

# Chapter

# 4

## Ballots

### Directive 2016-22

permanent directive issued on 08/05/2016

**JON HUSTED**  
Ohio Secretary of State



Ohio Election Official Manual

## SECTION 1.01 GENERAL GUIDELINES

### A. Format

1. Headings must be printed in display Arial, Roman, or similar font.<sup>1</sup> The font used for headings is the font that you will use for all copy throughout the ballot. Sans serif fonts are easier to read; therefore, Arial or a similar font is preferred.
2. A 2-point rule must separate columns from each other.<sup>2</sup>
3. The date of the election and the facsimile signatures of the members of the board of elections must be placed at the end of the ballot.<sup>3</sup>
4. All ballots must be printed with black ink.<sup>4</sup>
5. 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.

<sup>1</sup> [R.C. 3505.08\(B\)](#).

<sup>2</sup> [R.C. 3505.08\(A\)](#).

<sup>3</sup> [R.C. 3505.08\(A\)](#).

<sup>4</sup> [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 them 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.

6. 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, wrapped as may be 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.

## B. Voter Instructions<sup>5</sup>

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.

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<sup>5</sup> [R.C. 3505.12](#); [R.C. 3506.08](#); [R.C. 3506.09](#).





- **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.
2. For DREs, the board must provide DRE-specific voting 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.

### C. Ballot Stubs<sup>6</sup>

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 also must 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.

### D. 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.

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<sup>6</sup> [R.C. 3505.08\(A\)](#); [R.C. 3506.08](#); [R.C. 3506.09](#).





## E. Partisan Primary Election Only

Each board of elections is required to provide separate ballots for each political party listing candidates for nomination or election in a primary election.<sup>7</sup>

Separate primary election ballots shall be provided for each political party having a candidate for nomination or election. Such ballots shall have printed at the top and below the stubs “Official (name of party) Primary Ballot.” Boards are not required to provide ballots of different colors for each political party nominating candidates at the 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).

Primary election ballots for major parties (Democratic and Republican) shall list all offices and positions for which valid declarations of candidacy could have been filed. In the event that no valid declaration of candidacy is filed (including a declaration of intent to be a write-in candidate) then the board shall print “No Valid Petition Filed” in the space where a candidate’s name or a space for write-in would otherwise appear.<sup>8</sup>

Primary election ballots for minor political parties shall list only the offices and positions for which valid declarations of candidacy have been filed and shall contain only the names of persons whose declarations of candidacy have been determined to be valid for those offices and positions.

The names of all candidates who have not withdrawn,<sup>9</sup> must be arranged, rotated, and printed upon the ballot in accordance with the provisions of Ohio Revised Code Chapters [3505](#), [3506](#), and [3513](#).

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<sup>7</sup> [R.C. 3513.13](#).

<sup>8</sup> As required by [R.C. 3513.14](#), when candidates for the office of delegate and alternate to the national and state conventions and member of the state central committee are elected at the primary election, no write-in votes are accepted and no blank space shall be left on the ballot after the names of the candidates for such office.

<sup>9</sup> [R.C. 3513.30](#).





## F. Seventeen-Year Old Voters (Primary Election Only)<sup>10</sup>

Ohio law permits 17-year old electors who will be 18 years of age on or before the date of the general election to vote solely on the nomination of candidates seeking to be elected at that election and, in a presidential primary election, for Presidential convention delegates.

Voters who are 17 years old as of the date of the primary election are not permitted to vote on any question and/or issue.

### 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;

or

- b. Provide a regular optical scan ballot, instructions on the proper method for marking and returning the ballot, and an envelope into which the voted ballot must be placed and segregated from the other regular ballots. After the polls close, the board of elections will review the ballot contained in the envelope to ensure that no vote for which the 17-year old voter is ineligible to cast is counted. If the ballot contains marks for contests and/or questions for which the 17-year old voter is ineligible, the ballot must be remade consistent with the instruction provided in [Chapter 8 Canvassing the Votes](#).

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<sup>10</sup> *Schwerdtfeger v. Husted*, Franklin C.P. No. 16 CV 002346 (March 11, 2016); [R.C. 3503.01](#); [R.C. 3503.011](#); [R.C. 3503.07](#). *State ex rel. Webber v. Felton*, 77 Ohio St. 554.





