



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

180 East Broad Street, 15th floor
Columbus, Ohio 43215-3726 USA
Tel.: 1-614-466-2655
Fax: 1-614-644-0649
www.sos.state.oh.us

DIRECTIVE 2007-12

September 7, 2007

TO: BOARDS OF ELECTIONS

Members, Directors, and Deputy Directors

2007 GENERAL ELECTION BALLOTS

In accordance with R.C. 3505.01, attached are the forms of the official ballot certified by the Office of the Secretary of State for use at the November 6, 2007 general election. These forms are templates for ballot design, format and order of offices and issues for municipalities (cities and villages). There is a potential for one statewide issue for this year's November 6, 2007 election ballot, and you will receive a separate directive relating to a statewide referendum petition that was filed with the Secretary of State's office September 3, 2007. All boards will be notified promptly if the issue is certified to the fall ballot.

Accompanying this Directive are the following ballot forms:

- Official City Office Type
- Official Village Office Type
- Official Judicial Nonpartisan
- Official City Nonpartisan
- Official Village Nonpartisan
- Official Township Nonpartisan
- Official Board of Education Nonpartisan
- Official Questions and Issues - State Issue (certified text of potential state issue)
- Official Questions and Issues - Selected Bond Issues and Tax Questions
- Official Questions and Issues - Selected Local Option
- Official Questions and Issues - tax levy, bond issue, income tax, and local liquor option

The certified general ballot forms are for cities and villages operating under the **general statutory plan of government**.¹ These ballot forms contain (1) the correct title of each office as that title should appear on your local ballot and (2) the order in which offices must appear on the ballot for all voting systems.

If a city or village has a charter, it will be necessary for you to refer to that charter to determine what officers are to be elected, for what terms, and the form of the ballot if such ballot is prescribed by

¹ Elections held pursuant to charter requirements may differ. If questions arise for ballots to be used for elections held according to a municipal charter and you may contact the attorney in our office assigned to your county. The certified form of the official Questions and Issues ballot (issues, tax levies, bond issues, and local liquor options) accompanying this Directive 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. Also, 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.

charter. When implementing charter provisions, follow the charter first, and in the absence of charter provisions for a specific issue, follow state law. These issues often require the review of an attorney. Our office is happy to assist you and your county prosecutor in making these determinations. If the municipality operates under one of the alternative plans of government (e.g. commission plan, city manager plan or federal plan), please refer to Chapter 705 of the Revised Code and prepare your ballots accordingly.

Please review the appropriate sections of the Ohio Revised Code, local charter (if applicable), the *Questions and Issues Handbook*² and Directives and Advisories provided by our office for ballot language and formats that may not appear on the enclosed Official Questions and Issues Ballot.

UNEXPIRED TERMS

Generally

- For **cities**, the law provides for **elections for unexpired terms** for the offices of:
Mayor
Law director
Auditor
Treasurer
President of council.
- For **villages**, only the office of **mayor** may be 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)

Statutory Municipalities

*In **statutory municipalities** (where **no charter controls**), there is **no election for unexpired terms for members of city or village councils (except president of city council)**.*

In such case, if a vacancy occurs for the office of **member of village council**, the legislative authority fills the office for the unexpired term.

If a vacancy occurs for the office of **member of city council**, the residents of the city who are members of the county central committee of the political party that nominated the last occupant of the office fill the vacancy. *In either case there is no election for the unexpired term.*

Charter Municipalities

If the municipality (city or village) has a charter, the charter may provide another means for filling vacancies.

² This Handbook was published in 2001 by former Secretary of State Blackwell. An update to incorporate changes resulting from the passage of H.B. 3 (eff. June 1, 2006) is being prepared. If you have questions, please feel free to contact your assigned elections attorney in the Secretary of State's office.

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.** The number of ballots to be printed for a precinct must be at least *one percent* (1%) **more** than the total number of registered electors in the precinct. However, electors who have failed to respond within 30 days to any confirmation notice shall not be counted in determining the number of ballots to be printed. (R.C. 3505.11)

Exception: If your board has chosen to provide ballots on demand under R.C. 3505.11(B), 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 2003 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.

2. **Spelling.** Each board must carefully check the spelling of candidates' names and all other details of the ballots; the Secretary of State's office does not have the petitions that are on file in your office to compare ballot name spellings with petitions, so it is important that you do this carefully.
3. **Rotation.** Names of candidates must be rotated on all ballots as prescribed in R.C. 3505.03. **No exemption from the rotation requirements has been granted for any voting system.**

Rotate the names of candidates from one precinct to another. 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.)

For absentee ballot rotation, please refer to the attached ballot printing instructions that are part of this directive.

