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DIRECTIVE 2015-04

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

Re: Primary and Special Election Ballot Layout Instructions

SUMMARY

This Directive provides instructions to boards of elections for the layout of ballots for the primary and/or special elections held on May 5, 2015.

Prior to starting any programming, all boards of elections should review the AIGA/Election Assistance Commission's report entitled [Effective Designs for the Administration of Federal Elections](#), specifically chapters [2](#), [3](#), and [5](#), and the National Institute of Standards' [Use of Language in Ballot Instructions](#).

INSTRUCTIONS

I. GENERAL GUIDELINES

A. Format

1. Headings must be printed in display Arial, Roman, or similar font.¹ The font used for headings is the font that you will use for all copy throughout the ballot. Fonts *sans serif* are easier to read; therefore Arial or a similar font is preferred.
 2. A 2-point rule must separate columns from each other.²
- B.** The date of the election and the facsimile signatures of the members of the county board of elections must be placed at the end of the ballot.³
- C.** All ballots must be printed with black ink.⁴
- D.** The names of all candidates for a single office must be in the same column of a paper ballot or on the same screen of a DRE so that the voter does not have to go to the next column or advance to the next screen to view all of the eligible candidates for that contest.

¹ R.C. 3501.05(I).

² R.C. 3505.08(A).

³ R.C. 3505.08(A).

⁴ R.C. 3505.08(A).

Because language for a ballot question or issue may be longer than is available in a single column, it may be necessary to wrap the language from one column to the next. The “Yes/No” ovals/buttons should never stand alone in a column without any portion of the text preceding it in that column. If your voting system is capable of combining more than one column to create a wider column to avoid wrapping text, you may do so. As a general rule, you should do your best to avoid wrapping text for a ballot question or issue.

In counties where a language in addition to English is required to appear on the ballot, the presentation of the additional language version should follow, and wrap as necessary, immediately after the presentation of the English version followed by the space for the voter to mark his or her vote. The additional language translation should not be presented in a separate column by itself.

E. Voter Instructions⁵

1. Each ballot must contain instructions advising the voter how 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) as follows:
 - **To vote:** completely darken the oval (●) to the left of your choice.
 - Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed.
 - If you mark the ballot for more choices than permitted, that contest or question will not be counted.
 - **To vote for a write-in candidate:** completely darken the oval (●) to the left of the blank line and write in the candidate’s name. Only votes cast for candidates who filed as write-in candidates can be counted.
 - Do not write in a candidate’s name if that person’s name already is printed on the ballot for that same contest.
 - **If you make a mistake or want to change your vote:** return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times.

⁵ R.C. 3505.12, 3506.08, 3506.09.

2. For DREs, the Board must provide DRE-specific instructions, substantially as follows:
 - **To vote for the candidate of your choice:** touch that person's name. A check-mark will appear indicating your selection.
 - **To vote for a write-in candidate:** touch the area labeled "Write-in." Letters will appear on the screen. Spell the name of the candidate of your choice by touching the letters.
 - Do not type in a candidate's name if that person's name already is listed on the ballot for that same contest.
 - **If you make a mistake or want to change your vote:** first touch the choice you no longer want. Then touch the choice you do want.
3. Instructions that are not consecutive steps, such as those listed above, should not be numbered. Differentiate between them by making each an individual paragraph or set them apart with bullets, as shown above.
4. If the system is not capable of printing instructions for paper ballots that differ from those that appear on the DRE screen, the Board must do one of the following:
 - a. Program the instructions for an optical scan ballot and post DRE-specific instructions inside each DRE booth, or
 - b. Program the instructions for a DRE and work with the board's optical scan ballot printing vendor to remove the pre-populated DRE instructions and replace them with the optical scan ballot instructions above.

F. Ballot Stubs⁶

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

Each stub must 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.

⁶ R.C. 3505.08(A), 3506.08, 3506.09.

G. Page Numbers

Each side of a sheet of paper is considered a page. Every page should be labeled “Page X of Y” so the voter knows both the “order” of the ballot and how many pages remain.

Example: Page 2 of 2 indicates the “back” of a single sheet ballot

Example: Page 3 of 4 indicates the “front” of a two sheet ballot

For DREs, label each screen “Screen X of Y” for the same reason when technologically feasible.