## 2. Form of Ballot of DRE (17-Year Old Voter)

Boards of elections may either:

a. Provide a DRE ballot that contains the offices for which the 17-year old voter is eligible to vote;

or

b. Provide a central count, optical scan ballot and follow the instructions outlined in (1)(b) above.

## G. Elimination of Partisan Primary Elections in Odd-Numbered Years<sup>11</sup>

### 1. Determining Whether a Partisan Primary Election is Eliminated by Law

Although partisan primary elections are 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 subject to the restrictions of [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:

a. 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

b. 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.

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<sup>11</sup> [R.C. 3513.02](#).





## 2. Duties of Election Officials When Primary Election Eliminated

If 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:

- a. Declare to be nominated as of the ninetieth day before the primary election each person who would have been entitled to receive a certificate of nomination if the primary election had been held,
- b. Issue appropriate certificates of nomination to each of them, and
- c. 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.

## 3. No Write-In Candidates if Partisan Primary Election Eliminated

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](#).

# SECTION 1.02 CANDIDATE GUIDELINES

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## A. Office Headings<sup>12</sup>

### 1. Office Title

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.

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<sup>12</sup> [R.C. 3505.08\(A\)](#); [R.C. 3505.08\(B\)](#).







## 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 point 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.
- b. For offices for which more than one person may be nominated or elected, immediately below the office title, print “(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 2).” The “vote for” wording should be flush left within the shaded title area directly beneath the title of the office or, if applicable, the full term commencing date or the unexpired term ending date.

## 3. Full or Unexpired Term<sup>13</sup>

- a. For judicial offices, the designation of “Full Term Commencing,” followed by the appropriate date, must appear on the ballot. If for an unexpired term, the designation “Unexpired Term Ending,” followed by the term ending date of the office, must appear on the ballot.

The judicial offices for that court should appear in chronological order by the date the terms commence, followed by unexpired terms in descending order based on the ending date of the term.

- b. For all other offices, the designation of term is necessary only when there is an unexpired term to elect (e.g., if a candidate is running for

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<sup>13</sup> [R.C. 3505.04](#).





an unexpired term for mayor) and where two or more full terms for the office are to appear on the ballot (e.g., municipal court judge), in which case the offices should appear in chronological order by the date the terms commence. If there is both full and unexpired term for the same office, place the full term first followed by the unexpired term.

- c. A 2-point rule must separate the title of the office from the names of the candidates for that office.<sup>14</sup>

## B. Candidate Names<sup>15</sup>

1. 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.

In the event that no valid declaration of candidacy was filed (including a declaration of intent to be a write-in candidate) for an office, the board shall print “No Valid Petition Filed” in the space where a candidate’s name would otherwise appear.

2. A 4-point rule must separate the name of a candidate or joint candidates for the same office from the title of the office next appearing on the ballot.
3. A 1-point rule must separate names of candidates.
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.<sup>16</sup> 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

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<sup>14</sup> [R.C. 3505.08\(A\)](#).

<sup>15</sup> [R.C. 3505.08\(A\)](#); [R.C. 3505.08\(B\)](#).

<sup>16</sup> [R.C. 3505.23](#); [R.C. 3513.041](#).





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.<sup>17</sup> 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.<sup>18</sup>

### d. *Same names*

When two or more candidates for the same office have the same first and last names,<sup>19</sup> contact the Secretary of State's elections attorney assigned to your county for assistance.

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<sup>17</sup> [R.C. 3505.02](#).

<sup>18</sup> [R.C. 3505.03](#).

<sup>19</sup> [R.C. 3505.021](#).





### C. Candidate's Political Party

1. For all partisan contests, the name of the political party having nominated the candidate shall be printed in 10-point upper and lower case type and shall be separated from the name of the candidate by a 2-point blank space.
2. The name of the political party shall be flush with the name of the candidate.
3. No party designation shall appear under the name of an independent candidate except when the independent candidate makes a request at the time of filing his or her nominating petition to have the ballot designation "nonparty candidate" or "other-party candidate," in which case the designation shall be printed as described above.<sup>20</sup>
4. The designation "independent" shall not appear on the ballot.
5. No political party designation shall appear under the name of a candidate for nonpartisan office (e.g., Judge, Board of Education, etc.).

