

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 10**

**Senator LaRose**

**Cosponsors: Senators Gardner, Beagle, Coley, Uecker, Hottinger, Peterson,  
Sykes, Jordan, Hite, Oelslager, Bacon, Manning, Yuko, Eklund, Huffman, Brown,  
Hackett, Williams, Hoagland**

---

**A BILL**

To amend sections 102.02, 3513.02, 3513.30, 1  
3513.301, and 3513.312 of the Revised Code to 2  
expand the circumstances under which a board of 3  
elections or the secretary of state is not 4  
required to hold a primary election. 5

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

**Section 1.** That sections 102.02, 3513.02, 3513.30, 6  
3513.301, and 3513.312 of the Revised Code be amended to read as 7  
follows: 8

**Sec. 102.02.** (A) (1) Except as otherwise provided in 9  
division (H) of this section, all of the following shall file 10  
with the appropriate ethics commission the disclosure statement 11  
described in this division on a form prescribed by the 12  
appropriate commission: every person who is elected to or is a 13  
candidate for a state, county, or city office and every person 14  
who is appointed to fill a vacancy for an unexpired term in such 15  
an elective office; all members of the state board of education; 16  
the director, assistant directors, deputy directors, division 17

chiefs, or persons of equivalent rank of any administrative 18  
department of the state; the president or other chief 19  
administrative officer of every state institution of higher 20  
education as defined in section 3345.011 of the Revised Code; 21  
the executive director and the members of the capitol square 22  
review and advisory board appointed or employed pursuant to 23  
section 105.41 of the Revised Code; all members of the Ohio 24  
casino control commission, the executive director of the 25  
commission, all professional employees of the commission, and 26  
all technical employees of the commission who perform an 27  
internal audit function; the individuals set forth in division 28  
(B) (2) of section 187.03 of the Revised Code; the chief 29  
executive officer and the members of the board of each state 30  
retirement system; each employee of a state retirement board who 31  
is a state retirement system investment officer licensed 32  
pursuant to section 1707.163 of the Revised Code; the members of 33  
the Ohio retirement study council appointed pursuant to division 34  
(C) of section 171.01 of the Revised Code; employees of the Ohio 35  
retirement study council, other than employees who perform 36  
purely administrative or clerical functions; the administrator 37  
of workers' compensation and each member of the bureau of 38  
workers' compensation board of directors; the bureau of workers' 39  
compensation director of investments; the chief investment 40  
officer of the bureau of workers' compensation; all members of 41  
the board of commissioners on grievances and discipline of the 42  
supreme court and the ethics commission created under section 43  
102.05 of the Revised Code; every business manager, treasurer, 44  
or superintendent of a city, local, exempted village, joint 45  
vocational, or cooperative education school district or an 46  
educational service center; every person who is elected to or is 47  
a candidate for the office of member of a board of education of 48  
a city, local, exempted village, joint vocational, or 49

cooperative education school district or of a governing board of 50  
an educational service center that has a total student count of 51  
twelve thousand or more as most recently determined by the 52  
department of education pursuant to section 3317.03 of the 53  
Revised Code; every person who is appointed to the board of 54  
education of a municipal school district pursuant to division 55  
(B) or (F) of section 3311.71 of the Revised Code; all members 56  
of the board of directors of a sanitary district that is 57  
established under Chapter 6115. of the Revised Code and 58  
organized wholly for the purpose of providing a water supply for 59  
domestic, municipal, and public use, and that includes two 60  
municipal corporations in two counties; every public official or 61  
employee who is paid a salary or wage in accordance with 62  
schedule C of section 124.15 or schedule E-2 of section 124.152 63  
of the Revised Code; members of the board of trustees and the 64  
executive director of the southern Ohio agricultural and 65  
community development foundation; all members appointed to the 66  
Ohio livestock care standards board under section 904.02 of the 67  
Revised Code; all entrepreneurs in residence assigned by the 68  
LeanOhio office in the department of administrative services 69  
under section 125.65 of the Revised Code and every other public 70  
official or employee who is designated by the appropriate ethics 71  
commission pursuant to division (B) of this section. 72

(2) The disclosure statement shall include all of the 73  
following: 74

(a) The name of the person filing the statement and each 75  
member of the person's immediate family and all names under 76  
which the person or members of the person's immediate family do 77  
business; 78

