



Ohio Secretary of State J. Kenneth Blackwell
Elections Division - 180 E. Broad St., 15th Floor, Columbus, OH 43215
Tel. (614) 466-2585 Fax (614) 752-4360 e-mail: election@sos.state.oh.us

DIRECTIVE NO. 2002-12
April 19, 2002

ATTACHMENT A

To: ALL COUNTY BOARDS OF ELECTIONS
Re: Seventeen-Year-Olds and the Primary Election Ballot

Several boards of elections have asked whether seventeen-year-olds who will be eighteen years old at the time of the general election and who are registered to vote may vote on the position of county central committee. This is a reminder that those seventeen-year-olds may vote in the primary election only on candidates being nominated to run for office in the general election. Therefore, they may not vote at the primary election on issues or on political party controlling committee positions. Boards must either issue separate ballots to seventeen-year-olds or not count the votes cast on issues or party controlling committee positions.

R.C. 3503.011 allows a qualified elector who is or will be eighteen years of age or older on the day of the next general election, and who is a member of or is affiliated with the political party whose primary election ballot the person desires to vote, to vote that ballot at the primary election. R.C. 3501.01(E) defines "primary election" as "an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties."

While this statutory definition seems to allow a seventeen-year-old to vote at the primary election for party controlling committee positions, the Ohio Constitution does not.

Article V, Section 1 of the Constitution of Ohio requires a person to be eighteen years old to have the qualifications of an elector and to vote in all elections. In *State, ex rel. Webber v. Felton, et al.* (1908), 77 Ohio St. 554, the Ohio Supreme Court decided that "a primary election held merely to name the candidates of a political party is not an election within the meaning of this section of the constitution. That section refers to an election of officers, and not to the nomination of candidates." Therefore, a person registered to vote who is not eighteen years of age on the day of a primary election may vote in that election for nominees, but not for persons being elected to an office or on issues. Since R.C. 3517.03 requires all members of political party controlling committees to be *elected by direct vote* at the primary election held in an even-numbered years, a seventeen-year-old may not vote for persons seeking those positions.

Additionally, Article XV, Section 4 of the Ohio Constitution prohibits any person from being elected or appointed to any office in this state unless possessed of the qualifications of an elector. Reading this section together with Section 1 of Article V (above), a seventeen-year-old could not be appointed or elected to office, because a person must be eighteen years old to have the qualifications of an elector. It would not be reasonable to allow a seventeen-year-old to vote for an office (i.e. controlling committee of a political party) that he or she is not entitled to hold until reaching the age of eighteen.

If you have any questions, please call my Chief Elections Counsel, Judy Hoffman, at (614) 466-2585.

Sincerely,

A handwritten signature in cursive script that reads "J. Kenneth Blackwell".

Forbes, Craig

From: Evelyn McCafferty <emccafferty@mccain08hq.com>
Sent: Friday, October 05, 2007 1:58 PM
To: Shinn, Brian; johnplauche@yahoo.com
Subject: RE: 2008 Presidential Guide...

ATTACHMENT B

Thank you so much, Brian.

Kind regards,
Evelyn

From: Shinn, Brian [<mailto:bshinn@sos.state.oh.us>]
Sent: Friday, October 05, 2007 1:51 PM
To: Evelyn McCafferty; johnplauche@yahoo.com
Subject: RE: 2008 Presidential Guide...

Evelyn & John,

No problem. It is just more efficient if I can have designated point persons rather than just anyone calling on the same issue.

Attached as a .pdf file is this office's letter regarding the interpretation of Ohio Revised Code section 3513.121. The original will be mailed to you today.

I also wanted to clarify an issue that I discussed with Aaron Getz of your campaign earlier this week. He asked whether a person under 18 years old may run as a delegate/alternate to the national convention of a political party. My initial response to him was yes because there is a specific statute in Ohio that allows persons who are 17 but who will be 18 on or before election day to register to vote and to vote for candidates in the primary election. However, after conducting more thorough legal research, I found a case from one of Ohio's intermediate appellate courts finding that someone who would not be 18 by the date of the primary election could not run for a political party governing committee. The reasoning is that political party offices are elected at the primary election, rather than the general election. So, the candidate would not be 18 on the date of election for the party office. The same reasoning would apply to delegate/alternate to a political party convention because these party offices are also elected only at the primary election. So, the answer is that unless the candidate for delegate/alternate is 18 years old on or before March 4, 2008 (and registered to vote), the person is not eligible to run. However, nothing precludes the state party from appointing someone under 18 as a delegate/alternate as long as party rules allow for it. I know the Ohio Democratic Party has done that in the past.

