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DIRECTIVE NO. 2006-38

March 3, 2006

TO: ALL COUNTY BOARDS OF ELECTIONS
Members, Directors & Deputy Directors

2006 PRESCRIBED PRIMARY BALLOTS

Attached are the prescribed ballot format instructions for use at the May 2, 2006 election. The office ballots list the statewide candidates this office has certified to the ballot.

Note: There are no state issues for the May ballot. This office will notify you of any write-in candidates for state office after the March 13th filing deadline.

Three ballot formats enclosed are:

1. Official Democratic Primary Ballot - Office Type Ballot
2. Official Republican Primary Ballot - Office Type Ballot
3. Official Questions and Issues Ballot - Bond Issue, Tax Levy, Income Tax, and Local Option

The prescribed office ballot format shows the correct title of each party ballot and each office that must appear on the ballots, and the order in which those offices must appear on ballots for all voting systems. The prescribed issue ballot shows the language that must be used on all voting systems for questions and issues, tax levies, bond issues, and local liquor options.

The most populous county of a multi-county district **shall** notify all the boards in that district of the candidates or questions/issues that must appear on the ballot for that district. These boards must follow the notification procedure detailed in #5 of "Important Points to Remember," below.

The prescribed Questions and Issues Ballot is *representative* of the various questions and issues that *might* appear on the ballot in your county. Please read the relevant sections of the Revised Code and consult the *Questions and Issues Handbook* provided to you by this office for ballot language and formats that may not appear on the enclosed ballot.

If you have any questions regarding ballot form or language, please telephone my Elections Division at 614-466-2585.

2006 Primary Elections Ballots: Specifications and Content

R.C. 3513.13 requires each board of elections to provide separate ballots for each political party having candidates for nomination or election in a primary election. Primary election ballots must contain the names of all persons who filed valid declarations of candidacy.

R.C. 3513.13 further requires the secretary of state to prescribe the order in which offices and positions must be listed on the ballot. That order "shall be the same, to the extent the secretary of state deems practicable, as is provided for this listing of offices on general election ballots." All ballots must list all offices, and must list them in the order prescribed by the secretary of state.

Important Points to Remember

Please study and follow the enclosed ballot instructions to ensure that your ballots conform to statutory requirements. Special attention should be given to the following:

1. Check the spelling of all candidates' names and all details of the ballots.
2. 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. Rotation is not correct if the number of rotations is based on the largest number of candidates for one office on the ballot. On the first rotation, the names must be listed alphabetically.

For **absentee ballot rotation**, please refer to the ballot layout instructions.

3. R.C. 3505.03 prohibits printing on the ballot titles such as "Dr.," "Judge," "Rev.," "Ms.," etc.

A candidate's nickname may be printed on the ballot if the nickname is a natural derivative of the candidate's legal name. However, quotation marks or parentheses **cannot** be printed on the ballot. *Example: A candidate named William Smith may have his name printed on the ballot as William Smith or Bill Smith, but not William "Bill" Smith.*

4. **Every detail of your ballots must be thoroughly checked when the layout or proof is received from your vendor or printer.** Either the director and deputy director or their designated personnel should check all series of ballots. The proof or layout should be checked by members of the board of elections, as well as by the director.

Once a board of election has its ballot proofs, R.C. 3505.14 **requires** the board to:

- **Notify** the chairperson of the local executive committee of each party *or* group represented on the ballot by candidates *or* issues that the ballot proofs are available for inspection and correction, and
- **Post** the ballot in a public place in the board office for at least 24 hours for inspection and correction of any errors, after which board personnel must review and correct any error.

If a correction is required, the entire ballot should be **re-proofed** to ensure that, in correcting the error, another part of the ballot was not inadvertently changed.

5. The board of elections of the most populous county in a multi-county district shall notify the appropriate county boards of all district candidates and questions and issues that must appear on the ballot in the overlapping county or counties.

