As Introduced

132nd General Assembly
Regular Session
2017-2018

H. B. No. 665

Representative Ramos
Cosponsors: Representatives Antonio, Hood

A BILL

To amend sections 705.32, 3501.01, 3501.17, 3505.33, 3505.34, 3505.35, 3505.36, 3505.37, 3513.22, and 3515.14 and to enact section 3505.331 of the Revised Code to require that if a tie occurs between candidates in an election, a special election be held to resolve the tie.

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

Section 1. That sections 705.32, 3501.01, 3501.17, 3505.33, 3505.34, 3505.35, 3505.36, 3505.37, 3513.22, and 3515.14 be amended and section 3505.331 of the Revised Code be enacted to read as follows:

Sec. 705.32. The candidates at the regular municipal election, equal in number to the places to be filled in each office, who received the highest number of votes, shall be declared elected. In case it cannot be determined which of two or more candidates shall be declared elected, by reason of the fact that they have received the same number of votes, the election authorities shall determine by lot which of said candidates shall be declared elected.
Sec. 3501.01. As used in the sections of the Revised Code relating to elections and political communications:

(A) "General election" means the election held on the first Tuesday after the first Monday in each November.

(B) "Regular municipal election" means the election held on the first Tuesday after the first Monday in November in each odd-numbered year.

(C) "Regular state election" means the election held on the first Tuesday after the first Monday in November in each even-numbered year.

(D) "Special election" means any election other than those elections defined in other divisions of this section. Except as otherwise provided in sections 3505.331 and 3521.03 of the Revised Code, a special election may be held only on the first Tuesday after the first Monday in May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of a primary election, except that in any year in which a presidential primary election is held, no special election shall be held in May, except as authorized by a municipal or county charter, but may be held on the second Tuesday after the first Monday in March.

(E)(1) "Primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties. Primary elections shall be held on the first Tuesday after the first Monday in May of each
(2) "Presidential primary election" means a primary election as defined by division (E)(1) of this section at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties pursuant to section 3513.12 of the Revised Code. Unless otherwise specified, presidential primary elections are included in references to primary elections. In years in which a presidential primary election is held, all primary elections shall be held on the second Tuesday after the first Monday in March except as otherwise authorized by a municipal or county charter.

(F) "Political party" means any group of voters meeting the requirements set forth in section 3517.01 of the Revised Code for the formation and existence of a political party.

(1) "Major political party" means any political party organized under the laws of this state whose candidate for governor or nominees for presidential electors received not less than twenty per cent of the total vote cast for such office at the most recent regular state election.

(2) "Minor political party" means any political party organized under the laws of this state that meets either of the following requirements:

(a) Except as otherwise provided in this division, the political party's candidate for governor or nominees for presidential electors received less than twenty per cent but not less than three per cent of the total vote cast for such office at the most recent regular state election. A political party
that meets the requirements of this division remains a political 77
party for a period of four years after meeting those 78
requirements.

(b) The political party has filed with the secretary of 80
state, subsequent to its failure to meet the requirements of 81
division (F)(2)(a) of this section, a petition that meets the 82
requirements of section 3517.01 of the Revised Code.

A newly formed political party shall be known as a minor 84
political party until the time of the first election for 85
governor or president which occurs not less than twelve months 86
subsequent to the formation of such party, after which election 87
the status of such party shall be determined by the vote for the 88
office of governor or president.

(G) "Dominant party in a precinct" or "dominant political 90
party in a precinct" means that political party whose candidate 91
for election to the office of governor at the most recent 92
regular state election at which a governor was elected received 93
more votes than any other person received for election to that 94
office in such precinct at such election.

(H) "Candidate" means any qualified person certified in 96
accordance with the provisions of the Revised Code for placement 97
on the official ballot of a primary, general, or special 98
election to be held in this state, or any qualified person who 99
claims to be a write-in candidate, or who knowingly assents to 100
being represented as a write-in candidate by another at either a 101
primary, general, or special election to be held in this state.

(I) "Independent candidate" means any candidate who claims 103
not to be affiliated with a political party, and whose name has 104
been certified on the office-type ballot at a general or special 105
election through the filing of a statement of candidacy and
nominating petition, as prescribed in section 3513.257 of the
Revised Code.