Aaron's second question was whether someone under the age of 18 could circulate petitions for a candidate in Ohio. I told him that I would have to get back to him on that issue. I can find no Ohio statute or case law that would allow petition circulators for candidates (who must be Ohio electors) to circulate if they are not 18 years old. The exception that allows 17 year olds to vote in the primary election if they will be 18 on or before the date of the general election is not broad enough to be read to include circulating petitions.

Let me know if you have any questions.

Brian Shinn

-----Original Message-----

From: Evelyn McCafferty [<mailto:emccafferty@mccain08hq.com>]

Sent: Wednesday, October 03, 2007 12:23 PM
To: Shinn, Brian; Justin Riemer; johnplauche@yahoo.com
Subject: RE: 2008 Presidential Guide...

Brian,

I sincerely apologize for the multiple calls/emails you have received from our campaign regarding ballot issues. I and John Plauche will serve as the point people who will communicate with you.

Thank you for all of your assistance and for your patience with us!

Sincerely,
Evelyn

From: Shinn, Brian [<mailto:bshinn@sos.state.oh.us>]
Sent: Wednesday, October 03, 2007 12:08 PM
To: Justin Riemer; Evelyn McCafferty; johnplauche@yahoo.com
Subject: RE: 2008 Presidential Guide...
Importance: High

Mr. Riemer, Ms. McCafferty, Mr. Plauche:

The 2008 Presidential candidate guide is not ready yet because we are still waiting for the DNC to approve the Ohio Democratic Party's delegate selection plan.

At this point, this office has been contacted regarding ballot access issues by five different representatives of your campaign: Evelyn McCafferty, John Plauche, Michael Harper, Aaron Getz, and now Justin Reimer. I hope that you do not consider it an unreasonable request that you have one or two point people for the campaign who communicate with me, so that I can avoid answering the same questions over and over.

Please let me know if this is a problem on your end.

Also, I am awaiting approval from my superiors on the letter that you requested regarding the interpretation of R.C. 3513.121. Thanks for your patience.

Brian Shinn
Assistant General Counsel

-----Original Message-----

From: Justin Riemer [<mailto:jriemer@mccain08hq.com>]
Sent: Wednesday, October 03, 2007 11:52 AM
To: Shinn, Brian
Subject: 2008 Presidential Guide...

Mr. Shinn:

Hello, my name is Justin Riemer, I am with Sen. McCain's campaign. I was curious to see if you had any idea when the 2008 Presidential Guide would be available. Any information would be greatly appreciated.

Best,

Justin Riemer
John McCain 2008
(703) 418-2008
Fax: (703) 413-0740
jriemer@mccain08hq.com

Forbes, Craig

From: Clyde, Kathleen
Sent: Thursday, January 31, 2008 4:50 PM
To: 'armentroutk@ocrc.state.oh.us'
Subject: primary election question

ATTACHMENT C

January 29, 2008

Mrs. Kimberly Armentrout
214 Lilly Chapel Road
West Jefferson, OH 43162

Dear Mrs. Armentrout,

I am responding to your question submitted through the Secretary of State's website about how the presidential primary works in Ohio and how you become an elector for the Electoral College. While I cannot provide you with legal advice, I can answer general questions about Ohio election laws.

Ohio's presidential primary is held every four years on the first Tuesday after the first Monday in March. (Ohio Revised Code 3513.12). This year's presidential primary will be held on March 4, 2008. The primary election is actually an election for presidential candidate delegates and alternate delegates to the national conventions of the different major political parties. Delegate and alternate delegate candidates must file petitions signed by a certain number of Ohio electors affiliated with their political party with the Secretary of State or the board of elections in the most populous county board of elections in the congressional district. The deadline for filing to run as a delegate or alternate was January 4, 2008. The two major political parties that have legal status in Ohio, the Democrats and the Republicans, have different processes for selecting delegates for their respective candidates. The Democrats either hold a state convention to elect their delegates or they are selected by the Democratic Party State Central Committee. Delegates for Republican candidates are chosen by the candidates themselves, rather than the Ohio Republican Party. (2008 Ohio Presidential Guide, available at <http://www.sos.state.oh.us/sos/PublicAffairs/ePresGuide07.pdf>).