This office recommends that boards use the following procedure to ensure the accuracy of the ballots:

- The most populous county issues **written notice** of the appropriate candidates/issues to each overlapping county.
- The most populous county includes **itemized** receipts with the ballot information it sends to overlapping counties.
- Each overlapping county **returns the receipts** to the most populous county, either confirming it received everything listed or indicating what information it did not receive.
- After the most populous county receives the **ballot proofs** or layout, it sends a copy of the relevant candidates and questions and issues to the appropriate overlapping counties.
- The overlapping counties must notify the most populous county *immediately* of any **discrepancy** on the proofs or layout and the information previously received.
- The most populous county must *immediately* provide all overlapping counties a written notice, with receipt, of any candidate who **dies** before April 22, with instructions for the removal of that candidate's name from the ballot and, if appropriate, the substitution of a replacement candidate's name. Any corrections to ballot information must also be by written notice with receipt.

6. Send copies of the proof of each question and issue ballot to the Elections Division for review.

***NOTE:** Do not send proofs of office ballots to the Elections Division. Each board of elections is responsible for verifying the spelling of candidates' names.*

Absentee Ballots

R.C. 3509.01 and R.C. 3511.04 require each board of elections to have absentee ballots printed and ready for use by the 35th day before a primary election (i.e., no later than **March 28, 2006**).

R.C. 3509.01 also requires each board of elections to forward to this office, not later than the 25th day before the election (i.e., **April 7, 2006**), a copy of each absentee ballot (candidates and questions and issues). The board – not its vendor, if any – is responsible for sending the absentee ballots to this office. Also, please do not confuse the submission of your absentee ballots with your earlier submission of ballot proofs.

Any director who believes that his/her board will **not** have absentee ballots available by March 28 **must notify this office** of that fact in writing at the earliest opportunity and provide:

- A detailed explanation of why the board will not be in compliance with the law, and
- The date on which the board will have absentee ballots available.

If you have questions after you have studied the enclosed directive and instructions, please contact a member of my Elections staff at (614) 466-2585.

Sincerely,



J. Kenneth Blackwell

Encls.

BALLOT LAYOUT INSTRUCTIONS FOR MAY 2, 2006 ELECTIONS

PRIMARY BALLOTS

(R.C. 3513.13)

Separate primary election ballots must be provided for each political party having candidates for nomination or election. All ballots shall have printed at the top, below the stubs, "Official ...(name of party) ...Primary Ballot".

Sections of the Revised Code governing the size and style of type to be used for general elections, and requiring that only black ink be used for printed ballots, apply to ballots for primary elections.

Each ballot shall have instructions to the voter stating the manner in which the ballot is to be marked or cast. The ballot also must contain the date of the election, the name of the county. Printed ballots must contain the facsimile signatures of the members of the board of elections.

FORM OF OFFICE TYPE BALLOT

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

- **All Primary Office Type Ballots: Order of Offices (R.C. 3505.03)**

The order of all offices on ballots shall be as follows:

Governor and Lieutenant Governor
Attorney General
Auditor of State
Secretary of State
Treasurer of State
U. S. Senator
Representative to Congress
Justices of the Supreme Court
Judge of Court of Appeals
Member of State Central Committee Man
Member of State Central Committee Woman
State Senator
State Representative
Judges of the Court of Common Pleas
County Commissioner
County Auditor
Member of County Central Committee.

PAPER

(R.C. 3505.08)

All ballots shall be printed with black ink. Boards are not required to provide separate colored ballots for the Democratic and Republican primary ballots. However, if a board so chooses and a vendor is able to provide color-enhanced ballots (tinted headings or colored lines/bars), a board may do so. Shading may also be used for the office headings.

STUBS

(R.C. 3505.08, 3506.08, 3506.09)

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

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 shall also have printed on its face "Consecutive Number" Each ballot provided for use in each precinct must be numbered consecutively, beginning with the number 1, and by printing such number upon both of the attached stubs.

TYPE

(R.C. 3505.08, 3506.08)

The required type and the **minimum size for fonts** for all ballots are listed below:

1. HEADINGS shall be printed in display Roman Type.
2. EACH OFFICE TITLE shall be printed in twelve (12) point 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 eight (8) 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. 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.
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.
9. INSTRUCTIONS TO VOTERS on the ballot must be in upper and lower case ten (10) point type.