(J) "Nonpartisan candidate" means any candidate whose name
is required, pursuant to section 3505.04 of the Revised Code, to
be listed on the nonpartisan ballot, including all candidates
for judicial office, for member of any board of education, for
municipal or township offices in which primary elections are not
held for nominating candidates by political parties, and for
offices of municipal corporations having charters that provide
for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be
a member of a political party and who has been certified to
appear on the office-type ballot at a general or special
election as the nominee of a political party because the
candidate has won the primary election of the candidate's party
for the public office the candidate seeks, has been nominated
under section 3517.012, or is selected by party committee in
accordance with section 3513.31 of the Revised Code.

(L) "Officer of a political party" includes, but is not
limited to, any member, elected or appointed, of a controlling
committee, whether representing the territory of the state, a
district therein, a county, township, a city, a ward, a
precinct, or other territory, of a major or minor political
party.

(M) "Question or issue" means any question or issue
certified in accordance with the Revised Code for placement on
an official ballot at a general or special election to be held
in this state.
(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.

(O) "Voter" means an elector who votes at an election.

(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.

(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.

(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.

(T) "Political subdivision" means a county, township, city, village, or school district.

(U) "Election officer" or "election official" means any of the following:

(1) Secretary of state;

(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;

(3) Director of a board of elections;

(4) Deputy director of a board of elections;
(5) Member of a board of elections;

(6) Employees of a board of elections;

(7) Precinct election officials;

(8) Employees appointed by the boards of elections on a temporary or part-time basis.

(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.

(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.

(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental disabilities, the opportunities for
Ohioans with disabilities agency, and any other agency the
secretary of state designates. "Designated agency" does not
include public high schools and vocational schools, public
libraries, or the office of a county treasurer.

(Y) "National Voter Registration Act of 1993" means the
"National Voter Registration Act of 1993," 107 Stat. 77, 42

(Z) "Voting Rights Act of 1965" means the "Voting Rights

(AA) "Photo identification" means a document that meets
each of the following requirements:

(1) It shows the name of the individual to whom it was
issued, which shall conform to the name in the poll list or
signature pollbook.

(2) It shows the current address of the individual to whom
it was issued, which shall conform to the address in the poll
list or signature pollbook, except for a driver's license or a
state identification card issued under section 4507.50 of the
Revised Code, which may show either the current or former
address of the individual to whom it was issued, regardless of
whether that address conforms to the address in the poll list or
signature pollbook.

(3) It shows a photograph of the individual to whom it was
issued.

(4) It includes an expiration date that has not passed.

(5) It was issued by the government of the United States
or this state.

Sec. 3501.17. (A) The expenses of the board of elections
shall be paid from the county treasury, in pursuance of appropriations by the board of county commissioners, in the same manner as other county expenses are paid. If the board of county commissioners fails to appropriate an amount sufficient to provide for the necessary and proper expenses of the board of elections pertaining to the conduct of elections, the board of elections may apply to the court of common pleas within the county, which shall fix the amount necessary to be appropriated and the amount shall be appropriated. Payments shall be made upon vouchers of the board of elections certified to by its chairperson or acting chairperson and the director or deputy director, upon warrants of the county auditor.

The board of elections shall not incur any obligation involving the expenditure of money unless there are moneys sufficient in the funds appropriated therefor to meet the obligation. If the board of elections requests a transfer of funds from one of its appropriation items to another, the board of county commissioners shall adopt a resolution providing for the transfer except as otherwise provided in section 5705.40 of the Revised Code. The expenses of the board of elections shall be apportioned among the county and the various subdivisions as provided in this section, and the amount chargeable to each subdivision shall be paid as provided in division (J) of this section or withheld by the county auditor from the moneys payable thereto at the time of the next tax settlement. At the time of submitting budget estimates in each year, the board of elections shall submit to the taxing authority of each subdivision, upon the request of the subdivision, an estimate of the amount to be paid or withheld from the subdivision during the current or next fiscal year.

A board of township trustees may, by resolution, request
that the county auditor withhold expenses charged to the
township from a specified township fund that is to be credited
with revenue at a tax settlement. The resolution shall specify
the tax levy ballot issue, the date of the election on the levy
issue, and the township fund from which the expenses the board
of elections incurs related to that ballot issue shall be
withheld.

