

CHAPTER 25. BALLOT PRINTING

SUBCHAPTER 3. RESPONSIBILITIES FOR BALLOT PRINTING

230:25-3-3. County Election Board responsibilities for printing ballots

(a) The County Election Board shall be responsible for printing ballots, at county expense, for Primary and Runoff Primary Elections for county officers if there is no federal or state office, state legislative office, district office, or nonpartisan judicial office on the ballot in the county on the same election date. The County Election Board shall be responsible for printing ballots, at county expense, for county questions. A county question may be printed on the state ballot for Primary and Runoff Primary Elections ~~if there is a state ballot and if there is adequate space available on the state ballot for the county question~~ at the discretion of the Secretary of the State Election Board. County questions shall not be printed on the state ballot for the biennial General Election.

(b) County Election Board responsibilities for printing ballots for municipal, school district or other local elections shall include, but shall not be limited to, the following items:

- (1) Entering all office, candidate, and proposition or question text into MESA.
- (2) Receiving, proofreading, and approving ballot proofs provided by the State Election Board before printing begins. See 230:25-17-2.

(c) In the case of municipal elections, school district elections and other local elections the County Election Board shall be responsible for paying the ballot printing bill from the proceeds of the reimbursement for post-election expenses from the entity for which the election was conducted.

(d) In the case of a multi-county election, ballots for each affected county in the election shall be printed by the printer holding the affected county's ballot printing contract. Ballots for the control (parent) county shall be printed by the printer holding its ballot printing contract. Each affected County Election Board shall receive the bill for ballot printing from its own ballot printer and shall include this expense in the Record of Expense submitted to the control (parent) County Election Board following the election.

SUBCHAPTER 7. COMPETITIVE BIDDING PROCESS FOR BALLOT PRINTING

230:25-7-4. Contract requirements

The Secretary shall consult the County Purchasing Agent regarding the county's requirements for drawing up a contract with the successful bidder. The contract shall include, but shall not be limited to, the printer's responsibilities insofar as the quantity, size and types of ballots to be printed, facility security, delivery dates and the conditions for making a claim against the printer's insurance. The State Election Board shall provide a model contract for use by County Election Board Secretaries.

SUBCHAPTER 13. PLACING PARTIES, CANDIDATES, PROPOSITIONS ON BALLOT

230:25-13-1.1. Separate ballots for entities

(a) County offices at the Primary, Runoff Primary, and General Elections shall appear on the same ballot with federal and state offices and state questions. The ballot for county questions ~~also shall~~ may appear on the state ballot ~~if space allows. If there is not enough space on the state ballot to accommodate the county question or questions, such questions shall appear on a separate ballot at the discretion of the Secretary of the State Election Board.~~ The cost to print the separate county question ballot, if needed, shall be paid by the county.

(b) The ballots for school districts, municipalities, and other entities, with the exception of a county question as outlined in (a) of this Section, shall appear on separate ballots. The ballots for each entity involved in an election shall be designated by color as outlined in 230:25-13-1.3.

230:25-13-1.2. Order of political party candidates and symbols and Independent candidates on General Election ballots

(a) The candidates and symbols of political parties shall be placed on the General Election ballot in the order determined by a drawing conducted by the Secretary of the State Election Board. The drawing shall be conducted at a public meeting held no later than July 31 in each even-numbered year. The Secretary of the State Election Board shall announce the date, time and location of the drawing not less than ~~ten~~ three days preceding the public meeting.

(b) The Secretary of the State Election Board shall provide written notice of the drawing to the state central committee of each recognized political party. Each recognized political party may designate one person to be its official representative at the drawing. The designation of the party's official representative shall be made in writing and shall be signed by two members of the party's state central committee.

(c) Presidential electors shall be placed on the General Election ballot in the following order.

- (1) Presidential electors of each recognized political party shall be listed first on the ballot in the order determined by the drawing described in (d) of this Section.
- (2) Uncommitted presidential electors, if any, shall be listed immediately following the electors of the recognized political parties. If there are two or more slates of uncommitted presidential electors, they shall be placed on the ballot in the order

they were received by the Secretary of the State Election Board.

(3) Presidential electors for unrecognized political parties shall be listed after the electors of the recognized parties or after the uncommitted electors, if any. If there are electors for more than one unrecognized political party, the electors shall be placed on the ballot in the order determined by the drawing described in (d) of this Section.

(4) Presidential electors for Independent candidates for President shall be placed on the ballot following the electors for the recognized parties, uncommitted electors, if any, and the unrecognized party electors, if any. If there are two or more Independent candidates for President, the electors shall be placed on the ballot in the order determined by the drawing described in (d) of this Section.

(d) A drawing to determine the order of political parties and Independent candidates on the General Election ballot shall be conducted according to the following procedure.

(1) The names of the recognized political parties shall be printed on separate pieces of paper of equal size, shape, color, and thickness. The pieces of paper shall be prepared by the State Election Board staff in advance of the public meeting and shall be available when the meeting begins for examination by the designated party representatives.