ROTATION OF NAMES
(R.C. 3505.03, 3513.15, 3513.151)

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 determines 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.

ABSENTEE BALLOT ROTATION
(R.C. 3505.03, 3513.15, 3513.151)

On absentee ballots, the names of all candidates for office must be arranged in alphabetical order in a group under the title of that office, and must be so alternated that each name appears 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 for tabulation purposes, the rotation for absentee ballots shall be the same as the precinct rotation.

In those counties that do not tabulate absentee ballots in the absentee voters' home precincts, the rotation requirements apply to each absentee ballot issued.

CANDIDATES WITH SAME NAMES
(R.C. 3513.131)

In the event that two or more candidates with the same first and last names file valid declarations of candidacy for the office, refer to Section 3513.131 and follow the procedure described there.

FULL & UNEXPIRED TERM DATES
(R.C. 3513.08)

Judicial offices: Immediately below the title of office shall be printed either "Full Term Commencing ..." or "Unexpired Term Ending ...," followed by the appropriate date.

- Justices of the Supreme Court: Two full terms, one commencing January 1, 2007, and the other commencing January 2, 2007.
- In counties where nominations are to be made for more than one full term for judge of the court of appeals or the court of common pleas, the offices must appear in chronological order according to the term commencement dates.

County Commissioner: One full term commencing January 1, 2007.

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 title of the office for the full term with candidates for the full term above the title of the same office for the unexpired term with the candidates for such unexpired term.

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 nomination may be made at the primary election, and for which no one filed a valid declaration of candidacy or intent to be a write-in candidate, the board shall provide on the primary ballot the title of such office and a statement that "no candidate filed a valid declaration of candidacy" (or, if no one filed a petition, "no declaration of candidacy was filed") for that office.

County Central Committee: Even if no valid declaration of candidacy is filed for the position of member of a county central committee, the board shall accept valid declarations of intent to be a write-in candidate for that position and shall provide a write in space on the ballot.

State Central Committee: No write-in space shall be provided on the ballot for the office of member of a state central committee. Further, if no person files a valid declaration of candidacy and qualifies for the office of member of the state central committee, that office shall not appear on the ballot.

PROOF OF BALLOT
(R.C. 3505.14)

After obtaining proofs of the ballot, the boards of elections **shall notify** all the following people:

- The chairperson of the county executive committee of each political party that has candidates on the ballot.
- The chairperson of any group (including any taxing authority) that has an issue on the ballot.

Additionally, the board **shall post** such proofs in a public place in the board office for at least 24 hours, for inspection and correction of any errors appearing on them. The board shall carefully review the proofs and, after correcting any errors, 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 selected printing vendor shall seal the ballots 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 "OFFICIAL QUESTIONS AND ISSUES BALLOT"

(R.C. 3505.06, R.C. 3505.08)

Each question and issues ballot shall have printed across the top, and below the stub, the heading "Official Questions and Issues Ballot." That heading must appear *before* the text of the first question or issue listed on the ballot, and *after* the last office for candidates on the Democratic or Republican primary ballot.

Immediately below the heading shall be printed a brief title descriptive of each question or issue appearing on the ballot, such as "Proposed Bond Issue" or "Proposed Tax Levy."

Each question and issue appearing on the ballot *may*, but need not, be numbered. The question or issue appearing at the top of the ballot may be designated by the Arabic numeral "1," and all questions and issues placed below on the ballot shall be consecutively numbered. Such numeral shall be placed below the heavy top horizontal line enclosing such question or issue and to the left of the brief title. The number shall be printed in not less than 36-point type.

The date of the election and the facsimile signatures of the members of the county board of elections also shall be placed on the ballot.

ORDER

(R.C. 3505.06(B))

Questions and issues shall be grouped together on the ballot, from top to bottom, in the following order: school or other district, county, municipal and township. The board of elections shall determine the particular order in which each group of school or other district, county, municipal, or township questions or issues shall be placed on the ballot. Local liquor option questions shall be placed in the appropriate municipal or township group.

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 entity submitting the question. The 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 / CONDENSED BALLOT LANGUAGE

(R.C. 3505.06(E))

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. In any case where such 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.