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DIRECTIVE 2011-27

August 30, 2011

TO: BOARDS OF ELECTIONS

Members, Directors, and Deputy Directors

Summary

This directive explains the process for preparing and printing the official ballot for the November 8, 2011 general election and, in accordance with R.C. 3505.01, includes the certified forms of the official ballots to be used at the November 8, 2011 general election for the following:

- City Office Type
- Village Office Type
- Judicial Nonpartisan
- City Nonpartisan
- Village Nonpartisan
- Township Nonpartisan
- Board of Education Nonpartisan
- Questions and Issues - State Issues (certified text of state issues)
- Questions and Issues - Selected bond issues, tax questions and local liquor option

A. Candidate Ballots.

The certified general ballot forms are for cities and villages operating under the general statutory plan of government. These ballot forms contain the correct title of each office as it should appear on your local ballot and the order in which offices must appear on the ballot.

1. Ballot Order

City offices must be listed in the following order:

- a. Mayor
- b. President of Council
- c. Auditor
- d. Treasurer
- e. Director of Law
- f. Member of Council at Large

- g. Ward Council
- h. Judge of the Municipal Court
- i. Clerk of the Municipal Court

Village offices must be listed in the following order:

- a. Mayor
- b. Clerk-Treasurer
- c. Clerk
- d. Treasurer
- e. Member of Council
- f. Member of Board of Trustees of Public Affairs

If a city or village has adopted a charter or one of the three alternate forms of home rule government set forth in Revised Code Chapter 705 (i.e., commission plan, city manager plan, or federal plan), you must refer to the charter or appropriate provisions of R.C. Chapter 705 for the proper office titles, terms of office and, if prescribed in the charter, form of ballot.

In the case of any office for which election of an office holder is to be made at the general 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 general election 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.

2. Full or Unexpired Term (R.C. 3505.04)

- a. **Judicial Offices.** Immediately below the title of office shall be printed either "Full Term Commencing" or "Unexpired Term Ending," followed by the appropriate date. In counties where more than one full term for the office of judge of a municipal court are to appear on the ballot, the judicial offices for that court should appear in chronological order by dates the terms commence.
- b. **Non-Judicial Offices.** 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 full term first followed by the unexpired term.

3. Candidates with Same Names (R.C. 3505.021)

In the event that two or more candidates for the same office have the same first and last names, please follow as appropriate the procedures set forth in R.C. 35105.021. If you have questions about the application of R.C.

3505.021, please contact the elections attorney assigned to your county.

4. Rotation of Candidates' Names

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

- a. Absentee ballots, which may bear a different rotation (discussed below), or
- b. When the number of candidates for a particular office is the same as the number of candidates to be elected to that office (uncontested races).

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.

For example, four of the seven offices on the ballot have uncontested races. The remaining three offices (only one candidate to be elected to each particular office) have the following number of candidates printed on the ballot:

Office One – two candidates
Office Two – three candidates
Office Three – four candidates

The least common multiple of this series of candidates is 12 (the smallest number possible that 2, 3 and 4 divide into evenly). Therefore, this series of candidates must rotate 12 times. The candidates for the uncontested races do not rotate.

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.

5. Rotation on Absentee Ballots (R.C. 3505.03, 3513.15)

On absentee ballots, the names of all candidates for an office shall be:

- a. Arranged in alphabetical order in a group under the title of that office, and
- b. Alternated so that each name appears on each succeeding ballot, insofar as is reasonably possible, substantially an equal number of times at the beginning, at the end, and in each intermediate place (if any) of the group of candidates for that office.

In those counties using voting systems in which absentee ballots are combined with ballots voted at the precinct prior to tabulation (i.e., tabulated in the voter's home precinct) or counties that do not report absentee ballots as a single precinct (i.e., counties that combine the absentee ballot totals and the election day ballot

totals into the totals of the voter's home precinct), the ballot name order for candidates on absentee ballots shall be the same as the precinct ballot name order for candidates on regular ballots. It is preferred that absentee ballots will be combined with ballots voted at the precinct so that the absentee voter's ballot will be reported with the Election Day ballots for that same precinct.

6. Write-In Vote Blank Spaces (R.C. 3505.23)

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.

7. Nickname

Usually, a candidate's name will appear on the ballot as it appeared on the candidate's declaration of candidacy. 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. For example, a candidate named William Smith may request that his name appear on the ballot as William Smith, Will Smith, Bill Smith, Billy Smith, but not William "Bill" Smith.

8. Former Name

Any former names which have been declared or submitted by a candidate pursuant to R.C. 3505.02 must be printed on the ballot in parenthesis directly below the candidate's current name. This requirement generally does not apply to a name change resulting from a marriage or divorce.

9. Titles

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

B. Official Questions and Issues Ballot.

The Official Questions and Issues Ballot (issues, tax levies, bond issues, and local liquor options) must be used for all voting systems. The ballot form provides the exact ballot language that must appear for the three state issues on all ballots. Also, the ballot form contains examples of some of the local questions and issues that may appear on the ballot in your county. 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 ballots in your county.