### D. Rotation of Candidates' Names<sup>21</sup>

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 (i.e., 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.

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<sup>20</sup> [R.C.3505.03; R.C. 3513.257.](#)

<sup>21</sup> [R.C. 3505.03; R.C. 3505.04.](#)





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 two, three, and four 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 Ballots<sup>22</sup>

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.

**Note:** 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.

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<sup>22</sup> [R.C. 3505.03](#); [R.C. 3509.01](#); [R.C. 3511.03](#).





## SECTION 1.03 QUESTIONS & ISSUES

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Offices for which candidates may be elected are presented on the ballot first, followed by the questions and issues.

The certified form of the ballot must be used for all voting systems. The sample ballot provides the correct ballot format for various questions or issues that may appear on your local ballot.

### A. Headings<sup>23</sup>

Immediately below the heading of each question or issue must be printed a brief title descriptive of each question or issue appearing on the ballot, such as "Proposed Bond Issue" or "Proposed Tax Levy." Although not required by state law, numbering local questions and issues is a recommended practice.

### B. B. Ballot Language<sup>24</sup>

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 that 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 location 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.

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<sup>23</sup> [\*R.C. 3505.06\(D\); R.C. 3505.06\(F\); R.C. 3505.08.\*](#)

<sup>24</sup> [\*R.C. 3505.06\(E\); R.C. 3505.08.\*](#)





### C. Percentage of Votes<sup>25</sup>

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 55 percent affirmative vote is necessary for passage”). Do not use the percent symbol “%.”

## SECTION 1.04 PROOFS

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### A. Proofing Ballots

Each board of elections must thoroughly and promptly check every detail of its ballots, including but not limited to spelling, grammar and layout, upon receiving the ballot layouts or proofs from the vendor and/or printer. Either the director and deputy director, or board employees they designate, must proofread every candidate contest and ballot question or issue for every ballot style. They should also verify that candidate names are properly rotated.

After staff has proofed the ballots, the board members also should review and verify ballot layouts/proofs.

It is imperative that board personnel proof from original source material (e.g., the candidate’s petition or a document signed by the candidate to confirm the spelling of the candidate’s name, or the certification of an issue by the jurisdiction’s governing body, etc.), or a proofing master document that has been verified for accuracy against original source material.

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<sup>25</sup> [R.C. 3505.06\(D\)](#).





It is a best practice, carried over from proofing set-type on a letterpress, to have one person read aloud what should be printed based upon the original source material, while another person follows along on the proof provided by the printing vendor or generated by the central tabulating system to ensure that what is going to be printed is what should be printed. When proofing candidate names, speak the candidate's name and then spell it aloud, letter by letter. When proofing candidate headings and ballot language, speak any numbers or dates one numeral at a time (e.g., "\$1,000" would be read as "dollar-sign one comma zero zero zero") and speak all punctuation or other symbols (e.g., "period of time, commencing" would be read as "period of time comma commencing").

Each board also must proof the candidate contests and ballot questions and issues for each precinct split against its voter registration system to ensure that each voter is receiving all of the correct combination of offices and districts based on the voter's residential address.

## B. Posting Proofs<sup>26</sup>

After a board of elections receives its ballot proofs, the board must do all the following:

1. Notify the following individuals that the ballot proofs are available for inspection and correction:
  - Chairperson of the local executive committee of each political party that is represented on the ballot by candidates; and
  - A designated representative for each group supporting and/or opposing a question or issue appearing on the ballot. 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.

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<sup>26</sup> [R.C. 3505.14](#).







Although current law does not require boards of elections to notify political subdivisions that have certified questions or issues to the ballot that the ballot proofs are available for inspection and correction, a board of elections should give those political subdivisions at least as much notice as must be given to groups supporting or opposing ballot issues.

2. Post the ballot proofs for at least 24 hours in a publicly accessible place in the board office and include instructions for notifying the board of any needed or requested correction(s), after which board personnel must review and correct any error.

