

Wayne County Voter Academy: Candidates and Issues

Questions and Answers – July 23, 2024

These are the questions that were submitted from our July 23rd Voter Academy class. A few of the submitted questions asked about subjects that were not relevant to the topics covered in this class, and those have been omitted. If you asked a question that is not listed here, please contact Bryon at bbell@wayne.boe.ohio.gov or 330-287-5484 for an answer to your question.

What statute or legislation calls for valid signatures from party affiliates or independents only?

This is only true for petitions of candidates seeking nomination in a partisan primary. It is in [Ohio Revised Code Section 3513.05](#). You can also find it in the Ohio Election Official Manual, [Chapter 13](#), page 364:

“If signing a petition for a candidate seeking nomination in a partisan primary, must be a member of the political party of the candidate named on the declaration of candidacy. For purposes of signing candidate petitions for these parties, the person signing is considered to be a member of a political party if the signer voted in that party’s primary election, or did not vote in any other party’s primary election, in the preceding two calendar years.”

When did the state legislature enforce party affiliation for petitions and primary elections? In other words, when did we move from open primaries?

I can’t answer the “when” part of your question, as in my memory it’s always been this way, and I’m not finding any historical information about changes in the past. I will clarify the process a bit, though:

Ohio has what can be called a “partially open” primary. Voters are free to select whichever party ballot they wish in each primary, however they will only see primary candidates from that party on the ballot. In the general election, voters will then choose between the nominees from all parties. I think of it like picking teams back in grade school. In the primary, each team is picking their own team captain. In the general, it’s game time and we see who wins.

Because primary elections are for the parties to determine who their candidates will be, it makes sense for that decision to be made only by members of that party and those who are joining that party by selecting a partisan ballot – hence the restriction on who can sign a petition for a candidate seeking nomination in a partisan primary.

There have been a few bills introduced in the state legislature that would change Ohio to a closed primary system, where only voters who have pre-registered as members of a party may vote a primary ballot for their party.

In a fully open primary state, primary voters see candidates from all parties on their primary ballot and can select whichever they choose, even voting for a Republican in one race and a

Democrat in another. Some of these states also have runoff elections or place the top 2 primary winners against one another in the general, regardless of party. To my knowledge, there haven't been any bills recently introduced to move Ohio in this direction.

You can read more about the different types of primary elections and see what system each state uses in this [Report on State Primary Election Types](#) produced by the National Conference of State Legislatures.

What if there are less than 50 people in a precinct where a business is applying for a Sunday sales local liquor option?

A precinct would never be that small. The smallest precinct in Wayne County currently has 429 registered voters. This is very small, and will likely become larger after we adjust precincts next year.

The **Election Official Manual** tells us that, *"Each precinct must contain a number of electors, not to exceed 1,400, that the board of elections determines to be a reasonable number after taking into consideration the type and amount of available equipment, prior voter turnout, the size and location of each selected polling location, available parking, availability of an adequate number of precinct election officials and handicap accessibility and other accessibility to the polling location."* ([Chapter 6](#), page 165)

Detailed information on precincts can be found in [Section 3501.18 of the Ohio Revised Code](#).

When I encounter petition circulators in the parking lot at Walmart, the library, Aldi's, etc., I always wonder if they could be scammers. They are asking for my signature. Could they use my signature and info in a scam or scheme? Why would I want to give my info and signature to a stranger in a parking lot?

I haven't heard of any scam that collects signatures for any shady purpose, but if that is something you're concerned about, you can always refuse to sign a petition when asked. For peace of mind, you could also find out what the petition is for and then call the Board of Elections to ask if we are aware of a signature gathering effort on that issue.

Were Advisory Elections more popular before social media?

I can't say. I don't have access to historical records that would tell me how often advisory elections have been conducted in Ohio. To my knowledge, one has not been held in Wayne County. I know that the court case that established them ([State ex rel. Bedford v. Cuyahoga Co. Board of Elections](#)) took place in 1991 when the City of Bedford in Cuyahoga County wanted to gauge voter opinion on changing their charter from a Mayor-Council form of government to a Manager-Council form of government.

You can read more about advisory elections in Chapter 11 of the [Ohio Ballot Questions and Issues Handbook](#).

If a person signs a petition Friday from one person and another the following Friday from a second person, how do you know you checked them off?

We record petition signatures in our Voter Registration System as we validate petitions. When a voter signs a petition, that information is recorded in their voter record. Our software alerts us to any subsequent signatures by the same voter on that petition.

Are online petitions going to be a thing one day?

I hesitate to predict the future, but there would have to be significant changes to Ohio law for that to be possible. At this point in time, I'd say that it's unlikely.

Can the County Auditor refuse to grant a certification for a question or issue?

