

As Introduced

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Representative Clyde

Cosponsors: Representatives Ramos, Johnson, G., Boyd, Leland, Boggs, Lepore-Hagan, Bocchieri, Ashford, Smith, K., West

A BILL

To amend sections 111.241, 3505.10, 3513.041, 1
3513.257, and 3513.31 and to enact section 2
3505.101 of the Revised Code to require a 3
candidate for President or Vice-President of the 4
United States to submit copies of the 5
candidate's five most recent federal income tax 6
returns for publication on the Secretary of 7
State's official web site. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 111.241, 3505.10, 3513.041, 9
3513.257, and 3513.31 be amended and section 3505.101 of the 10
Revised Code be enacted to read as follows: 11

Sec. 111.241. (A) The secretary of state shall not accept 12
a document for filing or recording if the document includes any 13
individual's social security number or federal tax 14
identification number. If a document presented for filing or 15
recording includes any individual's social security number or 16
federal tax identification number and the secretary of state 17
refuses to accept that document for filing or recording, the 18

secretary of state or the person who attempted to file or record 19
the document with the secretary of state may immediately redact 20
the individual's social security number or federal tax 21
identification number from the document. 22

(B) Division (A) of this section does not apply to ~~either~~ 23
any of the following: 24

(1) Any document that originates with any court or taxing 25
authority; 26

(2) Any publicly recorded document that is required by 27
federal or state law to include an individual's social security 28
number or federal tax identification number; 29

(3) Any federal income tax return filed with the secretary 30
of state under section 3505.101 of the Revised Code. 31

(C) This section does not apply to documents that were 32
executed by an individual prior to ~~the effective date of this~~ 33
~~section~~September 1, 2008. 34

Sec. 3505.10. (A) On the presidential ballot below the 35
stubs at the top of the face of the ballot shall be printed 36
"Official Presidential Ballot" centered between the side edges 37
of the ballot. Below "Official Presidential Ballot" shall be 38
printed a heavy line centered between the side edges of the 39
ballot. Below the line shall be printed "Instruction to Voters" 40
centered between the side edges of the ballot, and below those 41
words shall be printed the following instructions: 42

"(1) To vote for the candidates for president and vice- 43
president whose names are printed below, record your vote in the 44
manner provided next to the names of such candidates. That 45
recording of the vote will be counted as a vote for each of the 46
candidates for presidential elector whose names have been 47

certified to the secretary of state and who are members of the 48
same political party as the nominees for president and vice- 49
president. A recording of the vote for independent candidates 50
for president and vice-president shall be counted as a vote for 51
the presidential electors filed by such candidates with the 52
secretary of state. 53

(2) To vote for candidates for president and vice- 54
president in the blank space below, record your vote in the 55
manner provided and write the names of your choice for president 56
and vice-president under the respective headings provided for 57
those offices. Such write-in will be counted as a vote for the 58
candidates' presidential electors whose names have been properly 59
certified to the secretary of state. 60

(3) If you tear, soil, deface, or erroneously mark this 61
ballot, return it to the precinct election officers or, if you 62
cannot return it, notify the precinct election officers, and 63
obtain another ballot." 64

(B) Below those instructions to the voter shall be printed 65
a single vertical column of enclosed rectangular spaces equal in 66
number to the number of presidential candidates plus one 67
additional space for write-in candidates. Each of those 68
rectangular spaces shall be enclosed by a heavy line along each 69
of its four sides, and such spaces shall be separated from each 70
other by one-half inch of open space. 71

In each of those enclosed rectangular spaces, except the 72
space provided for write-in candidates, shall be printed the 73
names of the candidates for president and vice-president 74
certified to the secretary of state or nominated in one of the 75
following manners: 76

(1) Nominated by the national convention of a political party to which delegates and alternates were elected in this state at the next preceding primary election. A political party certifying candidates so nominated shall certify the names of those candidates to the secretary of state on or before the ninetieth day before the day of the general election. The federal income tax returns required under section 3505.101 of the Revised Code shall accompany the certification.

(2) Nominated by nominating petition in accordance with section 3513.257 of the Revised Code. Such a petition shall be filed on or before the ninetieth day before the day of the general election to provide sufficient time to verify the sufficiency and accuracy of signatures on it. The federal income tax returns required under section 3505.101 of the Revised Code shall accompany the petition.

