



**DIRECTIVE 2019-02**

February 25, 2019

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

Re: Ballots for May 7, 2019 Primary/Special Election

**SUMMARY**

This Directive provides the certified forms of the official ballots to be used in the May 7, 2019 Primary/Special Election.

Please note that, in lieu of issuing a separate Directive with specific details covering ballot layout, proofing, and quantities, the Secretary of State's Office ("SOS") is issuing only this Directive, which must be used in conjunction with [Chapter 4 \(Ballots\) of the Election Official Manual \("EOM"\)](#) when preparing ballots for this election. [Chapter 4 of the EOM](#) provides specific instructions on the following subjects:

- Ballot format;
- Voter instructions;
- Ballot stubs;
- Partisan primary elections;
- Seventeen-year old voters;
- Candidate ballots (names, restrictions, political party, rotation, etc.);
- Questions and issues ballot;
- Ballot proofs;
- Overlaps;
- Bid requirements;
- Ballot quantities;
- Logic and accuracy testing; and
- Public test.

**I. VERIFYING DISTRICT RELATIONSHIPS**

Before programming any aspect of the central tabulating system for the May 7, 2019 Election, boards of elections must verify the accuracy of district relationships in the central tabulating system against the county's voter registration system. This is to ensure that each voter receives the correct ballot style (i.e., the correct combination of candidate offices and issues) based upon that voter's residential address.

As a part of the review for accuracy of district relationships between the county's voter registration system and its tabulating system, but no later than April 10, 2019, the board also must ensure that:

- 1) The Secretary of State's precinct codes (three alphabet letters) are accurate in the tabulating system and, if appropriate, the county's voter registration system; and,
- 2) The precinct names correspond between the two systems.

**Note:** It is imperative that a board of elections upload to the statewide voter registration database ("SWVRD") any changes to district relationships (including wards and precincts) that have been made locally in the county's voter registration system ("VRS"). Using the report provided by Robin Fields on Wednesday, April 3, 2019, each board must review the report to ensure that all SOS Precinct ID Codes provided on the report match the board's voter registration system. Boards will have until April 10, 2019 to return the reviewed report noting any changes.

In addition, the board must spot-check at least one voter record for each precinct in the SWVRD against the county's VRS to ensure accuracy.

## II. OFFICIAL BALLOT FORMS

Each board of elections is required to provide a separate ballot for each political party listing candidates for nomination or election in a primary election.<sup>1</sup> The names of all candidates, who have not withdrawn pursuant to R.C. 3513.30, must be arranged, rotated, and printed upon the ballot in accordance with the provisions of R.C. Chapters 3505, 3506, and 3513 and [Chapter 4 of the EOM](#).

Please note that partisan primary elections held in statutory municipalities in odd-numbered years are subject to the restrictions of R.C. 3513.02. Pursuant to that provision, no partisan primary election will be held in an odd-numbered year in a statutory municipality that nominates municipal office holders by partisan primary election if either of the following circumstances occurs:

1. No valid declaration of candidacy is filed for nomination as a candidate of a political party for election to *any* of the offices to be voted for at the general election to be held in such year; or,
2. The number of persons filing such declarations of candidacy for nominations as candidates of one political party for election to such offices does not exceed, as to any such office, the number of candidates which such political party is entitled to nominate as its candidates for election to such office.<sup>2</sup>

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<sup>1</sup> R.C. 3513.13.

<sup>2</sup> See Chapter 4, p. 8 of the Election Official Manual for guidance on issuing certificates of nomination.

## **A. Statutory Municipalities v. Home Rule Municipalities**

A statutory municipal corporation is a city or village that is governed by the general laws of Ohio. In comparison, a municipal corporation that has adopted a form of limited home rule may have adopted provisions governing elections for municipal offices or issues that differ from general statutory provisions. If specific home rule provisions relating to elections cannot be harmonized with the statutory provisions, the home rule provisions will control the elections of the home rule municipality. Questions about the applicability or implementation of home rule provisions should be directed to the municipal corporation's legal counsel.