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 79

this section and except as otherwise provided in section 102.022 80  
of the Revised Code, identification of every source of income, 81  
other than income from a legislative agent identified in 82  
division (A) (2) (b) (ii) of this section, received during the 83  
preceding calendar year, in the person's own name or by any 84  
other person for the person's use or benefit, by the person 85  
filing the statement, and a brief description of the nature of 86  
the services for which the income was received. If the person 87  
filing the statement is a member of the general assembly, the 88  
statement shall identify the amount of every source of income 89  
received in accordance with the following ranges of amounts: 90  
zero or more, but less than one thousand dollars; one thousand 91  
dollars or more, but less than ten thousand dollars; ten 92  
thousand dollars or more, but less than twenty-five thousand 93  
dollars; twenty-five thousand dollars or more, but less than 94  
fifty thousand dollars; fifty thousand dollars or more, but less 95  
than one hundred thousand dollars; and one hundred thousand 96  
dollars or more. Division (A) (2) (b) (i) of this section shall not 97  
be construed to require a person filing the statement who 98  
derives income from a business or profession to disclose the 99  
individual items of income that constitute the gross income of 100  
that business or profession, except for those individual items 101  
of income that are attributable to the person's or, if the 102  
income is shared with the person, the partner's, solicitation of 103  
services or goods or performance, arrangement, or facilitation 104  
of services or provision of goods on behalf of the business or 105  
profession of clients, including corporate clients, who are 106  
legislative agents. A person who files the statement under this 107  
section shall disclose the identity of and the amount of income 108  
received from a person who the public official or employee knows 109  
or has reason to know is doing or seeking to do business of any 110  
kind with the public official's or employee's agency. 111

(ii) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A) (2) (b) (ii) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A) (2) (b) (ii) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(iii) Except as otherwise provided in division (A) (2) (b) (iii) of this section, division (A) (2) (b) (i) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A) (2) (b) (i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A) (2) (b) (iii) of this section to disclose

the name, other identity, or address of a client, patient, or 143  
other recipient of professional services if the disclosure would 144  
threaten the client, patient, or other recipient of professional 145  
services, would reveal details of the subject matter for which 146  
legal, medical, or professional advice or other services were 147  
sought, or would reveal an otherwise privileged communication 148  
involving the client, patient, or other recipient of 149  
professional services. Division (A) (2) (b) (i) of this section 150  
does not require an attorney, physician, or other professional 151  
subject to a confidentiality requirement as described in 152  
division (A) (2) (b) (iii) of this section to disclose in the brief 153  
description of the nature of services required by division (A) 154  
(2) (b) (i) of this section any information pertaining to specific 155  
professional services rendered for a client, patient, or other 156  
recipient of professional services that would reveal details of 157  
the subject matter for which legal, medical, or professional 158  
advice was sought or would reveal an otherwise privileged 159  
communication involving the client, patient, or other recipient 160  
of professional services. 161

(c) The name of every corporation on file with the 162  
secretary of state that is incorporated in this state or holds a 163  
certificate of compliance authorizing it to do business in this 164  
state, trust, business trust, partnership, or association that 165  
transacts business in this state in which the person filing the 166  
statement or any other person for the person's use and benefit 167  
had during the preceding calendar year an investment of over one 168  
thousand dollars at fair market value as of the thirty-first day 169  
of December of the preceding calendar year, or the date of 170  
disposition, whichever is earlier, or in which the person holds 171  
any office or has a fiduciary relationship, and a description of 172  
the nature of the investment, office, or relationship. Division 173

(A) (2) (c) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

(d) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation;

(e) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A) (2) (e) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E) (2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money.