(B) Except as otherwise provided in division (F) of this
section, the compensation of the members of the board of
elections and of the director, deputy director, and regular
employees in the board's offices, other than compensation for
overtime worked; the expenditures for the rental, furnishing,
and equipping of the office of the board and for the necessary
office supplies for the use of the board; the expenditures for
the acquisition, repair, care, and custody of the polling
places, booths, guardrails, and other equipment for polling
places; the cost of tally sheets, maps, flags, ballot boxes, and
all other permanent records and equipment; the cost of all
elections held in and for the state and county; and all other
expenses of the board which are not chargeable to a political
subdivision in accordance with this section shall be paid in the
same manner as other county expenses are paid.

(C) The compensation of precinct election officials and
intermittent employees in the board's offices; the cost of
renting, moving, heating, and lighting polling places and of
placing and removing ballot boxes and other fixtures and
equipment thereof, including voting machines, marking devices,
and automatic tabulating equipment; the cost of printing and
delivering ballots, cards of instructions, registration lists
required under section 3503.23 of the Revised Code, and other
election supplies, including the supplies required to comply
with division (H) of section 3506.01 of the Revised Code; the cost of contractors engaged by the board to prepare, program, test, and operate voting machines, marking devices, and automatic tabulating equipment; and all other expenses of conducting primaries and elections in the odd-numbered years shall be charged to the subdivisions in and for which such primaries or elections are held. The charge for each primary or general election in odd-numbered years for each subdivision shall be determined in the following manner: first, the total cost of all chargeable items used in conducting such elections shall be ascertained; second, the total charge shall be divided by the number of precincts participating in such election, in order to fix the cost per precinct; third, the cost per precinct shall be prorated by the board of elections to the subdivisions conducting elections for the nomination or election of offices in such precinct; fourth, the total cost for each subdivision shall be determined by adding the charges prorated to it in each precinct within the subdivision.

(D) The entire cost of special elections held on a day other than the day of a primary or general election, both in odd-numbered or in even-numbered years, shall be charged to the subdivision. Where a special election is held on the same day as a primary or general election in an even-numbered year, the subdivision submitting the special election shall be charged only for the cost of ballots and advertising. Where a special election is held on the same day as a primary or general election in an odd-numbered year, the subdivision submitting the special election shall be charged for the cost of ballots and advertising for such special election, in addition to the charges prorated to such subdivision for the election or nomination of candidates in each precinct within the
subdivision, as set forth in the preceding paragraph.

(E) Where a special election is held on the day specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, for the purpose of submitting to the voters of the state constitutional amendments proposed by the general assembly or for the purpose of conducting a special election under section 3505.331 of the Revised Code, and a subdivision conducts a special election on the same day, the entire cost of the special election shall be divided proportionally between the state and the subdivision based upon a ratio determined by the number of issues or races placed on the ballot by each, except as otherwise provided in division (G) of this section. Such proportional division of cost shall be made only to the extent funds are available for such purpose from amounts appropriated by the general assembly to the secretary of state. If a primary election is also being conducted in the subdivision, the costs shall be apportioned as otherwise provided in this section.

(F) When a precinct is open during a general, primary, or special election solely for the purpose of submitting to the voters a statewide ballot issue or for the purpose of conducting a special election under section 3505.331 of the Revised Code, the state shall bear the entire cost of the election in that precinct and shall reimburse the county for all expenses incurred in opening the precinct.

(G)(1) The state shall bear the entire cost of advertising in newspapers statewide ballot issues, explanations of those issues, and arguments for or against those issues, as required by Section 1g of Article II and Section 1 of Article XVI, Ohio Constitution, and any other section of law. Appropriations made
to the controlling board shall be used to reimburse the  
secretary of state for all expenses the secretary of state  
incurs for such advertising under division (G) of section  
3505.062 of the Revised Code.

(2) There is hereby created in the state treasury the  
statewide ballot advertising fund. The fund shall receive  
transfers approved by the controlling board, and shall be used  
by the secretary of state to pay the costs of advertising state  
ballot issues as required under division (G)(1) of this section.  
Any such transfers may be requested from and approved by the  
controlling board prior to placing the advertising, in order to  
facilitate timely provision of the required advertising.

(H) The cost of renting, heating, and lighting  
registration places; the cost of the necessary books, forms, and  
supplies for the conduct of registration; and the cost of  
printing and posting precinct registration lists shall be  
charged to the subdivision in which such registration is held.

