

DIRECTIVE 2008-83

September 8, 2008

TO: ALL COUNTY BOARDS OF ELECTIONS
MEMBERS, DIRECTORS, AND DEPUTY DIRECTORS

RE: 2008 General Election Ballots

Attached are the forms of the official ballot certified by the office of the Secretary of State for use at the November 4, 2008, presidential general election. These forms are templates for ballot design, format, and order of offices and issues for all voting systems. The wording of the five state issues must appear on all ballots throughout the state as certified to the Secretary of State by the Ohio Ballot Board. Since State Issue 4 was withdrawn, the Secretary of State's office has determined not to renumber the state issues, but to indicate on the ballot that State Issue 4 has been withdrawn by the petition committee.

Please read the printing instructions carefully. Recommendations from the Elections Assistance Commission regarding ballot design for readability and usability by voters have been incorporated into the printing instructions.

Accompanying this directive are the following ballot forms:

- Official Presidential Ballot
- Official Office Type Ballot
- Official Non Partisan Ballot
- Official Questions and Issues Ballot – state issues, tax levies, bond issues, income taxes, and local liquor options

The Official Presidential Ballot contains the names of all valid or certified joint candidates for the office of President and Vice-President, respectively. The Official Office Type Ballot contains the names of all valid or certified candidates for the unexpired term for Attorney General. The following candidates have filed valid Declarations of Intent to be a Write-In Candidate for the office of President and Vice-President, respectively:

- Donald K. Allen and Christopher D. Borcik
- Jonathan Allen and Jeff Stath
- James R. Germalic and Martin Wishnatsky
- Alan L. Keyes and Brian Rohrbough
- Platt Robertson and Scott Falls
- Joe Schriner and Dale Way

The certified form of the official Questions and Issues ballot must be used for all voting systems. This form contains examples of some of the questions and issues that *may* appear on the ballot

in your county. Also, not every category or type of question/issue will appear on every ballot in every county, so please apply as much of the form as is appropriate to the questions or issues certified for the ballot in your county.

Please review the appropriate sections of the Ohio Revised Code, local charter (if applicable), the *Questions and Issues Handbook*¹, and advisories provided by our office for ballot language and formats that may not appear on the enclosed Official Questions and Issues Ballot.

IMPORTANT POINTS TO REMEMBER

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

1. Ordering Ballots (optical scan voting systems). The number of ballots to be printed for a precinct must be at least *one percent* (1%) **more** than the total registration in the precinct. (R.C. 3505.11(A)). 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.

Exception: If your board has chosen to provide ballots on demand under R.C. 3505.11(B), the board must prepare for each precinct at least five percent (5%) **more** ballots than the total number of electors in that precinct who voted in the 2004 presidential general election. If precinct election officials request additional ballots, the board must provide those ballots in a timely manner so that all qualified electors in that precinct who wish to vote may do so without wait for the additional ballots. Note, it is a recommended practice to place a colored sheet of paper at a point within the stack of ballots (e.g. the point where 75% of the ballots have been used) containing instructions for poll workers to call the board of elections to notify it of the extent of use of paper ballots when that point is reached in the stack of ballots for the particular precinct. Depending on whether or not this point in the stack is reached or the time of day it is reached, the board in consultation with poll workers can decide whether more ballots should be delivered and prevent waits in cases of ballot shortages.

2. Spelling (all voting systems). Each board must carefully check the spelling of candidates' names and all other details of the ballots.

3. Rotation (all voting systems). Names of candidates must be rotated on all ballots as prescribed in R.C. 3513.15.

No exemption from the rotation requirements has been granted for any voting system.

Rotate the names of candidates 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

¹ This Handbook was published in 2001 by the previous Secretary of State. If you have questions, please feel free to contact your assigned attorney in the Secretary of State's office.

of rotations is based on the largest number of candidates for one office on the ballot. *Please see the Ballot Printing Instructions which accompany this directive for further information.*

For absentee ballot rotation, please refer to the attached ballot printing instructions that are part of this directive.

- 4. Candidate's name (all voting systems).** 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, Will Smith or Billy Smith but not William "Bill" Smith.*

Note: Any former names which have been declared or submitted in accordance with R.C. 3513.06² shall be printed on the ballot in parenthesis directly below the present name of such person – e.g., Frank J. Thomas (John Francis Thomason). (R.C. 3505.02).