(f) The names of all persons residing or transacting business in the state, other than a depository excluded under

division (A) (2) (c) of this section, who owe more than one 204  
thousand dollars to the person filing the statement, either in 205  
the person's own name or to any person for the person's use or 206  
benefit. Division (A) (2) (f) of this section shall not be 207  
construed to require the disclosure of clients of attorneys or 208  
persons licensed under section 4732.12 of the Revised Code, or 209  
patients of persons certified under section 4731.14 of the 210  
Revised Code, nor the disclosure of debts owed to the person 211  
resulting from the ordinary conduct of a business or profession. 212

(g) Except as otherwise provided in section 102.022 of the 213  
Revised Code, the source of each gift of over seventy-five 214  
dollars, or of each gift of over twenty-five dollars received by 215  
a member of the general assembly from a legislative agent, 216  
received by the person in the person's own name or by any other 217  
person for the person's use or benefit during the preceding 218  
calendar year, except gifts received by will or by virtue of 219  
section 2105.06 of the Revised Code, or received from spouses, 220  
parents, grandparents, children, grandchildren, siblings, 221  
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 222  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 223  
or any person to whom the person filing the statement stands in 224  
loco parentis, or received by way of distribution from any inter 225  
vivos or testamentary trust established by a spouse or by an 226  
ancestor; 227

(h) Except as otherwise provided in section 102.022 of the 228  
Revised Code, identification of the source and amount of every 229  
payment of expenses incurred for travel to destinations inside 230  
or outside this state that is received by the person in the 231  
person's own name or by any other person for the person's use or 232  
benefit and that is incurred in connection with the person's 233  
official duties, except for expenses for travel to meetings or 234



conventions of a national or state organization to which any 235  
state agency, including, but not limited to, any legislative 236  
agency or state institution of higher education as defined in 237  
section 3345.011 of the Revised Code, pays membership dues, or 238  
any political subdivision or any office or agency of a political 239  
subdivision pays membership dues; 240

(i) Except as otherwise provided in section 102.022 of the 241  
Revised Code, identification of the source of payment of 242  
expenses for meals and other food and beverages, other than for 243  
meals and other food and beverages provided at a meeting at 244  
which the person participated in a panel, seminar, or speaking 245  
engagement or at a meeting or convention of a national or state 246  
organization to which any state agency, including, but not 247  
limited to, any legislative agency or state institution of 248  
higher education as defined in section 3345.011 of the Revised 249  
Code, pays membership dues, or any political subdivision or any 250  
office or agency of a political subdivision pays membership 251  
dues, that are incurred in connection with the person's official 252  
duties and that exceed one hundred dollars aggregated per 253  
calendar year; 254

(j) If the disclosure statement is filed by a public 255  
official or employee described in division (B)(2) of section 256  
101.73 of the Revised Code or division (B)(2) of section 121.63 257  
of the Revised Code who receives a statement from a legislative 258  
agent, executive agency lobbyist, or employer that contains the 259  
information described in division (F)(2) of section 101.73 of 260  
the Revised Code or division (G)(2) of section 121.63 of the 261  
Revised Code, all of the nondisputed information contained in 262  
the statement delivered to that public official or employee by 263  
the legislative agent, executive agency lobbyist, or employer 264  
under division (F)(2) of section 101.73 or (G)(2) of section 265

121.63 of the Revised Code.	266
(3) A person may file a statement required by this section in person, by mail, or by electronic means.	267 268
(4) A person who is required to file a statement under this section shall file that statement according to the following deadlines, as applicable:	269 270 271
(a) Except as otherwise provided in divisions (A) (4) (b), (c), and (d) of this section, the person shall file the statement not later than the fifteenth day of May of each year.	272 273 274
(b) <del>A</del> <u>Subject to divisions (A) (4) (b) (i) and (ii) of this section, a person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, <del>except that a</del></u>	275 276 277 278 279 280
<u>(i) A person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on.</u>	281 282 283
<u>(ii) A person who is a candidate for the nomination of a political party for an office and who subsequently receives a certificate of nomination under section 3513.02, 3513.30, 3513.301, or 3513.312 of the Revised Code because the person's primary race is uncontested shall file the statement no later than the thirtieth day before the primary election at which the person's candidacy would have been voted on if the race had been contested.</u>	284 285 286 287 288 289 290 291
(c) A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office.	292 293 294

(d) A person who is appointed or employed after the  
fifteenth day of May, other than a person described in division  
(A) (4) (c) of this section, shall file an annual statement within  
ninety days after appointment or employment.

(5) No person shall be required to file with the  
appropriate ethics commission more than one statement or pay  
more than one filing fee for any one calendar year.

(6) The appropriate ethics commission, for good cause, may  
extend for a reasonable time the deadline for filing a statement  
under this section.