(3) Certified to the secretary of state for placement on the presidential ballot by authorized officials of a minor political party that has held a state or national convention for the purpose of choosing those candidates or that may, without a convention, certify those candidates in accordance with the procedure authorized by its party rules. The officials shall certify the names of those candidates to the secretary of state on or before the ninetieth day before the day of the general election. The certification shall be accompanied by a designation of a sufficient number of presidential electors to satisfy the requirements of law and by the federal income tax returns required under section 3505.101 of the Revised Code.

The names of candidates for electors of president and vice-president shall not be placed on the ballot, but shall be certified to the secretary of state as required by sections

3513.11 and 3513.257 of the Revised Code. A vote for any 107
candidates for president and vice-president shall be a vote for 108
the electors of those candidates whose names have been certified 109
to the secretary of state. 110

(C) The arrangement of the printing in each of the 111
enclosed rectangular spaces shall be substantially as follows: 112
Near the top and centered within the rectangular space shall be 113
printed "For President" in ten-point boldface upper and lower 114
case type. Below "For President" shall be printed the name of 115
the candidate for president in twelve-point boldface upper case 116
type. Below the name of the candidate for president shall be 117
printed the name of the political party by which that candidate 118
for president was nominated in eight-point lightface upper and 119
lower case type. Below the name of such political party shall be 120
printed "For Vice-President" in ten-point boldface upper and 121
lower case type. Below "For Vice-President" shall be printed the 122
name of the candidate for vice-president in twelve-point 123
boldface upper case type. Below the name of the candidate for 124
vice-president shall be printed the name of the political party 125
by which that candidate for vice-president was nominated in 126
eight-point lightface upper and lower case type. Except for 127
candidates nominated by petition under section 3517.012 of the 128
Revised Code, no political identification or name of any 129
political party shall be printed below the names of presidential 130
and vice-presidential candidates nominated by petition. 131

The rectangular spaces on the ballot described in this 132
section shall be rotated and printed as provided in section 133
3505.03 of the Revised Code. 134

Sec. 3505.101. (A) Except as otherwise provided in 135
division (B) of this section, all of the following filings 136

concerning candidates for president and vice-president of the 137
United States shall be accompanied by copies of each candidate's 138
federal income tax returns for each of the five most recent 139
taxable years for which the candidate filed a return with the 140
internal revenue service, along with a statement signed by the 141
candidate, on a form prescribed by the secretary of state, 142
consenting to the publication of the returns in accordance with 143
this section: 144

(1) A political party's certification of the names of its 145
candidates for president and vice-president of the United States 146
under division (B) (1) or (3) of section 3505.10 of the Revised 147
Code; 148

(2) A nominating petition filed by independent joint 149
candidates for the offices of president and vice-president of 150
the United States under section 3513.257 of the Revised Code; 151

(3) A declaration of intent to be a write-in candidate 152
filed by joint candidates for president and vice-president of 153
the United States under section 3513.041 of the Revised Code; 154

(4) A certification of the name of a candidate for 155
president or vice-president of the United States who has been 156
selected to fill a ballot vacancy under section 3513.31 of the 157
Revised Code. 158

(B) (1) If a candidate for president or vice-president of 159
the United States has not filed federal income tax returns with 160
the internal revenue service for five or more taxable years 161
during the candidate's lifetime, the filing described in 162
division (A) of this section shall be accompanied by a statement 163
of that fact, signed by the candidate, on a form prescribed by 164
the secretary of state, along with copies of every federal 165

income tax return the candidate has filed with the internal 166
revenue service. 167

(2) A federal income tax return submitted under division 168
(A) of this section may exclude any social security number; 169
individual taxpayer identification number; adoption taxpayer 170
identification number; bank account, debit card, credit card, or 171
other financial account number; or other information that is 172
excluded from the definition of a public record under section 173
149.43 of the Revised Code. The return shall not exclude any 174
other information. 175

(C) Not later than seven days after receiving a federal 176
income tax return under division (A) of this section, the 177
secretary of state shall redact from the return all of the 178
information listed in division (B)(2) of this section and make 179
the redacted return available to the public on the secretary of 180
state's official web site. 181

