple process for a local option petition drive.

There are two (2) simple rules to follow in first determining the eligibility of someone to sign the local option petition:

FIRST: Locate the voters name on a list of registered precinct voters provided from your local county board of elections, **and/or**;



SECOND: if you can't locate their name, have the potential signer complete a new voter registration form.

ANY SIGNATURE COLLECTED ON A LOCAL OPTION PETITION THAT DOES NOT COMPLY WITH EITHER THE FIRST OF SECOND SITUATION ABOVE SHOULD NOT BE CONSIDERED A VALID VOTER SIGNATURE WHEN CALCULATING THE TOTAL NUMBER OF SIGNATURES YOU HAVE COLLECTED. 9 TIMES OUT OF 10 SIGNATURES THAT DO NOT MEET THESE 2 SIMPLE CRITERA WILL END UP BEING INVALID.

Other things for you to consider while gathering signatures are listed below. Failure to follow these guidelines will result in NUMEROUS invalid signatures on the petitions.

**Keep in mind that just because a person is a registered voter doesn't mean their signature will be VALID. The petitions MUST be signed correctly in order for the signature to be considered valid by the board of elections.*

1. ONLY VOTERS REGISTERED WITHIN A SINGLE PRECINCT MAY SIGN.

Anyone who lives OR is registered outside of the precinct where the local liquor option will be held is INELIGIBLE and MAY NOT sign the petition.

2. SIGNATURES MUST BE WRITTEN.

Printed Signatures are not valid, nor are signatures written in PENCIL. If a signer insists that he/she prints their signature, simply ask them to write their name -- *in cursive*-- above their printed name.

They may actually print their signature on other legal forms but chances are when they registered to vote, they signed their voter registration card. If they refuse and insist that they always print their legal name, thank them for signing and leave it alone. HOWEVER, do not count the signature in your overall tally of valid signatures. Chances are the printed signature will not be valid. The bottom line is this:

Question anyone who prints and have them Sign their name.

3. EVERYONE MUST SIGN FOR THEMSELVES.

The circulator of a petition **may not** allow someone to sign a petition who they know is not qualified. This means that if you ALLOW John Smith to sign his wife Thelma's name to the petition, you -- the circulator, is in violation of the law. A husband **CANNOT** sign for his wife and vice versa. Nor can anyone else sign for another, except when that



person is acting as an attorney in fact pursuant to section 3501.382 of the Revised Code (POA).

This doesn't mean you have to check someone's driver's license before you allow them to sign. However, it does mean that IF you *ALLOW* someone to sign their roommate's name or their brother's name or whomever -- you're in violation of Ohio Election Law.

If you tell someone they CAN'T sign another's name and they sign it anyway, simply ~~strike through the signature with a single line through the entire signature line~~. This automatically invalidates the signature and has the same effect of the signature never appearing on the petition.

4. THE CIRCULATOR MUST WITNESS THE SIGNATURE OF EVERY VOTER WHO SIGNS YOUR PETITION.

The circulator of a local option petition **MUST** watch the individual voter sign the petition. **DO NOT** allow a voter to take the petition into their house, or somehow out of your line of sight to sign. If they do, simply ask them to re-sign above their signature. From time to time this will happen, especially in the case of someone very supportive, old or in bad weather. They will simply walk into the house to have their spouse sign or sit down while they're signing, or simply close the door on you while they sign.

Just inform them of the law when they return. They'll appreciate your attention to detail and be much more trusting if you have to come back for voters who were not at home.

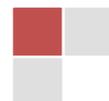
5. VOTERS MUST PLACE THE DATE OF SIGNING ON THE PETITION.

Election law requires the signer of a petition to affix the date of signing on the petition in the appropriate date column.

Signatures without dates or with incorrect dates are invalid. DATE OF SIGNING SHOULD BE IN SEQUENCE. The date each voter signs the petition, including the year, should be written in sequential ascending order (i.e. August 5th, 6thth, 7th, etc.). It is difficult to have the first 6 signers on a petition sign on August 10, 2007 then have the 7th signer affix his or her signature on August 8, 2007. This scenario will occur if the circulator is not vigilant. Always check the date on the petition to make sure it's correct after a voter signs. If it's incorrect, simply have them correct it.

6. SIGNATURES MUST BE LEGIBLE.

If you cannot read the signature, chances are the board of elections won't be able to read it either. Have the voter print his/her name above their written or cursive signature. Doctors, engineers and professional executives are notorious for having illegible autographs. If



they print their name above their signature the board of elections will immediately go to the voter card and verify the signature's validity. If they don't, the board will immediately invalidate the signature as being illegible.

