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DIRECTIVE 2011-08

February 16, 2011

TO: BOARDS OF ELECTIONS
Members, Directors, and Deputy Directors

2011 PRIMARY BALLOTS

In accordance with R.C. 3513.05, the Secretary of State hereby certifies the forms of the official ballots to be used at the May 3, 2011, primary election. Accompanying this directive are the following ballot forms:

- Official Primary Ballot
- Official Questions and Issues Ballot (tax levy, bond issue, income tax, local liquor option)

These forms are templates for ballot design, format, and order of offices and issues for all voting systems.

Each board of elections must provide separate ballots for each political party holding a primary election to nominate its candidates for elective office. R.C. 3513.13.

There will be no statewide issues for the May 3, 2011, primary election.

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), rather than the provisions of a form of limited home rule government.

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.

Official Office Type Ballot.

The certified primary ballot forms for municipal offices accompanying this directive are for offices to be elected in statutory cities and villages. These ballot forms contain the correct title of each office as that title should appear on your local ballot and the order in which offices must appear on the ballot for all voting systems.

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,
- the form of the ballot, if such ballot is prescribed by charter.

When implementing home rule provisions, first follow the relevant provisions of the charter or R.C. Chapter 705, whichever is appropriate. In the absence of home rule provisions for a specific issue, follow state law. These determinations often will require the review of a legal counsel for the home rule municipality.

Official Questions and Issues Ballot.

The Official Questions and Issues ballot contains the issues, tax levies, bond issues, and local liquor options to be submitted to the electors in each precinct. The certified form of the Official Questions and Issues 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.

Please review the appropriate sections of the Ohio Revised Code, local charter (if applicable), and the *Ballot Questions and Issues Handbook* provided by our office for ballot language and formats that may not appear on the enclosed Official Questions and Issues Ballot.

UNEXPIRED TERM ELECTIONS

Sometimes, a midterm vacancy in an elective municipal office will require holding an election for the remainder of the unexpired term. Vacancies in other offices, however, will never trigger an unexpired term election. Therefore, if a vacancy occurs in a municipal office, the board of elections must review the relevant statutory or home rule provisions to determine the following:

1. if an election must be conducted for the remainder of the unexpired term, and
2. if a primary election must also be conducted for that unexpired term election.

Following is a general overview of the statutory municipal offices that are, and are not, subject to unexpired term elections:

- In statutory **cities**, the following five offices are subject to elections for unexpired terms:
 - **Mayor**
 - **Director of Law**
 - **Auditor**
 - **Treasurer**
 - **President of Council**
- In statutory **villages**, only the office of **mayor** is subject to an election for an unexpired term. (See R.C. 731.11, 731.43, 733.08, 733.25 and 733.31)

- Unexpired terms for **municipal court judges** or **municipal court clerks** may also appear on this year's ballot. (See R.C. 1901.10 and 1901.31)
- In statutory municipalities, there is *no election* for unexpired terms for **members of city or village councils**. Thus, if a vacancy occurs in the office of member of:
 - **Village council**, the vacancy is filled for the remainder of the unexpired term by a person appointed by the remaining members of village council or, if the council fails to act within 30 days after the vacancy occurs, by the mayor. (See R.C. 731.43(A))
 - **City council**, the vacancy is filled for the remainder of the unexpired term by a person chosen in accordance with the relevant provisions of R.C. 731.43(B) and/or (C), depending on whether the person vacating the office had been a partisan, independent or nonpartisan candidate.

In either case, there is *no election* for the unexpired council term.

- In **home rule municipalities**, consult the charter or governing section of R.C. Chapter 705 for the appropriate means for filling vacancies.

Elimination of Partisan Primary Election – R.C. 3513.02

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

Please Note: The language of R.C. 3513.02 that provides for the elimination of a partisan primary election refers only to the number of declarations of candidacy *filed*. Current law does not provide that a primary election will be eliminated based on the number of candidates *certified* to the primary ballot or the number of candidates who do not withdraw their candidacies before the primary election.

Please see *Important Points to Remember, #2 Offices on Ballot* below for instances when only certain offices will appear on the primary ballot.

Duties of Election Officials When Primary Election Eliminated Pursuant to R.C. 3513.02

If, by operation of R.C. 3513.02, 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 retroactive to the date of the 90th day before the primary election (i.e., the filing deadline for declarations of candidacy),
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.

No write-in Candidates if Primary Election Eliminated Pursuant to R.C. 3513.02

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.