(7) A statement filed under this section is subject to  
public inspection at locations designated by the appropriate  
ethics commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative  
ethics committee, and the board of commissioners on grievances  
and discipline of the supreme court, using the rule-making  
procedures of Chapter 119. of the Revised Code, may require any  
class of public officials or employees under its jurisdiction  
and not specifically excluded by this section whose positions  
involve a substantial and material exercise of administrative  
discretion in the formulation of public policy, expenditure of  
public funds, enforcement of laws and rules of the state or a  
county or city, or the execution of other public trusts, to file  
an annual statement under division (A) of this section. The  
appropriate ethics commission shall send the public officials or  
employees written notice of the requirement not less than thirty  
days before the applicable filing deadline unless the public  
official or employee is appointed after that date, in which case  
the notice shall be sent within thirty days after appointment,  
and the filing shall be made not later than ninety days after

appointment. 325

Disclosure statements filed under this division with the 326  
Ohio ethics commission by members of boards, commissions, or 327  
bureaus of the state for which no compensation is received other 328  
than reasonable and necessary expenses shall be kept 329  
confidential. Disclosure statements filed with the Ohio ethics 330  
commission under division (A) of this section by business 331  
managers, treasurers, and superintendents of city, local, 332  
exempted village, joint vocational, or cooperative education 333  
school districts or educational service centers shall be kept 334  
confidential, except that any person conducting an audit of any 335  
such school district or educational service center pursuant to 336  
section 115.56 or Chapter 117. of the Revised Code may examine 337  
the disclosure statement of any business manager, treasurer, or 338  
superintendent of that school district or educational service 339  
center. Disclosure statements filed with the Ohio ethics 340  
commission under division (A) of this section by the individuals 341  
set forth in division (B) (2) of section 187.03 of the Revised 342  
Code shall be kept confidential. The Ohio ethics commission 343  
shall examine each disclosure statement required to be kept 344  
confidential to determine whether a potential conflict of 345  
interest exists for the person who filed the disclosure 346  
statement. A potential conflict of interest exists if the 347  
private interests of the person, as indicated by the person's 348  
disclosure statement, might interfere with the public interests 349  
the person is required to serve in the exercise of the person's 350  
authority and duties in the person's office or position of 351  
employment. If the commission determines that a potential 352  
conflict of interest exists, it shall notify the person who 353  
filed the disclosure statement and shall make the portions of 354  
the disclosure statement that indicate a potential conflict of 355

interest subject to public inspection in the same manner as is 356  
provided for other disclosure statements. Any portion of the 357  
disclosure statement that the commission determines does not 358  
indicate a potential conflict of interest shall be kept 359  
confidential by the commission and shall not be made subject to 360  
public inspection, except as is necessary for the enforcement of 361  
Chapters 102. and 2921. of the Revised Code and except as 362  
otherwise provided in this division. 363

(C) No person shall knowingly fail to file, on or before 364  
the applicable filing deadline established under this section, a 365  
statement that is required by this section. 366

(D) No person shall knowingly file a false statement that 367  
is required to be filed under this section. 368

(E) (1) Except as provided in divisions (E) (2) and (3) of 369  
this section, the statement required by division (A) or (B) of 370  
this section shall be accompanied by a filing fee of sixty 371  
dollars. 372

(2) The statement required by division (A) of this section 373  
shall be accompanied by the following filing fee to be paid by 374  
the person who is elected or appointed to, or is a candidate 375  
for, any of the following offices: 376

		377
For state office, except member of the		378
state board of education	\$95	379
For office of member of general assembly	\$40	380
For county office	\$60	381
For city office	\$35	382
For office of member of the state board		383
of education	\$35	384
For office of member of a city, local,		385

exempted village, or cooperative	386
education board of	387
education or educational service	388
center governing board	\$30 389
For position of business manager,	390
treasurer, or superintendent of a	391
city, local, exempted village, joint	392
vocational, or cooperative education	393
school district or	394
educational service center	\$30 395
(3) No judge of a court of record or candidate for judge	396
of a court of record, and no referee or magistrate serving a	397
court of record, shall be required to pay the fee required under	398
division (E) (1) or (2) or (F) of this section.	399
(4) For any public official who is appointed to a	400
nonelective office of the state and for any employee who holds a	401
nonelective position in a public agency of the state, the state	402
agency that is the primary employer of the state official or	403
employee shall pay the fee required under division (E) (1) or (F)	404
of this section.	405
(F) If a statement required to be filed under this section	406
is not filed by the date on which it is required to be filed,	407
the appropriate ethics commission shall assess the person	408
required to file the statement a late filing fee of ten dollars	409
for each day the statement is not filed, except that the total	410
amount of the late filing fee shall not exceed two hundred fifty	411
dollars.	412
(G) (1) The appropriate ethics commission other than the	413
Ohio ethics commission and the joint legislative ethics	414
committee shall deposit all fees it receives under divisions (E)	415

