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Directive 2005-05  
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## BOARDS OF ELECTIONS

TO: Members, Directors, and Deputy Directors

### **2005 PRIMARY BALLOTS**

Attached is a copy of printing instructions for the 2005 municipal primary elections. Offices to be elected must be listed in the order given in the printing instructions. There will be no statewide issues for the May 3, 2005 election.

The attached ballot formats are for cities and villages operating under the general statutory plan of government. If a city or village has a charter, it will be necessary for you to refer to that charter to determine what officers are to be elected, for what terms, and the form of the ballot. If the municipality operates under one of the alternative plans of government, refer to Chapter 705 of the Revised Code and prepare your ballots accordingly.

The prescribed layouts show the correct title of each ballot and each office, and the order in which offices must appear on ballots for all voting systems. The prescribed Questions and Issues Ballots are representative of the various questions and issues that may appear on the ballot. Please read the appropriate Revised Code sections for question and issue language and format that may not appear on the enclosed ballots.

### **UNEXPIRED TERMS**

The law provides for elections for unexpired terms in the city offices of mayor, law director, auditor, treasurer and president of council. In villages, only the office of mayor is subject to such an election. (See R.C. 731.11, 731.43, 733.08, 733.25 and 733.31). Unexpired terms for municipal court judges or clerks may also appear on this year's ballot. (See R.C. 1901.10 and 1901.31).

*In statutory municipalities, there is no election for unexpired terms in city or village councils.* If the vacancy occurs in the office of member of village council, the legislative authority fills the office for the unexpired term. A vacancy in a city council is filled for the unexpired term by a person chosen by residents of the city who are members of the county central committee of the political party that nominated the last occupant of the office. In either case there is no election for the unexpired term. If the municipality has a charter, the charter may provide another means for filling vacancies.

### **IMPORTANT POINTS TO REMEMBER**

The enclosed ballot printing instructions should be studied and followed carefully to assure that your ballots conform to statutory requirements. Special attention must be given to the following:

1. Offices are to be listed in the order printed in the instructions.
2. If ward council is the only office for which there are more valid declarations of candidacy filed than the number to be nominated by a political party (contested race), a primary election shall be held in the precincts in that ward only. If a city-wide office is the office for which there are more valid declarations of candidacy than the number to be nominated by a political party, a primary election shall be held in all precincts of the city with all candidates for that political party on the ballot for all offices except the office of municipal judge or clerk. The office of municipal judge or clerk will appear on the ballot only if there is a contested race for the office.
3. The *number of ballots* to be printed for a precinct must be at least *one percent* more than the total registration in the precinct. However, electors who have failed to respond within 30 days to any confirmation notice shall not be counted in determining the number of ballots to be printed. (R.C. 3505.11)

The only exception to the above is if your board has chosen to provide ballots on demand as provided under section 3505.11 (B) of the Revised Code. The board shall prepare for each precinct at least five percent more ballots than the total number of electors in that precinct who voted in the 2001 primary election. If election officials at the precinct request additional ballots, the board must provide the additional ballots in a timely manner so that all qualified electors in that precinct who wish to vote may do so.

4. Check the spelling of all candidates' names and all details of the ballots.
5. Names of candidates must be rotated in the manner prescribed in R.C. 3513.15 on all ballots. No exemption from the rotation requirements has been granted for any voting system.

Rotation on precinct ballots is accomplished by rotating names from one precinct to another. The number of series to be printed in each of the several groups of candidates on any one ballot is **determined by the least common multiple of the number of names in each of the groups**. On the first rotation, the names must be listed alphabetically. (Rotation is not correct if the number of rotations is based on the largest number of candidates for one office on the ballot).

For **absentee ballot rotation**, refer to the ballot printing instructions.

