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DIRECTIVE 2012-38

August 17, 2012

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

Re: Ballot Proofing Requirements

SUMMARY

This Directive provides guidance to boards of elections on the requirements and procedures for proofing ballots as well as establishing a process for counties within a multi-county district to proof candidate names and question/issue ballot language. It also directs all boards of elections to provide to the Secretary of State's Office a copy of one ballot at the time the Board publicly posts its ballots.

INSTRUCTIONS

I. PROOFING DISTRICT RELATIONSHIPS

Boards of elections must verify the accuracy of district relationships in the central tabulating system against the county's voter registration system. This is to ensure that each voter receives the correct ballot style (i.e., the correct combination of candidate offices, questions, and issues) based upon that voter's residential address.

II. PROOFING 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 every candidate contest and ballot question or issue for every ballot style. You should also verify that candidate names are properly rotated (see [Directive 2012-34](#))

After staff has proofed the ballots, the board members also should review and verify ballot layouts/proofs.

It is imperative that board personnel proof from original source material (e.g., the candidate's petition or a document signed by the candidate to confirm the spelling of the candidate's name, or the certification of an issue by the jurisdiction's governing body,

etc.), or a proofing master document that has been verified for accuracy against original source material.

It is a best practice, carried over from proofing set-type on a letterpress, to have one person read aloud what should be printed based upon the original source material, while another person follows along on the proof provided by the printing vendor or generated by the central tabulating system to ensure that what is going to be printed is what should be printed. When proofing candidate names, speak the candidate's name and then spell it aloud, letter by letter. When proofing candidate headings and ballot language, speak any numbers or dates one numeral at a time (e.g., "\$1,000" would be read as "dollar-sign one comma zero zero zero") and speak all punctuation or other symbols (e.g., "period of time, commencing" would be read as "period of time comma commencing").

Each Board also must proof the candidate contests and ballot questions and issues for each precinct split against its voter registration system to ensure that voters are receiving all of the correct combination of offices and districts based on their residential address.

III. POSTING PROOFS¹

After a board of elections receives its ballot proofs, the Board must do all the following:

- A. Notify the following individuals that the ballot proofs are available for inspection and correction:
- Chairperson of the local executive committee of each political party that is represented on the ballot by candidates;
 - A designated representative for each group supporting and/or opposing the ballot issues appearing 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.

Although current law does not require boards of elections to notify political subdivisions that have certified questions or issues to the ballot that the ballot proofs are available for inspection and correction, a board of elections should give those political subdivisions at least as much notice as must be given to groups supporting or opposing ballot issues.

- B. 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.
- C. Not later than the same day ballot proofs are first posted in a publicly accessible place in the board office, the Board must transmit a copy of the "first in face" proof (a proof of the first sequentially numbered precinct in the county) to the Secretary of State's Office for review of the county's layout of statewide candidates and ballot questions and issues.

¹ R.C. 3505.14.

Proofs sent to the Secretary of State's Office must include a proof of an absentee ballot AND, if DREs are the county's primary Election Day voting system, a proof containing each of the screen shots for a DRE.

Send the proof to Serena Henderson at one of the following:

- Email: shenders@ohiosecretaryofstate.gov
- Fax: (614) 485-7566

If a local correction is required at any stage of the proofing process prior to finalization and printing, 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.

IV. MUNITI-COUNTY DISTRICT PROOFS²

In multi-county district elections, the Board of the most populous county must notify all other Boards in that district of the candidates or the ballot questions and issues appearing on the ballot for that district.

However, the Boards of the less populous counties have the responsibility to find out and know what overlaps onto their county ballot and seek out the information so as to not get behind.

Boards of elections in a multi-county district must follow the notification procedure detailed below:

1. Not later than the 85th day before an election, the Board of the most populous county must notify the Board of each less populous county within the district via email whether a candidate or issue was filed by the 90th day before an election.
2. Not later than the 70th day before an election, the Board of the most populous county must send a written notice of the appropriate candidate names and political parties or designations (if applicable) and ballot language for the district questions or issues to the Board of each less populous county within the multi-county district. If the Board of a less populous county has not received notice by the 72nd day, the Board of the less populous county must contact the Board of the most populous county to inquire as to the status of the notification.
 - The Board of the most populous county must provide to the Board of each less populous county in the district a receipt itemizing each candidate name and political party or designation and/or ballot question or issue.
 - Each Board of a less populous county in a district must return the receipts to the Board of the most populous county in the district, either confirming that the Board of

² R.C. 3505.01.

the less populous county received every candidate/question/issue itemized on the receipt or identifying the itemized items it did not receive.

3. No later than the 60th day before an election, the Board of a less populous county must send a proof of its ballot containing the overlapping candidate contest or ballot question or issue to the Board of the most populous county in the district. The Board of the most populous county must review the proofs submitted by the Board of the less populous county and verify that the candidate contests and ballot questions and issues as presented on the less populous county's proof match those of the most populous.
4. No later than the 58th day before an election, the Board of the most populous county in the district must confirm, in writing, to the Board of each less populous county in the district whether the submitted proofs are acceptable or need revised. Neither the Board of the most populous county nor the Board of a less populous county may print ballots or program voting machines until the Board of the most populous county has approved the proofs from the less populous county.
5. The Board of the most populous county of a multi-county district must immediately provide each Board of a less populous county within the district a written notice, with receipt, of any candidate who dies or withdraws prior to Election Day, with instructions for the posting of a notice in the Election Day voting machines and to accompany all absentee ballots or the removal of that candidate's name from the ballot and, if appropriate, substitution of a replacement candidate's name.

V. ABSENTEE BALLOTS³

Each board of elections must have absentee ballots printed and ready for use 45 days before the primary election for Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters, and 35 days before the primary election for non-UOCAVA voters. Even though the 45th day before the election falls on a Saturday, the Board must have ballots ready and must issue those ballots to any UOCAVA elector who, at that time, has submitted a valid application for absent voter's ballot under state law.⁴

A copy of each absentee ballot (including candidate contests and ballot questions and issues) must be sent to the Secretary of State's Office at least 45 days before the election. Send the ballots to Serena Henderson at either of the following addresses:

- shenders@ohiosecretaryofstate.gov; or
- Ohio Secretary of State's Office
Elections Division
Attn: Serena Henderson
P.O. Box 2828
Columbus, Ohio 43216

³ R.C. 3509.01, R.C. 3511.04.

⁴ 42 U.S.C. 1973ff-1(a)(8), R.C. 3509.01(B)(1), R.C. 3511.04(B).

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

Sincerely,


Jon Husted