

DIRECTIVE 2010-46

April 13, 2010

To: ALL COUNTY BOARDS OF ELECTIONS

Re: 17-year- old Voters in the May 4 Primary Election

This Directive addresses the voting eligibility of 17-year-old electors, and the ballot that a 17-year-old elector is to use, in the Tuesday, May 4, 2010 primary election.

I. Voting Eligibility

Ohio law allows a 17-year-old elector who will be 18 years of age on or before the date of the general election in 2010 to vote **solely** on the **nomination** of candidates. This is because the 17-year-old elector will be eligible to vote for the nominees for this office at the November general election.

A seventeen-year-old elector is **not** permitted to vote on the election of state or county central committee persons. In addition, a seventeen-year-old elector is **not** permitted to vote on any question or issue on the May primary election ballot, as these questions and issues are specific to the election held on the date of the of the primary election. (R.C. 3503.01, 3503.011, 3503.07.)

Please note that a 17-year-old elector must satisfy Ohio's voter identification requirements in accordance with R.C.3505.18.

Each board of elections must train its pollworkers on these points.

II. Form of the Ballot

Please review the following options and select one that fits your county's voting system. This directive applies both to 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 a 17-year old-elector with a regular optical scan ballot, along with the instructions provided as a separate attachment to this Directive. Under this option, the 17-year-old voter should place his or her voted ballot in a sealed envelope and return it to election officials. When received by election officials, the sealed envelope (containing the ballot from the 17-year-old voter) must be segregated. When voted and returned in-person at the polling place on Election Day, the sealed envelope(s) must remain sealed and 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 only for eligible offices. If

the ballot contains marks for questions or issues, a 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 (e.g., a ballot that has been marked or overvoted on questions or issues only, even though 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 a 17-year-old elector 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 the Optical Scan options above.

If you have any questions or need additional information, please contact the assigned elections attorney staff assigned to your county at (614) 466-2585.

Sincerely,

Jennifer Brunner