6. Titles such as Dr., Judge, Mr., etc., are not printed on the ballot. **Nicknames may be used if the name is a natural derivative of the candidate's given name.** (Quotation marks or parentheses may **not** be used in the candidate's name such as William "Bill" Smith. It should be printed as Bill Smith)
7. **Every detail of your ballots, ballot pages and booklets must be thoroughly checked when you receive the final ballots from the printer.** Each group and each box of ballots, even if they are of the same group, should be checked. Either the director and deputy director or their designated personnel should check all ballots. The printed proof should be checked by members of the board of elections as well as by the director. **The chairperson of the local executive committee of each party or group represented on the ballot by candidates or issues must be notified that ballot proofs are available for inspection.** The proof must be posted in a public area of the board office for at least 24 hours for inspection and correction. (R.C. 3505.14)

8. The most populous county shall notify the appropriate county boards of overlapping district candidates and overlapping questions and issues that must appear on the ballot. The recommended procedure for ensuring accurate ballots is as follows:

- \* The most populous county should include **itemized** receipts with the ballot information it sends out to overlapping counties.
- \* Each overlapping county should return the receipts either confirming it received everything listed, or indicating what information the county did not receive.
- \* After the most populous county receives its ballot proofs, it should send a copy of the ballot proof with the relevant candidates and questions and issues to the appropriate overlapping counties.
- \* The overlapping counties should notify the most populous county *immediately* of any discrepancy on the proofs and the information previously received.
- \* The most populous county must *immediately* provide all overlapping counties a written notice with a receipt of any withdrawn candidacy and instructions as to the removal of that candidate's name from the ballot. Any corrections to ballot information also should be by written notice with receipt.

9. Send copies of the proof of each question and issue ballot to our office for review. *Do not send proofs of candidates' ballots. It is the responsibility of the board of elections to check the spellings.*

**When ballots have been printed, a copy of each absentee voter ballot (candidates and questions and issues) must be forwarded to our office at least 25 days ( April 8, 2005) before the election. It is the responsibility of the board of elections – not your vendor - to send the absentee ballot to our office. (R.C. 3509.01)**

In accordance with R.C. 3501.05 (U), all boards must complete their official canvass by June 3, 2005. If you have questions after you have studied the directive and instructions, please contact a member of the Elections staff at (614) 466-2585.

Sincerely,

A handwritten signature in cursive script that reads "J. Kenneth Blackwell".

J. Kenneth Blackwell

## **BALLOT PRINTING INSTRUCTIONS FOR MAY 3, 2005 PRIMARY ELECTION**

### **PRIMARY BALLOTS (R.C. 3513.13)**

Separate primary election ballots shall be provided for each political party having candidates for nomination or election. Such ballots shall have printed at the top and below the stubs "Official ...(name of party) ...Primary Ballot". Only two political parties - Democratic and Republican – are legally entitled to hold primaries in Ohio this year.

Sections of the Revised Code governing the kind of paper, the kind of ink, and the size and style of type to be used for general elections shall apply in the printing of ballots for primary elections.

### **FORM OF BALLOT**

The names of all persons, who have qualified as candidates and not withdrawn, shall be arranged, rotated, and printed upon the ballot in accordance with the provisions of Ohio Revised Code Chapters 3505, 3506, and 3513.

**City offices** must be listed in the following order: Mayor, President of Council, Auditor, Treasurer, City Director of Law, Member of Council at Large, Ward Council, Judge of the Municipal Court and Clerk of the Municipal Court.

**Village offices** must be listed in the following order: Mayor, Clerk-Treasurer, Clerk, Treasurer, Member of Council, and Member of Board of Trustees of Public Affairs.

### **PAPER (R.C. 3505.08)**

All ballots shall be printed with black ink. Paper ballots shall be on No. 2 white book paper 50 pounds in weight per ream assuming such ream to consist of 500 sheets of such paper 25 inches by 38 inches in size. Democratic ballot pages for punch card systems shall be on green paper with green colored ballot cards. Republican ballot pages for punch card systems shall be on pink paper with pink colored ballot cards. Questions and issues ballots may be the same color as candidates' pages, white or buff.

### **STUBS (R.C. 3505.08, 3506.08, 3506.09)**

Each paper ballot shall have attached at the top two stubs, each the width of the ballot and not less than one-half inch in length unless permission has been granted by the Secretary of State for a one-stub ballot. Perforated lines shall separate the stubs from the ballot and each other.

Each ballot card and each ballot for use with electronic scan equipment shall have two stubs, each the width of the ballot and each at least one-half inch in length. The stubs shall be separated from the ballot and from each other by perforated lines.

The top stub on all ballots shall be known as Stub B and shall have printed on its face "Stub B". The other stub shall be known as Stub A and shall have printed on its face "Stub A".

Each stub also shall have printed on its face "Consecutive Number....". Each ballot provided for use in each precinct shall be numbered consecutively beginning with the number 1 and by printing such

number upon both of the attached stubs.

