

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 665

Representative Ramos

Cosponsors: Representatives Antonio, Hood

A BILL

To amend sections 705.32, 3501.01, 3501.17, 1
3505.33, 3505.34, 3505.35, 3505.36, 3505.37, 2
3513.22, and 3515.14 and to enact section 3
3505.331 of the Revised Code to require that if 4
a tie occurs between candidates in an election, 5
a special election be held to resolve the tie. 6

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

Section 1. That sections 705.32, 3501.01, 3501.17, 7
3505.33, 3505.34, 3505.35, 3505.36, 3505.37, 3513.22, and 8
3515.14 be amended and section 3505.331 of the Revised Code be 9
enacted to read as follows: 10

Sec. 705.32. The candidates at the regular municipal 11
election, equal in number to the places to be filled in each 12
office, who received the highest number of votes, shall be 13
declared elected. In case it cannot be determined which of two 14
or more candidates shall be declared elected, by reason of the 15
fact that they have received the same number of votes, the 16
election authorities shall ~~determine by lot which of said~~ 17
~~candidates shall be declared elected~~ hold a special election in 18

accordance with section 3505.331 of the Revised Code. 19

Sec. 3501.01. As used in the sections of the Revised Code 20
relating to elections and political communications: 21

(A) "General election" means the election held on the 22
first Tuesday after the first Monday in each November. 23

(B) "Regular municipal election" means the election held 24
on the first Tuesday after the first Monday in November in each 25
odd-numbered year. 26

(C) "Regular state election" means the election held on 27
the first Tuesday after the first Monday in November in each 28
even-numbered year. 29

(D) "Special election" means any election other than those 30
elections defined in other divisions of this section. ~~A-Except~~ 31
as otherwise provided in sections 3505.331 and 3521.03 of the 32
Revised Code, a special election may be held only on the first 33
Tuesday after the first Monday in May, August, or November, or 34
on the day authorized by a particular municipal or county 35
charter for the holding of a primary election, except that in 36
any year in which a presidential primary election is held, no 37
special election shall be held in May, except as authorized by a 38
municipal or county charter, but may be held on the second 39
Tuesday after the first Monday in March. 40

(E) (1) "Primary" or "primary election" means an election 41
held for the purpose of nominating persons as candidates of 42
political parties for election to offices, and for the purpose 43
of electing persons as members of the controlling committees of 44
political parties and as delegates and alternates to the 45
conventions of political parties. Primary elections shall be 46
held on the first Tuesday after the first Monday in May of each 47

year except in years in which a presidential primary election is held. 48
49

(2) "Presidential primary election" means a primary 50
election as defined by division (E)(1) of this section at which 51
an election is held for the purpose of choosing delegates and 52
alternates to the national conventions of the major political 53
parties pursuant to section 3513.12 of the Revised Code. Unless 54
otherwise specified, presidential primary elections are included 55
in references to primary elections. In years in which a 56
presidential primary election is held, all primary elections 57
shall be held on the second Tuesday after the first Monday in 58
March except as otherwise authorized by a municipal or county 59
charter. 60

(F) "Political party" means any group of voters meeting 61
the requirements set forth in section 3517.01 of the Revised 62
Code for the formation and existence of a political party. 63

(1) "Major political party" means any political party 64
organized under the laws of this state whose candidate for 65
governor or nominees for presidential electors received not less 66
than twenty per cent of the total vote cast for such office at 67
the most recent regular state election. 68

(2) "Minor political party" means any political party 69
organized under the laws of this state that meets either of the 70
following requirements: 71

(a) Except as otherwise provided in this division, the 72
political party's candidate for governor or nominees for 73
presidential electors received less than twenty per cent but not 74
less than three per cent of the total vote cast for such office 75
at the most recent regular state election. A political party 76

that meets the requirements of this division remains a political 77
party for a period of four years after meeting those 78
requirements. 79

(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. 83

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. 89

(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. 95

(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. 102

(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 106
nominating petition, as prescribed in section 3513.257 of the 107
Revised Code. 108

(J) "Nonpartisan candidate" means any candidate whose name 109
is required, pursuant to section 3505.04 of the Revised Code, to 110
be listed on the nonpartisan ballot, including all candidates 111
for judicial office, for member of any board of education, for 112
municipal or township offices in which primary elections are not 113
held for nominating candidates by political parties, and for 114
offices of municipal corporations having charters that provide 115
for separate ballots for elections for these offices. 116

(K) "Party candidate" means any candidate who claims to be 117
a member of a political party and who has been certified to 118
appear on the office-type ballot at a general or special 119
election as the nominee of a political party because the 120
candidate has won the primary election of the candidate's party 121
for the public office the candidate seeks, has been nominated 122
under section 3517.012, or is selected by party committee in 123
accordance with section 3513.31 of the Revised Code. 124