(I)(1)(a) At the request of a majority of the members of  
the board of elections, the board of county commissioners may,  
by resolution, establish an elections revenue fund. Except as  
otherwise provided in this division and in division (I)(2) of  
this section, the purpose of the fund shall be to accumulate  
revenue withheld by or paid to the county under this section for  
the payment of any expense related to the duties of the board of  
elections specified in section 3501.11 of the Revised Code, upon  
approval of a majority of the members of the board of elections.  
The fund shall not accumulate any revenue withheld by or paid to  
the county under this section for the compensation of the  
members of the board of elections or of the director, deputy  
director, or other regular employees in the board's offices,
other than compensation for overtime worked.

(b) Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the Revised Code, the board of county commissioners may, by resolution, transfer money to the elections revenue fund from any other fund of the political subdivision from which such payments lawfully may be made. Following an affirmative vote of a majority of the members of the board of elections, the board of county commissioners may, by resolution, rescind an elections revenue fund established under this division. If an elections revenue fund is rescinded, money that has accumulated in the fund shall be transferred to the county general fund.

(2)(a) The board of county commissioners of a county that receives a payment from a political subdivision under division (J) of this section shall, by resolution, establish a special elections fund. The purpose of the fund shall be to accumulate revenue paid to the county by political subdivisions under division (J) of this section for the cost of preparing for and conducting special elections.

(b) If both of the following apply, the board of county commissioners may, by resolution, rescind the special elections fund and transfer any remaining money in the fund to the county general fund or to the elections revenue fund:

(i) All notifications and payments required under division (J)(3) of this section have been made.

(ii) The county has not received any payments from political subdivisions under division (J)(2) of this section for a future special election.

(J)(1) Not less than fifteen business days before the deadline for submitting a question or issue for placement on the
ballot at a special election, the board of elections shall prepare and file with the board of county commissioners and the office of the secretary of state the estimated cost, based on the factors enumerated in this section, for preparing for and conducting an election on one question or issue, one nomination for office, or one election to office in each precinct in the county at that special election and shall divide that cost by the number of registered voters in the county.

(2) The board of elections shall provide to a political subdivision seeking to submit a question or issue, a nomination for office, or an election to office for placement on the ballot at a special election with the estimated cost for preparing for and conducting that election, which shall be calculated either by multiplying the number of registered voters in the political subdivision with the cost calculated under division (J)(1) of this section or by multiplying the cost per precinct with the number or precincts in the political subdivision. A political subdivision submitting a question or issue, a nomination for office, or an election to office for placement on the ballot at that special election shall pay to the county special elections fund sixty-five per cent of the estimated cost of the election not less than ten business days after the deadline for submitting a question or issue for placement on the ballot for that special election.

(3) Not later than sixty days after the date of a special election, the board of elections shall provide to each political subdivision the true and accurate cost for the question or issue, nomination for office, or election to office that the subdivision submitted to the voters on the special election ballots. If the board of elections determines that a subdivision paid less for the cost of preparing and conducting a special
election under division (J)(2) of this section than the actual cost calculated under this division, the subdivision shall remit to the county special elections fund the difference between the payment made under division (J)(2) of this section and the final cost calculated under this division within thirty days after being notified of the final cost. If the board of elections determines that a subdivision paid more for the cost of preparing and conducting a special election under division (J)(2) of this section than the actual cost calculated under this division, the board of elections promptly shall notify the board of county commissioners of that difference. The board of county commissioners shall remit from the county special elections fund to the political subdivision the difference between the payment made under division (J)(2) of this section and the final cost calculated under this division within thirty days after receiving that notification.

(K) As used in this section:

(1) "Political subdivision" and "subdivision" mean any board of county commissioners, board of township trustees, legislative authority of a municipal corporation, board of education, or any other board, commission, district, or authority that is empowered to levy taxes or permitted to receive the proceeds of a tax levy, regardless of whether the entity receives tax settlement moneys as described in division (A) of this section;

(2) "Statewide ballot issue" means any ballot issue, whether proposed by the general assembly or by initiative or referendum, that is submitted to the voters throughout the state.

