



Jon Husted
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DIRECTIVE 2012-05

January 17, 2012

To: All County Boards of Elections
Re: Addition of William M. O'Neill as a Candidate for Ohio Supreme Court

Summary

Boards of elections are directed to include the name William M. O'Neill on the March 6, 2012 primary election ballot as a candidate for the Democratic Party nomination for Justice of the Supreme Court, Full Term Commencing 1-2-2013.

Direction

On Friday, January 13, 2012, William M. O'Neill filed a lawsuit in the Ohio Supreme Court against 10 county boards of elections asserting that 13 signatures appearing on his nominating petitions had been improperly invalidated by those county boards of elections. As a result of county review of signatures, O'Neill fell 7 valid signatures short of the 1,000 signature threshold to qualify for the ballot.

Based on the evidence presented by the plaintiff, and reviewed by my office, I believe the plaintiff to be correct that at least 7 of the 13 signatures presented in the lawsuit should have been validated by the county boards of elections. Had these 13 signatures come to me from those boards in the form of tie votes, I would have broken the tie in favor of validation in at least 7 instances. While I believe the Court would likely dismiss the case, not based on the merits of the signatures in questions, but based on when the lawsuit was filed and the elections calendar established by the General Assembly, I must err on the side of ballot access and instruct all county boards of elections to place the name William M. O'Neill on the March 6, 2012 primary election ballot as a candidate for the Democratic Party nomination for Justice of the Supreme Court, Full Term Commencing 1-2-2013.

I understand that this causes a hardship for some counties. However, this is the most advisable course of action, as it is easier for boards to remove a candidate from the ballot after January 21 than it is to place a candidate on the ballot after that time.

If you have any questions about this Directive, please contact the elections attorney assigned to your county.

Sincerely,

Jon Husted

OFFICIAL DEMOCRATIC PRIMARY BALLOT

A _____ County	B Primary Election	C March 6, 2012	
<p>Instructions to Voter</p> <p>1. To vote, you must completely darken the oval (●) to the left of the candidate or answer of your choice.</p> <p>2. Do not mark the ballot for more choices than allowed. Please see permitted number of choices directly below title of office.</p> <p>3. If you mark the ballot for more choices than permitted, that contest or question will not be counted.</p> <p>4. If you cast a vote for a candidate whose name is printed on the ballot, do not write that candidate's name on the write-in candidate line.</p> <p>5. To cast a write-in vote, darken the oval (●) to the left of the line provided and write in the candidate's name.</p> <p>6. If you make a mistake or want to change your vote, please return your ballot to a precinct election official and obtain a new one. You may ask for a new ballot up to two times.</p>	<p>For Delegates-at-Large and Alternates-at-Large to the National Convention (Vote for Not More Than 1)</p> <p style="text-align: center;"><input type="radio"/> Barack Obama</p>	<p>For Justice of the Supreme Court (Unexpired Term Ending 12-31-14) (Vote for Not More Than 1)</p> <p style="text-align: center;"><input type="radio"/> Yvette McGee Brown</p>	
	<p>For U.S. Senator (Vote for Not More Than 1)</p> <p style="text-align: center;"><input type="radio"/> Sherrod Brown</p>	<p>For Judge of the Court of Appeals (_____ District) (Full Term Commencing _____) (Vote for Not More Than 1)</p> <p style="text-align: center;"><input type="radio"/> Print Candidate Name</p> <p style="text-align: center;"><input type="radio"/> Print Candidate Name</p>	
	<p>For Representative to Congress (_____ District) (Vote for Not More Than 1)</p> <p style="text-align: center;"><input type="radio"/> Print Candidate Name</p> <p style="text-align: center;"><input type="radio"/> Print Candidate Name</p>	<p>For Member of State Central Committee, Man (_____ District) (Vote for Not More Than 1)</p> <p style="text-align: center;"><input type="radio"/> Print Candidate Name</p> <p style="text-align: center;"><input type="radio"/> Print Candidate Name</p>	
	<p>For Justice of the Supreme Court (Full Term Commencing 1-1-13) (Vote for Not More Than 1)</p> <p style="text-align: center;"><input type="radio"/> Robert W. Price</p>	<p>For Member of State Central Committee, Woman (_____ District) (Vote for Not More Than 1)</p> <p style="text-align: center;"><input type="radio"/> Print Candidate Name</p> <p style="text-align: center;"><input type="radio"/> Print Candidate Name</p>	
	<p>For Justice of the Supreme Court (Full Term Commencing 1-2-13) (Vote for Not More Than 1)</p> <p style="text-align: center;"><input type="radio"/> William M. O'Neill</p> <p style="text-align: center;"><input type="radio"/> Fanon A. Rucker</p>	<p>For State Senator (_____ District) (Vote for Not More Than 1)</p> <p style="text-align: center;"><input type="radio"/> Print Candidate Name</p> <p style="text-align: center;"><input type="radio"/> Print Candidate Name</p>	
	<p style="text-align: center;">VOTE BOTH SIDES</p>		
	<p>A 001 _____ TWP A</p>	<p>B 0001:1</p>	<p>C 001</p>

This **SAMPLE** ballot provides the **CORRECT TITLES** and **ORDER OF OFFICES** for ballot layout for candidates for the March 2012 Primary Election.

The space for a write-in candidate should be provided only if applicable. See Ballot Printing Instructions.

OFFICIAL DEMOCRATIC PRIMARY BALLOT

D _____ County	E Primary Election	F March 6, 2012
For State Representative (_____ District) (Vote for Not More Than 1)	For Clerk of the Court of Common Pleas (Vote for Not More Than 1)	For Member of County Central Committee (Vote for Not More Than 1)
<input type="radio"/> Print Candidate Name	<input type="radio"/> Print Candidate Name	<input type="radio"/> Print Candidate Name
<input type="radio"/> Print Candidate Name	<input type="radio"/> Print Candidate Name	<input type="radio"/> Print Candidate Name
For Judge of the Court of Common Pleas (Full Term Commencing _____) (Vote for Not More Than 1)	For Sheriff (Vote for Not More Than 1)	
<input type="radio"/> Print Candidate Name	<input type="radio"/> Print Candidate Name	
<input type="radio"/> Print Candidate Name	<input type="radio"/> Print Candidate Name	
For County Commissioner (Full Term Commencing 1-2-13) (Vote for Not More Than 1)	For County Recorder (Vote for Not More Than 1)	
<input type="radio"/> Print Candidate Name	<input type="radio"/> Print Candidate Name	
<input type="radio"/> Print Candidate Name	<input type="radio"/> Print Candidate Name	
For County Commissioner (Full Term Commencing 1-3-13) (Vote for Not More Than 1)	For County Treasurer (Vote for Not More Than 1)	
<input type="radio"/> Print Candidate Name	<input type="radio"/> Print Candidate Name	
<input type="radio"/> Print Candidate Name	<input type="radio"/> Print Candidate Name	
For Prosecuting Attorney (Vote for Not More Than 1)	For County Engineer (Vote for Not More Than 1)	
<input type="radio"/> Print Candidate Name	<input type="radio"/> Print Candidate Name	
<input type="radio"/> Print Candidate Name	<input type="radio"/> Print Candidate Name	
	For Coroner (Vote for Not More Than 1)	
	<input type="radio"/> Print Candidate Name	
	<input type="radio"/> Print Candidate Name	
D 001 _____ TWP A	E 0001:1	F 001

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