(L) "Officer of a political party" includes, but is not 125
limited to, any member, elected or appointed, of a controlling 126
committee, whether representing the territory of the state, a 127
district therein, a county, township, a city, a ward, a 128
precinct, or other territory, of a major or minor political 129
party. 130

(M) "Question or issue" means any question or issue 131
certified in accordance with the Revised Code for placement on 132
an official ballot at a general or special election to be held 133
in this state. 134

(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.	135 136
(O) "Voter" means an elector who votes at an election.	137
(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.	138 139 140
(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.	141 142 143 144
(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.	145 146 147
(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.	148 149 150
(T) "Political subdivision" means a county, township, city, village, or school district.	151 152
(U) "Election officer" or "election official" means any of the following:	153 154
(1) Secretary of state;	155
(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;	156 157 158 159
(3) Director of a board of elections;	160
(4) Deputy director of a board of elections;	161

(5) Member of a board of elections;	162
(6) Employees of a board of elections;	163
(7) Precinct election officials;	164
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	165 166
(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.	167 168 169 170 171 172 173
(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.	174 175 176 177
(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	178 179 180 181 182 183 184 185 186 187 188 189 190

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 U.S.C.A. 1973gg.

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.

(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 219
appropriations by the board of county commissioners, in the same 220
manner as other county expenses are paid. If the board of county 221
commissioners fails to appropriate an amount sufficient to 222
provide for the necessary and proper expenses of the board of 223
elections pertaining to the conduct of elections, the board of 224
elections may apply to the court of common pleas within the 225
county, which shall fix the amount necessary to be appropriated 226
and the amount shall be appropriated. Payments shall be made 227
upon vouchers of the board of elections certified to by its 228
chairperson or acting chairperson and the director or deputy 229
director, upon warrants of the county auditor. 230

The board of elections shall not incur any obligation 231
involving the expenditure of money unless there are moneys 232
sufficient in the funds appropriated therefor to meet the 233
obligation. If the board of elections requests a transfer of 234
funds from one of its appropriation items to another, the board 235
of county commissioners shall adopt a resolution providing for 236
the transfer except as otherwise provided in section 5705.40 of 237
the Revised Code. The expenses of the board of elections shall 238
be apportioned among the county and the various subdivisions as 239
provided in this section, and the amount chargeable to each 240
subdivision shall be paid as provided in division (J) of this 241
section or withheld by the county auditor from the moneys 242
payable thereto at the time of the next tax settlement. At the 243
time of submitting budget estimates in each year, the board of 244
elections shall submit to the taxing authority of each 245
subdivision, upon the request of the subdivision, an estimate of 246
the amount to be paid or withheld from the subdivision during 247
the current or next fiscal year. 248

A board of township trustees may, by resolution, request 249

that the county auditor withhold expenses charged to the 250
township from a specified township fund that is to be credited 251
with revenue at a tax settlement. The resolution shall specify 252
the tax levy ballot issue, the date of the election on the levy 253
issue, and the township fund from which the expenses the board 254
of elections incurs related to that ballot issue shall be 255
withheld. 256

(B) Except as otherwise provided in division (F) of this 257
section, the compensation of the members of the board of 258
elections and of the director, deputy director, and regular 259
employees in the board's offices, other than compensation for 260
overtime worked; the expenditures for the rental, furnishing, 261
and equipping of the office of the board and for the necessary 262
office supplies for the use of the board; the expenditures for 263
the acquisition, repair, care, and custody of the polling 264
places, booths, guardrails, and other equipment for polling 265
places; the cost of tally sheets, maps, flags, ballot boxes, and 266
all other permanent records and equipment; the cost of all 267
elections held in and for the state and county; and all other 268
expenses of the board which are not chargeable to a political 269
subdivision in accordance with this section shall be paid in the 270
same manner as other county expenses are paid. 271

(C) The compensation of precinct election officials and 272
intermittent employees in the board's offices; the cost of 273
renting, moving, heating, and lighting polling places and of 274
placing and removing ballot boxes and other fixtures and 275
equipment thereof, including voting machines, marking devices, 276
and automatic tabulating equipment; the cost of printing and 277
delivering ballots, cards of instructions, registration lists 278
required under section 3503.23 of the Revised Code, and other 279
election supplies, including the supplies required to comply 280

with division (H) of section 3506.01 of the Revised Code; the 281
cost of contractors engaged by the board to prepare, program, 282
test, and operate voting machines, marking devices, and 283
automatic tabulating equipment; and all other expenses of 284
conducting primaries and elections in the odd-numbered years 285
shall be charged to the subdivisions in and for which such 286
primaries or elections are held. The charge for each primary or 287
general election in odd-numbered years for each subdivision 288
shall be determined in the following manner: first, the total 289
cost of all chargeable items used in conducting such elections 290
shall be ascertained; second, the total charge shall be divided 291
by the number of precincts participating in such election, in 292
order to fix the cost per precinct; third, the cost per precinct 293
shall be prorated by the board of elections to the subdivisions 294
conducting elections for the nomination or election of offices 295
in such precinct; fourth, the total cost for each subdivision 296
shall be determined by adding the charges prorated to it in each 297
precinct within the subdivision. 298