4. **Candidate's name.** 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. *Example: A candidate named William Smith may have his name printed on the ballot as William Smith, Will Smith, Billy Smith, but he may not have his name printed as William "Bill" Smith.*

Note: Any former names that have been declared or submitted in accordance with R.C. 3513.06 or R.C. 3513.271 shall be printed on the ballot in parenthesis directly below the present name of such person. (R.C. 3505.02) For example:

Frank J. Thomas
(John Francis Thomason)

5. **Titles.** R.C. 3505.03 prohibits printing on the ballot titles such as "Dr.," "Judge," "Rev.," etc.
6. **Proofing.** Boards of elections must thoroughly and promptly check every detail of their ballots upon receiving the ballot layouts or proofs from a vendor or printer. Either the director and deputy director, or board employees they designate, should proofread all series of ballots. After staff has proofread the ballots, the board members also should review and verify ballot layouts/proofs.

Once a board of elections receives its ballot proofs, R.C. 3505.14 **requires** the board to:

- **Notify** the 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 that appear on the ballot, informing each of them that the ballot proofs are available for inspection and correction. 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.
- **Post** the ballot proofs for at least 24 hours in a publicly accessible place in the **board office and** in the **county courthouse** for inspection of any errors, and with instructions for notifying the board of any needed or requested correction(s), after which board personnel must review and correct any error.

Also each board of elections shall transmit copies of the proof of each **question and issue ballot** to the **Secretary of State's office** for review. Please transmit the proof to the attention of Serena Henderson by one of the following methods:

Fax: 614-752-4360;

E-mail: shenders@sos.state.oh.us or

U. S. Mail: 180 E. Broad St, 15th Flr., Columbus, OH 43215, or
P.O. Box 2828, Columbus, OH 43216

Note: *Please do not send proofs of candidate ballots 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.

7. **Multi-County District Elections.** The most populous county of a multi-county district **must** notify all the boards in that district of the candidates or questions/issues that must appear 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 must also 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 it 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 October 27, with instructions for the removal of that candidate's name from the ballot and, if appropriate, substitution of a replacement candidate's name.

8. Absentee Ballots

R.C. 3509.01 and R.C. 3511.04 require each board of elections to have absentee ballots printed and ready for use 35 days before an election (i.e., by October 2, 2007). In accordance with R. C. 3509.01 these ballots shall be designated as "Absent Voter's Ballots."

A copy of each absentee ballot (candidates and questions and issues) must be forwarded to the Secretary of State's office at least 25 days (October 12, 2007) before the election. Please do not confuse the submission of a copy of the absentee ballot with the earlier submission of ballot **proofs**.

The copy of the absentee ballot should be transmitted and forwarded to the attention of Serena Henderson by one of the following methods:

- Email: shenderso@sos.state.oh.us; or
- CD or computer diskette - U. S. Mail: P.O. Box 2828 Columbus, OH 43216 or 180 E. Broad St., 15th Flr., Columbus, OH 43216

It is the responsibility of the board of elections to send the absentee ballot file or CD/diskette to the Secretary of State's office. Unless your board is unable to send an electronic file or CD/diskette, please do not send paper copies. (R.C. 3509.01)

9. Official Canvass Deadline

As a reminder, R.C. 3505.32 requires all boards to complete their official canvass by November 27, 2007.

If you have questions after you have reviewed the enclosed directive and instructions, please contact your assigned elections attorney.

Sincerely,



Jennifer Brunner

**BALLOT PRINTING INSTRUCTIONS FOR
November 6, 2007 GENERAL ELECTION**

BALLOTS (R.C. 3505.03, 3505.04, 3505.06)

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

Office Type Ballot - R.C. 3505.03

City offices shall be listed in the following order:

- Mayor
- President of Council
- Auditor
- Treasurer
- City Director of Law
- Member of Council at Large
- Ward Council Member

Village offices shall be listed in the following order:

- Mayor
- Clerk-Treasurer
- Clerk
- Treasurer
- Member of Council
- Member of Board of Trustees of Public Affairs

Nonpartisan Ballot - R.C. 3505.04

- Judge of Municipal Court
- Clerk of Municipal Court
- City Offices (order of offices same as Official City (Partisan) Ballot, above)
- Village Offices (order of offices same as Official Village (Partisan) Ballot, above)
- Township Trustee
- Township Fiscal Officer
- Member of Governing Board of Educational Service Center
- Member of Board of Education (City)
- Member of Board of Education (Local and Exempted Village)

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 the elections held on November 6, 2007:

- State (if certified to the ballot)
- Township
- School and other districts
- County
- Municipal

However, if it is not practicable for a board of elections to group questions and issues in the above order because of limitations presented in formatting for voter ease and clarity of presentation because of the type of voting machines the board uses, the board may group them in the following order: state, county, municipal, township, and school or other district. Absentee ballots must contain identical groupings to regular ballots. 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 shall be placed in the appropriate municipal or township group.

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

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 ten (10) 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."

BALLOT INK (R.C. 3505.08)

All ballots shall be printed with black ink.

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.

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.

BALLOT LANGUAGE FOR ISSUES (R.C. 3505.06)

A minimum type size of ten (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.