and (F) of this section into the general revenue fund of the 416  
state. 417

(2) The Ohio ethics commission shall deposit all receipts, 418  
including, but not limited to, fees it receives under divisions 419  
(E) and (F) of this section, investigative or other fees, costs, 420  
or other funds it receives as a result of court orders, and all 421  
moneys it receives from settlements under division (G) of 422  
section 102.06 of the Revised Code, into the Ohio ethics 423  
commission fund, which is hereby created in the state treasury. 424  
All moneys credited to the fund shall be used solely for 425  
expenses related to the operation and statutory functions of the 426  
commission. 427

(3) The joint legislative ethics committee shall deposit 428  
all receipts it receives from the payment of financial 429  
disclosure statement filing fees under divisions (E) and (F) of 430  
this section into the joint legislative ethics committee 431  
investigative fund. 432

(H) Division (A) of this section does not apply to a 433  
person elected or appointed to the office of precinct, ward, or 434  
district committee member under Chapter 3517. of the Revised 435  
Code; a presidential elector; a delegate to a national 436  
convention; village or township officials and employees; any 437  
physician or psychiatrist who is paid a salary or wage in 438  
accordance with schedule C of section 124.15 or schedule E-2 of 439  
section 124.152 of the Revised Code and whose primary duties do 440  
not require the exercise of administrative discretion; or any 441  
member of a board, commission, or bureau of any county or city 442  
who receives less than one thousand dollars per year for serving 443  
in that position. 444

**Sec. 3513.02.** (A)(1) ~~If, in any odd-numbered year, no~~ 445

~~valid declaration of candidacy~~ person is filed for nomination 446  
certified as a candidate for the nomination of a political party 447  
for ~~election to any of the offices~~ an office to be voted for at 448  
~~the a~~ general election ~~to be held in such year~~, or if the number 449  
of persons ~~filing such declarations of candidacy for nominations~~ 450  
certified as candidates for the nomination of ~~one that~~ political 451  
party for ~~election to such offices~~ that office does not exceed, 452  
~~as to any such office,~~ the number of candidates ~~which such that~~ 453  
political party is entitled to nominate as its candidates for 454  
~~election to such that~~ office, then no primary election shall be 455  
held for the purpose of nominating party candidates of ~~such that~~ 456  
party for ~~election to offices to be voted for at such general~~ 457  
~~election and no primary ballots shall be provided for such party~~ 458  
that office. If, however, the only office for which there are 459  
more ~~valid declarations of candidacy filed~~ certified candidates 460  
than the number to be nominated by a political party, is the 461  
office of councilperson in a ward, a primary election shall be 462  
held for ~~such that~~ party for that office only in the ward or 463  
wards in which there is a contest, and only the names of the 464  
candidates for the office of councilperson in ~~such that~~ ward 465  
shall appear on the primary ballot of ~~such that~~ political party. 466

~~The~~ (2) If the number of persons certified as candidates 467  
for the nomination of a political party for an office does not 468  
exceed the number of candidates the political party is entitled 469  
to nominate as its candidates for that office, then the election 470  
officials whose duty it would have been to ~~provide for and~~ 471  
~~conduct the holding of such primary election, declare the~~ 472  
~~results thereof, and issue~~ certificates of nomination to the 473  
persons ~~entitled thereto if such~~ nominated at the primary 474  
election ~~had been held~~ shall declare each of ~~such those~~ persons 475  
to be nominated as of the date of the ~~ninetieth~~ sixty-fifth day 476



before the primary election, issue appropriate certificates of 477  
nomination to each of them, and certify their names to the 478  
proper election officials, in order that their names may be 479  
printed on the official ballots provided for use in the 480  
succeeding general election in the same manner as though ~~such~~ 481  
the primary election had been held and ~~such those~~ persons had 482  
been nominated at ~~such the~~ election. 483

