

**OPINION NO. 67-039****Syllabus:**

Section 3517.01, Revised Code, requires that the signatures on the petition be examined and certified in the same manner as Referendum Petitions and it does not require full compliance with all of the statutes in Chapter 3519, Revised Code.

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**To: Ted W. Brown, Secretary of State, Columbus, Ohio**  
**By: William B. Saxbe, Attorney General, April 21, 1967**

I am in receipt of your letter of recent date which reads as follows:

"I would appreciate having your opinion regarding the procedure necessary for the formation of a political party in Ohio under the provisions of Revised Code Section 3517.01. More specifically, my inquiry relates to the petition required by this statute.

"Revised Code Section 3517.01 provides in part that:

'Such petition shall be circulated, signed, verified, and the signatures thereon examined and certified to in the same manner as is required of referendum petitions.'

"Should the above language be strictly construed and limited merely to the mechanical acts of circulation, signing, verification, examination of signatures, and certification of same; or does the statute require full compliance with all of the statutes in Chapter 3519 of the Revised Code which pertain to the referendum, such as Revised Code Sections 3519.01 through 3519.16?

"I would appreciate your earliest possible attention to this request."

Initially let me state that the above quoted language of Section 3517.01, Revised Code, should be strictly construed and limited merely to the ministerial acts of examination of signatures and certification of same.

My rationale for reaching this conclusion is twofold. First, it would have been a simple matter for the General Assembly to provide specifically that all the requirements of Chapter 3519, Revised Code, relating to Initiative and Referendum Petitions, shall be satisfied in the formation of a political party. If this had been done, then clearly full compliance with Chapter 3519, supra, would have been mandatory. This method, however, was not employed so it logically follows that full compliance is not necessary.

Secondly, the clear language of the quoted portion of Section 3517.01, Revised Code, requires only that the signatures on the petitions be examined and certified to in the same manner as is required of Referendum Petitions. There is no other language in the statute which could possibly be construed as to require that the other formalities involved in a Referendum or Initiative Petition be complied with.

In essence, it is my conclusion that the quoted portion of Section 3517.01, supra, requires only that the provisions of Section 3519.15, Revised Code, be complied with. This provision imposes upon the Chief Election Officer the duty to transmit part-petitions to the boards of elections of the various counties for the purposes of determining the validity and sufficiency of the signatures and the verification. It is this provision of the law which provides for the examination and certification of signatures, and it is only to this provision that reference is made by Section 3517.01, supra. To incorporate by reference all of Chapter 3519, supra, into Section 3517.01, supra, would be to controvert that which was provided by the Legislature.

It is therefore my opinion and you are accordingly advised that Section 3517.01, Revised Code, requires that the signatures on the petition be examined and certified in the same manner as Referendum Petitions and it does not require full compliance with all of the statutes in Chapter 3519, Revised Code.