Sec. 3505.33. When the board of elections has completed
the canvass of the election returns from the precincts in its county, in which electors were entitled to vote at any general or special election, it shall determine and declare the results of the elections determined by the electors of such county or of a district or subdivision within such county. If more than the number of candidates to be elected to an office received the largest and an equal number of votes, such tie shall be resolved by lot by the chairman of the board in the presence of a majority of the members of the board. Such declaration shall be in writing and shall be signed by at least a majority of the members of the board. It shall bear the date of the day upon which it is made, and a copy thereof shall be posted by the board in a conspicuous place in its office. The board shall keep such copy posted for a period of at least five days.

If more than the number of candidates to be elected to an office received the largest and an equal number of votes, the board shall notify the governor of that fact and shall hold a special election in accordance with section 3505.331 of the Revised Code.

Thereupon the board shall promptly certify abstracts of the results of such elections within its county, in such forms as the secretary of state prescribes. Such forms shall be designated and shall contain abstracts as follows:

Form No. 1. An abstract of the votes cast for the office of president and vice-president of the United States.

Form No. 2. An abstract of the votes cast for the office of governor and lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, chief justice of the supreme court of Ohio, judge of the supreme court of Ohio, member of the senate of the congress of the United States,
member at large of the house of representatives of the congress
of the United States, district member of the house of
representatives of the congress of the United States, and an
abstract of the votes cast upon each question or issue submitted
at such election to electors throughout the entire state.

Form No. 3. An abstract of the votes cast for the office
of member of the senate of the general assembly, and member of
the house of representatives of the general assembly.

Form No. 4. A report of the votes cast for the office of
member of the state board of education, judge of the court of
appeals, judge of the court of common pleas, judge of the
probate court, county commissioner, county auditor, prosecuting
attorney, clerk of the court of common pleas, sheriff, county
recorder, county treasurer, county engineer, and coroner.

Form No. 5. A report of the votes cast upon all questions
and issues other than such questions and issues which were
submitted to electors throughout the entire state.

Form No. 6. A report of the votes cast for municipal
offices, township offices, and the office of member of a board
of education.

One copy of each of these forms shall be kept in the
office of the board. One copy of each of these forms shall
promptly be sent to the secretary of state, who shall place the
records contained in forms No. 1, No. 2, and No. 3 in electronic
format. One copy of Form No. 2 shall promptly be mailed to the
president of the senate of the general assembly at his president's office in the statehouse. The board shall also at
once upon completion of the official count send a certified copy
of that part of each of the forms which pertains to an election
in which only electors of a district comprised of more than one county but less than all of the counties of the state voted to the board of the most populous county in such district. It shall also at once upon completion of the official count send a certified copy of that part of each of the forms which pertains to an election in which only electors of a subdivision located partly within the county voted to the board of the county in which the major portion of the population of such subdivision is located.

If, after certifying and sending abstracts and parts thereof, a board finds that any such abstract or part thereof is incorrect, it shall promptly prepare, certify, and send a corrected abstract or part thereof to take the place of each incorrect abstract or part thereof theretofore certified and sent.

Sec. 3505.331. (A) If more than the number of candidates to be nominated at a primary election or to be elected to an office receive the largest and an equal number of votes, then no candidate shall have been nominated or elected, and the tie shall be resolved by holding a special election in accordance with this section. Until the results of the special election are declared, the office shall be considered vacant.

(B) The governor shall issue a writ of election to the secretary of state or the board or boards of elections, as applicable, directing that a special election be held to resolve the tie on a day specified in the writ, provided that the special election shall be held not later than the next day on which a primary, special, or general election may be held. The board or boards of elections, as applicable, shall give notice of the election in accordance with section 3501.03 of the
Revised Code, and the election shall be held in the same manner as a regularly scheduled primary or general election, as applicable. The names of the candidates who received the largest and an equal number of votes shall appear on the ballot, but the name of no other candidate shall appear on the ballot for that nomination or office.

(C)(1) If a candidate certified to appear on the ballot at a special election held under this section dies, withdraws, or is disqualified before the day of the special election, and the remaining number of candidates does not exceed the number of candidates to be nominated or elected, then no special election shall be held, and the remaining candidates shall be declared nominated or elected, as applicable.

(2) If a candidate certified to appear on the ballot at a special election held under this section dies, withdraws, or is disqualified before the day of the special election, and the remaining number of candidates exceeds the number of candidates to be nominated or elected, then the special election shall be held, the ballot vacancy shall not be filled, and the board of elections shall post a notice at each polling location on the day of the election, and shall enclose with each absent voter's ballot given or mailed after the candidate withdraws, dies, or is disqualified, a notice that votes for that candidate will be void and will not be counted. If the name of that candidate is not removed from the ballots before the day of the special election, any votes for that candidate are void and shall not be counted.