(D) The entire cost of special elections held on a day 299
other than the day of a primary or general election, both in 300
odd-numbered or in even-numbered years, shall be charged to the 301
subdivision. Where a special election is held on the same day as 302
a primary or general election in an even-numbered year, the 303
subdivision submitting the special election shall be charged 304
only for the cost of ballots and advertising. Where a special 305
election is held on the same day as a primary or general 306
election in an odd-numbered year, the subdivision submitting the 307
special election shall be charged for the cost of ballots and 308
advertising for such special election, in addition to the 309
charges prorated to such subdivision for the election or 310
nomination of candidates in each precinct within the 311

subdivision, as set forth in the preceding paragraph. 312

(E) Where a special election is held on the day specified 313
by division (E) of section 3501.01 of the Revised Code for the 314
holding of a primary election, for the purpose of submitting to 315
the voters of the state constitutional amendments proposed by 316
the general assembly or for the purpose of conducting a special 317
election under section 3505.331 of the Revised Code, and a 318
subdivision conducts a special election on the same day, the 319
entire cost of the special election shall be divided 320
proportionally between the state and the subdivision based upon 321
a ratio determined by the number of issues or races placed on 322
the ballot by each, except as otherwise provided in division (G) 323
of this section. Such proportional division of cost shall be 324
made only to the extent funds are available for such purpose 325
from amounts appropriated by the general assembly to the 326
secretary of state. If a primary election is also being 327
conducted in the subdivision, the costs shall be apportioned as 328
otherwise provided in this section. 329

(F) When a precinct is open during a general, primary, or 330
special election solely for the purpose of submitting to the 331
voters a statewide ballot issue or for the purpose of conducting 332
a special election under section 3505.331 of the Revised Code, 333
the state shall bear the entire cost of the election in that 334
precinct and shall reimburse the county for all expenses 335
incurred in opening the precinct. 336

(G) (1) The state shall bear the entire cost of advertising 337
in newspapers statewide ballot issues, explanations of those 338
issues, and arguments for or against those issues, as required 339
by Section 1g of Article II and Section 1 of Article XVI, Ohio 340
Constitution, and any other section of law. Appropriations made 341

to the controlling board shall be used to reimburse the 342
secretary of state for all expenses the secretary of state 343
incurs for such advertising under division (G) of section 344
3505.062 of the Revised Code. 345

(2) There is hereby created in the state treasury the 346
statewide ballot advertising fund. The fund shall receive 347
transfers approved by the controlling board, and shall be used 348
by the secretary of state to pay the costs of advertising state 349
ballot issues as required under division (G)(1) of this section. 350
Any such transfers may be requested from and approved by the 351
controlling board prior to placing the advertising, in order to 352
facilitate timely provision of the required advertising. 353

(H) The cost of renting, heating, and lighting 354
registration places; the cost of the necessary books, forms, and 355
supplies for the conduct of registration; and the cost of 356
printing and posting precinct registration lists shall be 357
charged to the subdivision in which such registration is held. 358

(I)(1)(a) At the request of a majority of the members of 359
the board of elections, the board of county commissioners may, 360
by resolution, establish an elections revenue fund. Except as 361
otherwise provided in this division and in division (I)(2) of 362
this section, the purpose of the fund shall be to accumulate 363
revenue withheld by or paid to the county under this section for 364
the payment of any expense related to the duties of the board of 365
elections specified in section 3501.11 of the Revised Code, upon 366
approval of a majority of the members of the board of elections. 367
The fund shall not accumulate any revenue withheld by or paid to 368
the county under this section for the compensation of the 369
members of the board of elections or of the director, deputy 370
director, or other regular employees in the board's offices, 371

other than compensation for overtime worked. 372

(b) Notwithstanding sections 5705.14, 5705.15, and 5705.16 373
of the Revised Code, the board of county commissioners may, by 374
resolution, transfer money to the elections revenue fund from 375
any other fund of the political subdivision from which such 376
payments lawfully may be made. Following an affirmative vote of 377
a majority of the members of the board of elections, the board 378
of county commissioners may, by resolution, rescind an elections 379
revenue fund established under this division. If an elections 380
revenue fund is rescinded, money that has accumulated in the 381
fund shall be transferred to the county general fund. 382

(2) (a) The board of county commissioners of a county that 383
receives a payment from a political subdivision under division 384
(J) of this section shall, by resolution, establish a special 385
elections fund. The purpose of the fund shall be to accumulate 386
revenue paid to the county by political subdivisions under 387
division (J) of this section for the cost of preparing for and 388
conducting special elections. 389

(b) If both of the following apply, the board of county 390
commissioners may, by resolution, rescind the special elections 391
fund and transfer any remaining money in the fund to the county 392
general fund or to the elections revenue fund: 393