If a local correction is required at any stage of the proofing process prior to finalization and printing, 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.

### C. Copy of Absentee Ballots to Secretary of State<sup>27</sup>

Each board of elections must have absentee ballots printed and ready for use 45 days before the election for Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters, and the day after the close of registration for non-UOCAVA voters. Even though the 45th day before the election falls on a Saturday, the board must have ballots ready and must issue those ballots to any UOCAVA elector who, at that time, has submitted a valid application for absent voter's ballot under state law.<sup>28</sup>

A copy of each absentee ballot style (including candidate contests and ballot questions and issues) must be sent to the Secretary of State's Office at least 46 days before the election. Email the ballots to the Elections Division at [election@ohiosecretaryofstate.gov](mailto:election@ohiosecretaryofstate.gov).

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<sup>27</sup> [R.C. 3509.01](#); [R.C. 3511.04](#).

<sup>28</sup> 42 U.S.C. 1973ff-1(a)(8); [R.C. 3509.01\(B\)\(1\)](#); [R.C. 3511.04\(B\)](#).





## SECTION 1.05 OVERLAPS

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### A. Multi-County District Proofs<sup>29</sup>

For a multi-county district election, the board of the most populous county must notify all other boards in that district of the candidates or the ballot questions and issues appearing on the ballot for that district.

However, each board of a less populous county has the responsibility to find out and know what overlaps onto its ballots and seek out the information. Boards of elections in a multi-county district must follow the notification procedure detailed below:

1. Not later than the 70th day before the election, the board of the most populous county must send a written notice of the appropriate candidate names and political parties or designations (if applicable) and ballot language for the district questions or issues to the board of each less populous county within the multi-county district.<sup>30</sup>
  - a. The board of the most populous county must provide to the board of each less populous county in the district a receipt itemizing each candidate name and political party or designation and/or ballot question or issue.
  - b. Each board of a less populous county in a district must return the receipt to the board of the most populous county in the district, either confirming that the board of the less populous county received every candidate/question/issue itemized on the receipt, or identifying the itemized items it did not receive.

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<sup>29</sup> [R.C. 3505.01](#).

<sup>30</sup> [R.C. 3505.01\(A\)\(2\)](#). Per [R.C. 3505.071](#), the board of elections in the most populous county of a multi-county school district or transit authority must send a written notice to the board of elections in each less populous county of the district no later than 10 days after the date of the filing of the resolution or petition.





2. Not later than the 60th day before the election, the board of a less populous county must send a proof of its ballot containing the overlapping candidate contest or ballot question or issue to the board of the most populous county in the district.

The board of the most populous county must review the proofs submitted by the board of the less populous county and verify that the candidate contests and ballot questions and issues as presented on the less populous county's proof match those of the most populous county.

3. No later than the 58th day before the election, the board of the most populous county in the district must confirm, in writing, to the board of each less populous county in the district whether the submitted proofs are acceptable or need to be revised.

Neither the board of the most populous county nor the board of a less populous county may print ballots or program voting machines until the board of the most populous county has approved the proofs from the less populous county.

4. The board of the most populous county of a multi-county district must immediately provide each board of a less populous county within the district a written notice, with receipt, of any candidate who dies or withdraws prior to Election Day, with instructions for the posting of a notice on the Election Day voting machines and to accompany all absentee ballots or the removal of that candidate's name from the ballot and, if appropriate, substitution of a replacement candidate's name.

**Note:** A board of elections must remove the name of any candidate who withdraws on or before the 70th day before an election. A board of elections will not remove the name of any candidate who withdraws after the 70th day before an election.<sup>31</sup>

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<sup>31</sup> [R.C. 3513.30\(E\)](#).





## **SECTION 1.06 BID REQUIREMENTS<sup>32</sup>**

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If the cost for printing ballots exceeds \$25,000, the board must competitively bid the contract. The contract shall not be let until after five days' notice published once in a newspaper of general circulation published in the county or upon notice given by mail by the board of elections, addressed to the responsible printing offices within the state. Each bid for such printing must be accompanied by a bond with at least two sureties, or a surety company, satisfactory to the board, in a sum double the amount of the bid, conditioned upon the faithful performance of the contract and for the payment as damages by such bidder to the board by reason of the failure of the bidder to complete the contract. No bid unaccompanied by such bond shall be considered by the board. The board may, however, waive the requirement that each bid be accompanied by a bond if the cost of the contract is \$25,000 or less. The contract shall be awarded to the lowest responsible bidder. All ballots shall be printed within the state.

