

Elections and Political Parties

Of all the responsibilities of a representative democracy, the right to vote is fundamental. This process enables people to select the officials who will make, administer, and interpret the law. Article V of the Ohio Constitution is entitled Elective Franchise; it sets forth who may vote, specifies the type of ballot to be used in general elections and establishes the direct primary. The statutes regulating voting and elections have been adopted by the General Assembly and can be found in Title XXXV of the Ohio Revised Code. They are administered primarily by the secretary of state, who is the chief elections officer.

In 2002 the federal government enacted the Help America Vote Act (HAVA). This wide-ranging election-reform legislation to improve the operation of elections required statewide computerized voting lists, “second-chance voting” with provisional ballots, and access for people with disabilities. HAVA moved much of the responsibility for the elections from the local level to the states.

Election laws continue to change with increasing frequency as the state legislature and the courts respond to concerns of campaigns and nonpartisan organizations. New restrictions on voter registration and on voting procedures are often modified or overturned by the courts. The following are the rules as of early 2018.

Voting

Who May Vote

A person who is a citizen of the United States, 18 years of age on or before the day of the general election, a resident of the state for 30 days before the election, and registered at least 30 days before the election, is qualified to vote in Ohio. For voting purposes, the law defines residence as the place “in which one’s habitation is fixed and to which whenever one is absent, one has the intention of returning.” Citizens who will be 18 by the November general election date are eligible to register to vote and participate in the primary elections to nominate candidates, even though they may be 17 at the time of the primary election. But, 17-year-olds may not vote on ballot issues.

Persons convicted of felonies lose their voting eligibility while incarcerated. When discharged or granted probation, parole, or pardon, their voting rights are

restored. A person may be determined to be incompetent to vote only by a probate judge following a judicial procedure.

Registration

The Ohio Constitution requires citizens to be registered with the state in order to vote. There are about 8 million registered voters in Ohio. Registration lists are maintained by county boards of elections, but under HAVA they must conform to a statewide database. There are a variety of ways that citizens meeting the above requirements can register to vote: in person at their county board of elections or designated branch offices established by the board of elections; the office of the Secretary of State; other designated state agency offices; any branch of the Bureau of Motor Vehicles; any public library, public high school, or vocational school; or any county treasurer's office. Ohio citizens may also register to vote online. Additionally, citizens may register to vote by mail through the secretary of state's office or their local board of elections. Anyone may download mail-in forms from the secretary of state's website and distribute them anywhere, at any time.

Voters who move or change their name must update their registration by reporting the changes to their local board of election. Address changes may be reported via any of the options listed above. Name changes require a paper registration form. Voters who change their name due to marriage or a court order, can update their voter registration through the courts by filing a "change of voting status." Registrations, changes of address and changes of name must be received or postmarked 30 days prior to an election to be valid for that election. With some

Voter Registration and Identification

Ohio is among the majority of states expected to enforce voter identification requirements during the 2020 elections. The state requires each voter to announce their name and address and show proof of identity at their polling place before they can vote. The following forms of identification are accepted:

- *a current (unexpired) Ohio driver's license or state ID with name and address (can have an old address and can include a temporary driver's license while awaiting mailing of a license)*
- *a U.S. military ID with name and photo (address not required)*
- *unexpired government ID with name, current address and photo (student ID is not accepted)*
- *an original or copy of a current utility bill (including a cell phone bill), bank or financial advisor statement, pay stub, government check, or other government document showing name and current address (other than a notice of voter registration mailed by a board of elections).*

exceptions that permit voters to vote a provisional or regular ballot, described later in this chapter, if the 30-day deadline is missed, the registration is still processed, but the citizen does not have the right to vote in the upcoming election. Voter registration is maintained unless the elector changes address, changes name, or fails to vote in at least a four-year period.