(i) All notifications and payments required under division 394
(J) (3) of this section have been made. 395

(ii) The county has not received any payments from 396
political subdivisions under division (J) (2) of this section for 397
a future special election. 398

(J) (1) Not less than fifteen business days before the 399
deadline for submitting a question or issue for placement on the 400

ballot at a special election, the board of elections shall 401
prepare and file with the board of county commissioners and the 402
office of the secretary of state the estimated cost, based on 403
the factors enumerated in this section, for preparing for and 404
conducting an election on one question or issue, one nomination 405
for office, or one election to office in each precinct in the 406
county at that special election and shall divide that cost by 407
the number of registered voters in the county. 408

(2) The board of elections shall provide to a political 409
subdivision seeking to submit a question or issue, a nomination 410
for office, or an election to office for placement on the ballot 411
at a special election with the estimated cost for preparing for 412
and conducting that election, which shall be calculated either 413
by multiplying the number of registered voters in the political 414
subdivision with the cost calculated under division (J) (1) of 415
this section or by multiplying the cost per precinct with the 416
number or precincts in the political subdivision. A political 417
subdivision submitting a question or issue, a nomination for 418
office, or an election to office for placement on the ballot at 419
that special election shall pay to the county special elections 420
fund sixty-five per cent of the estimated cost of the election 421
not less than ten business days after the deadline for 422
submitting a question or issue for placement on the ballot for 423
that special election. 424

(3) Not later than sixty days after the date of a special 425
election, the board of elections shall provide to each political 426
subdivision the true and accurate cost for the question or 427
issue, nomination for office, or election to office that the 428
subdivision submitted to the voters on the special election 429
ballots. If the board of elections determines that a subdivision 430
paid less for the cost of preparing and conducting a special 431

election under division (J) (2) of this section than the actual 432
cost calculated under this division, the subdivision shall remit 433
to the county special elections fund the difference between the 434
payment made under division (J) (2) of this section and the final 435
cost calculated under this division within thirty days after 436
being notified of the final cost. If the board of elections 437
determines that a subdivision paid more for the cost of 438
preparing and conducting a special election under division (J) 439
(2) of this section than the actual cost calculated under this 440
division, the board of elections promptly shall notify the board 441
of county commissioners of that difference. The board of county 442
commissioners shall remit from the county special elections fund 443
to the political subdivision the difference between the payment 444
made under division (J) (2) of this section and the final cost 445
calculated under this division within thirty days after 446
receiving that notification. 447

(K) As used in this section: 448

(1) "Political subdivision" and "subdivision" mean any 449
board of county commissioners, board of township trustees, 450
legislative authority of a municipal corporation, board of 451
education, or any other board, commission, district, or 452
authority that is empowered to levy taxes or permitted to 453
receive the proceeds of a tax levy, regardless of whether the 454
entity receives tax settlement moneys as described in division 455
(A) of this section; 456

(2) "Statewide ballot issue" means any ballot issue, 457
whether proposed by the general assembly or by initiative or 458
referendum, that is submitted to the voters throughout the 459
state. 460

Sec. 3505.33. When the board of elections has completed 461

the canvass of the election returns from the precincts in its 462
county, in which electors were entitled to vote at any general 463
or special election, it shall determine and declare the results 464
of the elections determined by the electors of such county or of 465
a district or subdivision within such county. ~~If more than the~~ 466
~~number of candidates to be elected to an office received the~~ 467
~~largest and an equal number of votes, such tie shall be resolved~~ 468
~~by lot by the chairman of the board in the presence of a~~ 469
~~majority of the members of the board.~~ Such declaration shall be 470
in writing and shall be signed by at least a majority of the 471
members of the board. It shall bear the date of the day upon 472
which it is made, and a copy thereof shall be posted by the 473
board in a conspicuous place in its office. The board shall keep 474
such copy posted for a period of at least five days. 475

If more than the number of candidates to be elected to an 476
office received the largest and an equal number of votes, the 477
board shall notify the governor of that fact and shall hold a 478
special election in accordance with section 3505.331 of the 479
Revised Code. 480

Thereupon the board shall promptly certify abstracts of 481
the results of such elections within its county, in such forms 482
as the secretary of state prescribes. Such forms shall be 483
designated and shall contain abstracts as follows: 484

Form No. 1. An abstract of the votes cast for the office 485
of president and vice-president of the United States. 486

Form No. 2. An abstract of the votes cast for the office 487
of governor and lieutenant governor, secretary of state, auditor 488
of state, treasurer of state, attorney general, chief justice of 489
the supreme court of Ohio, judge of the supreme court of Ohio, 490
member of the senate of the congress of the United States, 491

member at large of the house of representatives of the congress 492
of the United States, district member of the house of 493
representatives of the congress of the United States, and an 494
abstract of the votes cast upon each question or issue submitted 495
at such election to electors throughout the entire state. 496