Each ballot shall have instructions to the voter stating the manner in which the ballot is to be marked. The instructions shall be printed in upper and lower case ten (10) point type.

**TYPE (R.C. 3505.08, 3506.08)**

1. *Headings* shall be printed in display Roman Type.
2. *Each office title* shall be printed in twelve (12) point boldface upper and lower case type in a separate enclosed rectangular space.
3. *Vote allowed:* Immediately below the title within the enclosed space shall be printed "Vote for Not More Than...." in six (6) point boldface upper and lower case type, the blank space to be filled with the number of persons who may be lawfully elected to the office.
4. *Names of candidates* shall be printed in twelve (12) point boldface upper case type caps in an enclosed rectangular space. The name of each candidate shall be indented one space. Names should **not** be centered within the space.
5. *Separation of offices:* A four (4) point rule shall separate the name of a candidate or a group of candidates for the same office from the title of the office next appearing below. In counties using the punch card system, a 3/8 inch blank space should also separate offices.
6. *Separation of office and candidate names:* A two (2) point rule shall separate the title of the office from the names of the candidates for that office.
7. *Separation of names of candidates:* A one (1) point rule shall separate names of candidates.
8. *Columns* shall be separated from each other by a heavy vertical border or solid line of at least one-eighth of an inch wide, and a similar vertical border or line shall enclose the left and right side of the ballots, and such ballots shall be trimmed along the sides close to such lines.
9. *Instructions to voters* on the ballot card stub shall be in upper and lower case ten (10) point type.

**ROTATION OF NAMES (R.C. 3505.03, 3513.15)**

The names of all candidates for an office shall be arranged in a group under the title of that office, and shall be rotated from one precinct to another, except absentee ballots or when the number of candidates for a particular office is the same as the number of candidates to be elected for that office.

The least common multiple of the number of names in each of the several groups of candidates shall determine the number of series to be printed.

The board of elections shall number all precincts in regular serial sequence. In the first precinct, the names of the candidates in each group shall be listed in alphabetical order. In each succeeding precinct, the name in each group which is listed first in the preceding precinct shall be listed last and the name of each candidate shall be moved up one place unless the number of candidates for a particular office is the same as the number of candidates to be elected for that office. The printed ballots shall then be assembled in tablets or booklets for each precinct.

### **ABSENTEE BALLOT ROTATION (R.C. 3505.03, 3513.15)**

On absentee ballots, the names of all candidates for office shall be arranged in alphabetical order in a group under the title of that office, and shall be alternated so that each name shall appear on each succeeding ballot, insofar as may be reasonably possible, substantially an equal number of times at the beginning, at the end, and in each intermediate place, if any, of the group in which such name belongs.

In those counties using voting systems in which absentee ballots are combined with ballots voted at the precinct prior to tabulation on a computer, the rotation for absentee ballots shall be the same as the precinct rotation.

### **CANDIDATES WITH SAME NAMES (R.C. 3513.131)**

In the event that two or more candidates with the same given name and surname file valid declarations of candidacy for the office, follow the procedure in R.C. 3513.131.

### **FULL AND UNEXPIRED TERMS (R.C. 3513.08)**

In the case of judicial offices, immediately below the title of office shall be printed either "Full Term Commencing..." or "Unexpired Term Ending..." followed by the appropriate date. For all other offices, the designation of the term is necessary where there is only an unexpired term to elect, or where there is both a full and unexpired term to elect. Where there are both full and unexpired terms for the same office, place the unexpired term after the full term for that office.

### **BLANK SPACES FOR WRITE-IN VOTES (R.C. 3513.041, 3513.14)**

A write-in space shall be provided on the ballot for every office for which the board of elections has received a valid declaration of intent to be a write-in candidate.

In the case of any office for which nominations are to be made at the primary election and for which no declarations of candidacy or intent have been filed within the time prescribed by law, the board shall provide on the primary ballot the title of such office and shall state on the ballot or ballot pages, that "no candidate filed a valid declaration of candidacy" or "no declaration of candidacy was filed" for the office, whichever is appropriate.

**NOTE:** Declarations of intent to be write-in candidates should not be accepted if no primary election is to be held. (OAG73-094)

### **BACK OF BALLOT (R.C. 3513.13)**

On the back of the ballot shall be printed "Official...(name of party)...Primary Ballot", the date of the election, the facsimile signatures of the members of the board of elections and the name of the county.