(B) If the number of persons certified as candidates for 484  
the nomination of a political party for an office exceeds the 485  
number of candidates the political party is entitled to nominate 486  
as its candidates for that office and one or more candidates 487  
die, withdraw, or are disqualified before the day of the primary 488  
election, such that the number of candidates no longer exceeds 489  
the number of candidates that the political party is entitled to 490  
nominate as its candidates for that office, and the vacancy or 491  
vacancies are not filled under division (F) of section 3513.052 492  
of the Revised Code, then all of the following apply: 493

(1) No primary election shall be held for the purpose of 494  
nominating party candidates of that party for that office. 495

(2) If the ballots for that election have already been 496  
prepared and primary election is to be held for that party for 497  
the purpose of nominating or electing candidates for other 498  
offices, the board of elections shall not remove the names of 499  
the candidates from the ballots. The board of elections shall 500  
post a notice at each polling place on the day of the election 501  
that no primary is being held for the purpose of nominating 502  
party candidates of that party for that office and that votes 503  
for those candidates will be void and will not be counted. The 504  
board also shall enclose a copy of that notice with each absent 505  
voter's ballot given or mailed after all but one candidate has 506

died, withdrawn, or been disqualified. Any votes for those 507  
candidates are void and shall not be counted. 508

(3) The election officials whose duty it would have been 509  
to issue certificates of nomination to the persons nominated at 510  
the primary election shall declare the remaining candidate or 511  
candidates to be nominated as of the date of the primary 512  
election, issue appropriate certificates of nomination to each 513  
of them, and certify their names to the proper election 514  
officials, in order that their names may be printed on the 515  
official ballots provided for use in the succeeding general 516  
election in the same manner as though the primary election had 517  
been held and those persons had been nominated at that election. 518

**Sec. 3513.30.** (A) (1) ~~If only one valid declaration of~~ 519  
~~candidacy is filed for nomination the number of persons~~ 520  
~~certified as a candidate candidates for the nomination of a~~ 521  
political party for an office does not exceed the number of 522  
candidates that political party is entitled to nominate as its 523  
candidates for that office and that candidate dies one or more 524  
candidates die, withdraw, or are disqualified prior to the tenth 525  
day before the primary election, both of the following may 526  
occur: 527

(a) The political party whose candidate died, withdrew, or 528  
was disqualified may fill the vacancy so created as provided in 529  
division (A) (2) of this section. 530

(b) Any major political party other than the one whose 531  
candidate died, withdrew, or was disqualified may select a 532  
candidate as provided in division (A) (2) of this section under 533  
either of the following circumstances: 534

(i) No person ~~has filed a valid declaration of candidacy~~ 535

~~for nomination is certified as that party's a candidate at the~~ 536  
~~primary election for that party's nomination for that office.~~ 537

(ii) ~~Only one person has filed a valid declaration of~~ 538  
~~candidacy for nomination. The number of persons certified as that~~ 539  
~~party's candidate at the primary election candidates for that~~ 540  
~~party's nomination for that office does not exceed the number of~~ 541  
~~candidates that political party is entitled to nominate as its~~ 542  
~~candidates for that office, that person has one or more~~ 543  
~~candidates have~~ withdrawn, died, or been disqualified under 544  
section 3513.052 of the Revised Code, and the vacancy or 545  
vacancies so created ~~has~~ have not been filled. 546

(2) A vacancy may be filled under division (A) (1) (a) and a 547  
selection may be made under division (A) (1) (b) of this section 548  
by the appropriate committee of the political party in the same 549  
manner as provided in divisions (A) to (E) of section 3513.31 of 550  
the Revised Code for the filling of similar vacancies created by 551  
withdrawals or disqualifications under section 3513.052 of the 552  
Revised Code after the primary election, except that the 553  
certification required under that section may not be filed with 554  
the secretary of state, or with a board of the most populous 555  
county of a district, or with the board of a county in which the 556  
major portion of the population of a subdivision is located, 557  
later than four p.m. of the tenth day before the day of such 558  
primary election, or with any other board later than four p.m. 559  
of the fifth day before the day of such primary election. 560