7. DO NOT SIGN ANYONE'S NAME.

Circulators should understand that the local option petitions WILL BE SCRUTINIZED very thoroughly by the board of elections during the voter signature verification process.

If a petition circulator signs someone's name or allows someone else to sign for another person it will most certainly be discovered. Signatures that are 'not genuine' can become a problem for local option petitions. A *FORGERY* may invalidate the entire part-petition paper, jeopardize the entire petition itself, and open the circulator up to prosecution for *ELECTION FALSIFICATION*. A voter may not give you permission to sign their name.

So, don't be fooled if someone says, "Go ahead and sign my name." This is not permitted.

8. ASK EACH SIGNER TO FILL-OUT THE PETITION COMPLETELY AS THEY ARE SIGNING.

DON'T allow signers to use **DITTO MARKS** or use **first initials**.

9. EACH SIGNER'S ADDRESS MUST MATCH THE ADDRESS ON FILE WITH THE BOARD OF ELECTIONS.

The address at which the signer is registered to vote is the only VALID ADDRESS that can be used. Rely on the voter registration list for this information. The print out supplied by your local board of elections matches the registered voter database at the board.

If someone insists on placing a different address instead of their current address -- ASK them to complete a new voter registration card. If they refuse and have signed the petition, simply cross out the signature with a single line. ONLY voters who are registered in the actual precinct you are canvassing are eligible to sign the petition. All other signatures will be INVALID.

Since ONLY registered voters in the precinct are permitted to cast ballots on the local option issue, ONLY registered voters in the precinct have the authority to sign a petition asking for such a vote.

10. ONLY 1 PERSON MAY CIRCULATE A PART-PETITION.

The completed petition will contain more than 1 petition part or part-petition. Circulators **MAY NOT** pass a partially completed petition-part to another person to complete. If someone circulates a petition



partially they are responsible for signing that part-petition because Ohio Election Law requires one individual to personally *WITNESS* each and every signature on each individual part-petition.

There is no limit to the number of part-petitions which may be filed for a local option. Even if a petition contains 1 voter signature that petition must be completed by the person who *WITNESSED* the affixing of that particular signature to that particular part-petition, in order for the signature to be valid.

11. PETITION CIRCULATORS MUST SIGN THE BACK PAGE OF THE PART-PETITION BEFORE IT IS FILED WITH THE BOARD OF ELECTIONS.

The circulator statement on the back-side of the local option petition papers must be signed before the petition can be considered **VALID**. Failure to sign the statement on the back of the petitions will render the petition paper INVALID. This statement attests that the circulator **WITNESSED** each signature and, to the best of the circulator's knowledge, each signer was qualified to sign and each signature is *GENUINE*.

Again, if the CIRCULATOR STATEMENT on the back of the local option petition is not completed when the petition is filed, all of the signatures will be *INVALID*. This error cannot be corrected after the petition is filed. Ohio law does not permit any changes or modifications to a petition that has been filed.

It is important that circulators PRINT their NAME as the circulator on the back page before collecting any signatures on the petition. That will make it very difficult for circulators of a local option petition to inadvertently sign a petition they did not circulate.

Below is an example of a correctly executed CIRCULATOR STATEMENT:

'21.	Connie Galloway	8306 Ironside Ct. Westchester	Butler	10/1/06
'22.	Karen Frangosa	8303 Ironside Ct. W. Chester	Butler	10/1/06

CIRCULATOR STATEMENT - Must be completed and signed by circulator.
 I, George G. Stem (Printed Name of Circulator) declare, under penalty of election falsification, that I reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 22 (Number) signatures; that I witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

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

George G. Stem (Signature of Circulator)
6809 Sharon Court (Permanent residence address in this state)
Columbus OH 43229 (City or Village, State and Zip Code)

THE NUMBER OF SIGNATURES WRITTEN IN THE CIRCULATOR'S STATEMENT SHOULD MATCH THE NUMBER OF ACTUAL SIGNATURES ON THE PETITION.

- Be very accurate! If there is a greater number of actual signatures on the petition paper than is listed in the circulator statement, the entire part-petition will be ruled **INVALID**.
- If the circulator crosses out a name or someone else crosses out their own name after signing the petition, this has the same effect as the signature never appearing on the petition. **DO NOT COUNT CROSSED OUT SIGNATURES** in your total.

Petitioners who follow these circulation guidelines will have no problem qualifying a local option question for the ballot IF they gather a sufficient number of valid voter signatures. The number of signatures required for most precinct local option issues is equal to 35% of the number of vote cast in the previous governor's election in that precinct. The board of election will calculate that number and provide petitioners with a certificate which states the precinct and minimum number of valid signatures required.

