



DIRECTIVE 2023-04

February 21, 2023

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

Re: Ballots for May 2, 2023 Primary/Special Election

SUMMARY

This Directive provides the certified forms of the official ballots to be used in the May 2, 2023 Primary/Special Election. Please note that this Directive must be used alongside [Chapter 5 of the Election Official Manual](#) when preparing ballots for this election. [Chapter 5](#) provides specific instructions on the following subjects:

- Ballot format;
- Voter instructions;
- Ballot stubs;
- Partisan primary elections;
- Seventeen-year-old voters;
- Candidate ballots (names, restrictions, political party, rotation, etc.);
- Questions and issues ballot;
- Ballot proofs;
- Overlaps;
- Bid requirements;
- Ballot quantities;
- Logic and accuracy testing; and
- Public test.

INSTRUCTIONS

I. VERIFYING DISTRICT RELATIONSHIPS

Before programming any aspect of the central tabulating system for the May 2, 2023 Election, 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.

II. OFFICIAL BALLOT FORMS

Each board of elections is required to provide a separate ballot for each political party listing candidates for nomination or election in a primary election.¹ Following the 2020 General Election, no minor political party met the threshold for minor party recognition under Ohio law. Presently, only two political parties formally exist in Ohio – the Democratic and Republican Parties.²

The names of all candidates who have not withdrawn pursuant to [R.C. 3513.30](#) must be arranged, rotated, and printed upon the ballot in accordance with the provisions of Ohio Revised Code Chapters [3505](#),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](#) and [Chapter 5](#) of the Election Official Manual.

Please note that partisan primary elections held in statutory municipalities in odd-numbered years are subject to the restrictions of [R.C. 3513.02](#). Pursuant to that provision, no partisan primary election will be held for a party 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:

- 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**
- 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.³

For a statutory municipality, if a municipal-wide office is the office for which there are more valid declarations of candidacy than the number to be nominated by a political party, a primary election shall be held in all precincts of the city with all candidates for that political party on the ballot for all offices. If a ward council seat is the only contested race, a primary election shall be held in the precincts of the affected ward(s) only.⁴

A. STATUTORY MUNICIPALITIES V. HOME RULE MUNICIPALITIES

A statutory municipal corporation is a city or village that is governed by the general laws 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 the 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.⁵

¹ [R.C. 3513.13](#).

² See [Advisory 2021-01](#) for more information.

³ See [Chapter 10](#), Section 10.04 of the Election Official Manual for guidance on issuing certificates of nomination.

⁴ [R.C. 3513.02](#).

⁵ See [Chapter 1](#), Section 1.02 and [Chapter 2](#), Section 2.03 of the Election Official Manual for additional guidance on Municipal & County Charters and corresponding legal counsel.

B. ORDER OF OFFICES FOR ALL CANDIDATE BALLOTS⁶

1. Primary Ballot – Statutory City

City offices must be listed in the following order:

1. Mayor
2. President of Council
3. Auditor
4. Treasurer
5. Director of Law
6. Member of Council at Large
7. Member of Council – Ward
8. Judge of the Municipal Court
9. Clerk of the Municipal Court

2. Primary Ballot – Statutory Village

Village offices must be listed in the following order:

1. Mayor
2. Clerk-Treasurer
3. Clerk
4. Treasurer
5. Member of Council
6. Member of Board of Trustees of Public Affairs

3. Write-In Vote Blank Spaces

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.⁷ However, 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](#).⁸

C. 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 attached 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.

⁶ [R.C. 3513.13](#); 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 (i.e., 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.

⁷ [R.C. 3513.041](#); [R.C. 3513.14](#).

⁸ See [1973 OAG 094](#)

Please note that the ballot form for the Official Questions and Issues Ballot contains an example of a local liquor option question. Remember that starting this year, a local liquor option can occur on the standard date of a primary election at the expense of the municipal corporation or township of which the precinct is a part, even where no primary is held.⁹

Additional instructions on headings, ballot language, and percentage of votes can be found in [Chapter 5](#) of the Election Official Manual.

No statewide issue will appear on the May 2, 2023 ballot. Questions and issues must be grouped together in the following political subdivision order for elections held in 2023:

1. Township
2. School and other districts
3. County
4. Municipal

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 in the attached Official Questions and Issues Ballot.

III. ABSENTEE BALLOTS¹⁰

As a reminder, boards must follow the instructions for proofing the ballot as outlined in [Chapter 5](#) of the Election Official Manual. All board members, but especially those who are new to the ballot-proofing process, should read over these provisions to ensure they are familiar with the process.

Each board of elections must have absentee ballots printed and ready for use by Friday, **March 17, 2023** (46 days before the May 2, 2023 Primary/Special Election) for Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”) voters, and by Tuesday, **April 4, 2023** for regular, non-UOCAVA absentee voters.

As provided in [Chapter 7](#) of the Election Official Manual, boards may not outsource the printing and mailing of absentee ballots to vendors or any other third party without prior written authorization from the Director of Elections. The deadline to request outsourcing of absentee ballots is Friday, **March 3, 2023** (60 days before the election). Keep in mind that legislation allowing out-of-state printing is not in effect until April and **will not apply** to ballot printing contracts for the May election.¹¹

Additionally, each board must ensure that:

- The ballot file is provided to the ballot printing vendor, if applicable, to produce absentee and Election Day ballots and that all such ballot files are reviewed and approved before production;
- Any absentee ballot that is printed and mailed by a vendor is properly proofed and tested according to the instructions in [Chapter 7](#) of the Election Official Manual;
- The sample ballot on the board’s website is updated by Friday, **March 17, 2023** (at least 46 days

⁹ See [Advisory 2022-02](#) (“Substitute Senate Bill 102 and Changes to Local Option Elections Law”) and [R.C. 4301.355](#).

¹⁰ [R.C. 3509.01](#) and [R.C. 3511.04](#).

¹¹ See [Advisory 2023-01](#).

before the election);¹²

- The absentee ballots are provided to the Secretary of State's Office at least 47 days before the election (**March 16, 2023**) using SharePoint; and
- The remote ballot marking system is updated to include all eligible candidates.

If you have any questions regarding this Directive or [Chapter 5](#) of the Election Official Manual, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State

¹² [R.C. 3511.04\(B\)](#).