(3) ~~If only one valid declaration of candidacy is filed~~ 561  
~~for nomination the number of persons certified as a candidate~~ 562  
~~candidates for the nomination of a political party for an office~~ 563  
~~does not exceed the number of candidates that political party is~~ 564  
~~entitled to nominate as its candidates for that office and that~~ 565

~~candidate dies~~ one or more candidates die, withdraw, or are 566  
disqualified on or after the tenth day before the day of the 567  
primary election, ~~that each such~~ candidate is considered to have 568  
received the nomination of that candidate's political party at 569  
that primary election, and, for purposes of filling the vacancy 570  
so created, that candidate's death, withdrawal, or 571  
disqualification shall be treated as if ~~that candidate died~~ it 572  
occurred on the day after the day of the primary election. 573

(B) Any ~~person filing a declaration of candidacy~~ candidate 574  
for the nomination of a political party for an office may 575  
withdraw as such candidate at any time prior to the primary 576  
election. The withdrawal shall be effected and the statement of 577  
withdrawal shall be filed in accordance with the procedures 578  
prescribed in division (D) of this section for the withdrawal of 579  
persons nominated in a primary election or by nominating 580  
petition. 581

(C) A person who is the first choice for president of the 582  
United States by a candidate for delegate or alternate to a 583  
national convention of a political party may withdraw consent 584  
for the selection of the person as such first choice no later 585  
than four p.m. of the fortieth day before the day of the 586  
presidential primary election. Withdrawal of consent shall be 587  
for the entire slate of candidates for delegates and alternates 588  
who named such person as their presidential first choice and 589  
shall constitute withdrawal from the primary election by such 590  
delegates and alternates. The withdrawal shall be made in 591  
writing and delivered to the secretary of state. If the 592  
withdrawal is delivered to the secretary of state on or before 593  
the seventieth day before the day of the primary election, the 594  
boards of elections shall remove both the name of the withdrawn 595  
first choice and the names of such withdrawn candidates from the 596

ballots according to the directions of the secretary of state. 597  
If the withdrawal is delivered to the secretary of state after 598  
the seventieth day before the day of the primary election, the 599  
board of elections shall not remove the name of the withdrawn 600  
first choice and the names of the withdrawn candidates from the 601  
ballots. The board of elections shall post a notice at each 602  
polling location on the day of the primary election, and shall 603  
enclose with each absent voter's ballot given or mailed after 604  
the candidate withdraws, a notice that votes for the withdrawn 605  
first choice or the withdrawn candidates will be void and will 606  
not be counted. If such names are not removed from all ballots 607  
before the day of the election, the votes for the withdrawn 608  
first choice or the withdrawn candidates are void and shall not 609  
be counted. 610

(D) Any person nominated in a primary election or by 611  
nominating petition as a candidate for election at the next 612  
general election may withdraw as such candidate at any time 613  
prior to the general election. Such withdrawal may be effected 614  
by the filing of a written statement by such candidate 615  
announcing the candidate's withdrawal and requesting that the 616  
candidate's name not be printed on the ballots. If such 617  
candidate's declaration of candidacy or nominating petition was 618  
filed with the secretary of state, the candidate's statement of 619  
withdrawal shall be addressed to and filed with the secretary of 620  
state. If such candidate's declaration of candidacy or 621  
nominating petition was filed with a board of elections, the 622  
candidate's statement of withdrawal shall be addressed to and 623  
filed with such board. 624

(E) When a person withdraws under division (B) or (D) of 625  
this section on or before the seventieth day before the day of 626  
the primary election or the general election, the board of 627

elections shall remove the name of the withdrawn candidate from 628  
the ballots according to the directions of the secretary of 629  
state. When a person withdraws under division (B) or (D) of this 630  
section after the seventieth day before the day of the primary 631  
election or the general election, the board of elections shall 632  
not remove the name of the withdrawn candidate from the ballots. 633  
The board of elections shall post a notice at each polling place 634  
on the day of the election, and shall enclose with each absent 635  
voter's ballot given or mailed after the candidate withdraws, a 636  
notice that votes for the withdrawn candidate will be void and 637  
will not be counted. If the name is not removed from all ballots 638  
before the day of the election, the votes for the withdrawn 639  
candidate are void and shall not be counted. 640

