



Jon Husted Ohio Secretary of State

180 East Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: (877) 767-6446 Fax: (614) 644-0649
www.OhioSecretaryofState.gov

DIRECTIVE 2011-45

December 27, 2011

TO: BOARDS OF ELECTIONS

Members, Directors, and Deputy Directors

Re: Ballots for March 6, 2012 Primary Election

Summary

This directive explains the process for preparing and printing the official ballot for the March 6, 2012 primary election and, in accordance with R.C. 3513.05, includes the certified forms of the official ballots to be used at the March 6, 2012 primary election. R.C. 3513.13 requires each board of elections to provide separate ballots for each political party listing candidates for nomination or election in a primary election.

Due to the December 30, 2011 filing deadline (see Directive 2011-41), the names of candidates will not be certified until January 11, 2012 at the latest.

Accompanying this Directive are the following ballot forms:

- Official Constitution Primary Ballot
- Official Democratic Primary Ballot
- Official Green Primary Ballot
- Official Libertarian Primary Ballot
- Official Republican Primary Ballot
- Official Socialist Primary Ballot
- Official Questions and Issues Ballot

Note that, while it is recognized as a minor party in Ohio, the Americans Elect Party is not conducting a primary election under Title 35; therefore, a primary ballot is not prescribed for it.

The certified form of the Official Questions and Issues Ballot (issues, tax levies, bond issues, and local liquor options) contains examples of some of the questions and issues that *might* 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.

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

Instructions

A. Candidate Ballots

Separate primary election ballots shall be provided for each political party having a candidate for nomination or election. Such ballots shall have printed at the top and below the stubs "Official (name of party) Primary Ballot."

Primary election ballots for major parties (Democratic and Republican) shall list all offices and positions for which valid declarations of candidacy could have been filed. In the event that no valid declaration of candidacy is filed (including a declaration of intent to be a write-in candidate) then the board shall print "No Valid Declaration of Candidacy Filed" in the space where a candidate's name or a space for write-in would otherwise appear, except as required by R.C. 3513.14 (discussed later in this Directive).

Primary election ballots for minor political parties (Constitution, Green, Libertarian, and Socialist) shall list only the offices and positions for which valid declarations of candidacy have been filed and shall contain only the names of persons whose declarations of candidacy have been determined to be valid for those offices and positions.

Boards are not required to provide ballots of different colors for each party having candidates for the primary election. However, if a board so chooses, and its selected vendor is able to provide color-differentiated ballots (tinted headings or color lines/bars), a board may do so.

The names of all candidates who have not withdrawn pursuant to R.C. 3513.30, must be arranged, rotated, and printed upon the ballot in accordance with the provisions of Ohio Revised Code Chapters 3505, 3506, and 3513.

- **All Primary Ballots:** (R.C. 3513.13, 3513.151)

The order of offices for the **Democratic** ballots shall be as follows:

At Large Presidential Delegates¹ (name of delegates' first choice for presidential candidate)

¹ Ohio Democratic Party rules require the delegate vote total for president to be reported by congressional district. Counties with more than one congressional district must program their tabulating system accordingly. Counties in a multi-county congressional district must follow standard reporting protocols to the majority county in the district for both the unofficial and official canvass.

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
Prosecuting Attorney
Clerk of the Court of Common Pleas
Sheriff
County Recorder
County Treasurer
County Engineer
Coroner
County Auditor (if a vacancy occurred that requires an unexpired term election)
Member of County Central Committee

The order of offices for the **Republican** ballots shall be as follows:

At Large Presidential delegates (name of delegates' first choice for presidential candidate)
Congressional District Presidential Delegates (name of delegates' first choice for presidential candidate)
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
Prosecuting Attorney
Clerk of the Court of Common Pleas
Sheriff
County Recorder
County Treasurer
County Engineer
Coroner
County Auditor (if a vacancy occurred that requires an unexpired term election)
Member of County Central Committee

The order of offices for the **Constitution** ballots shall be as follows:

Presidential Delegates (name of delegates' first choice for presidential candidate)
U. S. Senator
Representative to Congress
Justices of the Supreme Court
Judge of Court of Appeals
Member of State Central Committee
State Senator
State Representative
Judges of the Court of Common Pleas
County Commissioner
Prosecuting Attorney
Clerk of the Court of Common Pleas
Sheriff
County Recorder
County Treasurer
County Engineer
Coroner
County Auditor (if a vacancy occurred that requires an unexpired term election)

The order of offices for the **Green** ballots shall be as follows:

Presidential Delegates (name of delegates' first choice for presidential candidate)
U.S. Senator
Representative to Congress
Justices of the Supreme Court
Judge of Court of Appeals
Member of State Central Committee
State Senator
State Representative
Judges of the Court of Common Pleas
County Commissioner
Prosecuting Attorney
Clerk of the Court of Common Pleas
Sheriff
County Recorder
County Treasurer
County Engineer
Coroner
County Auditor (if a vacancy occurred that requires an unexpired term election)
Member of County Central Committee