Electronic Voting in Ohio

In response to HAVA requirements, the state of Ohio made the transition from punch card ballots and lever voting machines to electronic touch screen voting machines or optical scan ballots. A variety of electronic voting machines exist; most require voters to touch a portion of a screen to cast their vote. Optical scan ballots require voters to fill in an oval or complete a broken arrow by a candidate's name. All voting systems must have provisions for write-in candidates. Since 2006, all Ohio counties must ensure that their voting system maintains a voter-verifiable paper trail of all ballots cast. The Ohio Board of Voting Machine Examiners is responsible for approving all voting equipment before a county buys and uses it in Ohio elections.

Absentee Voting

Ohio statutes permit anyone to vote an absentee ballot without having to provide a reason. There are special provisions for an armed services or overseas civilian absentee ballot. Those who wish to vote by absentee ballot must give their name, voting address, mailing address, date of birth, signature, and proof of identification. Proof of identification includes a driver's license number, the last four digits of a voter's Social Security Number, or a copy of the following: valid photo identification, military identification, current utility bill, bank statement, government check, paycheck, or other government document (other than a notice of voter registration mailed by a board of elections) that shows the voter's name and current address.

Registered voters may request an absentee ballot by mail from their board of elections, or voters may choose to vote in person at their county board of elections office or designated locations during the absentee voting period starting 28 days prior to the election. Mail absentee ballots may be requested after January 1 or 90 days before the date of an election, whichever is earlier, until the Saturday before Election Day. Ballots are not mailed until the day after the voter registration deadline for the election. Voters casting absentee ballots by mail must return them so that the board receives the ballots by 7:30 p.m. on Election Day. As an exception, mailed absentee ballots will be counted if postmarked the day before Election Day and received within 10 days after the election.

If a voter or a voter's minor child is hospitalized because of a medical emergency, the voter may vote by medical emergency absentee ballot and may have the ballot delivered and returned by a family member or by two board of elections employees of different political parties. Applications must be received by the board of elections

by 3 p.m. on Election Day and ballots returned to the board by 7:30 p.m. Certain electors who have moved from Ohio within 30 days before the election may vote absentee for president and vice president in the county of their former residence provided they cannot vote at their new residence.

UOCAVA Voters

There are special protections in both federal and state law to facilitate voting by members of the uniformed services and U.S. citizens living overseas. These are called Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters.

Armed Services Voting

Persons serving in the U.S. armed services, as well as their spouses and dependents who move to be with or near the person serving in the military, may vote by armed services voter's ballot if, other than current residency, they meet all requirements for voting in Ohio. The place where the person resided when entering the service is deemed the voting residence unless the service member establishes a permanent residence elsewhere. Members of the armed services, spouses or a close relative may apply for ballots electronically, by mail or by appearing before their board of elections anytime after January 1 of the year of the election.

If a ballot is mailed from outside the country and postmarked by the day before Election Day, it will be counted if received up to ten days after the election. Service members may also vote in person at the board of elections within 45 days before the election. Military members stationed in this country but outside Ohio may choose to register and vote where they live instead of voting by an armed services ballot.

Overseas Voting

Other U.S. citizens living overseas should contact the American embassy, consulate, or military installation in the country where they are residing regarding registering to vote from overseas and voting absentee.

Provisional Voting

Voters whose names do not appear on the voter registration roll when they arrive at their polling place may vote a provisional ballot, even if there is doubt about their eligibility. Under HAVA, the ballot is counted only when the voter's eligibility is verified after the election. If a voter does not provide proper identification, the voter may vote a provisional ballot and provide identification to the board of elections within seven days of Election Day.

If a registered voter has moved from one precinct to another within Ohio, the voter can vote in the new precinct on Election Day. The voter will complete a change of address form and vote a provisional ballot. A registered voter who has changed her or his name may vote a regular ballot if the voter can provide legal documentation of the name change. Otherwise, the registered voter may vote a provisional ballot and fill out a change of name on a paper registration.

Registered voters who have moved within their precinct can go to their precinct polling place on Election Day, file a change of address, and vote a regular ballot, which will be counted that night. Provisional ballots are counted in the official count, starting 11 days after the election. Provisional voters may find out if their ballot was counted by calling a toll-free number, 1-866-644-6868.