## **SECTION 1.07 BALLOT QUANTITIES**

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Providing ballots is one of the most essential duties of a board of elections. It is not acceptable for a board to run out of ballots for an election. Likewise, it is unacceptable for a board, its director, or deputy director to delegate to any other person or entity the authority and responsibility for determining ballot quantities and machine allocation.

Each board of elections should take note of the contests on the ballot in each political subdivision to determine whether or not the board should supplement the minimum requirements of state law and this Chapter as it relates to the board's provision of ballots and/or voting machines for the election.

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<sup>32</sup> [R.C. 3505.13](#).





## A. Minimum Ballot Quantities for Precinct-Count Optical Scan (PCOS) Voting Systems

1. **If a board of elections pre-prints the total stock of ballots to be used at a voting location on Election Day**, the board must provide at least 1 percent more than the total number of voters registered in the precinct.<sup>33</sup> In determining the number of registered voters, a board does not have to count electors who have failed to respond within 30 days to any confirmation notice.<sup>34</sup> Be mindful of the proper allocation of this quantity across precinct splits.
2. **If a board has chosen to provide ballots on demand at a voting location on Election Day**, the board must provide for each precinct at least 5 percent more ballots than the total number of electors – regular and provisional – in that precinct who voted in the previous like election (e.g. the previous like election to the 2018 general election is the 2014 general 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.<sup>35</sup> The board must have enough blank paper stock on hand to equal the difference between the statutory minimums of subsections A and B, above.

**Note:** When considering whether to pre-print fewer ballots and supplement with ballots on demand, the board must also consider whether or not its in-house printing capacity (including inventory of on-hand replacements for consumables) is sufficient to produce ballots on demand in the event that mass quantities of supplemental

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<sup>33</sup> [R.C. 3505.11\(A\)](#).

<sup>34</sup> [R.C. 3505.11\(A\)](#).

<sup>35</sup> [R.C. 3505.11\(B\)\(2\)](#).





on demand ballots were required at the same time on Election Day. Be mindful of the proper allocation of this quantity across precinct splits.

3. **Provisional Ballots:** A board of elections must print and distribute to each precinct regular paper ballots and provisional ballot envelopes for use by provisional voters. The board must provide ballots and envelopes in the quantity of at least 5 percent more than the number of provisional ballots cast in that precinct at the previous like election.<sup>36</sup> The number of ballots discussed in subsections A and B, above, must be increased by the number of provisional ballots estimated in this section, when determining the total number of ballots to be provided to a precinct. Be mindful of the proper allocation of these quantities across precinct splits and political parties.
4. The board of elections must vote in public session on the number of precinct count optical scanners to allocate and distribute to each precinct and/or polling location for use on Election Day.<sup>37</sup> The board must hold a second vote in public session, no earlier than 30 days prior to the general election, to allow for an opportunity to reconsider the initial allocation made prior to the 90th day and determine if any reallocation is necessary.<sup>38</sup>

## B. Minimum Ballot Quantities for Direct Recording Electronic Voting Systems

1. Boards of elections using direct recording electronic (DRE) voting machines as their primary voting system on Election Day must deploy at least one DRE voting machine for every 175 registered voters in a precinct or voting location at which the DREs are programmed to allow any voter in the location to vote on any machine in the location. There

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<sup>36</sup> This is a minimum requirement for preparedness, not a prediction for the number of provisional ballots expected to be cast.

<sup>37</sup> [R.C. 3501.11\(I\)](#).

<sup>38</sup> See Elections Administration Plans section in [Chapter 15](#) of this manual.





must never be fewer than two DRE voting machines in any precinct or voting location except that in a presidential primary or general election in an even-numbered year, there must never be fewer than three. In determining the number of registered voters, a board does not have to count electors who did not respond within 30 days to any confirmation notice. It may also exclude from the count any registered voter who has requested an absent voter ballot (by mail or in person) as of the date the allocation decision is made by the board.