1. Order

Questions and issues follow candidates on the ballot. Questions and issues shall be grouped together in the following political subdivision order for elections held in 2011:

- a. State
- b. Township
- c. School and other districts
- d. County
- e. Municipal

Each board of elections may determine the specific order in which the questions/issues within each group shall be placed on the ballot in that county. Absentee ballots must contain identical ordering of issues within groups to regular ballots.

Please review the appropriate sections of the Ohio Revised Code, local charter (if applicable), and the *Questions and Issues Handbook* for ballot language and formats that are not on the enclosed Official Questions and Issues Ballot.

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

The heading "OFFICIAL QUESTIONS AND ISSUES" must appear before the text of the first question or issue listed on the ballot. Immediately below the heading of each question or issue 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 local question or issue appearing on the ballot *may*, but need not, be numbered.

3. Ballot Language (R.C. 3505.06)

A minimum type size of 10-point shall be used for all questions and issues. The ballot language need not contain the full text of the proposal to be voted upon. The board of elections may prepare a condensed text, if it properly describes each local question or issue appearing on the ballot. The Secretary of State legal staff shall review the text of all local questions and issues.

In any case where 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 visible location that is easily accessible to the voters.

4. Percentage of Votes (R.C. 3505.06)

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 requesting the submission of the question or issue. The percentages should be stated as follows: "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; e.g., "A fifty-five percent affirmative vote is necessary for passage." Do not use the percent symbol "%."

C. Number of Ballots.

1. Optical Scan Counties.

R.C. 3505.11 provides that the number of ballots to be printed for a precinct in a county that uses optical scan devices as its primary voting system shall be as follows:

- a. **If a board of elections pre-prints the total stock of ballots to be used at the voting location on Election Day**, the board must provide at least one percent (1%) more than the total number of voters registered in the precinct. R.C. 3505.11(A). In determining the number of voters registered, a board does not have to count electors who have failed to respond within 30 days to any confirmation notice.
- b. **If a board has chosen to provide ballots on demand at the voting location on Election Day**, the board must provide for each precinct at least five percent (5%) more ballots than the total number of electors in that precinct who voted in the 2007 general election. R.C. 3505.11(B)(1)(b) & (2). 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.

2. DREs

A board of elections that uses DRE machines as its primary voting system or for ADA compliance must program on its encoder card or cards all ballot types to be provided in the voting location where they will be used for the November 8, 2011 general election.

D. Type face for ballots (R.C. 3505.08(B))

1. All Ballots (Candidate, Question & Issues)

- a. Headings must be printed in display in Arial or Roman font. The remainder of the ballot wording should also be printed in Arial or Roman type, for consistency throughout the ballot. Fonts *sans serif* are easier to read thus Arial is preferred.

- b. A 2-point rule shall separate columns from each other.
- c. The date of the election and the facsimile signatures of the members of the county board of elections shall also be placed on the ballot.
- d. All ballots shall be printed with black ink (R.C. 3505.08).

2. Candidate Ballots

- a. Each office title shall be printed in 12-point boldface upper and lower case type, and a screened (lightly shaded) heading should be used. The office title shall be flush left.
- b. For offices for which only one person may be elected, immediately below the office title the following must be printed: "Vote for Not More Than 1" in a minimum point size of 10-point boldface upper and lower case type. The "vote for" wording should be flush left within the shaded title area directly beneath the title of the office or, if applicable, the term commencing date or the unexpired term ending date.
- c. For offices for which more than one may be elected, immediately below the office title the following must be printed, "Vote for Not More Than ____" in a minimum point size of 10-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. For example: "Vote for Not More Than 3." The "vote for" wording should be flush left within the shaded title area directly beneath the title of the office or, if applicable, the term commencing date or the unexpired term ending date.
- d. Names of candidates must be printed in a minimum of 12-point boldface upper and lower case type. The name of each candidate must be flush left, but the name should not extend into the voting channel or column.
- e. A 2-point rule shall separate the title of the office from the names of the candidates for that office.
- f. The name of the political party of a candidate on the official office type ballot shall be printed in 10-point lightface upper and upper and lower case type and shall be separated from the name of the candidate by a 2-point blank space. The name of the political party shall be flush with the name of the candidate.

No designation shall appear under the name of an independent candidate or candidate for a nonpartisan office.

Exception: If an independent candidate (a non-party candidate in a contest where other candidates are listed with the candidate's political party) makes a request at the time of filing his or her petition to have the ballot designation "nonparty candidate" or "other-party candidate", it shall be printed in the same manner as above. (See R.C. 3505.03) The designation "independent" may not appear on the ballot.

- g. A 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 on the ballot.
- h. A 1-point rule shall separate names of candidates.