Ballots

The Ohio Constitution requires that ballots for general elections have the names of all candidates for an office arranged in a group under the title of the office they seek. This is called an office-type ballot. Within each voting machine, names are rotated on the ballot so that, so far as possible, each name appears an equal number of times at the beginning, the end, and in intermediate positions. The party name or designation is printed under or after each name. A voter must indicate — by touching a computer screen, filling in an oval or other approved method — the name of each individual for whom he or she is voting. Ohio does not allow voting a “straight party ticket,” automatically casting votes for all candidates from one party with a single touch or mark. In the general election, names of candidates for judge, boards of education and most municipal or township offices appear on a nonpartisan ballot.

Ballots must include a way to accept write-in votes for every office in both the primary and the general election. Polling place election officials maintain and provide to voters a list of all registered write-in candidates.

Constitutional amendments and state and local issues may be placed on the ballot of a primary, general or special election.

Wording of Issues

The *Ohio Ballot Board* is responsible for the wording of statewide ballot issues, including constitutional amendments, citizen-initiated laws, and referenda. Created by constitutional amendment in 1974, the five-member board is composed of the secretary of state and four members appointed by the legislative leadership. No more than two of these appointees can be from the same political party. If the board believes a proposed constitutional amendment creates a monopoly, oligopoly or cartel; specifies or determines a tax rate, or gives a commercial interest, right or license to a person, group, business or other nonpublic entity that’s not available to other similarly situated persons or nonpublic entity, the board will require that two separate questions appear on the ballot. The first question is “Shall the petitioner, in violation of division (B)(1) of Section 1e of Article II of the Ohio Constitution, be authorized to initiate a constitutional amendment that grants or creates a monopoly, oligopoly, or cartel, specifies or determines a tax rate, or confers a commercial interest, commercial right, or commercial license that is not available to other similarly situated persons?”

The ballot language prepared by the board may be found invalid by the courts

only if it misleads or defrauds the voters. The Ballot Board is also responsible for writing explanations for amendments proposed by the legislature.

The legislature requests proponent and opponent committees to write pro and con arguments for constitutional amendments proposed by the legislature. The committee named when citizens propose a constitutional amendment or new law by initiative or contest a law by referendum, writes the explanation and arguments for their cause. The explanation and arguments against the initiative or referendum are written by a committee named by either the General Assembly or the governor. If any of the parties fail to timely write or file the explanations and or arguments, the Ballot Board writes them or designates a group to do so.

The Ballot Board determines how the secretary of state disseminates information concerning ballot issues to voters. Currently, ballot language, explanations, and pro and con arguments for each statewide issue are published in a newspaper of general circulation in each county in the state once a week for three consecutive weeks prior to the election and posted on the secretary of state's website prior to the election.

Voting Procedure

County boards of elections assign each citizen a voting location, based on his or her voter registration address. Voting locations are open from 6:30 a.m. to 7:30 p.m. on the day of an election. Electors enter the polling place and either give their name and address to an election judge and sign the poll list, or hand their driver's license or other official ID to an election judge, who scans the ID into an electronic poll book. When voters sign, their signature on the poll list is compared with that in the registration book, and the fact that the elector appeared to vote is noted on the record. Voters who cannot sign their names in the registration book may make a mark to represent their name. Their identity is verified by precinct officials of the polling place. Physically or mentally disabled or illiterate voters may receive help from two poll workers of different political parties or from a person of their choice, although not their own employer or a union official. With the exception of voters who receive accommodations under the Americans with Disabilities Act, no voter may occupy a booth for more than 10 minutes when all are in use and people are waiting to vote.

The voting system instructions are posted for operating the voting system in use, and poll workers demonstrate its operation. Polling places are to be free of barriers to people with disabilities. Voting accessibility in every polling place is to be assured, and the facility must comply with the Americans with Disabilities Act. If the voting system determines possible error by the voter, under HAVA, the voter is allowed to verify his or her vote and given the opportunity to correct any error, including errors requiring issuance of a replacement ballot. No campaign literature may be displayed or given out within 100 feet of any polling place. A voter,

however, is permitted to take a list of the voter's chosen candidates and issues into the polling place.

