

**OPINION**  
**46-94**

June 19, 1946            (OPINION)

ELECTION

RE: Primary - Split Ballot Void

This office is in receipt of your letter of June 17, 1946, in which you say:

There seems to be a difference of opinion regarding the legality of a voter's ballot when the voter votes in two different columns - for instance - votes for all, except one candidate, in the Rep. column and votes for that one in the Dem. column. Is the entire ballot to be void or just that one vote?"

Section 16-0415 of the 1943 Revised Code definitely and specifically provides for the rejection of a so-called "split ballot." If a voter votes for both a Republican candidate and a Democratic candidate his ballot must be thrown out when the ballots are counted. On the ballot, immediately below the party designation in each column, appears the following language:

You cannot split your vote. If you vote for candidates of more than one party, your ballot will be rejected."

The provisions of section 16-0415 of the Revised Code are self-explanatory. It reads as follows:

At the primary election there shall be one ballot for all parties or principles, which shall be entitled 'consolidated primary election ballot.' The names of all aspirants for nomination of each political party or principle for the different offices specified in section 16 -0416 shall be arranged in separate columns. The political party or principle which cast the largest vote for governor at the last preceding primary election shall have the left hand column and the party or principle casting the next largest vote shall have the next column, and so on. No square shall be left at the head of the ballot. At the head of each column shall be placed the name of the political party or principle which it represents. Immediately below such title in each column shall be placed the language, 'You cannot split your ballot. If you vote for candidates of more than one party, your ballot will be rejected.' Immediately below such language shall be placed the following language: 'Put a cross mark (X) opposite the name of the candidate for whom you wish to vote.' The name of each office shall appear in the center of each party column at the head of the names of aspirants for such office. At the right of the name of each group of aspirants for each office shall be placed the language 'Vote for ----- name (or names) only.' At the right of the name of each aspirant shall be placed a square for a cross mark. The judges and the inspector of elections when handing a ballot to a voter shall inform him

that if he splits his ballot or votes for candidates of more than one party his ballot will be rejected."

NELS G. JOHNSON

Attorney General