(D) A certification, nominating petition, or declaration 182
of intent to be a write-in candidate described in division (A) 183
of this section is not valid if it is not accompanied by the 184
federal income tax returns required under that division. If a 185
presidential or vice-presidential candidate's federal income tax 186
returns have not been submitted in accordance with this section, 187
the candidate's name shall not appear on the ballot and shall 188
not be a valid selection as a write-in candidate. 189

(E) As used in this section, "return" has the same meaning 190
as in section 6103 of the "Internal Revenue Code of 1986," 26 191
U.S.C. 6103. 192

Sec. 3513.041. A write-in space shall be provided on the 193
ballot for every office, except in an election for which the 194

board of elections has received no valid declarations of intent 195
to be a write-in candidate under this section. Write-in votes 196
shall not be counted for any candidate who has not filed a 197
declaration of intent to be a write-in candidate pursuant to 198
this section. A qualified person who has filed a declaration of 199
intent may receive write-in votes at either a primary or general 200
election. Any candidate shall file a declaration of intent to be 201
a write-in candidate before four p.m. of the seventy-second day 202
preceding the election at which such candidacy is to be 203
considered. If the election is to be determined by electors of a 204
county or a district or subdivision within the county, such 205
declaration shall be filed with the board of elections of that 206
county. If the election is to be determined by electors of a 207
subdivision located in more than one county, such declaration 208
shall be filed with the board of elections of the county in 209
which the major portion of the population of such subdivision is 210
located. If the election is to be determined by electors of a 211
district comprised of more than one county but less than all of 212
the counties of the state, such declaration shall be filed with 213
the board of elections of the most populous county in such 214
district. Any candidate for an office to be voted upon by 215
electors throughout the entire state shall file a declaration of 216
intent to be a write-in candidate with the secretary of state 217
before four p.m. of the seventy-second day preceding the 218
election at which such candidacy is to be considered. In 219
addition, candidates for president and vice-president of the 220
United States shall also file with the secretary of state by 221
that seventy-second day a slate of presidential electors 222
sufficient in number to satisfy the requirements of the United 223
States constitution and the federal income tax returns required 224
under section 3505.101 of the Revised Code. 225

A board of elections shall not accept for filing the 226
declaration of intent to be a write-in candidate of a person 227
seeking to become a candidate if that person, for the same 228
election, has already filed a declaration of candidacy, a 229
declaration of intent to be a write-in candidate, or a 230
nominating petition, or has become a candidate through party 231
nomination at a primary election or by the filling of a vacancy 232
under section 3513.30 or 3513.31 of the Revised Code, for any 233
federal, state, or county office, if the declaration of intent 234
to be a write-in candidate is for a state or county office, or 235
for any municipal or township office, for member of a city, 236
local, or exempted village board of education, or for member of 237
a governing board of an educational service center, if the 238
declaration of intent to be a write-in candidate is for a 239
municipal or township office, or for member of a city, local, or 240
exempted village board of education, or for member of a 241
governing board of an educational service center. 242

No person shall file a declaration of intent to be a 243
write-in candidate for the office of governor unless the 244
declaration also shows the intent of another person to be a 245
write-in candidate for the office of lieutenant governor. No 246
person shall file a declaration of intent to be a write-in 247
candidate for the office of lieutenant governor unless the 248
declaration also shows the intent of another person to be a 249
write-in candidate for the office of governor. No person shall 250
file a declaration of intent to be a write-in candidate for the 251
office of governor or lieutenant governor if the person has 252
previously filed a declaration of intent to be a write-in 253
candidate to the office of governor or lieutenant governor at 254
the same primary or general election. A write-in vote for the 255
two candidates who file such a declaration shall be counted as a 256

vote for them as joint candidates for the offices of governor 257
and lieutenant governor. 258

The secretary of state shall not accept for filing the 259
declaration of intent to be a write-in candidate of a person for 260
the office of governor unless the declaration also shows the 261
intent of another person to be a write-in candidate for the 262
office of lieutenant governor, shall not accept for filing the 263
declaration of intent to be a write-in candidate of a person for 264
the office of lieutenant governor unless the declaration also 265
shows the intent of another person to be a write-in candidate 266
for the office of governor, and shall not accept for filing the 267
declaration of intent to be a write-in candidate of a person to 268
the office of governor or lieutenant governor if that person, 269
for the same election, has already filed a declaration of 270
candidacy, a declaration of intent to be a write-in candidate, 271
or a nominating petition, or has become a candidate through 272
party nomination at a primary election or by the filling of a 273
vacancy under section 3513.30 or 3513.31 of the Revised Code, 274
for any other state office or any federal or county office. 275