Each major political party in the state may hold a state convention at a time and place fixed by the party's state central committee, no later than 40 days prior to the general election, for nominating candidates as presidential electors. Within five days after that convention, the party chairman and secretary certify in writing to the secretary of state, the names of all persons nominated as candidates for presidential electors. (Ohio Revised Code 3513.11) If a major political party does not hold a state convention, then the executive committee of the party's state central committee must nominate candidates for election as presidential electors in accordance with party rules. (Ohio Revised Code 3513.111). An intermediate or minor party in the state must certify in writing to the secretary of state, the names of persons designated in accordance with the party rules. (Ohio Revised Code 3501.10). An independent candidate must file a list of names of 20 electors who will represent them in the Electoral College, should the candidate win the general election. (Ohio Revised Code 3513.257).

Thank you for your inquiry. I hope you find this information helpful.

Best Regards,

Kathleen Clyde
Law Clerk

Ohio Secretary of State Jennifer Brunner's Office

ATTACHMENT D

Forbes, Craig

From: Quinn, Gretchen
Sent: Friday, February 22, 2008 11:18 AM
To: 'Jo Friar'; 'Jo Friar'
Cc: Lee, Amanda; Farrell, David; Wolfe, Pat; Shinn, Brian; Green, Brian; Gale, Erick
Subject: RE: Ottawa: 17 year old voters

Jo: Secretary Brunner prepared the attachment with which you have issues. Neither Erick nor I – nor, to my knowledge, any of the other elections counsel – was involved in the preparation, review, or dissemination of that attachment. Possibly the Secretary thought her wording in the accompanying Directive was sufficient to remind election officials of the restrictions Ohio law has long placed on 17-year olds voting on the day of a primary election. In any event, I expect that Director of Elections David Farrell will make your concerns known to the Secretary, who is open to comments/suggestions about improving forms.

-Gretchen A. Quinn, Elections Counsel
Office of Ohio Secretary of State Jennifer Brunner

From: Jo Friar [<mailto:jfriar@cwoh.net>]
Sent: Friday, February 22, 2008 9:03 AM
To: Quinn, Gretchen; Gale, Erick; Jo Friar; Wolfe, Pat
Cc: Lee, Amanda; Farrell, David; Shinn, Brian; Green, Brian
Subject: Re: Ottawa: 17 year old voters

Morning, Gretchen and Erick,

As I told Pat Wolfe, we know what candidates who are nominated means, but I think it should be spelled out more clearly in the Attachment that goes with Directive 2008-22, because I don't believe the average 17-year old voter will know the difference.

Jo

----- Original Message -----

From: Quinn, Gretchen
To: Gale, Erick ; Jo Friar ; Wolfe, Pat
Cc: Lee, Amanda ; Farrell, David ; Shinn, Brian ; Green, Brian
Sent: Thursday, February 21, 2008 5:38 PM
Subject: RE: Ottawa: 17 year old voters

See also Directive 2008-22, which states in pertinent part:

This Directive addresses the voting eligibility of 17-year old electors, and the ballot that 17-year old electors are to use, in the Tuesday, March 4, 2008 primary election.

I. Voting Eligibility

Ohio law allows 17-year old electors who will be 18 years of age on or before the date of the general election in 2008 to vote *solely* on the *nomination* of candidates. ***

-Gretchen A. Quinn, Elections Counsel

Office of Ohio Secretary of State Jennifer Brunner

From: Gale, Erick
Sent: Thursday, February 21, 2008 4:44 PM
To: 'Jo Friar'; Wolfe, Pat
Cc: Lee, Amanda; Farrell, David; Shinn, Brian; Green, Brian; Quinn, Gretchen
Subject: Ottawa: 17 year old voters

Question: "Are 17-year-old voters permitted to vote on State and County Central Committee races?"

Answer: No. Ohio law allows 17 year old electors who will be 18 years of age on or before the date of the general election in 2008 to vote solely on the nomination of candidates at the March 4 primary. Because candidates for state and county central committees are elected at the primary election – as opposed to nominated – someone who is not 18 as of the date of the primary election cannot vote on a political committee race.

Erick Gale
Elections Counsel
Office of Ohio Secretary of State
180 East Broad Street, 15th Floor
Columbus, Ohio 43215
Telephone: (614) 644-1236

From: Jo Friar [<mailto:jfriar@cwoh.net>]
Sent: Thursday, February 21, 2008 9:45 AM
To: Gale, Erick; Wolfe, Pat
Cc: Lee, Amanda
Subject: 17-yr-old voters

Are 17-year-old voters permitted to vote on State and County Central Committee races? Precviously, they were not.