IMPORTANT POINTS TO REMEMBER

Please study and follow the enclosed ballot printing instructions to ensure that your ballots conform to statutory requirements. Special attention should be given to the following:

1. Ordering Ballots**a. Optical Scan Counties**

R.C. 3505.11 provides that the number of ballots to be printed for a precinct in a county that uses optical scan devices as its primary voting system shall be determined as follows:

- 1) **If a board of elections does *not* provide ballot on demand – R.C. 3505.11(A):**
The board must provide at least *one percent (1%) more* than the total registration in the precinct. In determining the number of ballots to be printed, a board shall not count electors who have failed to respond within 30 days to any confirmation notice.
- 2) **If a board does provide ballots on demand - R.C. 3505.11(B)(1)(a) and (2):**
The board must prepare for each precinct at least five percent (5%) *more* ballots than the total number of electors in that precinct who voted in the 2007 primary election. If precinct election officials request additional ballots, the board must provide those ballots in a timely manner so that all qualified electors in that precinct who wish to vote may do so.

R.C. 3505.11 does not address how the ballots are to be *allocated* among the several ballot types possible for each precinct. In determining how many of each type of ballot to print for each precinct, the board of elections should consider the variables affecting voter turnout and ballot demand, including the following:

- the number of ballots issued for each party's primary election conducted in the precinct on May 8, 2007,
- the number of "issues only" ballots issued in the precinct for the May 8, 2007 special election,
- local interest in candidate races on the ballot the current election,
- local interest in issue races on the ballot the current election, and
- local support for minor political parties for the current election.

b. DRE Counties

A board of elections that uses DRE machines as its primary voting system or for ADA compliance must program on its system for all ballot types, including all partisan primary ballots, to be provided for the May 3, 2011 election.

Specific to Premier DRE:

A precinct containing one or more splits may require more ballot types for that precinct than can be accommodated on a single encoder card. In such cases, the board of elections may select from one of following options:

- 1) Program the encoder card for that precinct with the ballot types for all the partisan primaries and provide an optical scan ballot containing the Official Questions and Issues Ballot for that precinct to each voter.
- 2) Use a sufficient number of encoder cards to contain all the ballot types for that precinct. The board may purchase or borrow the additional encoder cards needed to accommodate all the ballot types to be provided to the voters.

2. Offices on Ballot. The offices that will appear on a statutory municipality's partisan primary ballot will be governed by R.C. 3513.02, which provides as follows:

- If a city-wide office is the office for which more valid declarations of candidacy are filed than the number of persons to be nominated by a political party, a primary election shall be held in all precincts of the city, with all candidates seeking that political party's nomination on the ballot for all offices, except the office of municipal court judge or municipal court clerk.
- If the only office for which there are more valid declarations of candidacy filed than the number of persons to be nominated by a political party is the office of ward councilperson, a primary election shall be held for that political party only in the ward or wards in which there is a contest, and only the names of the candidates for the office of councilperson in such ward shall appear on the primary ballot of such political party.
- The office of municipal court judge or municipal court clerk will appear on the primary ballot only if there is a contested race for the office.

The offices that will appear on a home rule municipality's partisan primary ballot will be governed by the charter or R.C. Chapter 705, whichever is appropriate.

3. Spelling. Each board must carefully check the spelling of candidates' names and all other details of the ballots.

4. **Rotation.** Names of candidates must be rotated on all ballots as prescribed in R.C. 3513.15; no exemption from the rotation requirements has been granted for any voting system.
- **Generally.** Rotate the names of candidates from one precinct to the next. The number of series to be printed in each of the several groups of candidates on any one ballot is **determined by the least common multiple of the number of names in each of the groups.** On the first rotation, the names must be listed alphabetically. (Rotation is not correct if the number of rotations is based on the largest number of candidates for one office on the ballot.) Please see p. 9 of the “Ballot Printing Instructions” accompanying this Directive for additional information.
 - **Absentee Ballot Rotation.** Please refer to the “Ballot Printing Instructions” accompanying this Directive.
5. **Candidate’s name.** Usually, a candidate’s name will appear on the ballot as it appeared on the candidate’s declaration of candidacy. 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 ask that his name appear on the ballot as William Smith, Will Smith, Bill Smith, Billy Smith, but not William “Bill” Smith.
- Any former names which have been declared or submitted by a candidate pursuant to R.C. 3513.06 must be printed on the ballot in parenthesis directly below the candidate’s current name. This requirement generally does not apply to a name change resulting from marriage or divorce. *See also* R.C. 3505.02.
6. **Titles.** R.C. 3505.03 prohibits printing on the ballot titles such as “Dr.,” “Judge,” “Rev.,” etc.
7. **Proofing.** Boards of elections must thoroughly and promptly check every detail of their ballots upon receiving the ballot layouts or proofs from the vendor or printer. Either the director and deputy director, or board employees they designate, shall proofread all series of ballots. After staff has proofed the ballots, the board members also should review and verify ballot layouts/proofs.

