



March 7, 2016

Jon Husted
Ohio Secretary of State
180 East Broad Street, 16th Floor
Columbus, OH 43215

Re: 17 year old voters in presidential primary elections

Dear Secretary Husted,

Recently, we have received conflicting reports about the ability for 17 year old voters to cast ballots in the presidential primary election. Voters and advocates have contacted our offices because the Secretary of State's office has informed them that 17 year olds cannot vote for presidential primary candidates. At the same time, recent inquiries into local boards of elections reveal some boards allow 17 year olds to vote in these races, while others do not.

We believe that Ohio law is very clear on this matter, stating:

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.¹

This is rather unambiguous language—any qualified voter who will be 18 years old by the date of the general election is entitled to vote the ballot of the political party of which she is affiliated. Nowhere are there limitations on a qualified voter casting a ballot on any particular races of the primary ballot.

Additionally, courts have interpreted state law to mean that 17 year olds may cast a ballot in a primary election for races that will appear on the general election ballot when they are 18 years old.² This keeps in the very spirit of the law that qualified voters should have a say in who they nominate for candidacy in the general election. There is no credible reason why the presidential race should be treated any differently than a mayoral, congressional, or judicial race.

¹ Ohio Rev. Code § 3503.011

² See *State ex rel. Colvin v. Brunner*, 120 Ohio St.3d 110, 2008-Ohio-5041, 896 N.E.2d 979, ¶ 55; *State ex rel Miller v. Mahoning County Bd. of Elections*, 7th Dist. Mahoning, No. 02CA64, 2002-Ohio-2072, ¶ 14-18.

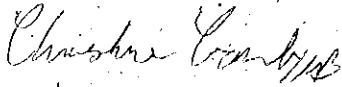
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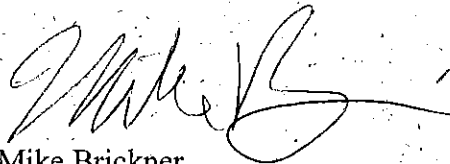
Ohio law is clear: 17 year olds are entitled to cast ballots in primary races when they will be 18 by the date of the general election. The Secretary of State's recent policy that carves out the presidential primary race does not comply with Ohio law and has injected confusion and a lack of uniformity among local boards of elections. Given the short timeframe before the March 15, 2016 primary election, we request that you issue a directive immediately that reflects state law on this matter and clearly allows 17 year old voters to cast their primary election ballot.

If you have any questions, please feel free to contact us at (216)472-2220.

Sincerely,



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