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DIRECTIVE 2013-03

February 25, 2013

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

Re: Verifying the Accuracy of District Relationships; Establishing the Order of Offices and Issues for Primary and/or Special Elections Ballots; Board Duties When a Primary Election is Eliminated by Operation of Law

SUMMARY

This Directive provides instructions to the boards of elections for verifying the accuracy of district relationships before programming the central tabulating system.

The Directive also provides the order of statutory offices that may appear on ballots for the May 7, 2013 Primary Election and the order of questions and issues that may appear on the Questions and Issues Ballots for special elections held on May 7, 2013. A board of elections is required to provide separate ballots for each political party that is nominating candidates in a primary election.¹

Finally, this Directive provides guidance as to the elimination of a municipal partisan primary election by operation of law and the board of elections' duties if a primary election is eliminated.²

INSTRUCTIONS

I. VERIFYING DISTRICT RELATIONSHIPS

Before programming any aspect of the central tabulating system for primary and/or special elections held on May 7, 2013, the 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 and issues) based upon that voter's residential address.

¹ R.C. 3513.13.

² R.C. 3513.02.

II. CERTIFIED FORM OF BALLOTS - ORDER OF OFFICES AND ISSUES

In accordance with R.C. 3513.05, the Secretary of State hereby certifies the forms of the official ballots to be used at primary elections and/or special elections held on May 7, 2013.

Note: Statutory Municipalities vs. Home Rule Municipalities

A statutory municipal corporation is a city or village that is governed by the general laws of Ohio (i.e., the Revised Code of Ohio). In comparison, a municipal corporation that has adopted a form of limited home rule may have adopted provisions governing elections for municipal offices or issues that differ from general statutory provisions. If specific home rule provisions relating to elections cannot be harmonized with the statutory provisions, the home rule provisions will control elections of the home rule municipality. Questions about the applicability or implementation of home rule provisions should be directed to the municipal corporation's legal counsel (i.e., City Attorney, Director of Law).

A. Candidate Ballots³

1. Primary Ballot – Statutory City

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

2. Primary Ballot – Statutory Village

Village offices must be listed in the following order:

- a. Mayor
- b. Clerk-Treasurer
- c. Clerk
- d. Treasurer

³ 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 (commission plan, city manager plan, or federal plan), you must refer to the charter or appropriate provisions of R.C. Chapter 705 to determine the following: what officers are to be elected; the term of each office to be elected; the method of nomination (e.g., partisan primary election, nonpartisan primary election, or nominating petition) for each office; and the form of the ballot, if such ballot is prescribed by charter.

- e. Member of Council
- f. Member of Board of Trustees of Public Affairs

B. Questions and Issues Ballot

The Questions and Issues Ballot contains the issues, tax levies, bond issues, and local liquor options to be submitted to the electors in each precinct.

Note: Local liquor option questions may appear on the ballot on the day of a primary election only if candidates also appear on the ballot in each precinct affected by the local liquor option in question⁴.

The order of ballot questions and issues for special elections held on May 7, 2013 shall be as follows:⁵

County
Municipal
Township
Schools and other districts

No statewide issue will appear on the May 7, 2013 ballot.

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 consistent method for doing so from election to election (i.e., ordered alphabetically or by date filed, etc.). Absentee ballots must contain identical ordering of issues as regular ballots within the ordering of groups above.

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 Official Questions and Issues Ballot.

III. ELIMINATION OF PARTISAN PRIMARY ELECTIONS IN ODD-NUMBERED YEARS⁶

A. Determining Whether a Partisan Primary Election is Eliminated by Law

Although partisan primary elections are held in even-numbered years for every office for which candidates may be nominated, that is not the case in odd-numbered years. Partisan

⁴ R.C. 4301.33, 4301.331, 4305.14(B); Exception: The question of the sale of spirituous liquor by the glass as provided in R.C. 4303.29 (Form 5-B) may appear only on the general election ballot. It cannot be submitted to voters at a primary election.

⁵ R.C. 3505.06.

⁶ R.C. 3513.02

primary elections held in statutory municipalities in odd-numbered years are subject to the restrictions of R.C. 3513.02, which provides if and when nominations for certain offices will be submitted to the voters. No partisan primary election will be held in an odd-numbered year in a statutory municipality that nominates municipal office holders by partisan primary election if either of the following circumstances occurs:

1. No valid declaration of candidacy is filed for nomination as a candidate of a political party for election to *any* of the offices to be voted for at the general election to be held in such year; or
2. The number of persons filing such declarations of candidacy for nominations as candidates of one political party for election to such offices does not exceed, as to any such office, the number of candidates which such political party is entitled to nominate as its candidates for election to such office.

B. Duties of Election Officials When Primary Election Eliminated

If no partisan primary election is held in a municipality, the board of elections that would have conducted the primary election, declared the results, and issued certificates of nomination shall:

1. Declare each person who would have been entitled to receive a certificate of nomination if the primary election had been held to be nominated,
2. Issue appropriate certificates of nomination to each of them, and
3. Certify their names to the proper election officials, in order that their names may be printed on the official ballots provided for use in the succeeding general election in the same manner as though such primary election had been held and such persons had been nominated at such election.

C. No Write-In Candidates if Partisan Primary Election Eliminated

A board of elections shall not accept a declaration of intent to be a write-in candidate for any office for which the primary election has been eliminated pursuant to R.C. 3513.02.

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

Sincerely,



Jon Husted