The text of ballot language prepared by the Ohio Ballot Board for the potential state issue may not be condensed or changed by a board of elections. The text is included on the 2007 Official General Election Ballot for purposes of ballot layout, but it should not be printed on your county ballot until the issue is certified by the Secretary of State for placement on the November 6, 2007 general election ballot.

QUESTIONS AND ISSUES BALLOT (R.C. 3505.06, R.C. 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.

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

BALLOT AUDIO and TEXT FOR STATE ISSUE

The audio for the text of the ballot language for the potential state issue is available as a .wav file on the SOS Extranet site under Elections Information – Audio Ballot (5th button on left). The text of the ballot language for the potential state issue is available in MS Word and Rich Text format on the same website.

As noted previously, the potential state issue has not been certified to the ballot. All boards will be notified promptly of the validity of the petition and whether the issue is to be placed on the general election ballot.

PERCENTAGE OF VOTES FOR QUESTIONS AND ISSUES (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.").

CANDIDATES - FULL AND UNEXPIRED TERMS (R.C. 3505.04)

In the case of judicial offices, immediately below the title of office shall be printed either "Full Term Commencing . . ." or "Unexpired Term Ending . . ." followed by the appropriate date. For all other offices, the designation of the term is necessary only where there is an unexpired term to elect, or where there is a combination of full and unexpired terms to elect for the particular office. Where there are both full and unexpired terms for the same office, place the unexpired term *after* the full term(s) for that office.

ROTATION - CANDIDATES**Candidates' Names (R.C. 3505.03, 3505.04)**

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:**

- Absentee ballots, which shall bear a different rotation (discussed below), or
- 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, *unless* the number of candidates for a particular office is the same as the number of candidates to be elected for that office.

Absentee Ballots (R.C. 3505.03 ,3513.15)

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

- Arranged in alphabetical order in a group under the title of that office, and
- Alternated so that each name shall appear 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), the ballot name order for candidates on **absentee ballots** shall be the same as the precinct ballot name order for candidates on **regular ballots**.

CANDIDATES WITH SAME NAMES (R.C. 3505.021)

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. 3505.021, which is set forth below:

R.C. 3505.012. In the event two or more persons with identical given names and surnames run for the same office in a general or special election on the same ballot, the names of the candidates shall be differentiated on the ballot by varying combinations of first and middle names and initials. Immediately after it becomes known that two or more persons with the same given name and surname are to be candidates on the same ballot for the same office, the director of the board of elections for local, municipal, county, general, or special elections, or the director of the board of elections of the most populous county for district, general, or special elections . . . shall notify the persons with identical given name and surnames that the names of such persons will be differentiated on the ballot. If one of the candidates is an incumbent who is a candidate to succeed himself for the office he occupies, he shall have first choice of the name by which he is designated on the ballot. If an incumbent does not make a choice within two days after notification or if none of the candidates is an incumbent, the board of elections within three days after notification shall designate the names by which the candidates are identified on the ballot. In case of a district candidate the board of elections in the most populous county of the district shall make the determination.

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

1. **Headings** shall be printed in display in Roman or Arial font. Shading may be used for the office headings.

2. **Each office title** shall be printed in twelve (12) point upper and lower case type, and a screened heading may be used.
3. **Vote allowed:** Immediately below the office title shall be printed "Vote for Not More Than ____" in a minimum point size of ten (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.
4. **Names of candidates** shall be printed in a minimum of twelve (12) point boldface upper case type. The name of each candidate shall be indented one space; do **not** center a name within the space.
5. **Name of political party:** The name of the political party of a candidate on the official office type ballot shall be printed in 10-point lightface upper and lower case type and shall be separated from the name of the candidate by a 2-point blank space. *The name of the political party shall be indented two spaces.* The recognized political parties in Ohio are the Democratic and Republican parties. No designation shall appear under the name of an independent candidate or candidate for a non-partisan office. **Exception: If an independent candidate made a request at the time of filing his or her petition to have the designation "nonparty candidate" or "other-party candidate," it shall be printed in the same manner as for a political party candidate.** (See R.C. 3505.03) **The designation "independent" may not appear on the ballot.**
6. **Separation of Offices:** A four (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.
7. **Separation of Office and Candidate Names:** A two (2) point rule shall separate the title of the office from the names of the candidates for that office.
8. **Separation of Names of Candidates:** A one (1) point rule shall separate names of candidates.
9. **Separation of Columns:** A two (2) point rule shall separate columns from each other.
10. **Instructions to Voters** on the ballot shall be in upper and lower case **twelve (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."

WRITE - IN VOTES – Blank Spaces (R.C. 3505.10, 3505.23)

A write-in space shall be provided on the ballot for every office for which a county board of elections has received a valid declaration of intent of write-in candidacy. In the case of any office for which no valid declarations of candidacy, nominating petition or intent of write-in candidacy have been filed within the time prescribed by law, the board shall provide on the ballot the title of such office and shall state on the ballot that "no candidate filed" for the office.