The board of elections must vote in public session on the number of DREs to distribute and allocate to each precinct and/or polling location for use on Election Day.<sup>39</sup> The board must hold a second vote in public session, no earlier than 30 days prior to the general election, to allow for an opportunity to reconsider the initial allocation made prior to the 90th day and determine if any reallocation is necessary.<sup>40</sup>

2. Boards of elections must program on the encoder card or cards all ballot types to be provided in the precinct or voting location at which the DREs are programmed to allow any voter in the location to vote on any machine.
3. Boards of elections using DREs as their primary voting system on Election Day must provide backup paper ballots for a presidential primary election and general elections in even-numbered years. Providing back-up paper ballots is considered a best practice. Therefore, boards of elections using DREs as their primary voting system on Election Day should determine whether to print and distribute back-up paper ballots for all other elections. Boards of elections must provide sufficient supplies and equipment (e.g., paper for voter verified paper audit trail printers) so that voting may continue without undue delay resulting from missing or insufficient replacement supplies.

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<sup>39</sup> [R.C. 3501.11\(I\)](#).

<sup>40</sup> See Elections Administration Plans section in [Chapter 15](#) of this manual.





4. **Provisional Ballots:** A board of elections must print and distribute to each precinct regular paper ballots and provisional ballot envelopes for use by provisional voters. The board must provide ballots and envelopes in the quantity of at least 5 percent more than the number of provisional ballots cast in that precinct at the previous like election.<sup>41</sup> Be mindful of the proper allocation of this quantity across precinct splits.

### **C. Minimum Absentee Ballot Quantities**

There is not a minimum quantity of absentee ballots required for printing in the same way as state law prescribes a minimum for Election Day ballots. It is considered a best practice to plan to have on hand at least 5 percent more ballots for use by absentee voters in the current election than were requested in the previous like election.

### **D. Additional Considerations**

When calculating the number of paper ballots to print, or DRE machines to deploy for any partisan primary election, the board of elections should consider the number of individuals who may switch parties from one election to the next in order to ensure a sufficient number of ballots for all parties with candidates for that election.

### **E. Sealed Printed Paper Ballots<sup>42</sup>**

The board must make adequate provision for the inspection of the printing and rotation of names on the ballots. The selected printing vendor must seal the ballots securely in packages, one package for each precinct in the county and deliver them to the board at such time and place as the board may direct. The board, upon receiving such packages, must give a receipt for the ballots indicating the number of ballots in each package and the number of precincts in each case.

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<sup>41</sup> This is a minimum requirement for preparedness, not a prediction for the number of provisional ballots expected to be cast in an election.

<sup>42</sup> [R.C. 3505.15](#).







## **F. Backup Optical Scan Ballots**

All boards of elections using DRE voting machines as their Election Day voting system must distribute backup optical scan ballots in the event of long lines and offer paper ballots to voters in the event of machine problems or breakdowns for presidential primary elections and general elections in even-numbered years. Although boards of elections are not required to give voters the “paper or plastic” choice between casting a ballot on the DRE or by using centrally counted optical scan ballots, it is acceptable for a board of elections to make the local decision to do so. If a board of elections permits a voter to cast a centrally counted optical scan ballot instead of voting on a DRE, it should do so for all elections, so as to not create voter confusion from one election to the next.

### **1. Establishing a Wait Time Policy**

County boards of elections are best suited to make the determination of what constitutes “long lines” based upon turnout in previous, similar elections, equipment allocation, availability and training of precinct election officials, and ballot length, in addition to other factors a board may choose to consider. To provide all voters and precinct election officials with consistent minimum standards, all boards of elections must establish a wait time policy for use in presidential primary elections and general elections in even-numbered years. When wait times reach the threshold established by the board’s wait time policy in any given precinct, precinct election officials must verbally announce the availability of centrally counted optical scan ballots to voters every half hour until the wait time is less than the board-established maximum wait time. Boards must ensure that this required policy is communicated to voting location manager and other precinct election officials before Election Day.