(3) If a candidate who appears on the ballot at a special election held under this section dies, withdraws, or is disqualified on or after the day of the special election, and
the remaining number of candidates does not exceed the number of candidates to be nominated or elected, then the remaining candidate or candidates shall be declared nominated or elected, as applicable.

(4) If a candidate who appears on the ballot at a special election held under this section dies, withdraws, or is disqualified on or after the day of the special election, and the remaining number of candidates exceeds the number of candidates to be nominated or elected, then any votes cast for the candidate who died, withdrew, or was disqualified are void and shall not be counted.

(D) The state shall bear the entire cost of a special election conducted under this section.

Sec. 3505.34. During the first week of the regular session of the general assembly following a regular state election, the president of the senate, in the presence of a majority of the members of each house of the general assembly, shall open, announce, and canvass the abstracts of the votes cast for the offices of governor and lieutenant governor, secretary of state, auditor of state, treasurer of state, and attorney general, as contained in the Form No. 2 sent to the president of the senate as required by section 3505.33 of the Revised Code, and shall determine and declare the results of such election for such offices. The joint candidates for governor and lieutenant governor and the candidate for each other office who received the largest number of votes shall be declared elected to such office. If two or more candidates for election to the same office, or two or more sets of joint candidates for governor and lieutenant governor, receive the largest and an equal number of votes, one of them, or one set of joint candidates for governor
and lieutenant governor, shall be declared elected to such office by a majority of the votes of all of the members of the president of the senate and the house of representatives of the general assembly shall notify the governor of that fact and shall require the secretary of state to order the boards of elections to conduct a special election in accordance with section 3505.331 of the Revised Code. If said Form No. 2 has not at such time been received by the president of the senate from the board of elections of any county, the secretary of state, upon request of the president of the senate, shall furnish to him the president of the senate such copies of said Form No. 2 as have not been received by him the president of the senate. When said canvass has been completed and the results of the election declared, the president of the senate shall certify to the secretary of state the names of the persons declared elected together with the title of the office to which each has been elected, and from such certification the secretary of state shall issue a certificate of election to the officials declared elected and so certified to the secretary of state. Thereupon the governor shall forthwith issue a commission to each of the persons elected to such offices upon the payment to the secretary of state of the fee required by section 107.06 of the Revised Code.

Sec. 3505.35. When the secretary of state has received from the board of elections of every county in the state Form No. 2, as provided for in section 3505.33 of the Revised Code, the secretary of state shall promptly fix the time and place for the canvass of such abstracts, and the time fixed shall not be later than ten days after such abstracts have been received by the secretary of state from all counties. The secretary of state shall notify the governor, auditor of state, attorney general,
and the chairperson of the state central committee of each political party of the time and place fixed. At such time and in the presence of such of the persons so notified who attend, the secretary of state shall canvass the abstracts contained in said Form No. 2 and shall determine and declare the results of all elections in which electors throughout the entire state voted. If two or more candidates for election to the same office, or two or more sets of joint candidates for governor and lieutenant governor, receive the largest and an equal number of votes, such tie shall be resolved by lot by the secretary of state. Such declaration of results by the secretary of state shall be in writing and shall be signed by the secretary of state. It shall bear the date of the day upon which it is made, and a copy thereof shall be posted by the secretary of state in a conspicuous place in his office. The secretary of state shall keep such copy posted for a period of at least five days.

If two or more candidates for election to the same office, other than candidates for the offices of governor and lieutenant governor, secretary of state, auditor of state, treasurer of state, and attorney general, receive the largest and an equal number of votes, the secretary of state shall notify the governor of that fact and shall order the boards of elections to conduct a special election in accordance with section 3505.331 of the Revised Code.

Such declaration of results made by the secretary of state, insofar as it pertains to the offices of governor and lieutenant governor, secretary of state, auditor of state, treasurer of state, and attorney general, is only for the purpose of fixing the time of the commencement of the period of time within which applications for recounts of votes may be
filed as provided by section 3515.02 of the Revised Code. If two or more candidates or joint candidates for those offices receive the largest and an equal number of votes, the secretary of state shall note that fact in the declaration of results.