I can't think of any circumstance where an Auditor would refuse to complete a certificate, but that would be a legal question that, as a non-attorney, I cannot answer. To clarify, the County Auditor isn't certifying the need or validity of the issue, they are certifying the estimated property tax revenue the proposed issue would generate. This is based upon the millage of the levy and the taxable value of the properties in the subdivision. This is required so that the jurisdiction knows if sufficient revenue would be generated by the issue before they pass a resolution to proceed to take it to the voters.

Regarding signature verification: When I vote, I need to provide a photo I.D. Does matching my physical, in-person appearance with my photo I.D. have more importance than matching my signature with my file signature?

When voting in-person, poll workers are required to verify both that you have valid, unexpired photo ID, and that your signature matches the signature in the poll book. For petition signatures and absentee ballots, we tend to emphasize the signature match more because we don't have the voter in front of us providing photo ID like they would be in the polling place.

Might there come a time when a petition uses a photo record of the signer and/or a photo of his I.D. in place of or in addition to just a signature?

Once again, I hesitate to predict the future, but there would have to be significant changes to Ohio law for that to be possible. At this point in time, I'd say that it's unlikely. I would imagine voters would be hesitant to allow a petition circulator to take a photo of their ID.

For a write-in to get on the general election, they would need to submit a “declaration” by August 24?

That is very nearly correct. The deadline for a write-in candidate is 72 days before the General Election, however that 72nd day falls on a Saturday. This year the deadline will be on Monday, August 26th. When the statutory deadline falls on a day when the offices of the Secretary of State and boards of elections are closed, the deadlines are extended (pursuant to [ORC 1.14](#)) to the next succeeding day when the appropriate office is open for regular business hours. You can find all the relevant dates on the [Ohio Elections Calendar](#).

Write-ins only need the declaration? They don’t need a petition?

That is correct. Write-in candidates do not need a petition. While this may seem like it gives them a great advantage, remember that their name will not appear on the ballot. A write-in candidate has a steeper road ahead of them to get their name out to the public in order to generate support and get elected.

Write-in candidates list their campaign treasurer, but can also get a waiver? Or is that only if they are running for those three positions?

Write-in candidates are subject to the same campaign finance reporting requirements as any other candidate. If the office they are seeking is eligible for a campaign finance waiver, they may file a waiver. Otherwise, they would need to comply with all of the campaign finance requirements just like any other candidate.

Can an independent candidate get Republican, Democrat, and not affiliated party signatures for their petition, or do they have to ONLY get people who are not affiliated?

Candidates for non-partisan office and independent candidates can collect signatures from any registered voter, including those affiliated with a political party and those who are not.

To be not affiliated means you haven’t voted in a primary for how long?

The short answer is two years. In Ohio, voters become affiliated with a political party by voting in a partisan primary election. Once they vote a partisan primary ballot, that political affiliation stays on their record for two years, or until they vote a different party. If two years pass without the voter voting a partisan primary ballot, they lose their party affiliation and are once again considered unaffiliated.

Why can’t employees of government offices run for partisan offices while they are still employed? Why can some employees run – like Directors? Is that the only position that can?

Classified employees are restricted by [Section 124.57 of the Ohio Revised Code](#). You can find detailed information in [Ohio Administrative Code Rule 123:1-46-03](#) governing political activity of employees in the classified service of the state. Non-classified employees (like Directors) aren't covered by this rule. That being said, there may be restrictions in other parts of law or in their employer's policies. In particular, federal employees and state and local employees whose agencies are funded primarily by federal money may have restrictions beyond those of other state or local non-classified government employees. We have seen non-classified local government employees seek office many times. I'd encourage you to consult your employer or union prior to filing for office if you believe there may be a policy preventing someone from seeking office. Some private employers may have restrictions for certain job classifications as well.

Could employees of government office be on a partisan election as an independent or a write-in candidate?

As discussed above, this is covered by [Ohio Administrative Code Rule 123:1-46-03](#). While I'm not an attorney or an expert in this area, it looks like there *might* be an opportunity to run as an independent candidate or a candidate for a *non-partisan* office, so long as you aren't nominated through a partisan primary. Once again, your employer may be governed by other parts of law or have specific policies that restrict political activity, particularly if you are a federal employee or a state/local government employee whose agency is funded primarily by federal money. I would definitely seek advice from your employer or union as they would be far more familiar with these rules and how they are applied to your job.

Where requirement for alcohol, Wooster City does not send it to state. Does this make sense?

I'm afraid I don't quite understand your question. Feel free to call us with your question and perhaps we can help. You can address questions about liquor regulations and their enforcement to the [Ohio Department of Liquor Control](#) by emailing them at web.liqr@com.ohio.gov.

Signatures change as we age, so they may be different from when we registered. What can we do about that?

All a voter needs to do to update their signature on file with the Board of Elections is to complete a [Signature Update Form \(SOS Form 260\)](#) and return it to our office. You can get that form online, stop in our office, or call us at 330-287-5484 and we'll happily mail the form to you.