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# CHAPTER 1

## BALLOT LANGUAGE, NOTIFICATION, ROTATION AND CERTIFICATION

### GENERALLY

Pursuant to R.C. 3501.11(V), a board of elections must approve ballot language for any local question or issue and transmit the ballot language to the Secretary of State's office for final approval. (**Note:** some boards will delegate this duty to appropriate staff that will draft and submit the ballot language for final approval.) Ballot questions and issues may include: bond issues, tax levies, charter amendments, local liquor options, municipal and school district income taxes, zoning plans, etc.

**NOTE:** Local liquor options have certain ballot language and layout distinctions that are different than other ballot questions and are discussed in a separate section of this chapter beginning on page 9.

Resolutions, ordinances or petitions filed at the board office help the board determine the "purpose" of the question or issue, the date of the election at which the question or issue is to appear on the

ballot, and other information that will be required for the board when it prepares its ballot language - such as amount of the millage and the length of time a levy is to be imposed. You may want to highlight or underline this information so it will be easier to prepare and proof your ballot language.

Resolutions and ordinances filed at the board office may include suggested ballot format or language for the question or issue. Please verify that the suggested ballot format or language meets the statutory format requirement as well as your county's ballot format before submitting it to the Secretary of State's office.

For your convenience, we have included a Quick Reference Guide (Appendix A) in the back of this handbook. The Guide provides information on types of questions and issues that may appear on a ballot, statutory authority, filing deadline, type of election the question or issue may appear on the ballot, advertising requirements

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as well as providing the number of the ballot form template to be used for the particular question or issue.

Also included in the back of this handbook for your convenience are Ballot Templates (Appendix B). These templates provide the ballot formats that must be used for presenting the question or issue on the ballot to the voters.

## BALLOT LANGUAGE FORMAT

### General rules

All counties should strive for uniformity in how the ballot language is presented to voters. The same format should be used for all questions and issues within a county. The **exceptions** to your county's format are the following:

- State issues.
- Questions or issues transmitted from most populous county.
- Typeface prescribed by statute. (For example, R.C. 5705.197 – “purpose shall be in boldface type at least twice the size of type immediately surrounding it;” R.C. 133.18 – “the purpose of bonds shall be printed in boldface type.”) Please see Ballot Templates (Appendix B) for any additional questions or issues that may have the typeface prescribed by statute.
- A city or village charter that includes the provision of prescribing ballot format/language for certain questions or issues.

**NOTE:** The exceptions to your county's format for local liquor option questions are discussed in a separate section of this chapter beginning on page 9.

## TYPEFACE

Unless statute or charter dictates the ballot format, all questions and issues within a county should be presented in a like manner so that no particular question or issue wording “stands out” on the ballot.

### A. Words and numbers

In addition to determining how the typeface for the “purpose” is presented to voters, the presentation of numbers in the ballot language should be consistent within a county.

Boards of elections are not required to use both words and numbers for millage amounts, the number of years in effect, or expressing the rate of millage in dollars and cents. When only numbers are used, the language should follow this example:

“. . . at a rate not exceeding 1 mill for each one dollar of valuation, which amounts to \$0.10 for each one hundred dollars of valuation, for 5 years, commencing in 2009, first due in calendar year 2010.”

If both words and numbers are used, the language should follow this example:

“ . . . at a rate not exceeding one (1) mill for each one dollar of valuation, which amounts to ten cents (\$0.10) for each one hundred of dollars of valuation, for five (5) years, commencing in 2009, first due in calendar year 2010.”

### B. Millage amounts

To avoid confusion, when millage is less than 1, a “0.” should be placed in front of the millage amount, for example: “0.4 mill” not “.4 mill.”

If the millage is an even amount, such as 2 mills, it should read: “2 mills” not “2.0 mills”. Using this format will help to avoid the possible reading of the preceding as a 4 mill or a 20 mill levy.

### C. Purpose

The wording used to describe the “purpose” is generally the most difficult part of preparing ballot language. The subdivision’s resolution/ordinance must state the “purpose” of the question or issue. The wording of the resolution/ordinance’s “purpose” may not always be acceptable ballot language. When preparing language for the “purpose” that will appear on the ballot be sure that the language is clear, concise, does not express an opinion and is not misleading to the voters.