On the back of every paper ballot used there shall be a solid black line printed opposite the blank rectangular space that is used to mark the choice of the voter. This line shall be printed wide enough so that the mark in the blank rectangular space will not be visible from the back side of the ballot.

## **PROOF OF BALLOT (R.C. 3505.14)**

After the letting of the contract for the printing of the ballots, the boards of elections **shall secure** from the printer printed proofs of the ballot, **notify** the chairperson of the local executive committee of each party or group represented on the ballot by candidates or issues, and **post such proofs in a public place in the office** of the board for a period of at least twenty-four hours, for inspection and correction of any errors appearing on them. The board shall cause such proofs to be read with care, and after correcting any errors, shall return the corrected copy to the printer.

## **SEALING OF BALLOTS (R.C. 3505.15)**

The board shall make adequate provision for the inspection of the printing and rotation of the ballots. The person to whom the contract for printing the ballots is let shall seal them securely in packages, one package for each precinct in the county in which the election is to be held, place a paper cover over them, and indicate on the cover the number of ballots contained in the package, with a space to indicate the precinct, and deliver them to the board at such time and place as the board may direct. The board, upon receiving such packages, shall give a receipt for them indicating the number of ballots in each package and the number of precincts in each case.

## ***INSTRUCTIONS FOR QUESTIONS AND ISSUES BALLOT (R.C. 3505.06 and R.C. 3505.08)***

Each question and issues ballot shall have printed across the top, and below the stub, "Official Questions and Issues Ballot". Immediately below shall be printed a brief title descriptive of the question or issue such as "Proposed Bond Issue," "Proposed Tax Levy".

## **ORDER**

Questions and issues shall be grouped together on the ballot, from top to bottom, in the following order for all elections in 2005: county, municipal, township, and school or other districts. The board of elections providing the ballots shall determine the particular order in which each group of county, municipal, township or district questions or issues shall be placed on the ballot.

## **PERCENTAGE OF VOTERS**

A brief statement of the percentage of affirmative votes necessary for passage as required by law shall be on the questions and issues ballot for each question and issue submitted, and should be inserted in the space immediately below the title and name of the subdivision submitting the question. Such percentages should be stated as follows: "A fifty-five percent affirmative vote is necessary for passage," "A majority affirmative vote is necessary for passage", or such other brief statement as will be descriptive of the percentage of affirmative votes required for passage.

## **TEXT**

The questions and issues ballot need not contain the full text of the proposal to be voted upon. A condensed text that will properly describe the question or issue shall be prepared by the board of elections for local questions or issues. When condensed text is used, the full text of the proposed question or issue, together with the percentage of the affirmative votes necessary for passage as required by law, shall be posted in each polling place in a spot that is easily accessible to the voters.

## **BACK OF BALLOT**

On the back of the ballot shall be printed "Official Questions and Issues Ballot," the date of the election, and facsimile signatures of the members of the board of elections. Each question and issue appearing on the questions and issues ballot *may be* consecutively numbered. The number may be printed in not less than 36 point type above the words "Official Questions and Issues Ballot."

On the ballot pages used with punch card systems and voting machines, the number may be printed in 36 point type above each question or issue on the page.

On the back of every paper ballot used there shall be a solid black line printed opposite the blank rectangular space that is used to mark the choice of the voter. This line shall be printed wide enough so that the mark in the blank rectangular space will not be visible from the backside of the ballot.

## **PAPER (R.C. 3505.08)**

All ballots shall be printed in black ink. Ballot pages used with punch card systems may be of the same color as the candidates' pages or white or buff.

## **LOCAL LIQUOR OPTION QUESTIONS [R.C. 4301.33, 4301.331, 4305.14(B)]**

Local liquor option elections may be held only on the day of a *general* or, with one exception (See "Exception," below), a *primary* election. "Primary election" is defined in law to mean the nomination of candidates. Therefore, local liquor option questions may appear on the ballot on the day of a primary election *only* if candidates also appear on the ballot in each precinct affected by the local liquor option question(s).

Exception: The question of the sale of spirituous liquor by the glass as provided in R.C. 4303.29 (**Form 5-B**) may appear only on the general election.