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DIRECTIVE 2014-07

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

Re: Ballot Layout Instructions

SUMMARY

This Directive provides instructions to boards of elections for the layout of ballots for the May 6, 2014 Primary 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](#), the National Institute of Standards' [Use of Language in Ballot Instructions](#), and Dana Chisnell's [field guides](#) on usability in election design.

INSTRUCTIONS

I. GENERAL GUIDELINES

The board of elections must provide separate primary election ballots for each political party having candidates for nomination or election in a primary election. The kind of paper, kind of ink, and the size and style of type to be used in printing ballots for general elections apply to the printing of the ballots of primary elections.¹

A. Format

1. Headings must be printed in display Arial, Roman, or similar font.² 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.³

¹ R.C. 3513.13.

² R.C. 3505.08(B).

³ R.C. 3505.08(A).

- B. The date of the election and the facsimile signatures of the members of the county board of elections must be placed at the end of the ballot.⁴
- C. All ballots must be printed with black ink.⁵
- 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 direct recording electronic (DRE) machine 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. The “Yes/No” ovals/buttons should never stand alone in a column without any portion of the text preceding them 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, wrapped as may be 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 Instructions⁶

1. Each optical scan ballot must contain instructions advising the voter how to mark the ballot. The instructions should be in upper and lower case in a minimum of 12-point type. Each Board must provide clear instructions appropriate for its voting system(s), as follows:
 - **To vote:** completely darken the oval (●) to the left of your choice.
 - Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed.
 - If you mark the ballot for more choices than permitted, that contest or question will not be counted.
 - **To vote for a write-in 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.

⁴ R.C. 3505.08(A), as amended by Am. Sub. [S.B. No. 109](#), 130th General Assembly (effective Feb. 25, 2014).

⁵ R.C. 3505.08(A).

⁶ R.C. 3505.12; 3506.08; 3506.09; 3513.13.

- Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest.
 - **If you make a mistake or want to change your vote:** return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times.
2. For DREs, the Board must provide DRE-specific voting instructions, 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 vote for a write-in 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.
 - Do not type in a candidate's name if that person's name already is listed on the ballot for that same contest.
 - **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. Instructions that are not consecutive steps, such as those listed above, should not be numbered. Differentiate between them by making each an individual paragraph or set them apart with bullets, as shown above.
4. 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 and post DRE-specific instructions inside each DRE booth; or
 - b. Program the instructions for a DRE and work with the Board's optical scan ballot printing vendor to remove the pre-populated DRE instructions and replace them with the optical scan ballot instructions above.

F. Ballot Stubs⁷

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

⁷ R.C. 3505.08(A); 3506.08; 3506.09; 3513.13.

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 also must 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. 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 when technologically feasible.

- H.** Boards are not required to provide ballots of different colors for each political party nominating and/or electing candidates at a primary election. However, a board of elections may choose to provide color-differentiated ballots (tinted headings or color lines/bars in across the top or along the side). To differentiate party ballots, the heading “Official _____ (name of party) Primary Election Ballot” should be printed across the top of the ballot.⁸

II. CANDIDATE GUIDELINES

The certified ballot forms accompanying this Directive are for offices to be elected at the May 6, 2014 Primary Election. These ballot forms contain the correct title for each office as that title should appear on your county’s ballot and the order in which offices must appear on the ballot for all voting systems.

See [Directive 2014-04](#) for the ballot order of offices and positions for the May 6, 2014 Primary Election.

A. Office Headings⁹

1. Each office title must be printed in 12-point boldface upper and lower case type; a screened (lightly shaded) heading should be used. The office title must be flush left.

⁸ R.C. 3513.13.

⁹ R.C. 3505.08(A), (B).

2. Number to be Elected

- a.** For all 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 beneath the title of the office or, if applicable, the term commencing date or the unexpired term ending date.
- b.** 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 2).” The “vote for” wording should be flush left within the shaded title area directly beneath the title of the office or, if applicable, the full term commencing date or the unexpired term ending date.

3. Full or Unexpired Term¹⁰

- a.** For judicial offices, the designation of “Full Term Commencing,” followed by the appropriate date, must appear on the ballot. If for an unexpired term, the designation “Unexpired Term Ending,” followed by the date of the end of the term of the office, must appear on the ballot.

The judicial offices for that court should appear in chronological order by the date the terms commence, followed by unexpired terms in descending order based on the ending date of the term.