There are many ways to circulate initiative and referendum petitions but really only 1 way to correctly circulate a local option petition. Local Option Petitioners should utilize official voter registration lists supplied by the local county board of elections and pass the petitions on a door-to-door basis within the precinct. We do not advise business owners to place petitions on their counters or a check out registers to gather signatures. This leads to numerous invalid signatures and inconvenienced customers.

How to Use a Voter Registration List:

The local county board of elections can supply (for a reasonable fee) local option petitioners with an official list of ALL currently registered voters within a particular precinct. When circulating petitions door-to-door always use the current list of registered voters supplied by the board. KEEP IN MIND THAT PEOPLE MOVE and one of the last things they take care of is their change of registration.

The list will not be completely accurate and some county boards are better than others in updating their voter files. In fact, many election boards around the state do a poor job of keeping the computer database accurate, due primarily to budget constraints. However, if petitioners rely on the list they'll find - for the most part - that voters on the list will also be on file with the board of elections.

Likewise, a majority of those people insisting they *are* registered but *do not* appear on the list are, in fact not registered to vote at their residence address within the precinct. Petitioners should adopt a strict policy that any potential signer whose name does not appear on the voter list **MUST** complete a voter registration card in order to sign the petition.



And finally, circulators should keep very good track of where they have been within the precinct by marking the voter list. Mark the list with a **(+)** or a **(-)** next to each voter's name that has at least listened to an explanation of the issue and/or signed the petition. This will allow for re-canvassing areas within the precinct to reach the minimum signature goals. If circulators do not talk to anyone at a particular house, then don't mark the list.

SUGGESTED DOOR APPROACH

Sunday *carry out sales

Hi! **[ask for selected voter from list]** My name is _____, and I'm circulating a petition for *(use business name)* to place an issue on the ballot to allow customers to purchase wine products along with the rest of their items like most other stores on Sundays. I need your signature to allow a vote on this? **[Hand potential signer the petition] SAY NO MORE UNTIL THE VOTER ASKS QUESTIONS!**

*Grocery Store/Convenience/Carryout sales

SUGGESTED DOOR APPROACH

****restricted Sunday sales on-premise***

Hi! **[ask for selected voter from list]** My name is _____, and I'm circulating a petition for *(use business name)* to place an issue on the ballot to allow adult dinner customers to order a glass of wine or a mixed drink with their meal on Sundays like most other restaurants. I need your signature to allow a vote on this? **[Hand potential signer the petition] SAY NO MORE UNTIL THE VOTER ASKS QUESTIONS!**

*Restaurant sales

SUGGESTED DOOR APPROACH

**** unrestricted Sunday sales on-premise***

Hi! **[ask for selected voter from list]** My name is _____, and I'm circulating a petition for *(use business name)* to place an issue on the ballot to allow adult customers to order a glass of wine or a mixed drink on Sundays like most other businesses. I need your signature to allow a vote on this? **[Hand potential signer the petition] SAY NO MORE UNTIL THE VOTER ASKS QUESTIONS!**

*Bars/Tavern/Club sales

Note: The door approaches presented here are merely for suggestion. Local Option petition circulators are free to say whatever they feel comfortable with as long as there is no **MISREPRESENTATION** of the facts and the effect of the petition.

In other words, circulators cannot tell a potential signer who opposes liquor sales that the petition is to ban liquor sales. While it could have that effect in a limited fashion, it is impossible to REMOVE sales that currently DO NOT EXIST! Also, circulators should not make up answers to questions to get a signature. DON'T LEAVE VOTERS CONFUSED. They will vote against you.



Typical Voter Questions & Suggested Responses:

Q. Why are you doing this? Can't you just go buy a license?

A. I wish it were that simple. In Ohio, before the state can issue a license for us to sell these products voters must first approve of the sale. That's why we need you to sign the petition to allow a vote.

Q. Are they (you) dry for sale? I don't mind if they (you) sell but I don't want it anywhere else.

A. This issue allows a vote for _____ *ONLY. If voters approve, sales will only take place there.

(*Answer is in response to a particular business use local option only. If a different type of local option is being sought the suggested answer is below)

A. This issue allows a vote to benefit us. If voters approve, sales may take place at other businesses but ONLY in this precinct – not the entire area.

Q. Won't this add to problems like drunk driving and access of liquor to kids?

A. Not at all. In fact this issue doesn't have anything to do with drunk driving, and it's already against the law to sell to minors. This is a business issue that will allow us to be a little more competitive with everything from convenience to pricing.

Q. Who do you work for?

A. I'm working on behalf of (business name).

Q. So you support this issue?

A. I support (business name's) right to have voters in the precinct decide if they will be permitted to operate competitively.

