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DIRECTIVE 2012-34

August 15, 2012

To: All County Boards of Elections
Members, Directors, and Deputy Directors

Re: Ballot Layout Instructions

SUMMARY

This Directive provides instructions to boards of elections for the layout of ballots for the November 6, 2012 General Election.

Prior to starting any programming, all boards of elections should review the AIGA/Election Assistance Commission's report entitled [Effective Designs for the Administration of Federal Elections](#), specifically chapters [2](#), [3](#), and [5](#), and the National Institute of Standards' [Use of Language in Ballot Instructions](#).

INSTRUCTIONS

I. GENERAL GUIDELINES

A. Format

1. Headings must be printed in display Arial or Roman font.¹ The font used for headings is the font that you will use for all copy throughout the ballot. Fonts *sans serif* are easier to read; therefore Arial or a similar font is preferred.
2. A 2-point rule must separate columns from each other.²

B. The date of the election and the facsimile signatures of the members of the county board of elections must be placed on the back or at the end of the ballot.³

C. All ballots must be printed with black ink.⁴

¹ R.C. 3501.05(I)

² R.C. 3505.08(A)

³ R.C. 3505.08(A)

⁴ R.C. 3505.08(A)

- D. The names of all candidates for a single office must 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.
- For all DREs, the contests for President and Vice-President, United States Senator, and United States Congress should appear on separate, consecutive screens.

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. The “Yes/No” ovals should never stand alone in a column without any portion of the text preceding it in that column. If your voting system is capable of combining more than one column to create a wider column to avoid wrapping text, you may do so. As a general rule, you should do your best to avoid wrapping text for a ballot question or issue.

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 as necessary, immediately after the presentation of the English version followed by the space for the voter to mark his or her vote. The additional language translation should not be presented in a separate column by itself.

E. Voter Instructions⁵

1. 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) as follows:
 - a. **To vote:** completely darken the oval (●) to the left of your choice.
 - b. Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed.
 - c. If you mark the ballot for more choices than permitted, that contest or question will not be counted.
 - d. **To write-in a candidate:** completely darken the oval (●) to the left of the blank line and write in the candidate’s name. Only votes cast for candidates who filed as write-in candidates can be counted.
 - e. Do not write-in a candidate’s name if that person’s name is already printed on the ballot for that same contest.

⁵ R.C. 3505.12, 3506.08, 3506.09

- f. **If you make a mistake or want to change your vote:** return your ballot to an election official and get a new one. You may ask for a new ballot up to two times.
2. For DREs, the Board must provide DRE-specific instructions for (a), (d), and (f) above, substantially as follows:
 - **To vote for the candidate of your choice:** touch that person's name. A check-mark will appear indicating your selection.
 - **To write-in a candidate:** touch the area labeled "Write-in". Letters will appear on the screen. Spell the name of the candidate of your choice by touching the letters.
 - **If you make a mistake or want to change your vote:** first touch the choice you no longer want. Then touch the choice you do want.
3. For DREs, it is not necessary for the Board to include instructions (b) and (c) above.
4. For GEMS users: if the system is not capable of printing different instructions for paper ballots that differ from those that appear on the DRE screen, the Board must do one of the following:
 - a. Program the instructions for an optical scan ballot then post DRE-specific instructions inside each DRE booth, or
 - b. Program the instruction for a DRE then work with the board's optical scan ballot printing vendor to remove the pre-populated DRE instruction and replace them with the optical scan ballot instructions above.
5. Instructions, such as those listed above, are not consecutive steps and therefore should not be numbered. Differentiate between them by making each an individual paragraphs or set apart with bullets.

F. Ballot Stubs⁶

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."

⁶ R.C. 3505.08(A), 3506.08, 3506.09

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. Ballot Types

The following headings shall not be used:⁷

- o Official Presidential Ballot
- o Official Office Type Ballot
- o Official Nonpartisan Ballot
- o Official Questions and Issues Ballot

H. Page Numbers

Each side of a sheet of paper is considered a page. Every page should be labeled "Page X of Y" so the voter knows both the "order" of the ballot and how many pages remain.

Example: Page 2 of 2 indicates the "back" of a single sheet ballot

Example: Page 3 of 4 indicates the "front" of a two sheet ballot

For DREs, label each screen "Screen X of Y" for the same reason.

II. CANDIDATE GUIDELINES

See [Directive 2012-31](#) for the ballot order of offices and positions for the November 6, 2012 General Election.