## **B. Order of Offices for all Candidate Ballots<sup>3</sup>**

### **1. Primary Ballot – Statutory City**

City offices must be listed in the following order:

1. Mayor
2. President of Council
3. Auditor
4. Treasurer
5. Director of Law
6. Member of Council at Large
7. Member of Council – Ward
8. Judge of the Municipal Court
9. Clerk of the Municipal Court

### **2. Primary Ballot – Statutory Village**

Village offices must be listed in the following order:

1. Mayor
2. Clerk-Treasurer
3. Clerk
4. Treasurer
5. Member of Council
6. Member of Board of Trustees of Public Affairs

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<sup>3</sup> R.C. 3513.13; If a city or village has adopted a charter or one of the three alternate forms of home rule government set forth in Revised Code Chapter 705 (i.e., commission plan, city manager plan, or federal plan), you must refer to the charter or appropriate provisions of R.C. Chapter 705 to determine the following: what officers are to be elected; the term of each office to be elected; the method of nomination (e.g., partisan primary election, nonpartisan primary election, or nominating petition) for each office; and the form of the ballot, if such ballot is prescribed by charter.

### 3. Write-In Vote Blank Spaces<sup>4</sup>

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.

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.

### C. Official Questions and Issues Ballot

Offices for which candidates may be nominated or elected are presented on the ballot first, followed by the questions and issues. The Official Questions and Issues Ballot must be used for all voting systems. The attached ballot form contains examples of some of the local questions and issues that may appear on the ballot in your county. Not every category or type of question/issue will appear on every ballot in every county, so please apply as much of the form as is appropriate to the ballots in your county.

Please note that the ballot form for the Official Questions and Issues Ballot contains two examples of a local liquor option question. Remember that a local liquor option question may appear on the ballot on the day of a primary election only if candidates also appear on the ballot in each precinct affected by the local liquor option in question.<sup>5</sup>

Additional instructions on headings, ballot language, and percentage of votes can be found in [Chapter 4 of the EOM](#).

Questions and issues must be grouped together in the following political subdivision order for elections held in 2019:

1. Township
2. School and other districts
3. County
4. Municipal

No statewide issue will appear on the May 7, 2019 ballot.

Each board of elections may determine the specific order in which the questions/issues within each group are placed on the ballot in that county, however, a board should adopt a method for doing so (i.e., ordered alphabetically or by date filed, etc.). Absentee ballots must contain identical ordering of issues within groups to regular ballots.

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<sup>4</sup> R.C. 3513.041; R.C. 3513.14.

<sup>5</sup> R.C. 4301.33, R.C. 4301.331; Exception: The questions of the sale of spirituous liquor by the glass as provided in R.C. 4303.29 (Form 5-B) may appear only on the general election ballots. It cannot be submitted to voters at a primary election.

Please review the appropriate sections of the Ohio Revised Code, local charter (if applicable), and the [Questions and Issues Handbook](#) for ballot language and formats that are not on the attached Official Questions and Issues Ballot.

#### **D. Absentee Ballots<sup>6</sup>**

Each board of elections must have absentee ballots printed and ready for use **by Friday, March 22, 2019** (46 days<sup>7</sup> before the May 7, 2019 primary election) for Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters, and by April 9, 2019 for regular (non-UOCAVA) absentee voters.

A copy of each absentee ballot (candidates and questions and issues) must be sent to the Secretary of State's Office at least 47 days before the election, by Thursday, March 21, 2019. Please send to Serena Henderson at: [shenders@ohiosecretaryofstate.gov](mailto:shenders@ohiosecretaryofstate.gov).

If the file is too large to provide via email, please upload the file to the SharePoint site.

If you have any questions regarding this Directive or [Chapter 4 of the EOM](#), please contact please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose

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<sup>6</sup> R.C. 3509.01; R.C. 3511.04.

<sup>7</sup> Substitute House Bill 41, passed by the 132<sup>nd</sup> General Assembly, changed this from 45 days to 46 days.