At any primary, special, or general election, electors may be challenged on grounds of age, citizenship, residence, or a charge of having already voted. Precinct election officials, also called poll workers, may challenge electors and also wrongful actions of fellow poll workers. Political parties or any group of five or more candidates may appoint a qualified elector to serve as an "observer." Observers primarily watch the polls and report back to parties and candidates, but when challenges are made, they may be asked to corroborate poll workers' testimony. Observers must notify the board of elections 11 days before the election of their appointment and take an oath prior to serving.

Elections

The general election for federal, state, and county officers is held on the first Tuesday after the first Monday in November in even-numbered years. Elections for local, municipal and township offices are held on the same day in odd-numbered years. Presidential-year primary elections (2020, 2024) are held on the first Tuesday after the first Monday in March. Other primary elections are held on the first Tuesday after the first Monday in May in even-numbered years (2022, 2026); in odd-numbered years they are held on the date specified by the charter of the municipality holding the election. Special elections may be held on the first Tuesday after the first Monday in May or August, or on the day authorized by a particular municipal or county charter.

Election Officials

Local administration of Ohio election law is based on the theory of bipartisanship, that is, that two competing major political parties will cooperate to serve the electors of the state. The secretary of state, as the chief election officer of the state, appoints a Board of Elections in each county to administer the law. When a county board is evenly divided on an election matter, the secretary of state has the power to cast the deciding vote. Each county board is composed of four members, two from each major political party, who serve four-year terms. The secretary of state appoints one new board member from the two major parties in each even-numbered year. The appointees are chosen from recommendations made by the executive committee of the county central committee of the major parties. After new appointments are made, the board elects a chairperson from among its members. The board then names a director, who must be of the opposite political party from the chair, and may name a deputy director, whose party must be opposite from that of the director. Both the board of elections and the costs of holding elections are financed by the county itself.

Among its duties, the board of elections registers voters, maintains records of registered voters, establishes wards and precincts, selects polling places for each

precinct, provides election equipment and supplies, reviews and certifies the sufficiency and validity of petitions and candidate nomination papers, prints and delivers ballots, and issues certificates of election (or nomination in primaries) to successful candidates. Each board of elections certifies election results to the secretary of state.

The board of elections appoints election officials who serve one-year terms and staff each of the voting locations within the county. No more than one-half of the officials can be from the same political party. These officials are responsible for the direct administration of an election, keeping a record of the voters, giving out and receiving ballots, and counting the votes and reporting them to the board of elections. The board of elections trains officials using materials provided by the secretary of state.

County boards of elections are responsible for conducting recounts. When the winning margin is less than one-half of one percent of the total vote for a local or district office, or one-quarter of one percent for statewide office, a recount is automatically ordered and is publicly funded. Candidates or persons on the losing side of an issue campaign may seek a recount by filing an application with the county board within five days after election results are certified. The applicant must indicate which county precincts should be recounted and pay a fee for each.

County boards of elections must audit general election results in even-numbered years by selecting precincts equaling 5 percent of ballots cast and comparing the electronic count in three different races to a hand count of those ballots.

The Primary Election

The primary election is an election to narrow the field of candidates who will represent the political parties in the general election. In Ohio, the primary is also used to select political party officials.

Ohio has a direct, semi-closed primary, which means that candidate voting is limited to those citizens who declare their party affiliation. Nonaffiliated voters may choose to become officially affiliated with a particular party by requesting that party's ballot at a primary election. Voters who have participated in primary elections and wish to change their party affiliation may be asked to sign a statement to that effect. However, party affiliation is in no way binding in the general election, in which voters may choose whichever candidate they consider most qualified.

Ballot issues are placed on a separate nonpartisan ballot during a primary election and voters need not state a party affiliation in order to cast a vote.

Primaries to nominate municipal officials and judges for the municipal court are held in municipalities as required by municipal charter or state law. A city charter may provide for either a partisan or nonpartisan primary. In nonpartisan primaries, the ballot lists all candidates without party labels, and all voters are eligible to vote for candidates. The two candidates receiving the most votes for each office run

against each other in the general election regardless of their party affiliation. In charter municipalities, dates for municipal primary elections are set in the charter.