H. Boards are not required to provide ballots of different colors for each political party nominating candidates at a primary election. However, a board of elections may choose to provide color-differentiated ballots (tinted headings or color lines/bars across the top or along the side). To differentiate party ballots, the heading “Official _____ (insert name of political party) Primary Election Ballot” should be printed across the top of the ballot.⁷

II. CANDIDATE GUIDELINES

The certified ballot forms accompanying this Directive are for offices in statutory cities and villages to which candidates are nominated at the May 5, 2015 Primary Election. These ballot forms contain the correct title of each office as that title should appear on your county’s ballot and the order in which offices must appear on the ballot for all voting systems.

See Directive 2015-03 for the ballot order of offices and positions for the May 5, 2015 Primary and/or Special Election.

A. Office Headings⁸

- 1.** Each office title must be printed in 12-point boldface upper and lower case type; a screened (lightly shaded) heading should be used. The office title must be flush left.
- 2. Number to be Elected**
 - a.** For all offices for which only one person may be nominated or elected, immediately below the office title, print “(Vote for not more than 1)” in a minimum size of 10-point boldface upper and lower case type. 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.

⁷ R.C. 3513.13.

⁸ R.C. 3505.08(A).

4. 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.¹² If more than one person can be elected to an office, and more than one person filed a valid declaration of intent to be a write-in candidate, the Board must provide a sufficient number of write-in spaces on the ballot for that office, but the number of write-in spaces cannot exceed the number of persons to be elected to that office.

5. Restrictions

- a. Nicknames: 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 request that his name appear on the ballot as William Smith, Will Smith, Bill Smith, Billy Smith, but not William "Bill" Smith.
- b. Former names: Any former names that have been declared or submitted by a candidate must be printed on the ballot in parenthesis directly below the candidate's current name.¹³ This requirement does not apply to a name change resulting from a marriage or divorce.
- c. Titles: Printing words, designations, or emblems descriptive of a candidate or the candidate's political affiliation on the ballot, including titles such as "Dr.," "Judge," "Rev.," etc., is prohibited.¹⁴
- d. Same names: When two or more candidates for the same office have the same first and last names,¹⁵ contact the Secretary of State's elections attorney assigned to your county for assistance.

D. Rotation of Candidates' Names

The names of all candidates for an office must be arranged in alphabetical order in a group under the title of that office and must be rotated from one precinct to another, except 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.

¹² R.C. 3505.23

¹³ R.C. 3505.02

¹⁴ R.C. 3505.03

¹⁵ R.C. 3505.021.

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

E. Rotation on Absentee Ballots¹⁶

On absentee ballots, the rotation of names of all candidates for an office must be the same as the rotation of names as they appear on the voter's Election Day precinct ballot.

Boards of elections may not use the “absentee as a single precinct” method for tabulating and reporting absentee vote totals; the rotation on an absentee ballot must match the rotation on an Election Day ballot for the same precinct/style.

F. 17-Year Old Voters

Ohio law permits 17-year old electors who will be 18 years of age on or before the date of the November 3, 2015 general election to vote solely on the nomination of candidates seeking to be elected at that election.¹⁷

Voters who are 17 years old as of May 5, 2015 are not permitted to vote on any Questions and Issues.

1. Form of Ballot for Optical Scan (17-Year Old Voter)

Boards of elections may either:

- a.** Provide a unique optical scan ballot that contains only the offices with candidates to be nominated (i.e., without the state and central committee contests [in the appropriate years] and without the questions and issues) and allow the 17-year old voter to place it into the precinct count optical scanner;

¹⁶ R.C. 3505.03, 3509.01.

¹⁷ R.C. 3503.011.

B. Ballot Language¹⁹

A minimum type size of 10-point must 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 that properly describes each local question or issue appearing on the ballot. It is preferable for the purpose language be presented in upper and lower case type rather than in all capital letters.

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

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

C. Percentage of Votes²⁰

A brief statement of the percentage of affirmative votes necessary for passage must be on the ballot for each question and issue. The statement should be inserted in the space immediately below the title and name of entity requesting the submission of the question or issue. The percentage 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 (%).

If you have any questions concerning this Directive, please contact the Secretary of State's elections counsel assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted

¹⁹ R.C. 3505.06(E)

²⁰ R.C. 3505.06(D)