A. Office Headings⁸

1. 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.
2. Number to be Elected
 - a. For President and Vice-President: "Vote for not more than 1 pair"
 - b. For all other offices for which only one person may be nominated or elected, immediately below the office title, print "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

⁷ R.C. 3505.08(B)

⁸ R.C. 3505.08(A)

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, print "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.

3. Full or Unexpired Term⁹

- a. 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. 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.

B. A 2-point rule must separate the title of the office from the names of the candidates for that office.¹⁰

C. Special instructions for President and Vice-President¹¹

After the number to be elected, but before the first candidate's name, shall be printed the following statement:

A vote for any candidates for President and Vice-President shall be a vote for the electors of those candidates whose names have been certified to the Secretary of State.

D. Candidate Names¹²

1. 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.

⁹ R.C. 3505.04

¹⁰ R.C. 3505.08(A)

¹¹ R.C. 3505.10(A)

¹² R.C. 3505.08(A)

In the event that no candidate was nominated or no valid declaration of candidacy was filed (including a declaration of intent to be a write-in candidate), the Board shall print “No Candidate” in the space where a candidate’s name or a space for write-in would otherwise appear.

2. 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.
3. A 1-point rule must separate names of candidates.
4. 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.¹³
5. Restrictions
 - i. Nicknames: 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.
 - ii. Former names: Any former names that have been declared or submitted by a candidate must be printed on the ballot in parenthesis directly below the candidate’s current name.¹⁴ This requirement does not apply to a name change resulting from a marriage or divorce.
 - iii. Titles: 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., is prohibited.¹⁵
 - iv. When two or more candidates for the same office have the same first and last names,¹⁶ contact the Secretary of State’s elections attorney assigned to your county for assistance.

E. Candidate’s Political Party

1. For all partisan contests, the name of the political party having nominated the candidate shall be printed in 10-point upper and lower case type and shall be separated from the name of the candidate by a 2-point blank space.

¹³ R.C. 3505.23

¹⁴ R.C. 3505.02

¹⁵ R.C. 3505.03

¹⁶ R.C. 3505.021

2. The name of the political party shall be flush with the name of the candidate.
3. No party designation shall appear under the name of an independent candidate except when the independent candidate makes a request at the time of filing his or her nominating petition to have the ballot designation “nonparty candidate” or “other-party candidate,” in which case the designation shall be printed as described above.¹⁷

The designation “independent” shall not appear on the ballot.

4. No political party designation shall appear under the name of a candidate for nonpartisan office (e.g., Judge, State Board of Education, etc.).

F. Rotation of Candidates’ Names

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

- Absentee ballots, which may bear a different rotation (discussed below), or
- 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 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 based on the candidates’ last names. 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.

¹⁷ R.C.3505.03, 3513.257

G. Rotation on Absentee Ballots¹⁸

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

- Arranged in alphabetical order (by last name) in a group under the title of that office, and
- 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, in which case, the special absentee rotation scheme described above would not apply, and the rotation on an absentee ballot would match the rotation on an Election Day ballot for the same precinct/style.

III. QUESTION AND ISSUE GUIDELINES

Offices for which candidates may be nominated or elected are presented on the ballot first, followed by the questions and issues.

See [Directive 2012-31](#) for the ballot order of ballot questions and issues for the November 6, 2012 General Election.

A. Headings¹⁹

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.

B. Ballot Language²⁰

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

¹⁸ R.C. 3505.03, 3509.01

¹⁹ R.C. 3505.06(D), 3505.08

²⁰ R.C. 3505.06(E)

elections may prepare a condensed text that properly describes each local question or issue appearing on the ballot. It is preferable for the purpose language to be presented in upper and lower case type rather than as all caps.

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.

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 certified ballot format.

C. Percentage of Votes²¹

A brief statement of the percentage of affirmative votes necessary for passage must be on the 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 percentage 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 "%."

My office is grateful to Dana Chisnell of civicdesigning.org for her invaluable assistance with the design usability and plain language requirements contained in this Directive.

If you have any questions concerning this Directive, please contact the Secretary of State's elections attorney assigned to your county at (614) 466-2585.

Sincerely,

A handwritten signature in dark ink that reads "Jon Husted". The signature is written in a cursive, flowing style.

Jon Husted

²¹ R.C. 3505.06(D)