Jo Friar
Ottawa County BOE
419 898-3092

ATTACHMENT E



**Ohio Secretary of State's Office
Comment Regarding Proposed Permanent Directive:
Election Day Voting**

September 23, 2015

Project Vote is a national nonpartisan, nonprofit organization that works to ensure that America's electorate represents the diversity of its citizenry. Project Vote takes a leadership role in nationwide voting rights and election administration issues, working through research, litigation, and advocacy to ensure constituencies can register, vote, and cast ballots that count.

The Fair Elections Legal Network (FELN) is a national, nonpartisan voting rights and legal support organization whose mission is to remove barriers to registration and voting for traditionally underrepresented constituencies. FELN works to improve overall election administration through administrative, legal, and legislative reform as well as provide legal and technical assistance to voter mobilization organizations.

Both of our organizations work closely with Ohio organizations and coalitions. We appreciate this opportunity to comment on Secretary of State Husted's Proposed Permanent Directives on elections and voting. Specifically, we have two recommendations for the Election Day Voting Directive.

1. Disability Assistance

We recommend rewording the section on disability assistance. Directive Section 1.06, Assisting Voters, includes the following statement:

Any voter with a disability may receive assistance from a person of the voter's choice, other than the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union, if any, or any candidate whose name appears on the ballot, or two precinct election officials- each from a different political party.

Given the sentence construction, the directive may read as *barring* assistance from two precinct election officials. In fact, Section 3505.24 of the Revised Code explicitly provides for assistance by election officials. This should be expressed in two sentences, or the sentence should be rearranged so that "election officials" cannot be read as prohibited from providing assistance (e.g., "Any voter with a disability may receive

Project Vote and Fair Elections Legal Network
Comment on Election Day
Page 2 of 2
September 23, 2015

assistance from two precinct election officials, each from a different political party, or from a person of the voter's choice, other than...). We urge you to make this simple change that will prevent needless confusion and help to ensure voters with disabilities have a full and fair opportunity to participate in Ohio elections.

2. 17-year-old Primary Voting

The section on 17-year-old primary election participation is more restrictive than the relevant statutory language. Directive Section 1.03(b)(i) provides a list of positions and items for which 17-year-olds are not entitled to vote, including *presidential primary delegates*. However, Section 3503.11 of the Revised Code states:

At a primary election every qualified elector who is or will be on the day of the next general election eighteen or more years of age, and who is a member of or is affiliated with the political party whose primary election ballot he desires to vote, shall be entitled to vote such ballot at the primary election.

On its face, the statute does not limit 17-year-old primary voters from voting on anything that appears on the primary ballot. As such, the proposed directive language may be considered overly narrow and should be reviewed further to ensure compliance with both the letter and the spirit of the election code.

We thank you for the opportunity to provide comments on these issues. Please do not hesitate to contact Marissa Liebling, Legislative Director at Project Vote (202-556-5651 or mliebling@projectvote.org) or Archita Taylor, Counsel at Fair Elections Legal Network (202-3310-0114 or ataylor@fairelectionsnetwork.com), with any questions or for further information about our recommendations.

ATTACHMENT F

Walsh, Matthew

From: Eck, Joshua
Sent: Wednesday, December 16, 2015 5:06 PM
Subject: Ohio - Filed Presidential (and other) Candidates

All,

As of the close of business today, the candidates below have filed with our office to run in the 2016 Primary Election. **Today (4:00pm) was the filing deadline** for anyone wishing to appear on the ballot during the 2016 Primary Election.

For **President of the United States*** (listed in alphabetical order)
View the candidates' filing documents [here](#)**

- Jeb Bush, Republican
- Ben Carson, Republican
- Chris Christie, Republican
- Hillary Clinton, Democrat
- Ted Cruz, Republican
- Roque "Rocky" De La Fuente, Democrat
- Carly Fiorina, Republican
- Lindsey Graham, Republican
- Mike Huckabee, Republican
- John Kasich, Republican
- Martin O'Malley, Democrat
- Rand Paul, Republican
- Marco Rubio, Republican
- Bernie Sanders, Democrat
- Rick Santorum, Republican
- Donald Trump, Republican
- Willie Wilson, Democrat

**This is a list of candidates who have filed with the Secretary of State's office. Certification of these candidates' filings must be done by January 5th*

***Electronic copies may not be available for all candidates. Continue to check the link above for updates.*

For **Member of the United States Senate from Ohio** (listed in alphabetical order, alongside their stated party affiliation):

- Joseph DeMare, Green Party
- Don Elijah Eckhart, Republican
- Rob Portman, Republican
- Kelli Prather, Democrat
- P.G. Sittenfeld, Democrat
- Ted Strickland, Democrat