It is not necessary to repeat the name of the subdivision in the “purpose.” For example, “A renewal of a tax for the

benefit of Sunny Township for the purpose of current expenses of Sunny Township....” The underlined wording only adds to ballot printing and advertising costs and is not necessary ballot language.

Ballot language for levies for current expenses or current operating expenses **cannot** list a specific limitation for the money, such as: “. . . for the purpose of current operating expenses for street lights.” (OAG 65-187) Please remember, although a purpose as described in a resolution submitted to the board may state a specific purpose for the current operating expenses, the language used by the board of elections for the “purpose” that will be appearing on the ballot may not.

A board may choose to place the “purpose” in boldface type in ballot language used for all questions and issues even though it is not required by statute. However, reader usability studies recommend that all capital letters not be used for text in ballot language.

**NOTE:** The wording to be used for local liquor option questions is discussed in a separate section of this chapter beginning on Page 9.

### D. Condensed text

Pursuant to R.C. 3505.06, the questions and issues ballot need not contain the full text of the proposal submitted to the board of elections. A condensed text may be prepared by the board of

elections to appear on the ballot but must properly describe the question or issue. If a condensed text is used on the ballot, the full text of the proposed question or issue - together with the percentage of affirmative votes necessary for passage as required by law - shall be posted in each polling place in an area that is easily accessible to the voters.

**NOTE:** The text of the purpose of a bond issue should not be condensed.

### **E. Ballot heading**

The heading at the top of the ballot should include a brief title descriptive of the question or issue, such as “Proposed Tax Levy” or “Proposed Bond Issue.” Beneath this title, the name of the subdivision, library or board that may benefit from the question or issue should be printed. In addition, a brief statement of the percentage of affirmative votes necessary for passage is required (See Ballot Templates (Appendix B) in the back of this handbook for more information on the formats that must be used for presenting the question or issue on the ballot to the voters).

### **F. Most populous county**

If a particular question or issue appears on the ballot in more than one county, the most populous county must **promptly** notify the overlapping county or counties. The most populous county must also provide the approved ballot language to the overlapping county or counties.

The overlapping county or counties must use the approved ballot format and language from the most populous county (R.C.3505.071). The question or issue must be presented on the ballot to all voters in all overlapping counties in an identical manner.

Although listing the names of all the counties involved in an overlap question or issue is not required, the most populous board may list the names of all the counties affected by the issue or question in the ballot heading or in the language when this information is necessary for clarification of the district.

- Ballot heading example:  
Proposed Tax Levy (Renewal)  
ABC School District  
X County, Y County and Z County
- Ballot language example: “A renewal of a tax for the benefit of ABC School District of X County, Y County and Z County. . .”

It is possible that ballot format received from the most populous county may “conflict” with another less populous county’s ballot format. An example of conflicting county ballot formats would be the most populous county’s format contains only numbers for the millage amount, number of years and dollars/cents. The less populous board’s ballot format uses both words and numbers for the millage amount, number of years and dollars/cents. A less populous county’s board cannot change the ballot format sent by the most populous county.

## SUBMISSION TO SOS

Once the ballot language has been prepared for your county's question or issue, the language with the appropriate accompanying documents (see below) must be submitted to the Secretary of State's office for final ballot language approval purposes.

**NOTE:** The procedures for submitting the language for local liquor option questions are discussed in a separate section of this chapter beginning on page 9.

We would encourage boards to prepare their ballot language and submit it to the Secretary of State's office as soon as possible after receipt of the question or issue. To report local questions and issues to the Secretary of State's office, boards of elections must submit the following:

1. Report Form 126-C.
2. A copy of the resolution, ordinance or petition; auditor's certificate (if applicable).
3. Proposed ballot language.

Please submit the appropriate report form with accompanying documents to the attention of Serena Henderson by **only one** of the following methods;

- Fax: 614-752-4360
- E-mail: [shenders@sos.state.oh.us](mailto:shenders@sos.state.oh.us)
- U. S. Mail: 180 E. Broad St., 15th Flr., Columbus, OH 43215, or P.O. Box 2828, Columbus, OH 43216

**NOTE:** Submitting the report form and/or accompanying documents to anyone else in the Secretary of State's office other than the person listed above will delay the process for approval of ballot language submission.