Protests against the candidacy of any person filing a 276
declaration of intent to be a write-in candidate may be filed by 277
any qualified elector who is eligible to vote in the election at 278
which the candidacy is to be considered. The protest shall be in 279
writing and shall be filed not later than four p.m. of the 280
sixty-seventh day before the day of the election. The protest 281
shall be filed with the board of elections with which the 282
declaration of intent to be a write-in candidate was filed. Upon 283
the filing of the protest, the board with which it is filed 284
shall promptly fix the time for hearing it and shall proceed in 285
regard to the hearing in the same manner as for hearings set for 286
protests filed under section 3513.05 of the Revised Code. At the 287

time fixed, the board shall hear the protest and determine the 288
validity or invalidity of the declaration of intent to be a 289
write-in candidate. If the board finds that the candidate is not 290
an elector of the state, district, county, or political 291
subdivision in which the candidate seeks election to office or 292
has not fully complied with the requirements of Title XXXV of 293
the Revised Code in regard to the candidate's candidacy, the 294
candidate's declaration of intent to be a write-in candidate 295
shall be determined to be invalid and shall be rejected; 296
otherwise, it shall be determined to be valid. The determination 297
of the board is final. 298

The secretary of state shall prescribe the form of the 299
declaration of intent to be a write-in candidate. 300

Sec. 3513.257. Each person desiring to become an 301
independent candidate for an office for which candidates may be 302
nominated at a primary election, except persons desiring to 303
become independent joint candidates for the offices of governor 304
and lieutenant governor and for the offices of president and 305
vice-president of the United States, shall file no later than 306
four p.m. of the day before the day of the primary election 307
immediately preceding the general election at which such 308
candidacy is to be voted for by the voters, a statement of 309
candidacy and nominating petition as provided in section 310
3513.261 of the Revised Code. Persons desiring to become 311
independent joint candidates for the offices of governor and 312
lieutenant governor shall file, not later than four p.m. of the 313
day before the day of the primary election, one statement of 314
candidacy and one nominating petition for the two of them. 315
Persons desiring to become independent joint candidates for the 316
offices of president and vice-president of the United States 317
shall file, not later than four p.m. of the ninetieth day before 318

the day of the general election at which the president and vice- 319
president are to be elected, one statement of candidacy and one 320
nominating petition for the two of them. The prospective 321
independent joint candidates' statement of candidacy shall be 322
filed with the nominating petition as one instrument. 323

The statement of candidacy and separate petition papers of 324
each candidate or pair of joint candidates shall be filed at the 325
same time as one instrument. 326

The nominating petition shall contain signatures of 327
qualified electors of the district, political subdivision, or 328
portion of a political subdivision in which the candidacy is to 329
be voted on in an amount to be determined as follows: 330

(A) If the candidacy is to be voted on by electors 331
throughout the entire state, the nominating petition, including 332
the nominating petition of independent joint candidates for the 333
offices of governor and lieutenant governor, shall be signed by 334
no less than five thousand qualified electors, provided that no 335
petition shall be accepted for filing if it purports to contain 336
more than fifteen thousand signatures. 337

(B) If the candidacy is to be voted on by electors in any 338
district, political subdivision, or part thereof in which less 339
than five thousand electors voted for the office of governor at 340
the most recent election for that office, the nominating 341
petition shall contain signatures of not less than twenty-five 342
qualified electors of the district, political subdivision, or 343
part thereof, or a number of qualified signatures equal to at 344
least five per cent of that vote, if this number is less than 345
twenty-five. 346

(C) If the candidacy is to be voted on by electors in any 347

district, political subdivision, or part thereof in which five 348
thousand or more electors voted for the office of governor at 349
the most recent election for that office, the nominating 350
petition shall contain a number of signatures equal to at least 351
one per cent of those electors. 352