Sec. 3505.36. When the board of elections of the most populous county of a district comprised of more than one county but less than all of the counties of the state has received from the board of every county in such district certified copies of parts of abstracts pertaining to an election in which only the electors of such district voted, such board shall canvass such parts of abstracts and determine and declare the results of the elections determined by the electors of such district. If more than the number of candidates to be elected to an office receive the largest number and an equal number of votes, such tie shall be resolved by lot by the chairman of such board in the presence of all of the members of such board. Such declaration of results by such board shall be in writing and shall be signed by at least a majority of the members of such board. It shall bear the date of the day upon which it was made, and a copy thereof shall be posted by the board in a conspicuous place in its office. The board shall keep such copy posted for a period of at least five days.

If more than the number of candidates to be elected to an office receive the largest number and an equal number of votes, the boards of elections of the counties in which the district has territory shall notify the governor of that fact and shall hold a special election in accordance with section 3505.331 of the Revised Code.

Sec. 3505.37. When the board of elections of a county in which the major portion of the population of a subdivision
located in more than one county is located receives from the boards of each county in which other portions of such subdivision are located parts of abstracts pertaining to an election in which only the electors of such subdivision voted, such board shall canvass such parts of abstracts and determine and declare the results of the elections determined by the electors of such subdivision. **If more than the number of candidates to be elected to an office receive the largest number and an equal number of votes, such tie shall be resolved by lot by the chairman of such board in the presence of a majority of the members of such board.** Such declaration of results by such board shall be in writing and shall be signed by at least a majority of the members of such board. It shall bear the date of the day upon which it is made, and a copy thereof shall be posted by such board in a conspicuous place in its office. The board shall keep such copy posted for a period of at least five days.

**If more than the number of candidates to be elected to an office receive the largest number and an equal number of votes, the boards of elections of the counties in which the political subdivision has territory shall notify the governor of that fact and shall hold a special election in accordance with section 3505.331 of the Revised Code.**

**Sec. 3513.22. (A)** Not earlier than the eleventh day or later than the fifteenth day after a primary election, the board of elections shall begin to canvass the election returns from the precincts in which electors were entitled to vote at that election and shall continue the canvass daily until it is completed.

The board shall complete the canvass not later than the
twenty-first day after the day of the election. Eighty-one days after the day of the election, the canvass of election returns shall be deemed final, and no amendments to the canvass may be made after that date. The secretary of state may specify an earlier date upon which the canvass of election returns shall be deemed final, and after which amendments to the final canvass may not be made, if so required by federal law.

(B) The county executive committee of each political party that participated in the election, and each committee designated in a petition to represent the petitioners pursuant to which a question or issue was submitted at the election, may designate a qualified elector who may be present at and may observe the making of the canvass. Each person for whom votes were cast in the election may also be present at and observe the making of the canvass.

(C) When the canvass of the election returns from all of the precincts in the county in which electors were entitled to vote at the election has been completed, the board shall determine and declare the results of the elections determined by the electors of the county or of a district or subdivision within the county. If more than the number of persons to be nominated for or elected to an office received the largest and an equal number of votes, the tie shall be resolved by lot by the chairperson of the board in the presence of a majority of the members of the board. The declaration shall be in writing and shall be signed by at least a majority of the members of the board. It shall bear the date of the day upon which it is made, and a copy of it shall be posted by the board in a conspicuous place in its office. The board shall keep the copy posted for a period of at least five days.
If more than the number of persons to be nominated for or elected to an office received the largest and an equal number of votes, the board shall notify the governor of that fact and shall hold a special election in accordance with section 3505.331 of the Revised Code.

The board shall promptly certify abstracts of the results of the elections within its county upon forms the secretary of state prescribes. One certified copy of each abstract shall be kept in the office of the board, and one certified copy of each abstract shall promptly be sent to the secretary of state. The board shall also promptly send a certified copy of that part of an abstract that pertains to an election in which only electors of a district comprised of more than one county but less than all of the counties of the state voted to the board of the most populous county in the district. It shall also promptly send a certified copy of that part of an abstract that pertains to an election in which only electors of a subdivision located partly within the county voted to the board of the county in which the major portion of the population of the subdivision is located.