Party candidates for U.S. president and vice president are not chosen directly through state primary elections. The state primary ballot lists all names of party candidates running for office, but the election results determine only the number of delegates that will be committed to each candidate at national nominating conventions, according to each political party's rules. Delegates act as proxies, casting votes at the national conventions held during the summer of presidential election years.

The General Election

In even-numbered years, candidates for the following offices are nominated and elected:

FEDERAL: U.S. president/vice president to four-year terms (2020, 2024); two U.S. senators to staggered six-year terms (2022, 2024); all members of the U.S. House to two-year terms (2020, 2022).

STATE: Governor/lieutenant governor, attorney general, secretary of state, auditor of state, treasurer of state to four-year terms (2022, 2026); half of the state senators every two years to four-year terms; all state representatives to two-year terms; justices of the Supreme Court to overlapping six-year terms; courts of appeals judges to overlapping six-year terms; State Board of Education members to overlapping six-year terms.

COUNTY: Three commissioners (except in Summit and Cuyahoga counties), auditor, prosecutor, sheriff, recorder, treasurer, engineer, coroner, and clerk of courts to four-year terms. Common pleas court and county court judges are elected to overlapping six-year terms. One commissioner and the auditor are elected in state election years, all others in presidential election years.

In odd-numbered years, municipal and township officials, municipal court judges, and members of local boards of education are elected.

Candidates

Each citizen who chooses to run for elected office must meet a set of prerequisites. All elected positions have a residency and "registered voter" requirement, and most have other conditions the candidate must meet. Candidates also must file a statement of candidacy and circulate petitions to gather signatures of voters supporting their candidacy. The number of signatures candidates must gather depends on the office sought and whether they represent a political party or are independent candidates. Party candidates are those who are members of a particular party, whereas independent candidates do not represent any political party. No one may be a party candidate who has voted as a member of a different political party in the last two calendar years, unless it is to become a candidate for a newly formed political party. Party candidates may collect the signatures only of those citizens affiliated with the same political party.

Only registered voters who are residents of the district or political subdivision in which the candidate is seeking office may sign that candidate's petition. They must sign in ink or indelible pencil, and each signature must be followed by the date and the signer's address. Petition circulators must declare that they witnessed the signing of all signatures and that, to the best of their knowledge, they are valid. The petitions are submitted along with a specified filing fee to either the secretary of state's office or the board of elections, depending on the office. For all offices but state and county central committees, party candidates must submit petitions and fees 90 days prior to the primary election, and independent candidates one day prior.

The secretary of state or the appropriate board of elections determines whether a petition has the required number of signatures. Local boards of elections determine the validity of the signatures from their counties. A candidate may withdraw from an election by filing a written statement any time prior to the election. Citizens may protest the candidacy in writing, through the board of elections where the petition was filed. Election officials must schedule a hearing and notify the candidate and those protesting the candidacy. At the time of the hearing, the board determines the validity of the petitions and declares whether the candidacy is valid or invalid.

Judicial Candidates

See page 23 for details.

Write-in Candidates

A write-in candidate must file a declaration of intent to be a write-in candidate at least 72 days before the election, meet all requirements for the office and pay the appropriate filing fee for the office sought. Otherwise, no votes for the candidate are counted. The declaration is filed with the secretary of state for a statewide office or with the county board of elections for a district or local office. Write-in candidates for U.S. president and vice president must also file a slate of presidential electors—18 electors who will represent them in the Electoral College, should the candidates win the general election.

Financing Campaigns

Political campaigns in Ohio are financed generally through contributions from individuals, businesses, political parties and organizations that support the election of a particular candidate. State campaign finance laws regulate contributions as well as how they can be spent. Ohio law requires candidates, political parties and political action committees, or PACs, to publicly disclose all contributions and expenditures made each year through regular reports. Campaign finance law has established limits on contributions to state political candidates. These contribution limits are revised in January in odd-numbered years.