The order of offices for the **Libertarian** ballots shall be as follows:

- Presidential Delegates (name of delegates' first choice for presidential candidate)
- U.S. Senator
- Representative to Congress
- Justices of the Supreme Court
- Judge of Court of Appeals
- Member of State Central Committee
- State Senator
- State Representative
- Judges of the Court of Common Pleas
- County Commissioner
- Prosecuting Attorney
- Clerk of the Court of Common Pleas
- Sheriff
- County Recorder
- County Treasurer
- County Engineer
- Coroner
- County Auditor (if a vacancy occurred that requires an unexpired term election)
- Member of County Central Committee

The order of offices for the **Socialist** ballots shall be as follows:

- Presidential delegates (name of delegates' first choice for presidential candidate)
- U. S. Senator
- Representative to Congress
- Justices of the Supreme Court
- Judge of Court of Appeals
- State Senator
- State Representative
- Judges of the Court of Common Pleas
- County Commissioner
- Prosecuting Attorney
- Clerk of the Court of Common Pleas
- Sheriff
- County Recorder
- County Treasurer
- County Engineer
- Coroner
- County Auditor (if a vacancy occurred that requires an unexpired term election)

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

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

- a. **Judicial Offices.** For judicial offices, the designation of “Full Term Commencing” or “Unexpired Term Ending,” followed by the appropriate date must appear where more than one full term for the office of judge appears on the ballot. The judicial offices for that court should appear in chronological order by the date the terms commence.
- b. **Non-Judicial Offices.** For all other offices, the designation of term is necessary only when there is an unexpired term to elect (e.g., if a County Auditor is running for an unexpired term) and where two or more full terms for the office are to appear on the ballot (e.g., County Commissioner), in which case the offices should appear in chronological order by the date the terms commence.

2. Candidates with Same Names (3513.131)

In the event that two or more candidates for the same office have the same first and last names, please follow the procedures in **3513.131**. If you have questions, please contact the Secretary of State’s elections attorney that is assigned to your county.

3. Rotation of Candidates’ Names (R.C. 3513.15)

The names of all candidates for an office must be arranged in a group under the title of that office and must be rotated from one precinct to another, with the following exceptions:

- 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 must number all precincts in regular, serial sequence. In the first precinct, the names of the candidates in each group must be listed in alphabetical order. In each succeeding precinct, the name in each group which is listed first in the preceding precinct must be listed last, and the name of each candidate must be moved up one place.

4. Rotation on Absentee Ballots (R.C. 3505.03, 3509.01, 3511.03, and 3513.15)

On absentee ballots, the names of all candidates for an office must 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 must be the same as the precinct ballot name order for candidates on regular ballots. It is preferred that counties not use the "absentee as a single precinct" method.

5. Write-In Vote Blank Spaces (R.C.3513.041, 3513.14)

A write-in space must 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.

County Central Committee: The board may accept valid declarations of intent to be a write-in candidate and provide a write-in space on the ballot for county central committee, even if no declarations of candidacy were filed for the positions. OAG 70-011.

State Central Committee: The board may not accept declarations of intent to be a write-in candidate for state central committee. If no valid

declarations of candidacy were filed for the positions, the office does not appear on the ballot. R.C. 3513.14.

6. 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. R.C. 3505.03.

7. Former Name (R.C. 3505.02, 3513.06)

Any former names that have been declared or submitted by a candidate pursuant to 3513.06 must be printed on the ballot in parenthesis directly below the candidate's current name. This requirement does not apply to a name change resulting from a marriage or divorce.

8. Titles

R.C. 3505.03 prohibits printing words, designations, or emblems descriptive of a candidate or the candidate's political affiliation on the ballot, including titles such as "Dr.," "Judge," "Rev.," etc.

B. Official Questions and Issues Ballot

Offices for which candidates may be nominated or elected are presented on the ballot first, followed by the questions and issues. The Official Questions and Issues Ballot must be used for all voting systems. 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 must be grouped together in the following political subdivision order for elections held in 2012:

- a. State
- b. Municipal
- c. Township
- d. School and other Districts

e. County

Each board of elections may determine the specific order in which the questions/issues within each group are placed on the ballot in that county, however, a board should adopt a method for doing so (i.e., ordered alphabetically or by date filed, etc.). 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 attached 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 must 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, 3505.08)

A minimum type size of 10-point must 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 that properly describes each local question or issue appearing on the ballot.

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, must 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 must be on the Questions and Issues Ballot for each question and issue. The statement 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 must 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 2008 primary election. R.C. 3505.11(B)(1)(a) & (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 March 6, 2012 primary election.