- b.** For all other offices, the designation of term is necessary only when there is an unexpired term to elect or where there is both a full and unexpired term to elect. Where there is both full and unexpired term for the same office, place the full term first followed by the unexpired term.

- B.** A 2-point rule must separate the title of the office from the names of the candidates for that office.¹¹

C. 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.

¹⁰ R.C. 3505.04.

¹¹ R.C. 3505.08(A).

¹² R.C. 3505.08(A) and (B); 3513.13.

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

If no person files and qualifies as a candidate for the office of member of the state central committee, that office shall not appear on the ballot.¹³

2. A 4-point rule must separate the name of a candidate or joint 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.¹⁴ If more than one person can be elected to an office, and more than one person filed a valid declaration of intent to be a write-in candidate, the Board must provide a sufficient number of write-in spaces on the ballot for that office, but the number of write-in spaces cannot exceed the number of persons to be elected to that office.

Special rules govern candidacies for party controlling committees:

- A board of elections may not accept declarations of intent to be a write-in candidate for **state** central committee of a political party. If no valid declaration of candidacy was filed for the position, the office does not appear on the ballot.¹⁵
- However, a board of elections may accept valid declarations of intent to be a write-in candidate for **county** central committee of a political party even if no valid declarations of candidacy were filed for the position. In such cases, the Board shall provide a write-in space on the ballot.¹⁶

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.

¹³ R.C. 3513.041; OAG 70-011.

¹⁴ R.C. 3513.041.

¹⁵ R.C. 3513.14.

¹⁶ OAG 70-011.

- 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.¹⁷ 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.¹⁸
 - iv. When two or more candidates for the same office have the same first and last names,¹⁹ contact the Secretary of State's elections attorney assigned to your county for assistance.
6. Boards of elections must remove from the ballot the name of any candidate who withdraws on or before the 70th day before a primary election. Boards will not remove from the ballot the name of any candidate who withdraws after the 70th day before a primary election.²⁰

D. Rotation of Candidates' Names²¹

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, except when the number of candidates for a particular office is the same as the number of candidates to be elected to that office (i.e., 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

¹⁷ R.C. 3505.02.

¹⁸ R.C. 3505.03.

¹⁹ R.C. 3505.021.

²⁰ R.C. 3513.30(E).

²¹ R.C. 3505.03, .04.

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.

E. Rotation on Absentee Ballots²²

On absentee ballots, the rotation of names of all candidates for an office must be the same as the rotation of names as they appear on the voter's Election Day precinct ballot.

Boards of elections may not use the "absentee as a single precinct" method for tabulating and reporting absentee vote totals; the rotation on an absentee ballot must match the rotation on an Election Day ballot for the same precinct/style.

F. 17-Year Old Voters

Ohio law permits 17-year old electors who will be 18 years of age on or before the date of the November 4, 2014 general election to vote solely on the nomination of candidates seeking to be elected at that election.²³

Voters who are 17 years old as of May 6, 2014 are not permitted to vote on any of the following:

- State Party Central Committee
- County Party Central Committee
- Questions and Issues

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

Boards of elections may either:

- a. Provide a unique optical scan ballot that contains only the offices with candidates to be nominated (i.e., without the state and 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 must be placed and segregated from the other regular ballots. After the polls close, the board of elections will review the

²² R.C. 3505.03; 3509.01; 3511.03; 3513.15.

²³ R.C. 3503.011.

ballot contained in the envelope 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 17-year old voter is ineligible, the ballot must be remade consistent with [Directive 2012-22](#).

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

Boards of elections may either:

- a. Provide a DRE ballot that contains the offices for which the 17-year old voter is eligible to vote; or
- b. Provide a central count, optical scan ballot and follow the instructions outlined in (1)(b) above.

III. QUESTION AND ISSUE GUIDELINES

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

The certified form of the ballot must be used for all voting systems. This form 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.

See [Directive 2014-04](#) for the ballot order of ballot questions and issues for the May 6, 2014 Primary Election.

A. Headings²⁴

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.” Although not required by state law, numbering local questions and issues is a recommended practice.

B. Ballot Language²⁵

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. It is preferable that the purpose language be presented in upper and lower case type rather than in all capital letters.

²⁴ R.C. 3505.06(D), (F); 3505.08.

²⁵ R.C. 3505.06(E); 3505.08.

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 [*Ohio Ballot 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 Votes²⁶

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 “%.”

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

Sincerely,



Jon Husted

²⁶ R.C. 3505.06(D).