When an individual becomes a candidate for elected office, the candidate must

form a committee immediately and appoint a treasurer. The candidate may decide to be the sole member of the committee; in that case, the candidate is the treasurer of the committee as well. The committee is responsible for receiving all campaign contributions and paying all expenditures. PACs are defined as two or more persons who receive contributions or make expenditures to influence an election.

Campaign committees, PACs and political parties must file the following contribution and expenditure reports.

- A pre-election report at least 12 days before the election if the committee, PAC or party received or spent more than \$1,000
- A post-election report within 38 days after the election
- A semiannual report due the end of July if the candidate, party or PAC was not required to file a report after the immediate preceding primary election
- An annual report due the end of January in non-election years

Candidate committee reports are filed with either the secretary of state or the local board of elections, depending on the office. Local candidates are exempt from filing reports if their campaign finances fall below a specified minimum of contributions and expenditures.

Reports from PACs that focus a majority of attention on statewide issues and candidates file with the secretary of state. Locally focused PACs file with the board of elections of the most populous county in the district where they have concentrated their activities. Statewide political parties file with the secretary of state, county parties with county boards of election or, if they contributed to a statewide candidate or received money from corporations or labor organizations, the secretary of state.

The Ohio Elections Commission (OEC) oversees political party spending, campaign finance and corporate political contributions. The commission investigates cases of unlawful campaign practices, campaign law violations, and dissemination of political communications with no identification of those responsible for the material. OEC may impose a fine or send the findings of its investigations to the appropriate county prosecutor for action. OEC is also responsible for making recommendations to the General Assembly regarding campaign practices and political spending.

The General Assembly created the commission in 1974. The governor appoints six members to OEC, based on recommendations of the two major party caucuses of the General Assembly. These six members (three from each party) select the seventh member, who serves as chair. Each member serves a five-year term. Terms overlap.

Political Parties

The political party is the organization through which individual citizens work with others of similar ideas to influence the policies and conduct of government. The functions of the party are to choose candidates to run for office in the general election, work for the nomination and election of its candidates, formulate the party

platform or position on issues, carry out party policies, and educate voters in civic and political matters. When voters declare a party preference at a primary election in Ohio, they are considered members of that political party.

The Ohio Revised Code (ORC) defines a political party as any group of voters whose candidate for governor or delegates for presidential candidate received at least 3 percent of the vote cast for that office in the most recent regular state election. A political party may be formed when a group of voters files a petition with the secretary of state declaring their intention to organize a political party and participate in the next primary election. The petition must be signed by a number of registered voters equal to one percent of the total votes cast for governor at the last general election. The signers must include at least 500 voters from each of one-half of Ohio's congressional districts. A new political party may not assume a name that will cause it to be confused with an existing party. No party that in any way advocates forceful or violent overthrow of local, state, or national government may be recognized or given a place on the ballot. The state no longer recognizes a party if the party candidate fails to poll at least 5 percent of the total vote cast for governor.

The ORC defines two types of political parties in Ohio. A major political party is one whose nominee for governor received at least 20 percent of the vote in the last election, a minor party is one whose candidate received at least 3 percent but less than 20 percent.

Party Organization

In Ohio, state law outlines the basic organizational structure of political parties at state and county levels and establishes procedures for party leaders.

STATE: Major political parties are required to have a state central committee made up of one man and one woman from each congressional district in the state, elected at the primary in even-numbered years. The state central committee is the party's controlling committee. It is responsible for coordinating party affairs throughout Ohio, arranging for the state convention at which the party platform is formulated, raising and distributing campaign funds, and determining which candidates shall have party support. Within major parties, the state central committee elects an executive committee and a state chair. Minor parties have no organizational requirements but must file an organization plan with the secretary of state if they wish to elect controlling committees at the primary.

COUNTY: Major political parties must elect a county central committee in each county, made up of one elected person from each election precinct in the county, or from each ward in each city and from each township in the county. The committee directs party activity within the county, presenting a slate of candidates and working with the precinct committee to strengthen the party by enlisting active party workers at the precinct level. Precinct committee members are generally elected to four-year terms.