Form No. 3. An abstract of the votes cast for the office 497
of member of the senate of the general assembly, and member of 498
the house of representatives of the general assembly. 499

Form No. 4. A report of the votes cast for the office of 500
member of the state board of education, judge of the court of 501
appeals, judge of the court of common pleas, judge of the 502
probate court, county commissioner, county auditor, prosecuting 503
attorney, clerk of the court of common pleas, sheriff, county 504
recorder, county treasurer, county engineer, and coroner. 505

Form No. 5. A report of the votes cast upon all questions 506
and issues other than such questions and issues which were 507
submitted to electors throughout the entire state. 508

Form No. 6. A report of the votes cast for municipal 509
offices, township offices, and the office of member of a board 510
of education. 511

One copy of each of these forms shall be kept in the 512
office of the board. One copy of each of these forms shall 513
promptly be sent to the secretary of state, who shall place the 514
records contained in forms No. 1, No. 2, and No. 3 in electronic 515
format. One copy of Form No. 2 shall promptly be mailed to the 516
president of the senate of the general assembly at ~~his~~the 517
president's office in the statehouse. The board shall also at 518
once upon completion of the official count send a certified copy 519
of that part of each of the forms which pertains to an election 520

in which only electors of a district comprised of more than one 521
county but less than all of the counties of the state voted to 522
the board of the most populous county in such district. It shall 523
also at once upon completion of the official count send a 524
certified copy of that part of each of the forms which pertains 525
to an election in which only electors of a subdivision located 526
partly within the county voted to the board of the county in 527
which the major portion of the population of such subdivision is 528
located. 529

If, after certifying and sending abstracts and parts 530
thereof, a board finds that any such abstract or part thereof is 531
incorrect, it shall promptly prepare, certify, and send a 532
corrected abstract or part thereof to take the place of each 533
incorrect abstract or part thereof theretofore certified and 534
sent. 535

Sec. 3505.331. (A) If more than the number of candidates 536
to be nominated at a primary election or to be elected to an 537
office receive the largest and an equal number of votes, then no 538
candidate shall have been nominated or elected, and the tie 539
shall be resolved by holding a special election in accordance 540
with this section. Until the results of the special election are 541
declared, the office shall be considered vacant. 542

(B) The governor shall issue a writ of election to the 543
secretary of state or the board or boards of elections, as 544
applicable, directing that a special election be held to resolve 545
the tie on a day specified in the writ, provided that the 546
special election shall be held not later than the next day on 547
which a primary, special, or general election may be held. The 548
board or boards of elections, as applicable, shall give notice 549
of the election in accordance with section 3501.03 of the 550

Revised Code, and the election shall be held in the same manner 551
as a regularly scheduled primary or general election, as 552
applicable. The names of the candidates who received the largest 553
and an equal number of votes shall appear on the ballot, but the 554
name of no other candidate shall appear on the ballot for that 555
nomination or office. 556

(C) (1) If a candidate certified to appear on the ballot at 557
a special election held under this section dies, withdraws, or 558
is disqualified before the day of the special election, and the 559
remaining number of candidates does not exceed the number of 560
candidates to be nominated or elected, then no special election 561
shall be held, and the remaining candidates shall be declared 562
nominated or elected, as applicable. 563

(2) If a candidate certified to appear on the ballot at a 564
special election held under this section dies, withdraws, or is 565
disqualified before the day of the special election, and the 566
remaining number of candidates exceeds the number of candidates 567
to be nominated or elected, then the special election shall be 568
held, the ballot vacancy shall not be filled, and the board of 569
elections shall post a notice at each polling location on the 570
day of the election, and shall enclose with each absent voter's 571
ballot given or mailed after the candidate withdraws, dies, or 572
is disqualified, a notice that votes for that candidate will be 573
void and will not be counted. If the name of that candidate is 574
not removed from the ballots before the day of the special 575
election, any votes for that candidate are void and shall not be 576
counted. 577

(3) If a candidate who appears on the ballot at a special 578
election held under this section dies, withdraws, or is 579
disqualified on or after the day of the special election, and 580

the remaining number of candidates does not exceed the number of 581
candidates to be nominated or elected, then the remaining 582
candidate or candidates shall be declared nominated or elected, 583
as applicable. 584

(4) If a candidate who appears on the ballot at a special 585
election held under this section dies, withdraws, or is 586
disqualified on or after the day of the special election, and 587
the remaining number of candidates exceeds the number of 588
candidates to be nominated or elected, then any votes cast for 589
the candidate who died, withdrew, or was disqualified are void 590
and shall not be counted. 591

(D) The state shall bear the entire cost of a special 592
election conducted under this section. 593

