

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 18**

**Representatives Pelanda, Retherford**

**Cosponsors: Representatives Wiggam, Keller, Blessing, Koehler, Becker, Hambley, McColley, Goodman, Huffman, Dean, Scherer, Dever, Faber, Riedel, Green, Young, Gavarone, Kick, Rezabek, Ginter, Greenspan, Anielski, Arndt, Ashford, Conditt, Duffey, Hughes, Ingram, Lipps, Manning, O'Brien, Patmon, Patton, Perales, Reineke, Roegner, Rogers, Romanchuk, Ryan, Schaffer, Seitz, Sheehy, Slaby, Smith, R., Sprague, Stein, Sweeney, Thompson, West**

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**A BILL**

To amend sections 3513.301 and 3513.312 of the Revised Code to eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances.

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

**Section 1.** That sections 3513.301 and 3513.312 of the Revised Code be amended to read as follows:

**Sec. 3513.301.** (A) Notwithstanding section 3513.30 of the Revised Code and except as otherwise provided in division (B)(2) of this section, if only one person has filed a valid declaration of candidacy for nomination as the candidate of a political party for the office of representative to congress and that person withdraws as a candidate or dies at any time before the primary election, a special election shall be held under

division (B) (1) of this section as soon as reasonably 16  
practicable to nominate the following: 17

(1) That party's candidate for congress; 18

(2) The candidate for congress of any other major 19  
political party under either of the following circumstances: 20

(a) No person has filed a valid declaration of candidacy 21  
for nomination as that party's candidate at the primary 22  
election. 23

(b) Only one person has filed a valid declaration of 24  
candidacy for nomination as that party's candidate at the 25  
primary election, that person has withdrawn or died, and the 26  
vacancy so created has not been filled. 27

~~(B) The~~ (1) Except as otherwise provided in division (B) 28  
(2) of this section, the boards of elections of all the counties 29  
contained in whole or in part within the congressional district 30  
for which a special election is being held under this section 31  
shall, ~~as soon as reasonably practicable,~~ conduct the special 32  
election on a date designated by the secretary of state and give 33  
notice of the time and places of holding the election as 34  
provided in section 3501.03 of the Revised Code. The election 35  
shall be held and conducted and returns of it made as in the 36  
case of a primary election, except that the secretary of state 37  
shall designate the deadline to file a declaration of candidacy 38  
or a declaration of intent to be a write-in candidate for the 39  
election. 40

(2) If, for each nomination to be made at the special 41  
election to be held under division (B) (1) of this section, only 42  
one person has filed a valid declaration of candidacy or no 43  
person has filed a valid declaration of candidacy, then no 44

special election shall be held. If no special election is held, 45  
then for each nomination for which only one person has filed a 46  
valid declaration of candidacy, the secretary of state, upon 47  
receiving certification of that fact from the board of elections 48  
of the most populous county of the congressional district, shall 49  
issue a certificate of nomination to the person and the person's 50  
name shall appear on the ballot as that party's candidate at the 51  
general election. 52

(C) The state shall pay all costs of any special election 53  
held under this section. 54

**Sec. 3513.312.** (A) Notwithstanding section 3513.31 of the 55  
Revised Code, if a person nominated in a primary election or 56  
nominated by petition under section 3517.012 of the Revised Code 57  
as a party candidate for the office of representative to 58  
congress for election at the next general election withdraws as 59  
such candidate prior to the ninetieth day before the day of such 60  
general election, or dies prior to the ninetieth day before the 61  
day of such general election, the vacancy in the party 62  
nomination so created shall be filled ~~by a special election held~~ 63  
in accordance with division (B) of this section as soon as 64  
reasonably practicable. 65

~~(B) The~~ (1) Except as otherwise provided in division (B) 66  
(2) of this section, the boards of elections of all the counties 67  
contained in whole or in part within the congressional district 68  
in which a vacancy occurs as described in division (A) of this 69  
section shall, ~~as soon as reasonably practicable,~~ conduct the 70  
special election on a date designated by the secretary of state 71  
and give notice of the time and places of holding such election 72  
as provided in section 3501.03 of the Revised Code. Such 73  
election shall be held and conducted and returns thereof made as 74

in the case of a primary election, except that the secretary of 75  
state shall designate the deadline to file a declaration of 76  
candidacy or a declaration of intent to be a write-in candidate 77  
for the election. 78

(2) If only one person has filed a valid declaration of 79  
candidacy for the special election to be held under division (B) 80  
(1) of this section, or if no person has filed a valid 81  
declaration of candidacy, then no special election shall be 82  
held. If one person has filed a valid declaration of candidacy, 83  
the secretary of state, upon receiving certification of that 84  
fact from the board of elections of the most populous county of 85  
the congressional district, shall issue a certificate of 86  
nomination to the person and the person's name shall appear on 87  
the ballot as that party's candidate at the general election. 88

(C) The state shall pay all costs of any special election 89  
held pursuant to this section. 90

**Section 2.** That existing sections 3513.301 and 3513.312 of 91  
the Revised Code are hereby repealed. 92