The Secretary of State's office will provide an administrative and legal review of the submitted ballot language and accompanying documents.

- The administrative review examines the ballot language to determine if the relevant information from the documents (i.e. supporting resolution, ordinance, or petition) that accompanied the ballot language submission matches the information in the submitted ballot language. For example: The subdivision's resolution states the millage amount for a proposed tax levy is 5 mills. The ballot language must accurately reflect the 5 mills.
- The legal review examines the ballot language as well as the accompanying documents (i.e. supporting resolution, ordinance, or petition) for compliance with appropriate statutory or charter provisions.

## BALLOT LANGUAGE RETURNED TO BOE

The ballot language will be returned by e-mail to the board of elections after both reviews have been completed. The returned ballot language may simply be initialed by the reviewers indicating the ballot language is approved as submitted. However, the returned ballot language may contain corrections or comments concerning the ballot language or the required accompanying documents.

- If the comments on the returned proposed ballot language indicate the language could not be approved **because the ballot language did not accurately reflect the language used in the supporting resolution, ordinance or petition**, you are encouraged to work with the appropriate SOS staff person to change the ballot language to improve its clarity.
- If the comments on the returned proposed ballot language indicate the language could not be approved **because the supporting resolution, ordinance or petition was deficient for some reason**, that information should be conveyed to your board members. It is up to each board of elections to determine whether a particular issue remains on the ballot and/or to determine what action, if any, is necessary to address the situation. It may be helpful for boards faced with this decision to consult

with appropriate legal advisors at the county level as part of making that decision.

## ROTATION OF QUESTIONS/ ISSUES ON BALLOT

When placing questions and issues on the ballot, the order in which questions and issues are to appear on the ballot is provided in R.C. 3505.06. State issues, if any, will always appear as the first group. Thereafter, the order of questions/issues will change with each calendar year in a 4-year cycle.

The cycle for the order of questions/issues is as follows:

- 2009 and 2013: state, county, municipal, township and school, and other districts.
- 2010 and 2014: state, school and other districts, county and municipal, and township.
- 2011 and 2015: state, township, school and other districts, county, and municipal.
- 2012 and 2016: state, municipal, township, school and other districts, and county.

When a state issue is certified to the ballot, the particular order of state issues is certified to each board by the Secretary of State. The Secretary of State will issue an official directive to boards of elections providing the order of the state issues as part of the form of the official ballot for a

primary or general election. The particular order of local questions or issues within a particular group is determined by the board of elections.

Due to the type of voting system used by a board of elections, a board may not be able to follow the order of local questions/issues noted above. Therefore, in accordance with R.C. 3505.06(B)(2), the order of the questions/issues must be: state, county, municipal, township and school, and other districts.

## NOTIFICATION AND POSTING OF BALLOT PROOFS

After a board has received the approved ballot language from the Secretary of State's office, your ballots should be finalized for the preparation of your ballot proofs.

In accordance with R.C. 3505.14, after a board has produced or received proofs of the ballot for an election, boards must notify 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 form, if any, filed at the board of elections on behalf of the group or committee.

Boards shall 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 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 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.

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 **only one** of the following methods; however, e-mail or fax is preferable:

- Fax: 614-752-4360
- E-mail: shenders@sos.state.oh.us
- U. S. Mail: 180 E. Broad St., 15th Flr., Columbus, OH 43215, or P.O. Box 2828, Columbus, OH 43216

After comparison with the approved ballot language text, the proof will be returned by fax or e-mail with any corrections noted on the proof.

## WITHDRAWING LANGUAGE FROM THE BALLOT

After ballot language has been submitted to the Secretary of State's office, a board may receive a written notice of withdrawal from the subdivision submitting the question or issue. Please note that generally a question or issue cannot be withdrawn if ballots have been issued or advertising has commenced. In regards to the withdrawal of a petition driven question or issue, please contact the elections counsel assigned to your county or your county prosecutor.