Sec. 3505.34. During the first week of the regular session 594
of the general assembly following a regular state election, the 595
president of the senate, in the presence of a majority of the 596
members of each house of the general assembly, shall open, 597
announce, and canvass the abstracts of the votes cast for the 598
offices of governor and lieutenant governor, secretary of state, 599
auditor of state, treasurer of state, and attorney general, as 600
contained in the Form No. 2 sent to ~~him~~ the president of the 601
senate as required by section 3505.33 of the Revised Code, and 602
shall determine and declare the results of such election for 603
such offices. The joint candidates for governor and lieutenant 604
governor and the candidate for each other office who received 605
the largest number of votes shall be declared elected to such 606
office. If two or more candidates for election to the same 607
office, or two or more sets of joint candidates for governor and 608
lieutenant governor, receive the largest and an equal number of 609
votes, ~~one of them, or one set of joint candidates for governor~~ 610

~~and lieutenant governor, shall be declared elected to such~~ 611
~~office by a majority of the votes of all of the members of the~~ 612
~~president of the senate and the house of representatives of the~~ 613
~~general assembly shall notify the governor of that fact and~~ 614
~~shall require the secretary of state to order the boards of~~ 615
~~elections to conduct a special election in accordance with~~ 616
~~section 3505.331 of the Revised Code.~~ If said Form No. 2 has not 617
at such time been received by the president of the senate from 618
the board of elections of any county, the secretary of state, 619
upon request of the president of the senate, shall furnish to 620
~~him~~ the president of the senate such copies of said Form No. 2 621
as have not been received by ~~him~~ the president of the senate. 622
When said canvass has been completed and the results of the 623
election declared, the president of the senate shall certify to 624
the secretary of state the names of the persons declared elected 625
together with the title of the office to which each has been 626
elected, and from such certification the secretary of state 627
shall issue a certificate of election to the officials declared 628
elected and so certified to the secretary of state. Thereupon 629
the governor shall forthwith issue a commission to each of the 630
persons elected to such offices upon the payment to the 631
secretary of state of the fee required by section 107.06 of the 632
Revised Code. 633

Sec. 3505.35. When the secretary of state has received 634
from the board of elections of every county in the state Form 635
No. 2, as provided for in section 3505.33 of the Revised Code, 636
the secretary of state shall promptly fix the time and place for 637
the canvass of such abstracts, and the time fixed shall not be 638
later than ten days after such abstracts have been received by 639
the secretary of state from all counties. The secretary of state 640
shall notify the governor, auditor of state, attorney general, 641

and the ~~chairman-chairperson~~ of the state central committee of 642
each political party of the time and place fixed. At such time 643
and in the presence of such of the persons so notified who 644
attend, the secretary of state shall canvass the abstracts 645
contained in said Form No. 2 and shall determine and declare the 646
results of all elections in which electors throughout the entire 647
state voted. ~~If two or more candidates for election to the same~~ 648
~~office, or two or more sets of joint candidates for governor and~~ 649
~~lieutenant governor, receive the largest and an equal number of~~ 650
~~votes, such tie shall be resolved by lot by the secretary of~~ 651
~~state.~~ Such declaration of results by the secretary of state 652
shall be in writing and shall be signed by the secretary of 653
state. It shall bear the date of the day upon which it is made, 654
and a copy thereof shall be posted by the secretary of state in 655
a conspicuous place in ~~his~~ the secretary of state's office. The 656
secretary of state shall keep such copy posted for a period of 657
at least five days. 658

If two or more candidates for election to the same office, 659
other than candidates for the offices of governor and lieutenant 660
governor, secretary of state, auditor of state, treasurer of 661
state, and attorney general, receive the largest and an equal 662
number of votes, the secretary of state shall notify the 663
governor of that fact and shall order the boards of elections to 664
conduct a special election in accordance with section 3505.331 665
of the Revised Code. 666

Such declaration of results made by the secretary of 667
state, insofar as it pertains to the offices of governor and 668
lieutenant governor, secretary of state, auditor of state, 669
treasurer of state, and attorney general, is only for the 670
purpose of fixing the time of the commencement of the period of 671
time within which applications for recounts of votes may be 672

filed as provided by section 3515.02 of the Revised Code. If two 673
or more candidates or joint candidates for those offices receive 674
the largest and an equal number of votes, the secretary of state 675
shall note that fact in the declaration of results. 676

Sec. 3505.36. When the board of elections of the most 677
populous county of a district comprised of more than one county 678
but less than all of the counties of the state has received from 679
the board of every county in such district certified copies of 680
parts of abstracts pertaining to an election in which only the 681
electors of such district voted, such board shall canvass such 682
parts of abstracts and determine and declare the results of the 683
elections determined by the electors of such district. ~~If more~~ 684
~~than the number of candidates to be elected to an office receive~~ 685
~~the largest number and an equal number of votes, such tie shall~~ 686
~~be resolved by lot by the chairman of such board in the presence~~ 687
~~of all of the members of such board.~~ Such declaration of results 688
by such board shall be in writing and shall be signed by at 689
least a majority of the members of such board. It shall bear the 690
date of the day upon which it was made, and a copy thereof shall 691
be posted by the board in a conspicuous place in its office. The 692
board shall keep such copy posted for a period of at least five 693
days. 694