All nominating petitions of candidates for offices to be 353
voted on by electors throughout the entire state shall be filed 354
in the office of the secretary of state. No nominating petition 355
for the offices of president and vice-president of the United 356
States shall be accepted for filing unless there is submitted to 357
the secretary of state, at the time of filing the petition, a 358
slate of presidential electors sufficient in number to satisfy 359
the requirement of the United States Constitution and the 360
federal income tax returns required under section 3505.101 of 361
the Revised Code. The secretary of state shall not accept for 362
filing the statement of candidacy of a person who desires to be 363
an independent candidate for the office of governor unless it 364
also shows the joint candidacy of a person who desires to be an 365
independent candidate for the office of lieutenant governor, 366
shall not accept for filing the statement of candidacy of a 367
person who desires to be an independent candidate for the office 368
of lieutenant governor unless it also shows the joint candidacy 369
of a person who desires to be an independent candidate for the 370
office of governor, and shall not accept for filing the 371
statement of candidacy of a person who desires to be an 372
independent candidate to the office of governor or lieutenant 373
governor who, for the same election, has already filed a 374
declaration of candidacy, a declaration of intent to be a write- 375
in candidate, or a statement of candidacy, or has become a 376
candidate by the filling of a vacancy under section 3513.30 of 377
the Revised Code for any other state office or any federal or 378

county office. 379

Nominating petitions of candidates for offices to be voted 380
on by electors within a district or political subdivision 381
comprised of more than one county but less than all counties of 382
the state shall be filed with the boards of elections of that 383
county or part of a county within the district or political 384
subdivision which had a population greater than that of any 385
other county or part of a county within the district or 386
political subdivision according to the last federal decennial 387
census. 388

Nominating petitions for offices to be voted on by 389
electors within a county or district smaller than a county shall 390
be filed with the board of elections for such county. 391

No petition other than the petition of a candidate whose 392
candidacy is to be considered by electors throughout the entire 393
state shall be accepted for filing if it appears on its face to 394
contain more than three times the minimum required number of 395
signatures. A board of elections shall not accept for filing a 396
nominating petition of a person seeking to become a candidate if 397
that person, for the same election, has already filed a 398
declaration of candidacy, a declaration of intent to be a write- 399
in candidate, or a nominating petition, or has become a 400
candidate by the filling of a vacancy under section 3513.30 of 401
the Revised Code for any federal, state, or county office, if 402
the nominating petition is for a state or county office, or for 403
any municipal or township office, for member of a city, local, 404
or exempted village board of education, or for member of a 405
governing board of an educational service center, if the 406
nominating petition is for a municipal or township office, or 407
for member of a city, local, or exempted village board of 408

education, or for member of a governing board of an educational 409
service center. When a petition of a candidate has been accepted 410
for filing by a board of elections, the petition shall not be 411
deemed invalid if, upon verification of signatures contained in 412
the petition, the board of elections finds the number of 413
signatures accepted exceeds three times the minimum number of 414
signatures required. A board of elections may discontinue 415
verifying signatures when the number of verified signatures on a 416
petition equals the minimum required number of qualified 417
signatures. 418

Any nonjudicial candidate who files a nominating petition 419
may request, at the time of filing, that the candidate be 420
designated on the ballot as a nonparty candidate or as an other- 421
party candidate, or may request that the candidate's name be 422
placed on the ballot without any designation. Any such candidate 423
who fails to request a designation either as a nonparty 424
candidate or as an other-party candidate shall have the 425
candidate's name placed on the ballot without any designation. 426

The purpose of establishing a filing deadline for 427
independent candidates prior to the primary election immediately 428
preceding the general election at which the candidacy is to be 429
voted on by the voters is to recognize that the state has a 430
substantial and compelling interest in protecting its electoral 431
process by encouraging political stability, ensuring that the 432
winner of the election will represent a majority of the 433
community, providing the electorate with an understandable 434
ballot, and enhancing voter education, thus fostering informed 435
and educated expressions of the popular will in a general 436
election. The filing deadline for independent candidates 437
required in this section prevents splintered parties and 438
unrestrained factionalism, avoids political fragmentation, and 439

maintains the integrity of the ballot. The deadline, one day 440
prior to the primary election, is the least drastic or 441
restrictive means of protecting these state interests. The 442
general assembly finds that the filing deadline for independent 443
candidates in primary elections required in this section is 444
reasonably related to the state's purpose of ensuring fair and 445
honest elections while leaving unimpaired the political, voting, 446
and associational rights secured by the first and fourteenth 447
amendments to the United States Constitution. 448