## 2. Determining Minimum Number of Paper Ballots

Boards must determine the minimum number of backup optical scan ballots to provide for each precinct by multiplying the number of ballots cast in the precinct (public count) from the previous like election by 15 percent. This is the minimum number of backup optical scan ballots that must be provided for that precinct. Boards of elections may print ballots totaling more than the calculated minimum number so long as the increase is uniform across the county. Although the ballots are labeled and look the same, this 15 percent is in addition to the quantity the board of elections determines is necessary to accommodate all provisional ballot voters at each precinct.

## 3. Voter Privacy

Boards must provide a private area for voters to mark their centrally counted optical scan ballots. Privacy booths used by persons voting provisional ballots may be used for this purpose.

## 4. Voter Instructions

To satisfy the requirements of the Help America Vote Act of 2002,<sup>43</sup> each voter receiving a centrally counted, optical scan ballot must receive the instructions on how to properly mark and cast an optical scan ballot.

## 5. Backup Paper Ballots are not Provisional Ballots

A centrally counted, backup optical scan ballot is NOT a provisional ballot and must NOT be placed into a provisional ballot envelope. A provisional ballot is ONLY to be cast under the circumstances set forth in law.<sup>44</sup> In the event that a backup optical scan ballot is placed into a provisional ballot envelope, it must be counted as a regular ballot at the official canvass.

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<sup>43</sup> 52 U.S.C. 21082.

<sup>44</sup> [R.C. 3503.16](#); [R.C. 3505.181](#).





## 6. Secure Ballot Containers

Boards must provide a secure ballot container into which the voter may place his or her centrally counted, optical scan ballot after marking the ballot. A backup optical scan ballot need not be sealed inside an envelope when placed into the ballot box. However, if such ballots are to be placed into the same container as provisional ballot envelopes, the container shall not be labeled “Provisional Ballots,” and provisional ballots must be placed into the appropriate provisional ballot bag, large envelope, or other container that the board of elections provided in the precinct supply kit for that purpose.

## 7. Tabulation

Because a centrally counted, backup optical scan ballot is a “regular ballot” under state law, it must be tabulated and reported as a part of the board’s unofficial canvass.

### **SECTION 1.08 LOGIC AND ACCURACY TESTING<sup>45</sup>**

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To ensure that all electronic voting systems are accurately and uniformly tabulating votes cast during an election, all boards of elections must conduct Logic and Accuracy (L&A) Testing before conducting Pre-Election Public Testing required. L&A Testing is the systematic pre-election testing of every component of a voting system with every ballot style to demonstrate that the ballots are accurate and that votes cast will be tabulated properly. It is conducted by processing a pre-audited group of ballots that are marked to record a predetermined number of valid votes for each contest. It must include for each contest one or more ballots that contain more votes than the number allowed in order to ensure that the automatic tabulating equipment can reject overvotes.

Boards must conduct L&A Testing before every election on each voting

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<sup>45</sup> [R.C. 3506.14\(A\)](#).





machine and component of automatic tabulating equipment, including backup machines and equipment, in order to confirm its functionality. Under no circumstances should a board deploy any voting equipment that has not undergone L&A Testing. The board should conduct thorough L&A testing prior to the distribution of any ballots to voters.

## A. Testing

### 1. Optical Scan

- Inspect the physical condition of the equipment—for example, check plugs and ports because damage to these areas may not be readily apparent;
- Check to make sure ballot box is empty;
- Verify PCMCIA card has correct data;
- Turn on each unit in Election Day mode to calibrate and test date and time, firmware, and backup battery status;
- Print a “zero tape” and check to be certain that all vote totals are at zero—this is also a good chance to test that all races are present;
- Process ballots;
- Run totals tape;
- Review results;
- Replace tape as necessary;
- Close and power down the unit;
- Remove the PCMCIA card;
- Remove the test ballots
- Secure the PCMCIA cards (for subsequent upload into ERM);
- Maintain ballots in machine order/precinct order;





- After all units are tested, upload the results to ERM and run the report
- Compare the results to the test script.
- For CENTRAL COUNT UNITS, process the complete test deck precinct scanners, upload the results to ERM, and run a report. Then do integrated testing to compare with precinct results.
- For AUTOMARK devices, listen to all audio and test at least 2 ballot styles for all functionalities.