(2) The papers each shall be folded in half so that the party names are not visible and placed inside a container.

(3) The Secretary of the State Election Board shall select one person to draw the pieces of paper from the container. The person selected to draw the papers shall not be either the designated representative of any recognized political party or a candidate for any federal or state office during the current year.

(4) The person selected shall draw one piece of paper from the container and shall announce the party name on the paper. The paper shall be displayed to each recognized party representative. The drawing shall continue until all the papers have been drawn and a ballot position has been assigned to each recognized political party.

(5) Steps 1 through 4 shall be repeated to determine the order for the presidential electors of unrecognized political parties and for Independent candidates for any federal or state office.

(e) The candidates and symbols of recognized political parties shall appear on all General Election ballots for all offices in the order determined by the drawing described in (d). The order determined by the drawing shall apply to all special elections for Congress, State Senate, State Representative, for all county offices, and for both regular and special partisan municipal elections. The order determined by the drawing shall remain in effect for all elections until the drawing is repeated in July of the next succeeding even-numbered year.

(f) If there are two or more Independent candidates for the same county office, a drawing shall be conducted by the Secretary of the County Election Board. The county drawing shall be conducted at the same time as the drawing for absentee ballot order for the Primary Election. See 230:25-11-1.

230:25-13-1.3. Using color to designate ballots for parties or entities

(a) *The names of candidates of the several political parties shall be printed on separate ballots for the Primary and Runoff Primary Elections, and each party's ballot shall be differentiated by color or by other conspicuous means determined by the Secretary of the State Election Board.* [26:6-110] The designation of color for party ballots shall be in effect until changed by the Secretary. These colors shall not be used for any other entity holding elections on the same date as a federal, state, or county Primary or Runoff Primary Election.

(b) The County Election Board Secretary may choose to use different colors for the various entities holding elections on the same date. There are two options for using color to designate ballots for political parties or for entities holding elections on the same date.

(1) Ballots may be printed on paper of different colors.

(2) Ballots may be printed with a colored bar imposed on the ballot stub.

(3) Ballots may be printed with a vertical color bar on the left or right side(s) of the ballot.

(c) The decision to use paper of different colors or a colored bar shall be made by the Secretary of the County Election Board in consultation with the printer to whom the county's ballot printing contract is awarded. Only colored paper that has been tested and approved by the State Election Board for use in ballot printing may be used. Only ink colors that have been tested and approved by the State Election Board for use in ballot printing may be used. The list of approved colored papers and inks is included in the specifications for ballot printing.

230:25-13-13. Ballot titles for county, municipal, and school district propositions

(a) The following requirements shall be observed by all entities when preparing the ballot title - the ballot text - for any question or proposition to be placed on the ballot at a regular or special election called by the entity and conducted by the County Election Board.

(1) Question or proposition text shall be submitted to the County Election Board in regular upper/lower case. Proposition text presented to the County Election Board in ALL CAPS will be returned to the entity for conversion to upper/lower case.

(2) Quotation marks and other typographic symbols, also known as "special characters," shall not be used in proposition text.

(3) Proposition text on the ballot shall not exceed 200 words in length.

(b) The County Election Board Secretary will provide entity officials with a proof copy/report of any ballot that includes a question or proposition. Entity officials are responsible for proofreading the ballot title for each question or proposition on the ballot against the ballot title as it appears in the resolution submitted to the County Election Board. Only typographical or scrivener's errors may

be corrected in the ballot title at this point. No substantive additions or deletions to the ballot title may be made unless it can be shown that the ballot title on the ~~ballot proof copy~~report does not match the ballot title in the resolution adopted by the governing body of the entity and submitted to the County Election Board. Entity officials should complete the proofreading and notify the County Election Board Secretary in writing of the approval of the ~~ballot proof~~ report or of any errors discovered within 48 hours of receiving the proof. The County Election Board Secretary will provide a form for approval and notation of errors with the ~~ballot proof~~ report.

(c) The word limit for ballot titles established in (a) of this Section also shall apply to ballot titles concerning municipal charter amendments. However, the County Election Board may distribute copies of a document that includes either a detailed explanation of the content and effect of the charter amendment or amendments or copies of the actual amendments with absentee ballots and at all polling places within the entity's boundaries. Such document shall be prepared by entity officials or by the entity's legal counsel. The County Election Board shall be neither responsible nor liable for the content or accuracy of such document. The explanatory document shall be delivered to the County Election Board not more than 10 days following submission of the election resolution to the County Election Board Secretary. The entity shall choose one of the following options for duplication of the explanatory document.

- (1) An appropriate appropriate number of copies of the explanatory document may be made at the entity's expense and delivered to the County Election Board Secretary for distribution with absentee ballots and at the polling places on election day.
- (2) The entity shall supply the document to the County Election Board and the County Election Board produce an appropriate number of copies for which the cost shall be included in the Record of Expense submitted to the entity for the election.