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

1. All Ballots (Candidate, Question & Issues)

- a. Headings must be printed in display 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; therefore Arial is preferred.
- b. A 2-point rule must separate columns from each other.
- c. The date of the election and the facsimile signatures of the members of the county board of elections must also be placed on the ballot.

- d. All ballots must be printed with black ink. R.C. 3505.08.
- e. Unless it is absolutely unavoidable (e.g., doing so would require the use of an additional sheet that would otherwise be unnecessary), the names of all candidates for a single office should be in the same column of a paper ballot or on the same screen of a DRE so that the voter does not have to go to the next column or advance to the next screen to view all of the eligible candidates for that contest

Because language for a ballot question or issue may be longer than is available in a single column, it may be necessary to wrap the language from one column to the next. As a general rule, you should do your best to avoid wrapping text.

In counties where a language in addition to English is required to appear on the ballot, the presentation of the additional language version should follow -- and wrap if necessary -- immediately after the presentation of the English version; it should **not** be presented in a separate column by itself.

2. Candidate Ballots

- a. Each office title must be printed in 12-point boldface upper and lower case type, and a screened (lightly shaded) heading should be used. The office title must be flush left.
- b. For offices for which only one person may be nominated or 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 person may be nominated or 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.
- f. A 2-point rule must separate the title of the office from the names of the candidates for that office.
- g. A 4-point rule must 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 must 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 is 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 contest or issue will be counted.

F. 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 must 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 must separate the stubs from the ballot and each other. The top stub shall be known as "Stub B" and must have printed on its face "Stub B." The other stub shall be known as "Stub A" and must have printed on its face "Stub A."

Each stub must 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.

G. Proofing Procedure (R.C. 3505.14)

1. Proof Ballots

Boards of elections must thoroughly and promptly check every detail of their ballots, including but not limited to spelling, grammar, and layout, upon receiving the ballot layouts or proofs from the vendor or printer. Either the director and deputy director, or board employees they designate, must 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 must do all the following:

Notify the following individuals that the ballot proofs are available for inspection and correction:

- Chairperson of the local executive committee of each political party;
- 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 the questions/issues appearing on the ballot for that district. The boards must follow the notification procedure detailed below:

- The most populous county must send a written notice of the appropriate candidates/questions/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, question, 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/question/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/questions/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 February 25, 2012, 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:

E-mail: shenders@ohiosecretaryofstate.gov

Fax: 614-485-7566

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.

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

The board must make adequate provision for the inspection of the printing and rotation

of names of the ballots. The selected printing vendor must 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, must give a receipt for them indicating the number of ballots in each package and the number of precincts in each case. See Directive 2011-41 for special information related only to the March 6, 2012 Primary Election regarding the competitive bid process and threshold for the printing of ballots.

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 primary election (January 21, 2012) for Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters, and 35 days before the primary election (January 31, 2012) for non-UOCAVA voters. Even though the 45th day before the election falls on a Saturday, the Board must have ballots ready and issue those ballots to any UOCAVA-qualified elector who has, at that time, submitted a valid application for absent voter's ballot under state law. 42 U.S.C.s. 1973ff-1(a)(8).

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 (February 10, 2012). 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

J. 17-Year Old Voters (R.C. 3503.01, 3503.011 and 3503.07).

Ohio law allows 17-year old electors who will be 18 years of age on or before the date of the November 6, 2012 general election to vote solely on the nomination of candidates seeking to be elected at that general election. Voters who are 17 years old as of March 6, 2012, are not permitted to vote on any of the following:

- At-large or district presidential delegates to a nominating convention
- County Party Central Committee
- State Party Central Committee
- Questions and Issues

1. Form of Ballot for Optical Scan (17-Year Old Voter)

Counties may either:

- a. Provide an unique optical scan ballot that contains only the offices with candidates to be nominated (i.e., without the presidential delegates, state and county central committee contests, and without the questions and issues) and allow the 17-year old voter to place it into the precinct count optical scanner, or
- b. Provide a regular optical scan ballot, instructions on the proper method for marking and returning the ballot (see attached), and an envelope into which the voted ballot can be placed and segregated from the other regular ballots so that the board can review the ballot before centrally tabulating it to ensure that no votes for which the 17-year old voter is ineligible to cast are counted. If the ballot contains marks for contests and/or questions for which the voter is ineligible the ballot must be remade under the boards normal re-make policy, but re-making for only those contests for which the voter is eligible.

A board may not avoid creating separate ballot styles for 17-year old voters by providing a 17-year old voter with an "over-voted" ballot to satisfy option (a) above.

2. Form of Ballot for DRE (17-Year Old Voter)

Counties may either:

- a. Provide a DRE ballot that contains only the eligible offices, or
- b. Provide a centrally-tabulated optical scan ballot and follow the instructions outlined (1)(b) above.

If you have any questions, please contact the Secretary of State's elections attorney that is assigned to your county.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Husted". The signature is stylized with a large, sweeping "J" and "H".

Jon Husted