

## **DIRECTIVE 2009-02**

March 17, 2009

To: ALL COUNTY BOARDS OF ELECTIONS

Re: 17-year old Voters in May 5 Primary Election

This Directive addresses the voting eligibility of 17-year-old electors, and the ballot that 17-year-old electors are to use in the Tuesday, May 5, 2009 primary election.

### **I. Voting Eligibility**

Ohio law allows 17-year-old electors who will be 18 years of age on or before the date of the next general election in 2009 to vote **solely** on the **nomination** of candidates. This is because they will be eligible to vote for nominees for this office at the November general election. Seventeen-year-old voters are **not** permitted to vote on any question or issue on the primary ballot as these questions and issues are specific to the election held on the date of the primary election. (R.C. 3503.01, 3503.011, 3503.07) In addition, 17-year-old electors must satisfy Ohio's voter identification requirements in accordance with R.C.3505.18.

If your county is holding a Special Election only on questions or issues, no 17-year-old elector shall be permitted to cast a ballot and it is not necessary to observe the "Form of the Ballot" instructions outlined in Section II of this directive.

Every board of elections must train its pollworkers on these facts.

### **II. Form of the Ballot**

Please review the following options and select one that fits your county's voting system. This directive applies to both absentee and in-person voting.

#### **A. Optical Scan:**

1. Provide an optical scan ballot that contains only the candidacies and no issues, or
2. Provide 17-year-old electors with a regular optical scan ballot, along with the instructions provided as a separate attachment to this Directive. Under this option, the voter will place his or her voted ballot in a sealed envelope. When received, ballots from 17-year-old voters must be segregated. When voted in person at the polling place on Election Day, those sealed envelopes must be returned to the board of elections on election night. Before counting a ballot cast by a 17-year-old, board officials must determine if the ballot was properly cast for only eligible offices. If the ballot contained marks for questions or issues, the team designated by the board must remake the ballot to reflect votes cast only for those eligible offices.

Election officials may **not** give to a 17-year-old elector any ballot that has been previously voted, for example, a ballot which has been marked or overvoted on

questions or issues for which the 17-year-old is ineligible to vote on such questions or issues.

**B. DRE Voting Systems:**

Boards that use DRE voting systems may allow 17-year-old electors to vote on a DRE using one of the following options:

1. Provide a ballot that contains only the eligible offices, or
2. Provide an optical scan ballot and follow the instructions outlined in one of the Optical Scan options above.

If you have any questions or need additional information, please contact your county's assigned elections counsel at (614) 466-2585.

Sincerely,

Jennifer Brunner