## **2. DRE**

- Inspect the physical condition of the equipment - for example, check plugs and ports because damage to these areas may not be readily apparent;
- Document the serial number of each unit;
- Turn on each unit in Election Day mode to calibrate and test date and time, firmware, and backup battery status. To calibrate a DRE, make sure the screen is positioned at the same height and angle that it will be at on Election Day. Use a stylus or bottom of a pen or pencil (not your finger) in order to get the most accurate calibration;
- Confirm the software and firmware numbers match the expected, certified configuration;
- Inspect the physical condition of the memory cards and clear all information off of each card;
- Print your zero tape and check to be certain all vote totals are at zero;
- Ensure that all races are present;
- Unplug the unit and check that the battery backup is functioning;





- Use a test script that includes the following:
  - A review of summary screen, accessibility features test (including sip & puff and jelly switch)
  - An audio test for all headers, contests, and candidates for each ballot style, including write-ins
  - A test of a magnified ballot, ensuring that it is not distorted, unreadable, and that it remains in calibration for each ballot style
  - A confirmation that the VVPAT prints correctly, including rejected ballots
- At end of L&A Test, print several ballot VVPAT tapes, in order to help determine how many paper rolls or ballot canisters you will need for Election Day;
- Power down the unit in order to ensure it powers down correctly;
- Check paper supply to ensure both VVPAT and internal audit record have enough paper for Election Day;
- Maintain detailed documentation and post-test security measures;
- Seal each device properly so it is ready for Election Day;
- Conclude your L&A testing by performing an integrated test, combining results from all sources (optical scan precinct count, central count, and voting machines).

When L&A testing, boards should create a file for each machine that stays with machine so it is easy to keep track of machine performance. Remember to check ALL ballot styles, including rotation and write-in votes, along with the integration of all elections systems to be used, including accessible devices, absentee ballot devices, ballot on demand systems, EMS tallying of votes, and ePollbooks activating the ballot.





At end of test boards should know with confidence that all systems work together, that all the correct candidates appear on ballot, and that votes can be tallied. Boards will have ensured that election staff can operate the equipment end-to-end, and that the system can load and shut down properly. Lastly, the board will have checked that it has adequate supplies for Election Day.

## **SECTION 1.09 PUBLIC TEST<sup>46</sup>**

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Prior to each election, the board of elections must test and audit the variable codes applicable to that election to verify the accuracy of any computer program that will be used for tallying the ballots for each precinct in which an election will be held.

Public notice of the time and place of the test shall be given by proclamation or posting, as in the case of notice of elections. The test shall be conducted as set forth in [R.C. 3506.14\(B\)](#). If an error is detected, the cause of the error shall be ascertained and corrected, and an errorless test shall be made and certified to by the board before the count is started. The public test does not replace the L&A testing the board must perform and that the L&A testing does not serve as the public test.

## **SECTION 1.10 PUBLIC RECORDS RETENTION**

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The Ohio Secretary of State's Office has developed a records retention schedule that sets forth the minimum amount of time that boards must retain particular types of election records, including ballots. The records retention schedule can be found at <https://www.sos.state.oh.us/globalassets/elections/eoresources/generalretentionchart.pdf>.

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<sup>46</sup> [R.C. 3506.14\(B\)](#).





## **SECTION 1.11 PROHIBITIONS CONCERNING BALLOTS**

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Ohio law contains many prohibitions concerning the handling of ballots,<sup>47</sup> including showing a voted ballot to another person, knowingly destroying or mutilating a ballot, forging or falsifying a ballot, possessing another person's ballot when not permitted by law, and delaying the delivery of a ballot. Generally, such prohibited actions are punishable as a misdemeanor or felony. As such, if a board has questions regarding the handling of a ballot, it should discuss them with its legal counsel, the county prosecuting attorney.

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<sup>47</sup> [R.C. 3599.20](#); [R.C. 3599.21](#); [R.C. 3599.22](#); [R.C. 3599.26](#); [R.C. 3599.33](#).