R.C. 3505.14 **requires** that, after a board of election receives its ballot proofs, the board shall do all the following:

- **Notify** the following individuals that the ballot proofs are available for inspection and correction:
 - Chairperson of the local executive committee of each political party,
 - A designated representative of an independent or third party candidate, if any such candidate has qualified for the ballot, and
 - A designated representative for each group supporting and/or opposing the ballot issues appear in on the ballot. For the purposes of this requirement, if no such representative has been designated, the board may contact the treasurer whose name appears on the designation of treasurer, if any, filed on behalf of the group or committee.

Current law does not require boards of elections to notify political subdivisions that have certified issues or questions to the ballot that the ballot proofs are available for inspection and correction. However, a board of elections may want to adopt a policy to provide the political subdivisions at least as much notice as must be given to groups supporting or opposing ballot issues.

- **Post** the ballot proofs for at least 24 hours in a publicly accessible place in the board office *and* in the county courthouse and include instructions for notifying the board of any needed or requested correction(s), after which board personnel must review and correct any error.
- **Transmit** a copy of the proof of each **Question and Issue ballot*** to the Secretary of State's office for review. Please transmit the proof(s) to the attention of Serena Henderson by one of the following methods:
 - Fax: 614-485-7566
 - E-mail: shenders@sos.state.oh.us

***Note:** It is not necessary to send candidate ballot proofs to the Secretary of State's office. Each board of elections is responsible for verifying the accuracy of its candidate ballots.

If a correction is required at any stage of the proofing process, the board must repeat the above notification and posting requirements and ensure that, in correcting the error, another part of the ballot was not inadvertently changed.

8. Multi-County District Elections. The most populous county of a multi-county district **must** notify all the boards in that district of the candidates and/or questions/issues appearing on the ballot for that district. These boards must follow the notification procedure detailed below:

- a. The most populous county must send a **written notice** of the appropriate candidates/issues to each less populous county within the multi-county district.
- b. The most populous county also must provide to the less populous counties **receipts** itemizing each district candidate and issue being provided with the ballot information.
- c. Each less populous county must **return the receipts** to the most populous county, either confirming that the less populous county received every candidate/issue itemized on the receipt *or* identifying the itemized items it did not receive.
- d. After the most populous county receives **ballot proofs** or layout, it must send a copy of the relevant candidates/issues to each of the less populous counties as part of the proofing process.
- e. The less populous counties within the district must notify the most populous county *immediately* of any **discrepancy** on the proofs or layout and the information previously received.
- f. The most populous county of a multi-county district must *immediately* provide each less populous county within the district a written notice, with receipt, of any candidate who **dies** before April 23, with instructions for the removal of that candidate's name from the ballot and, if appropriate, substitution of a replacement candidate's name.

- 9. Absentee Ballots.** Each board of elections must have absentee ballots printed and ready for use 45 days before the primary election (March 19, 2011) for Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters, and 35 days before the primary election (March 29, 2011) for non-UOCAVA voters. R.C. 3509.01, R.C. 3511.04.

A copy of **each absentee ballot** (candidates and Questions and Issues) **must be sent to the Secretary of State's office at least 25 days before the election (April 8, 2011).**

Note: Please do not confuse the submission of a copy of the absentee ballot with the earlier submission of ballot proofs of local questions and issues.

Transmit the copy of each absentee ballot Serena Henderson by one of the two following methods:

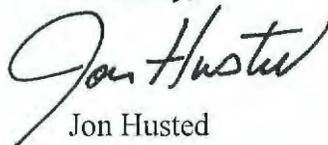
- Email: shenders@sos.state.oh.us; or
- CD or paper copy – send by U.S. Mail to:
Ohio Secretary of State's Office
Elections Division
Attn: Serena Henderson
P.O. Box 2828
Columbus, OH 43216

It is the responsibility of each board of elections to send its absentee ballot file or CD to the Secretary of State's office. (R.C. 3509.01)

- 10. Official Canvass Deadline.** All boards must complete their official canvasses by **May 24, 2011.** (R.C. 3505.32.)

If you have questions after you have reviewed the enclosed directive with printing instructions, please contact your county's assigned elections counsel.