If more than the number of candidates to be elected to an 695
office receive the largest number and an equal number of votes, 696
the boards of elections of the counties in which the district 697
has territory shall notify the governor of that fact and shall 698
hold a special election in accordance with section 3505.331 of 699
the Revised Code. 700

Sec. 3505.37. When the board of elections of a county in 701
which the major portion of the population of a subdivision 702

located in more than one county is located receives from the 703
boards of each county in which other portions of such 704
subdivision are located parts of abstracts pertaining to an 705
election in which only the electors of such subdivision voted, 706
such board shall canvass such parts of abstracts and determine 707
and declare the results of the elections determined by the 708
electors of such subdivision. ~~If more than the number of~~ 709
~~candidates to be elected to an office receive the largest number~~ 710
~~and an equal number of votes, such tie shall be resolved by lot~~ 711
~~by the chairman of such board in the presence of a majority of~~ 712
~~the members of such board.~~ Such declaration of results by such 713
board shall be in writing and shall be signed by at least a 714
majority of the members of such board. It shall bear the date of 715
the day upon which it is made, and a copy thereof shall be 716
posted by such board in a conspicuous place in its office. The 717
board shall keep such copy posted for a period of at least five 718
days. 719

If more than the number of candidates to be elected to an 720
office receive the largest number and an equal number of votes, 721
the boards of elections of the counties in which the political 722
subdivision has territory shall notify the governor of that fact 723
and shall hold a special election in accordance with section 724
3505.331 of the Revised Code. 725

Sec. 3513.22. (A) Not earlier than the eleventh day or 726
later than the fifteenth day after a primary election, the board 727
of elections shall begin to canvass the election returns from 728
the precincts in which electors were entitled to vote at that 729
election and shall continue the canvass daily until it is 730
completed. 731

The board shall complete the canvass not later than the 732

twenty-first day after the day of the election. Eighty-one days 733
after the day of the election, the canvass of election returns 734
shall be deemed final, and no amendments to the canvass may be 735
made after that date. The secretary of state may specify an 736
earlier date upon which the canvass of election returns shall be 737
deemed final, and after which amendments to the final canvass 738
may not be made, if so required by federal law. 739

(B) The county executive committee of each political party 740
that participated in the election, and each committee designated 741
in a petition to represent the petitioners pursuant to which a 742
question or issue was submitted at the election, may designate a 743
qualified elector who may be present at and may observe the 744
making of the canvass. Each person for whom votes were cast in 745
the election may also be present at and observe the making of 746
the canvass. 747

(C) When the canvass of the election returns from all of 748
the precincts in the county in which electors were entitled to 749
vote at the election has been completed, the board shall 750
determine and declare the results of the elections determined by 751
the electors of the county or of a district or subdivision 752
within the county. ~~If more than the number of persons to be~~ 753
~~nominated for or elected to an office received the largest and~~ 754
~~an equal number of votes, the tie shall be resolved by lot by~~ 755
~~the chairperson of the board in the presence of a majority of~~ 756
~~the members of the board.~~ The declaration shall be in writing 757
and shall be signed by at least a majority of the members of the 758
board. It shall bear the date of the day upon which it is made, 759
and a copy of it shall be posted by the board in a conspicuous 760
place in its office. The board shall keep the copy posted for a 761
period of at least five days. 762

If more than the number of persons to be nominated for or 763
elected to an office received the largest and an equal number of 764
votes, the board shall notify the governor of that fact and 765
shall hold a special election in accordance with section 766
3505.331 of the Revised Code. 767

The board shall promptly certify abstracts of the results 768
of the elections within its county upon forms the secretary of 769
state prescribes. One certified copy of each abstract shall be 770
kept in the office of the board, and one certified copy of each 771
abstract shall promptly be sent to the secretary of state. The 772
board shall also promptly send a certified copy of that part of 773
an abstract that pertains to an election in which only electors 774
of a district comprised of more than one county but less than 775
all of the counties of the state voted to the board of the most 776
populous county in the district. It shall also promptly send a 777
certified copy of that part of an abstract that pertains to an 778
election in which only electors of a subdivision located partly 779
within the county voted to the board of the county in which the 780
major portion of the population of the subdivision is located. 781

If, after certifying and sending abstracts and parts of 782
abstracts, a board finds that any abstract or part of any 783
abstract is incorrect, it shall promptly prepare, certify, and 784
send a corrected abstract or part of an abstract to take the 785
place of each incorrect abstract or part of an abstract 786
previously certified and sent. 787