Sec. 3513.31. (A) If a person nominated in a primary 449
election as a candidate for election at the next general 450
election, whose candidacy is to be submitted to the electors of 451
the entire state, withdraws as that candidate or is disqualified 452
as that candidate under section 3513.052 of the Revised Code, 453
the vacancy in the party nomination so created may be filled by 454
the state central committee of the major political party that 455
made the nomination at the primary election, if the committee's 456
chairperson and secretary certify the name of the person 457
selected to fill the vacancy by the time specified in this 458
division, at a meeting called for that purpose. The meeting 459
shall be called by the chairperson of that committee, who shall 460
give each member of the committee at least two days' notice of 461
the time, place, and purpose of the meeting. If a majority of 462
the members of the committee are present at the meeting, a 463
majority of those present may select a person to fill the 464
vacancy. The chairperson and secretary of the meeting shall 465
certify in writing and under oath to the secretary of state, not 466
later than the eighty-sixth day before the day of the general 467
election, the name of the person selected to fill the vacancy. 468
The certification must be accompanied by the written acceptance 469
of the nomination by the person whose name is certified. A 470

vacancy in a party nomination that may be filled by a minor 471
political party shall be filled in accordance with the party's 472
rules by authorized officials of the party. Certification must 473
be made as in the manner provided for a major political party. 474

(B) If a person nominated in a primary election as a party 475
candidate for election at the next general election, whose 476
candidacy is to be submitted to the electors of a district 477
comprised of more than one county but less than all of the 478
counties of the state, withdraws as that candidate or is 479
disqualified as that candidate under section 3513.052 of the 480
Revised Code, the vacancy in the party nomination so created may 481
be filled by a district committee of the major political party 482
that made the nomination at the primary election, if the 483
committee's chairperson and secretary certify the name of the 484
person selected to fill the vacancy by the time specified in 485
this division, at a meeting called for that purpose. The 486
district committee shall consist of the chairperson and 487
secretary of the county central committee of such political 488
party in each county in the district. The district committee 489
shall be called by the chairperson of the county central 490
committee of such political party of the most populous county in 491
the district, who shall give each member of the district 492
committee at least two days' notice of the time, place, and 493
purpose of the meeting. If a majority of the members of the 494
district committee are present at the district committee 495
meeting, a majority of those present may select a person to fill 496
the vacancy. The chairperson and secretary of the meeting shall 497
certify in writing and under oath to the board of elections of 498
the most populous county in the district, not later than four 499
p.m. of the eighty-sixth day before the day of the general 500
election, the name of the person selected to fill the vacancy. 501

The certification must be accompanied by the written acceptance 502
of the nomination by the person whose name is certified. A 503
vacancy in a party nomination that may be filled by a minor 504
political party shall be filled in accordance with the party's 505
rules by authorized officials of the party. Certification must 506
be made as in the manner provided for a major political party. 507

(C) If a person nominated in a primary election as a party 508
candidate for election at the next general election, whose 509
candidacy is to be submitted to the electors of a county, 510
withdraws as that candidate or is disqualified as that candidate 511
under section 3513.052 of the Revised Code, the vacancy in the 512
party nomination so created may be filled by the county central 513
committee of the major political party that made the nomination 514
at the primary election, or by the county executive committee if 515
so authorized, if the committee's chairperson and secretary 516
certify the name of the person selected to fill the vacancy by 517
the time specified in this division, at a meeting called for 518
that purpose. The meeting shall be called by the chairperson of 519
that committee, who shall give each member of the committee at 520
least two days' notice of the time, place, and purpose of the 521
meeting. If a majority of the members of the committee are 522
present at the meeting, a majority of those present may select a 523
person to fill the vacancy. The chairperson and secretary of the 524
meeting shall certify in writing and under oath to the board of 525
that county, not later than four p.m. of the eighty-sixth day 526
before the day of the general election, the name of the person 527
selected to fill the vacancy. The certification must be 528
accompanied by the written acceptance of the nomination by the 529
person whose name is certified. A vacancy in a party nomination 530
that may be filled by a minor political party shall be filled in 531
accordance with the party's rules by authorized officials of the 532

party. Certification must be made as in the manner provided for 533
a major political party. 534