If, after certifying and sending abstracts and parts of abstracts, a board finds that any abstract or part of any abstract is incorrect, it shall promptly prepare, certify, and send a corrected abstract or part of an abstract to take the place of each incorrect abstract or part of an abstract previously certified and sent.

(D)(1) When certified copies of abstracts are received by the secretary of state, the secretary of state shall canvass those abstracts and determine and declare the results of all elections in which electors throughout the entire state voted.

If more than the number of persons to be nominated for or
elected to an office received the largest and an equal number of votes, the tie shall be resolved by lot by the secretary of state in the presence of the governor, the auditor of state, and the attorney general, who at the request of the secretary of state shall assemble to witness the drawing of the lot. The declaration of results by the secretary of state shall be in writing and shall be signed by the secretary of state. It shall bear the date of the day upon which it is made, and a copy of it shall be posted by the secretary of state in a conspicuous place in the secretary of state's office. The secretary of state shall keep the copy posted for a period of at least five days.

(2) When certified copies of parts of abstracts are received by the board of the most populous county in a district from the boards of all of the counties in the district, the board receiving those abstracts shall canvass them and determine and declare the results of the elections in which only electors of the district voted. If more than the number of persons to be nominated for or elected to an office received the largest and equal number of votes, the tie shall be resolved by lot by the chairperson of the board in the presence of a majority of the members of the board. The declaration of results by the board shall be in writing and shall be signed by at least a majority of the members of the board. It shall bear the date of the day upon which it is made, and a copy of it shall be posted by the board in a conspicuous place in its office. The board shall keep the copy posted for a period of at least five days.

(3) When certified copies of parts of abstracts are received by the board of a county in which the major portion of the population of a subdivision located in more than one county is located from the boards of each county in which other portions of that subdivision are located, the board receiving
those abstracts shall canvass them and determine and declare the results of the elections in which only electors of that subdivision voted. If more than the number of persons to be nominated for or elected to an office received the largest and an equal number of votes, the tie shall be resolved by lot by the chairperson of the board in the presence of a majority of the members of the board. The declaration of results by the board shall be in writing and shall be signed by at least a majority of the members of the board. It shall bear the date of the day upon which it is made, and a copy of it shall be posted by the board in a conspicuous place in its office. The board shall keep the copy posted for a period of at least five days.

(E) Election officials, who are required to declare the results of primary elections, shall issue to each person declared nominated for or elected to an office, an appropriate certificate of nomination or election, provided that the boards required to determine and declare the results of the elections for candidates for nomination to the office of representative to congress from a congressional district shall, in lieu of issuing a certificate of nomination, certify to the secretary of state the names of the candidates nominated, and the secretary of state, upon receipt of that certification, shall issue a certificate of nomination to each person whose name is so certified. Certificates of nomination or election issued by boards to candidates and certifications to the secretary of state shall not be issued before the expiration of the time within which applications for recounts of votes may be filed or before recounts of votes, which have been applied for, are completed.

Sec. 3515.14. Upon completion of the trial of a contest of election, the court shall pronounce judgment as to which
candidate was nominated or elected or whether the issue was approved or rejected by the voters; except that in the case of the contest of election of a member of the general assembly such judgment shall not be pronounced by the court but a transcript of all testimony taken and all evidence adduced in such contest shall be filed with the clerk or executive secretary chief executive officer of the branch of the legislative body to which the contestee was declared elected, which shall determine the election and qualification of its own members.

Any person declared nominated or elected by the court shall be entitled to his certificate of nomination or election. A certified copy of the order of such court constitutes such certificate. If the judgment is against the contestee or incumbent and he the contestee or incumbent has already received a certificate of nomination or election, the judgment of the court shall work a cancellation of such certificate.

If the court decides that the election resulted in a tie vote, such decision shall be certified to the board of elections having jurisdiction and said board shall publicly determine by lot which of such persons shall be declared elected notify the governor of that fact and hold a special election in accordance with section 3505.331 of the Revised Code. If the court finds that no person was elected, the judgment shall be that the election be set aside.

Section 2. That existing sections 705.32, 3501.01, 3501.17, 3505.33, 3505.34, 3505.35, 3505.36, 3505.37, 3513.22, and 3515.14 of the Revised Code are hereby repealed.

Section 3. Section 3501.01 of the Revised Code is presented in this act as a composite of the section as amended
by both Am. Sub. H.B. 64 and Am. H.B. 153 of the 131st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.