If a board does receive a timely withdrawal of a question or issue, please **promptly** notify the Secretary of State's office. Please transmit a copy of the written withdrawal to the attention of Serena Henderson by one of the following methods;

- Fax: 614-752-4360
- E-mail: shenders@sos.state.oh.us

## CERTIFICATION OF RESULTS

After your board has conducted its official canvass process and certified the official results of the election, the certification of results are to be submitted to the Secretary of State's office. Boards must submit SoS Form 5 to report the results on all questions and issues except *local liquor option questions*.

**NOTE:** The appropriate reporting form for the submission of certified results for local liquor option questions is discussed in a separate section of this chapter beginning on page 9.

Depending on the type of question or issue, certification of results must also be sent to other offices. For your convenience, the Secretary of State's office has prescribed forms for certification of results for some types of questions and issues. The master list of forms and the prescribed forms are available to boards of elections on the Secretary of State's Extranet (the secure internal communication link between the Secretary of State's office and county boards of elections).

A. The board of elections must certify the results of an election on **tax levies and bond issues** to the following offices and agencies:

1. The county auditor of each county in which the election is held.
2. The fiscal officer of the subdivision in which the election is held.
3. The Tax Commissioner of the State of Ohio.  
Tax Equalization Division  
30 E. Broad St., 21st floor  
P. O. Box 530  
Columbus, OH 43216-0530
4. The Secretary of State (R.C. 3505.33).

B. The board of elections must certify the results of an election on a **school district income** tax on SoS Form 125-A to the following offices and agencies:

- The board of education placing the issue on the ballot.
- The Tax Commissioner of the State of Ohio.
- Tax Equalization Division  
30 E. Broad St., 21st floor  
P. O. Box 530  
Columbus, OH 43216-0530
- The Secretary of State.

## LOCAL LIQUOR OPTION QUESTIONS

### GENERALLY

Most local liquor option questions appear on the ballot by the timely filing of a valid local liquor option petition. A local liquor option petition must be filed by the 90th day before the day of a primary or general election. The board of elections must certify the validity and sufficiency of local liquor option petitions no later than 78 days before a primary or general election.

A local liquor option question cannot be submitted to voters unless candidates appear on the ballot in the affected precinct(s). Please note that the question of the sale of spirituous liquor by the glass as provided in R.C. 4303.29

**(SoS Form 5-B)** may appear only on the general election ballot. It cannot be submitted to voters at a primary election.

If a board submits local liquor option ballot language prior to the board's petition certification meeting, you must

notify this office immediately if a petition is ruled invalid. Please send the notice of non-certification to the attention of Serena Henderson by one of the following methods:

- Fax: 614-752-4360
- E-mail: shenders@sos.state.oh.us

**NOTE:** Please see the *Guide to Local Liquor Option Elections – Sale of Intoxicating Liquor and Beer* which provides specific details on local liquor option petitions, procedures and elections and also includes other methods by which a local liquor option may be placed on the ballot.

## BALLOT LANGUAGE FORMAT

### A. Purpose

Generally, the wording of the particular question(s) on the local liquor option petition is the wording that will be used to prepare ballot language. However, pursuant to R.C. 4301.355(B) the wording included on petition SoS Form 5-R used to describe the type of sales that is permitted by a particular permit is not included in the prescribed ballot language which appears on the ballot.

Additional wording must appear on the ballot for questions submitted using local liquor option petition SoS Forms 5-P and 5-Q. The board of elections must include on the ballot a description of the portion of the precinct affected by the election.

The description must include either:

- The complete listing of street addresses in that portion.
- A condensed text that accurately describes the boundaries of the portion of the precinct by street name or by another name generally known by the residents of the portion of the precinct.

If other than a full street listing is used, the full street listing also must be posted in each polling place in a location that is easily accessible to all voters.

### **B. Heading**

The heading for the local liquor option question should include a brief title descriptive of the question such as “Local Liquor Option – Sunday Sales.” Boards may list the name of the precinct and/or the name of the subdivision beneath the title. In addition, the statement: “A majority affirmative vote is necessary for passage” must also be included in the heading.

## **SUBMISSION TO SOS**

After preparing the ballot language, boards of elections must report local liquor option questions to the Secretary of State’s office, by submitting the following:

1. Report SoS Form 126-A.
2. A copy of one part-petition of the local liquor option petition. Resolution, ordinance or court order/judgment (if applicable);
3. Proposed ballot language.