(D) If a person nominated in a primary election as a party 535
candidate for election at the next general election, whose 536
candidacy is to be submitted to the electors of a district 537
within a county, withdraws as that candidate or is disqualified 538
as that candidate under section 3513.052 of the Revised Code, 539
the vacancy in the party nomination so created may be filled by 540
a district committee consisting of those members of the county 541
central committee or, if so authorized, those members of the 542
county executive committee in that county of the major political 543
party that made the nomination at the primary election who 544
represent the precincts or the wards and townships within the 545
district, if the committee's chairperson and secretary certify 546
the name of the person selected to fill the vacancy by the time 547
specified in this division, at a meeting called for that 548
purpose. The district committee meeting shall be called by the 549
chairperson of the county central committee or executive 550
committee, as appropriate, who shall give each member of the 551
district committee at least two days' notice of the time, place, 552
and purpose of the meeting. If a majority of the members of the 553
district committee are present at the district committee 554
meeting, a majority of those present may select a person to fill 555
the vacancy. The chairperson and secretary of the district 556
committee meeting shall certify in writing and under oath to the 557
board of the county, not later than four p.m. of the eighty- 558
sixth day before the day of the general election, the name of 559
the person selected to fill the vacancy. The certification must 560
be accompanied by the written acceptance of the nomination by 561
the person whose name is certified. A vacancy in a party 562
nomination that may be filled by a minor political party shall 563

be filled in accordance with the party's rules by authorized 564
officials of the party. Certification must be made as in the 565
manner provided for a major political party. 566

(E) If a person nominated in a primary election as a party 567
candidate for election at the next general election, whose 568
candidacy is to be submitted to the electors of a subdivision 569
within a county, withdraws as that candidate or is disqualified 570
as that candidate under section 3513.052 of the Revised Code, 571
the vacancy in the party nomination so created may be filled by 572
a subdivision committee consisting of those members of the 573
county central committee or, if so authorized, those members of 574
the county executive committee in that county of the major 575
political party that made the nomination at that primary 576
election who represent the precincts or the wards and townships 577
within that subdivision, if the committee's chairperson and 578
secretary certify the name of the person selected to fill the 579
vacancy by the time specified in this division, at a meeting 580
called for that purpose. 581

The subdivision committee meeting shall be called by the 582
chairperson of the county central committee or executive 583
committee, as appropriate, who shall give each member of the 584
subdivision committee at least two days' notice of the time, 585
place, and purpose of the meeting. If a majority of the members 586
of the subdivision committee are present at the subdivision 587
committee meeting, a majority of those present may select a 588
person to fill the vacancy. The chairperson and secretary of the 589
subdivision committee meeting shall certify in writing and under 590
oath to the board of the county, not later than four p.m. of the 591
eighty-sixth day before the day of the general election, the 592
name of the person selected to fill the vacancy. The 593
certification must be accompanied by the written acceptance of 594

the nomination by the person whose name is certified. A vacancy 595
in a party nomination that may be filled by a minor political 596
party shall be filled in accordance with the party's rules by 597
authorized officials of the party. Certification must be made in 598
the manner provided for a major political party. 599

(F) If a person nominated by petition as an independent or 600
nonpartisan candidate for election at the next general election 601
withdraws as that candidate or is disqualified as that candidate 602
under section 3513.052 of the Revised Code, the vacancy so 603
created may be filled by a majority of the committee of five, as 604
designated on the candidate's nominating petition, if a member 605
of that committee certifies in writing and under oath to the 606
election officials with whom the candidate filed the candidate's 607
nominating petition, not later than the eighty-sixth day before 608
the day of the general election, the name of the person selected 609
to fill the vacancy. The certification shall be accompanied by 610
the written acceptance of the nomination by the person whose 611
name is certified and shall be made in the manner provided for a 612
major political party. 613