Sincerely,



Jon Husted

BALLOT PRINTING INSTRUCTIONS FOR May 3, 2011 PRIMARY ELECTION

BALLOTS (R.C. 3513.13)

Separate primary election ballots shall be provided for each political party nominating candidates. Such ballots shall have printed at the top and below the stubs "Official ... (name of party) ... Primary Ballot." The six political parties currently recognized in Ohio for ballot access purposes are: Constitution, Democratic, Green, Libertarian, Republican, and Socialist.

Boards of elections are not required to provide separate colored ballots for the primary ballots. However, if a board so chooses, and a vendor is able to provide color-enhanced ballots (tinted headings or colored lines/bars), a board may do so.

The names of all persons who have qualified as candidates and have not withdrawn shall be arranged, rotated, and printed upon the ballot in accordance with the provisions of Ohio Revised Code Chapters 3505, 3506, and 3513.

FORM OF BALLOT

- **Order – Candidate Ballot**

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. Ward Council
8. Judge of the Municipal Court
9. Clerk of the Municipal Court

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

- **Order - Questions and Issues Ballot (R.C. 3505.06)**

Questions and issues follow candidates, if any, on the ballot. Questions and issues shall be grouped together in the following political subdivision order for elections held in 2011:

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 shall be placed on the ballot in that county. Absentee ballots must contain identical ordering of issues within groups to regular ballots.

Local liquor option questions:

- **Generally:** Local liquor option questions may appear on the May ballot only if candidates appear on the ballot in that precinct.
- **Additional Restriction:** The question of the sale of spirituous liquor by the glass as provided in R.C. 4303.29 (Form 5-B) may appear only at the **general election**.

All ballots:

The date of the election and the facsimile signatures of the members of the county board of elections shall also be placed on the ballot.

TYPE FACE FOR BALLOTS (R.C. 3505.08(B), 3513.13)

- **All Ballots (Candidate, Question & Issues)**

1. **Headings** shall be printed in display in Arial or Roman font. The remainder of the ballot wording should also be printed in Arial or Roman type, for consistency throughout the ballot.
2. **Separation of Columns:** A 2-point rule shall separate columns from each other.

- **All Candidate Ballots**

1. **Each office title** shall be printed in 12-point boldface upper and lower case type, and a screened (lightly shaded) heading should be used. The office title shall be flush left.
2. **Vote allowed:** For offices for which only one person may be elected, immediately below the office title the following must be printed: "Vote for 1" in a minimum point size of 10-point boldface upper and lower case type.

For offices for which more than one may be elected, immediately below the office title the following must be printed, "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 3." 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.

3. **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.
4. **Separation of Office Title and Candidate Names:** A 2-point rule shall separate the title of the office from the names of the candidates for that office.

5. **Separation of Offices:** A 4-point rule shall separate the name of a candidate or a group of candidates for the same office from the title of the office next appearing on the ballot.
6. **Separation of Names of Candidates:** A 1-point rule shall separate names of candidates.

BALLOT INSTRUCTIONS TO VOTERS (R.C. 3505.12, 3606.08, 3506.09, 3513.13)

Each ballot must contain instructions advising the voter of the manner in which to mark the ballot. The instructions should be in upper and lower case of a minimum of 12-point type. Each board must provide clear instructions appropriate for its voting system(s). For example: "To vote you must completely darken the oval to the left of the candidate or answer of your choice." Do *not* use terminology in your instructions that a voter may interpret differently than what may be intended, such as: "Completely darken the oval opposite of your choice."

The instructions for an optical scan ballot should also contain wording to inform the voter that, if he or she marks more choices than permitted, no vote for that race or issue will be counted.

BALLOT INK (R.C. 3505.08)

All ballots shall be printed with black ink.

STUBS (R.C. 3505.08, 3506.08, 3506.09)

Unless the Secretary of State's office has granted permission for a board to use a one-stub ballot, each optical scan ballot shall 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 shall separate the stubs from the ballot and each other. The top stub shall be known as "Stub B" and shall have printed on its face "Stub B". The other stub shall be known as "Stub A" and shall have printed on its face "Stub A". Each stub shall also 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.

QUESTIONS AND ISSUES BALLOT

1. Headings (R.C. 3505.06, 3505.08)

The heading "Official Questions and Issues" must appear *before* the text of the first question or issue listed on the ballot. Immediately below the heading of each question or issue shall be printed a brief title descriptive of each question or issue appearing on the ballot, such as "Proposed Bond Issue" or "Proposed Tax Levy." Each local question or issue appearing on the ballot *may*, but need not, be numbered.