E. Ballot Instructions to Voters (R.C. 3505.12, 3606.08, 3506.09)

Each ballot must contain instructions advising the voter of the manner in which to mark the ballot. The instructions should be in upper and lower case of a minimum of 12-point type. Each board must provide clear instructions appropriate for its voting system(s). For example: "To vote you must completely darken the oval to the left of the candidate or answer of your choice." Do *not* use terminology in your instructions that a voter may interpret differently than what may be intended, such as: "Completely darken the oval opposite of your choice."

The instructions for an optical scan ballot should also contain wording to inform the voter that, if he or she marks more choices than permitted, no vote for that race or issue will be counted.

F. Sealing Of Printed Paper Ballots (R.C. 3505.15)

The board shall make adequate provision for the inspection of the printing and rotation of names 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.

G. Stubs (R.C. 3505.08, 3506.08, 3506.09)

Unless the Secretary of State's office has granted permission for a board to use a one-stub ballot, each optical scan ballot shall have attached at the top or bottom two stubs, each the width of the ballot and not less than one-half inch in length. Perforated lines shall separate the stubs from the ballot and each other. The top stub 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 the same ballot number upon both of the stubs attached to the ballot.

H. Proofing Procedure (R.C. 3505.14)

1. Proof Ballots

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 board employees they designate, shall proofread all series of ballots. After staff has proofed the ballots, the board members also should review and verify ballot layouts/proofs. It is a good practice to have one person read aloud what should be printed based upon the Board's records or order while another person follows along on the proof to ensure that what is printed is what should be printed.

R.C. 3505.14 requires that, after a board of election receives its ballot proofs, the board shall do all the following:

The following individuals must be notified that the ballot proofs are available for inspection and correction:

- Chairperson of the local executive committee of each political party;
- A designated representative of an independent or minor party candidate, if any such candidate has qualified for the ballot; and
- A designated representative for each group supporting and/or opposing the ballot issues appear in on the ballot. 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.

Current law does not require boards of elections to notify political subdivisions that have certified issues or questions to the ballot that the ballot proofs are available for inspection and correction. However, a board of elections may want to adopt a policy to provide the political subdivisions at least as much notice as must be given to groups supporting or opposing ballot issues.

In Multi-County District Elections, the most populous county must notify all the boards in that district of the candidates and/or questions/issues appearing on the ballot for that district. These boards must follow the notification procedure detailed below:

- The most populous county must send a written notice of the appropriate candidates/issues to each less populous county within the multi-county district.
- The most populous county must provide to the less populous counties receipts itemizing each district candidate and issue being provided with the ballot information.
- Each less populous county must return the receipts to the most populous county, either confirming that the less populous county received every candidate/issue itemized on the receipt or identifying the itemized items it did not receive.
- 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.
- 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.
- 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 before October 29, with instructions for the removal of that candidate's name from the ballot and, if appropriate, substitution of a replacement candidate's name.

2. Post

Post the ballot proofs for at least 24 hours in a publicly accessible place in the board office and include instructions for notifying the board of any needed or requested correction(s), after which board personnel must review and correct any error.

3. Transmit to Secretary

Transmit a copy of the proof of each Question and Issue Ballot to the Secretary of State's office for review. Please do not send candidate ballot proofs to the Secretary of State's office. Each board of elections is responsible for verifying the accuracy of its candidate ballots. Please send the proof(s) of the Question and Issue Ballot to Serena Henderson at one of the following:

Fax: 614-485-7566

E-mail: shenders@ohiosecretaryofstate.gov

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.

I. Absentee Ballots (R.C. 3509.01, R.C. 3511.04)

Each board of elections must have absentee ballots printed and ready for use 45 days before the general election (September 24, 2011) for Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters, and 35 days before the general election (October 4, 2011) for non-UOCAVA voters.¹

A copy of each absentee ballot (candidates and questions and issues) must be sent to the Secretary of State's office at least 25 days before the election (October 14, 2011). Please send to Serena Henderson at either of the following:

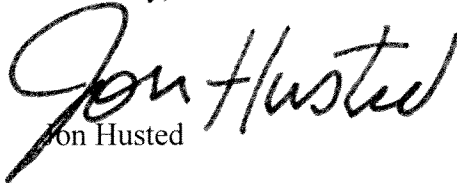
Email: shenders@ohiosecretaryofstate.gov; or

CD by U.S. Mail to:

Ohio Secretary of State's Office
Elections Division
Attn: Serena Henderson
P.O. Box 2828
Columbus, OH 43216

If you have questions, please contact your county's assigned elections counsel.

Sincerely,



Jon Husted

¹ These instructions and deadlines are based on current law. The changes enacted in Am Sub. H.B. 194 will not become effective until September 30, 2011, at the earliest. If a valid and sufficient referendum petition is filed on or before September 29, 2011 the provisions of Am. Sub. H.B. 194 will be stayed until they have been approved by the voters at the 2012 General Election.