(G) If a person nominated in a primary election or 614
nominated by petition under section 3517.012 of the Revised Code 615
as a party candidate for election at the next general election 616
dies, the vacancy so created may be filled by the same committee 617
in the same manner as provided in this section for the filling 618
of similar vacancies created by withdrawals or disqualifications 619
under section 3513.052 of the Revised Code, except that the 620
certification, when filling a vacancy created by death, may not 621
be filed with the secretary of state, or with a board of the 622
most populous county of a district, or with the board of a 623
county in which the major portion of the population of a 624
subdivision is located, later than four p.m. of the tenth day 625

before the day of such general election, or with any other board 626
later than four p.m. of the fifth day before the day of such 627
general election. 628

(H) If a person nominated by petition as an independent or 629
nonpartisan candidate for election at the next general election 630
dies prior to the tenth day before the day of that general 631
election, the vacancy so created may be filled by a majority of 632
the committee of five designated in the nominating petition to 633
represent the candidate named in it. To fill the vacancy a 634
member of the committee shall, not later than four p.m. of the 635
fifth day before the day of the general election, file with the 636
election officials with whom the petition nominating the person 637
was filed, a certificate signed and sworn to under oath by a 638
majority of the members, designating the person they select to 639
fill the vacancy. The certification must be accompanied by the 640
written acceptance of the nomination by the person whose name is 641
so certified. 642

(I) If a person holding an elective office dies or resigns 643
subsequent to the one hundred fifteenth day before the day of a 644
primary election and prior to the eighty-sixth day before the 645
day of the next general election, and if, under the laws of this 646
state, a person may be elected at that general election to fill 647
the unexpired term of the person who has died or resigned, the 648
appropriate committee of each political party, acting as in the 649
case of a vacancy in a party nomination, as provided in 650
divisions (A) to (D) of this section, may select a person as the 651
party candidate for election for such unexpired term at that 652
general election, and certify the person's name to the 653
appropriate election official not later than four p.m. on the 654
eighty-sixth day before the day of that general election, or on 655
the tenth day following the day on which the vacancy occurs, 656

whichever is later. When the vacancy occurs on or subsequent to 657
the eighty-sixth day and six or more days prior to the fortieth 658
day before the general election, the appropriate committee may 659
select a person as the party candidate and certify the person's 660
name, as provided in the preceding sentence, not later than four 661
p.m. on the tenth day following the day on which the vacancy 662
occurs. When the vacancy occurs fewer than six days before the 663
fortieth day before the general election, the deadline for 664
filing shall be four p.m. on the thirty-sixth day before the 665
general election. Thereupon the name shall be printed as the 666
party candidate under proper titles and in the proper place on 667
the proper ballots for use at the election. If a person has been 668
nominated in a primary election or nominated by petition under 669
section 3517.012 of the Revised Code, the authorized committee 670
of that political party shall not select and certify a person as 671
the party candidate. 672

(J) Each person desiring to become an independent 673
candidate to fill the unexpired term shall file a statement of 674
candidacy and nominating petition, as provided in section 675
3513.261 of the Revised Code, with the appropriate election 676
official not later than four p.m. on the tenth day following the 677
day on which the vacancy occurs, provided that when the vacancy 678
occurs fewer than six days before the fifty-sixth day before the 679
general election, the deadline for filing shall be four p.m. on 680
the fiftieth day before the general election. The nominating 681
petition shall contain at least seven hundred fifty signatures 682
and no more than one thousand five hundred signatures of 683
qualified electors of the district, political subdivision, or 684
portion of a political subdivision in which the office is to be 685
voted upon, or the amount provided for in section 3513.257 of 686
the Revised Code, whichever is less. 687

(K) When a person nominated as a candidate by a political party in a primary election or by nominating petition for an elective office for which candidates are nominated at a party primary election withdraws, dies, or is disqualified under section 3513.052 of the Revised Code prior to the general election, the appropriate committee of any other major political party or committee of five that has not nominated a candidate for that office, or whose nominee as a candidate for that office has withdrawn, died, or been disqualified without the vacancy so created having been filled, may, acting as in the case of a vacancy in a party nomination or nomination by petition as provided in divisions (A) to (F) of this section, whichever is appropriate, select a person as a candidate of that party or of that committee of five for election to the office.

(L) A certification of the name of a candidate for president or vice-president of the United States who has been selected to fill a ballot vacancy under this section shall be accompanied by the federal income tax returns required under section 3505.101 of the Revised Code.

Section 2. That existing sections 111.241, 3505.10, 3513.041, 3513.257, and 3513.31 of the Revised Code are hereby repealed.