- 5. Titles (all voting systems).** R.C. 3505.03 prohibits printing on the ballot titles such as "Dr.," "Judge," "Rev.," etc.
- 6. Proofing (all voting systems and ballot types).** Boards of elections must thoroughly and promptly check every detail of their ballots upon receiving the ballot layouts or proofs from the vendor or printer. Either the director and deputy director, or the board employees they designate, should proofread all series of ballots. Reviews by members of both major political parties are recommended. After staff has proofed the ballots, the board members should also review and verify ballot layouts and proofs.

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

Notify:

1. the chairperson of the local executive committee of each political party,
2. a designated representative of an independent or third party candidate, if any such candidate has qualified for the ballot, and
3. a designated representative for each group supporting and/or opposing the ballot issues that appear on the ballot,

informing each of them that the ballot proofs are available for inspection and correction. For the purposes of this requirement, if no such representative has been designated, the board may contact the treasurer whose name appears on the designation of treasurer, if any, filed on behalf of the group or committee.

Post the ballot proofs for at least 24 hours in a publicly accessible place in the board office for inspection of any errors, and include instructions for notifying the board of any needed

² R.C. 3513.06 provides: "If any person desiring to become a candidate for public office has had a change of name within five years immediately preceding the filing of the person's declaration of candidacy, the person's declaration of candidacy and petition shall both contain, immediately following the person's present name, the person's former names."

or requested correction(s), after which board personnel must review and correct any error. Additionally, the Secretary of State directs each board to post the ballot proofs in the county courthouse. A board may also post the proofs on their website for further public comments.

Also, each board of elections must transmit copies of the proof of each **question and issue ballot** to the Secretary of State's office for review. Please transmit the proof to the attention of Serena Henderson by one of the following methods:

Fax: 614-752-4360;

E-mail: shenders@sos.state.oh.us or

U. S. Mail: 180 E. Broad St, 15th Fl., Columbus, OH 43215, or
P.O. Box 2828, Columbus, OH 43216

Note: *Please do not send proofs of candidate ballots to the Secretary of State's office. Each board of elections is responsible for verifying the accuracy of its candidate ballots.*

If a correction is required at any stage of the proofing process, the board must repeat the above notification and posting requirements and ensure that, in correcting the error, another part of the ballot was not inadvertently changed.

7. Multi-County District Elections (all voting systems and ballot types). The most populous county of a multi-county district **must** 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 below:

- a. The most populous county must send a **written notice** of the applicable candidates/issues to each less populous county within the multi-county district where such candidates/issues will also appear on the ballot.
- b. The most populous county also provides to the less populous counties receipts **itemizing** each district candidate and issue being provided with the ballot information.
- c. Each less populous county must **return the receipts** to the most populous county, either confirming it received every candidate/issue itemized on the receipt *or* identifying the itemized candidates/issues it did not receive.
- d. After the most populous county receives **ballot proofs** or layout, it must send a copy of the relevant candidates/issues to each of the less populous counties as part of the proofing process.
- e. The less populous counties within the district must notify the most populous county *immediately* of any **discrepancy** on the proofs or layout and the information previously received.
- f. The most populous county of a multi-county district must *immediately* provide each less populous county within the district a written notice, with receipt, of any candidate who **dies** by October 27 (for a candidate nominated at the primary election) or October 30 (for an independent or nonpartisan candidate) with instructions for the removal of that candidate's name from the ballot and, if appropriate, substitution of a replacement candidate's name. R.C.3513.31.

8. Absentee Ballots (all voting systems)

R.C. 3509.01 and R.C. 3511.04 require each board of elections to have absentee ballots printed and ready for use 35 days before a presidential general election (i.e., by September

30, 2008).

A copy of each absentee ballot (presidential, office type, nonpartisan, and questions and issues) must be forwarded to the Secretary of State's office at least 25 days before the election (no later than October 10, 2008). Please do not confuse the submission of a copy of the absentee ballot with the earlier submission of ballot proofs.

The copy of the absentee ballot should be transmitted and forwarded to the attention of Serena Henderson by one of the following methods:

- Email: shenders@sos.state.oh.us; or
- CD or computer diskette - U. S. Mail: P.O. Box 2828 Columbus, OH 43216 or 180 E. Broad St., 15th Fl., Columbus, OH 43215

It is the responsibility of the board of elections to send the absentee ballot file or CD/diskette to the Secretary of State's office. (R.C. 3509.01).

9. Official Canvass Deadline

As a reminder, R.C. 3505.32 requires all boards to complete their official canvass by November 25, 2008.

If you have questions after you have reviewed the enclosed directive with printing instructions, please contact your assigned elections counsel.

Sincerely,

Jennifer Brunner