- Melissa Strzala, Republican

For **Supreme Court of Ohio** (listed in alphabetical order, alongside their party affiliation and the position they will seek). FTC stands for Full Term Commencing:

- Pat DeWine, Republican, Justice of the Ohio Supreme Court (FTC 1/2/2017)
- Pat Fischer, Republican, Justice of the Ohio Supreme Court (FTC 1/1/2017)
- Maureen O'Connor, Republican, Chief Justice of the Ohio Supreme Court (FTC 1/1/2017)
- John P. O'Donnell, Democrat, Justice of the Ohio Supreme Court (FTC 1/1/2017)
- Colleen O'Toole, Republican, Justice of the Ohio Supreme Court (FTC 1/1/2017)
- Cynthia Rice, Democrat, Justice of the Ohio Supreme Court (FTC 1/2/2017)

Feel free to contact me with any questions. Candidates for all other offices must file with the county boards of elections. You may find a listing of all county boards of elections on Secretary Husted's website [here](#). Congressional and General Assembly candidates file in the most populous county in their district. You can find a listing of the most populous county in each district on page 23 of the Candidate Requirement Guide (available [here](#)).

JOSHUA ECK

Press Secretary

Office: (614) 466-2729

jeck@OhioSecretaryofState.gov

Jon Husted
Ohio Secretary of State



ATTACHMENT G

THE STATE OF OHIO

Certificate of Election

to the office of

**«Office» to the «Party»
National Convention**

This is to certify, that on the 4th day of March, 2008,

«FirstName» «LastName»

was duly elected «Office» to the «Party» National Convention, and that «FirstName» «LastName» is entitled to all rights and privileges of such office.

In testimony whereof, I have hereunto subscribed my name and affixed my Official Seal at the City of Columbus, Ohio this 16th day of May, in the year of our Lord two thousand and eight.

Jennifer Brunner
Ohio Secretary of State

RECEIVED
SECRETARY OF STATE
ELECTIONS WALK-IN
2012 SEP -7 PM 2:42

Perkins
Coie

700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960
PHONE: 202.654.6200
FAX: 202.654.6211
www.perkinscoie.com

September 5, 2012

ATTACHMENT H

The Honorable Jon Husted
Ohio Secretary of State
ATTN: Jack Christopher
180 E. Broad St., 16th Floor
Columbus, OH 43215

Dear Secretary Husted:

Please find enclosed the official Certificate of Nomination of President Barack Obama as the nominee of the Democratic Party of the United States for President of the United States and of Vice President Joe Biden as nominee for Vice President of the United States.

If you need any additional information, please contact Kip Wainscott, Counsel at Obama for America, at (312) 985-1459 or kwainscott@barackobama.com. Please confirm as soon as possible with Mr. Wainscott via email that you have now received all of the necessary documentation to place President Obama and Vice President Biden on your state's general election ballot for November 6, 2012. Thank you for your assistance.

Sincerely,



Robert F. Bauer
General Counsel, Democratic National Committee

Enclosure: Official Certification of Nomination

RECEIVED
SECRETARY OF STATE
ELECTIONS WALK-IN

2012 SEP -7 PM 2:42



OFFICIAL CERTIFICATION OF NOMINATION

As Chair and Secretary respectively of the National Convention of the Democratic Party of the United States of America, having assembled in Charlotte, North Carolina on September 4 through 6, 2012, WE DO HEREBY CERTIFY that the following are the nominees of said Party for President and Vice President of the United States respectively, and that the following are legally qualified to serve as President and Vice President of the United States respectively under the applicable provisions of the United States Constitution:

For President of the United States

Barack Obama
5046 South Greenwood Avenue
Chicago, Illinois 60615

For Vice President of the United States

Joe Biden
1209 Barley Mill Road
Wilmington, Delaware 19807

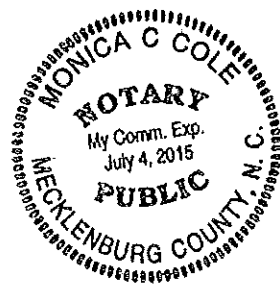
Antonio Villaraigosa
Chair, Democratic National Convention

Alice Travis Germond
Secretary, Democratic National Convention

Mecklenburg County, North Carolina

Signed and sworn to before me this day by ANTONIO VILLARAIGOSA and ALICE TRAVIS GERMOND.

Date: September 5, 2012



Monica C. Cole, Notary Public

My commission expires: 7-4-2015