Please submit Report Form 126-A with a copy of the local liquor option petition or the resolution, ordinance or court judgment (if applicable) to the attention of Serena Henderson by **only one** of the following methods:

- Fax: 614-752-4360
- E-mail: shenders@sos.state.oh.us
- U. S. Mail: 180 E. Broad St., 15th Flr., Columbus, OH 43215, or P.O. Box 2828, Columbus, OH 43216

**NOTE:** Submitting the report form and/or accompanying documents to anyone else in the Secretary of State’s office other than the person listed above will delay the process for approval of ballot language submission.

The Secretary of State’s office will provide an administrative and legal review of the submitted ballot language and accompanying petition.

- The administrative review examines the ballot language to determine

if the relevant information from the local liquor option petition or other supporting documents (i.e. supporting resolution, ordinance, court order/judgment, if applicable) that accompanied the ballot language submission matches the information in the submitted ballot language. For example: A local liquor option petition states Sunday sales to begin at 10 a.m. The ballot language must accurately reflect the 10 a.m. beginning time for Sunday sales.

- The legal review examines the ballot language as well as the accompanying petition or other supporting documents (i.e. resolution, ordinance or court order/judgment, if applicable) for compliance with appropriate statutory provisions.

## BALLOT LANGUAGE RETURNED TO BOE

The ballot language will be returned by e-mail to the board of elections after both reviews have been completed. The returned ballot language may simply be initialed by the reviewers indicating the ballot language is approved as submitted. However, the returned ballot language may contain corrections or comments concerning the ballot language or the required accompanying documents.

- If the comments on the returned proposed ballot language indicate the language could not be approved

**because the ballot language did not accurately reflect the language used in the local liquor option petition or supporting documents,** you are encouraged to work with the appropriate SOS staff person to change the ballot language.

- If the comments on the returned proposed ballot language indicate the language could not be approved **because the local liquor option petition or supporting documents was deficient for some reason,** that information should be conveyed to your board members. It is up to each board of elections to determine whether a particular issue remains on the ballot and/or to determine what action, if any, is necessary to address the situation. It may be helpful for boards faced with this decision to consult with appropriate legal advisors at the county level as part of making that decision.

## ROTATION OF QUESTIONS ON BALLOT

A local liquor option question is placed on the ballot in the grouping (municipality or township) in which the question appears on the ballot. The order of local questions or issues within a particular group is determined by the board of elections. Please see section entitled “Rotation of Questions/Issues on the Ballot” on page 6 for more detailed information on proper rotation of questions on the ballot.

## NOTIFICATION AND POSTING OF BALLOT PROOFS

After a board has received the approved ballot language from the Secretary of State's office, your ballots should be finalized for the preparation of your ballot proofs.

In accordance with R.C. 3505.14, after a board has produced or received proofs of the ballot for an election, boards must notify a designated representative for each group supporting and/or opposing the ballot questions/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 form, if any, filed at the board of elections on behalf of the group or committee. In addition, the local liquor option petitioner or the petitioner's designated agent, if any, should be notified of the posting.

Boards shall 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 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 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.

Also, each board of elections shall transmit copies of the proof of each **local liquor option question ballot** to the Secretary of State's office for review. Please transmit the proof to the attention of Serena Henderson by **only one** of the following methods; however, e-mail or fax is preferable:

- Fax: 614-752-4360
- E-mail: [shenders@sos.state.oh.us](mailto:shenders@sos.state.oh.us)
- U. S. Mail: 180 E. Broad St., 15th Flr., Columbus, OH 43215, or  
P.O. Box 2828, Columbus, OH 43216

After comparison with the approved ballot language text, the proof will be returned by fax or e-mail with any corrections noted on the proof.

## CERTIFICATION OF RESULTS

After your board has conducted its official canvass process and certified the official results of the election, the certification of results are to be submitted to the Secretary of State's office.

The board of elections must certify the results of an election on local liquor option questions on SoS Form 126-B to the following offices and agencies:

1. Division of Liquor Control  
6606 Tussing Rd.  
Reynoldsburg, OH 43068  
**Note:** A plat of the precinct(s) showing and designating all streets, roads and highways in the precinct(s) must also accompany the certification.
2. The Office of the Ohio Secretary of State.