(D) (1) When certified copies of abstracts are received by 788
the secretary of state, the secretary of state shall canvass 789
those abstracts and determine and declare the results of all 790
elections in which electors throughout the entire state voted. 791
If more than the number of persons to be nominated for or 792

elected to an office received the largest and an equal number of 793
votes, the tie shall be resolved by lot by the secretary of 794
state in the presence of the governor, the auditor of state, and 795
the attorney general, who at the request of the secretary of 796
state shall assemble to witness the drawing of the lot. The 797
declaration of results by the secretary of state shall be in 798
writing and shall be signed by the secretary of state. It shall 799
bear the date of the day upon which it is made, and a copy of it 800
shall be posted by the secretary of state in a conspicuous place 801
in the secretary of state's office. The secretary of state shall 802
keep the copy posted for a period of at least five days. 803

(2) When certified copies of parts of abstracts are 804
received by the board of the most populous county in a district 805
from the boards of all of the counties in the district, the 806
board receiving those abstracts shall canvass them and determine 807
and declare the results of the elections in which only electors 808
of the district voted. If more than the number of persons to be 809
nominated for or elected to an office received the largest and 810
equal number of votes, the tie shall be resolved by lot by the 811
chairperson of the board in the presence of a majority of the 812
members of the board. The declaration of results by the board 813
shall be in writing and shall be signed by at least a majority 814
of the members of the board. It shall bear the date of the day 815
upon which it is made, and a copy of it shall be posted by the 816
board in a conspicuous place in its office. The board shall keep 817
the copy posted for a period of at least five days. 818

(3) When certified copies of parts of abstracts are 819
received by the board of a county in which the major portion of 820
the population of a subdivision located in more than one county 821
is located from the boards of each county in which other 822
portions of that subdivision are located, the board receiving 823

those abstracts shall canvass them and determine and declare the 824
results of the elections in which only electors of that 825
subdivision voted. If more than the number of persons to be 826
nominated for or elected to an office received the largest and 827
an equal number of votes, the tie shall be resolved by lot by 828
the chairperson of the board in the presence of a majority of 829
the members of the board. The declaration of results by the 830
board shall be in writing and shall be signed by at least a 831
majority of the members of the board. It shall bear the date of 832
the day upon which it is made, and a copy of it shall be posted 833
by the board in a conspicuous place in its office. The board 834
shall keep the copy posted for a period of at least five days. 835

(E) Election officials, who are required to declare the 836
results of primary elections, shall issue to each person 837
declared nominated for or elected to an office, an appropriate 838
certificate of nomination or election, provided that the boards 839
required to determine and declare the results of the elections 840
for candidates for nomination to the office of representative to 841
congress from a congressional district shall, in lieu of issuing 842
a certificate of nomination, certify to the secretary of state 843
the names of the candidates nominated, and the secretary of 844
state, upon receipt of that certification, shall issue a 845
certificate of nomination to each person whose name is so 846
certified. Certificates of nomination or election issued by 847
boards to candidates and certifications to the secretary of 848
state shall not be issued before the expiration of the time 849
within which applications for recounts of votes may be filed or 850
before recounts of votes, which have been applied for, are 851
completed. 852

Sec. 3515.14. Upon completion of the trial of a contest of 853
election, the court shall pronounce judgment as to which 854

candidate was nominated or elected or whether the issue was 855
approved or rejected by the voters; except that in the case of 856
the contest of election of a member of the general assembly such 857
judgment shall not be pronounced by the court but a transcript 858
of all testimony taken and all evidence adduced in such contest 859
shall be filed with the clerk or ~~executive secretary~~ chief 860
executive officer of the branch of the legislative body to which 861
the contestee was declared elected, which shall determine the 862
election and qualification of its own members. 863

Any person declared nominated or elected by the court 864
shall be entitled to ~~his~~ a certificate of nomination or 865
election. A certified copy of the order of such court 866
constitutes such certificate. If the judgment is against the 867
contestee or incumbent and ~~he~~ the contestee or incumbent has 868
already received a certificate of nomination or election, the 869
judgment of the court shall work a cancellation of such 870
certificate. 871

If the court decides that the election resulted in a tie 872
vote, such decision shall be certified to the board of elections 873
having jurisdiction and said board shall ~~publicly determine by~~ 874
~~lot which of such persons shall be declared elected~~ notify the 875
governor of that fact and hold a special election in accordance 876
with section 3505.331 of the Revised Code. If the court finds 877
that no person was elected, the judgment shall be that the 878
election be set aside. 879

Section 2. That existing sections 705.32, 3501.01, 880
3501.17, 3505.33, 3505.34, 3505.35, 3505.36, 3505.37, 3513.22, 881
and 3515.14 of the Revised Code are hereby repealed. 882

Section 3. Section 3501.01 of the Revised Code is 883
presented in this act as a composite of the section as amended 884

by both Am. Sub. H.B. 64 and Am. H.B. 153 of the 131st General 885
Assembly. The General Assembly, applying the principle stated in 886
division (B) of section 1.52 of the Revised Code that amendments 887
are to be harmonized if reasonably capable of simultaneous 888
operation, finds that the composite is the resulting version of 889
the section in effect prior to the effective date of the section 890
as presented in this act. 891