**Sec. 3513.301.** (A) Notwithstanding section 3513.30 of the 641  
Revised Code and except as otherwise provided in division (B) (2) 642  
of this section, if only one person has filed a valid 643  
declaration of candidacy for nomination as the candidate of a 644  
political party for the office of representative to congress and 645  
that person withdraws as a candidate or dies at any time before 646  
the primary election, a special election shall be held under 647  
division (B) (1) of this section as soon as reasonably 648  
practicable to nominate the following: 649

(1) That party's candidate for congress; 650

(2) The candidate for congress of any other major 651  
political party under either of the following circumstances: 652

(a) No person has filed a valid declaration of candidacy 653  
for nomination as that party's candidate at the primary 654  
election. 655

(b) Only one person has filed a valid declaration of 656

candidacy for nomination as that party's candidate at the 657  
primary election, that person has withdrawn or died, and the 658  
vacancy so created has not been filled. 659

~~(B) The~~ (1) Except as otherwise provided in division (B) 660  
(2) of this section, the boards of elections of all the counties 661  
contained in whole or in part within the congressional district 662  
for which a special election is being held under this section 663  
shall, ~~as soon as reasonably practicable,~~ conduct the special 664  
election on a date designated by the secretary of state and give 665  
notice of the time and places of holding the election as 666  
provided in section 3501.03 of the Revised Code. The election 667  
shall be held and conducted and returns of it made as in the 668  
case of a primary election, except that the secretary of state 669  
shall designate the deadline to file a declaration of candidacy 670  
or a declaration of intent to be a write-in candidate for the 671  
election. 672

(2) If, for each nomination to be made at the special 673  
election to be held under division (B)(1) of this section, only 674  
one person has filed a valid declaration of candidacy or no 675  
person has filed a valid declaration of candidacy, then no 676  
special election shall be held. If no special election is held, 677  
then for each nomination for which only one person has filed a 678  
valid declaration of candidacy, the board of elections of the 679  
most populous county of the congressional district shall certify 680  
the person's name to the secretary of state, the secretary of 681  
state shall issue a certificate of nomination to the person, and 682  
the person's name shall appear on the ballot as that party's 683  
candidate at the general election. 684

(C) The state shall pay all costs of any special election 685  
held under this section. 686

**Sec. 3513.312.** (A) Notwithstanding section 3513.31 of the 687  
Revised Code, if a person nominated in a primary election or 688  
nominated by petition under section 3517.012 of the Revised Code 689  
as a party candidate for the office of representative to 690  
congress for election at the next general election withdraws as 691  
such candidate prior to the ninetieth day before the day of such 692  
general election, or dies prior to the ninetieth day before the 693  
day of such general election, the vacancy in the party 694  
nomination so created shall be filled ~~by a special election held~~ 695  
in accordance with division (B) (1) of this section as soon as 696  
reasonably practicable. 697

~~(B) The~~ (1) Except as otherwise provided in division (B) 698  
(2) of this section, the boards of elections of all the counties 699  
contained in whole or in part within the congressional district 700  
in which a vacancy occurs as described in division (A) of this 701  
section shall, ~~as soon as reasonably practicable,~~ conduct the 702  
special election on a date designated by the secretary of state 703  
and give notice of the time and places of holding such election 704  
as provided in section 3501.03 of the Revised Code. Such 705  
election shall be held and conducted and returns thereof made as 706  
in the case of a primary election, except that the secretary of 707  
state shall designate the deadline to file a declaration of 708  
candidacy or a declaration of intent to be a write-in candidate 709  
for the election. 710

(2) If only one person has filed a valid declaration of 711  
candidacy for the special election to be held under division (B) 712  
(1) of this section, or if no person has filed a valid 713  
declaration of candidacy, then no special election shall be 714  
held. If one person has filed a valid declaration of candidacy, 715  
the board of elections of the most populous county of the 716  
congressional district shall certify the person's name to the 717



secretary of state, the secretary of state shall issue a 718  
certificate of nomination to the person, and the person's name 719  
shall appear on the ballot as that party's candidate at the 720  
general election. 721

(C) The state shall pay all costs of any special election 722  
held pursuant to this section. 723

**Section 2.** That existing sections 102.02, 3513.02, 724  
3513.30, 3513.301, and 3513.312 of the Revised Code are hereby 725  
repealed. 726