2. Ballot Language (R.C. 3505.06)

A minimum type size of 10-point shall 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, if it properly describes each local question or issue

appearing on the ballot. The Secretary of State legal staff shall review the text of all local questions and issues.

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, shall be posted in each polling place in a visible location that is easily accessible to the voters.

3. Percentage of Votes (R.C. 3505.06)

A brief statement of the percentage of affirmative votes necessary for passage as required by law shall be on the questions and issues ballot for each question and issue submitted and should be inserted in the space immediately below the title and name of entity requesting the submission of the question or issue. The percentages 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 "%."

CANDIDATE BALLOTS

1. Full or Unexpired Term (R.C. 3505.04)

- **Judicial Offices.** Immediately below the title of office shall be printed either "Full Term Commencing" or "Unexpired Term Ending," followed by the appropriate date.

In counties where nominations are to be made for more than one full term for the office of judge of a municipal court, the judicial offices for that court should appear in chronological order by dates the terms commence.

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

2. Candidates with Same Names (R.C. 3513.131)

In the event that two or more candidates for the same office have the same first and last names, please follow as appropriate the procedures set forth in R.C. 3513.131. If you have questions about the application of RC 3513.131, please contact the elections attorney assigned to your county.

3. Rotation of Candidates' Names

- **Generally (R.C. 3505.03, 3513.15)**

The names of all candidates for an office shall be arranged in a group under the title of that office and shall be rotated from one precinct to another, *except:*

- a. Absentee ballots, which may bear a different rotation (discussed below), *or*
- b. When the number of candidates for a particular office is the same as the number of candidates to be elected to that office (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 candidates for the uncontested races do not rotate.

The board of elections shall number all precincts in regular, serial sequence. In the first precinct, the names of the candidates in each group shall be listed in alphabetical order. In each succeeding precinct, the name in each group which is listed first in the preceding precinct shall be listed last, and the name of each candidate shall be moved up one place.

- **Absentee Ballots (R.C. 3505.03, 3513.15)**

On absentee ballots, the names of all candidates for an office shall be both:

- 1) Arranged in alphabetical order in a group under the title of that office, *and*
- 2) Alternated so that each name appears on each succeeding ballot, insofar as is reasonably possible, substantially an equal number of times at the beginning, at the end, and in each intermediate place (if any) of the group of candidates for that office.

In those counties using voting systems in which absentee ballots are combined with ballots voted at the precinct prior to tabulation (i.e., tabulated in the voter's home precinct, or counties that do not *report* absentee ballots as a single precinct (i.e., counties that combine the absentee ballot totals and the election day ballot totals into the totals of the voter's home precinct), the ballot name order for candidates on **absentee ballots** shall be the same as the precinct ballot name order for candidates on **regular ballots**.

4. Write-In Vote Blank Spaces (R.C. 3505.23, 3513.14)

A write-in space shall 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.

In the case of any office for which nomination may be made at the primary election, and for which no one filed a valid declaration of candidacy or intent to be a write-in candidate, the board shall provide on the primary ballot the title of such office and a statement that "no candidate filed a valid declaration of candidacy" (or, if no one filed a petition, "no declaration of candidacy was filed") for that office.

NOTE: If, by operation of R.C. 3513.02, the partisan primary election is eliminated, the board of elections must issue the appropriate certificates of nomination retroactive to February 2, 2011, the 90th day before the May 3, 2011 primary

election. Consequently, the board **shall not accept** declarations of intent to be write-in candidates for any office for which the nominees have been declared. *See also* OAG 73-094.

BALLOT PROOFS (R.C. 3505.14)

As indicated on pp. 6-7 of the accompanying Directive, each board of elections must do all the following:

1. Thoroughly proof its ballots.
2. Post the proofs in a conspicuous place accessible to the public for inspection and correction.
3. Give proper notice to appropriate individuals that the proofs are available for inspection.
4. Make all necessary corrections to the ballot proofs.
5. Transmit a copy of its Questions and Issues Ballot proofs to the Secretary of State's office.

SEALING OF PRINTED PAPER BALLOTS (R.C. 3505.15)

The board shall make adequate provision for the inspection of the printing and rotation of names of the ballots. The selected printing vendor shall seal the ballots securely in packages, one package for each precinct in the county in which the election is to be held, place a paper cover over them, and indicate on the cover the number of ballots contained in the package, with a space to indicate the precinct, and deliver them to the board at such time and place as the board may direct. The board, upon receiving such packages, shall give a receipt for them indicating the number of ballots in each package and the number of precincts in each case.