(129th General Assembly)
(Substitute House Bill Number 318)

AN ACT

To amend section 3513.121 of the Revised Code to revise the process for becoming a candidate for nomination for the office of President of the United States, to establish a separate primary election on June 12, 2012, for nominating candidates for the offices of President and Vice-President of the United States, candidates for the office of member of the United States House of Representatives, candidates for at-large delegate and alternate to the national convention of a major political party, and candidates for district delegate and alternate to the national convention of a major political party, to eliminate the August special election in 2012, to permit political subdivisions and taxing authorities to conduct a special election on the day of the June 12, 2012, primary election, and to make an appropriation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3513.121 of the Revised Code be amended to read as follows:

Sec. 3513.121. (A) ~~Any candidate for the presidency of the United States who is eligible to receive payments under the "Presidential Primary Matching Payment Account Act," 88 Stat. 1297 (1974), 26 U.S.C.A. 9031, et seq., as amended, may file with the secretary of state a declaration of candidacy not later than four p.m. of the ninetieth day before the presidential primary election held in the same year the candidate is eligible to receive such payments. The candidate shall indicate on the candidate's declaration of candidacy the congressional districts in this state where the candidate's candidacy is to be submitted to the electors.~~ Any candidate for the presidency of the United States who has raised at least five thousand dollars for the primary election in each of twenty states from individuals, with a

maximum of two hundred fifty dollars per contributor counting toward the threshold, may file with the secretary of state a declaration of candidacy not later than four p.m. of the ninetieth day before the presidential primary election. Such declaration of candidacy shall be accompanied by a reasonable accounting proving eligibility and a statement from the candidate's registered principal campaign committee treasurer, meeting the standards of 28 U.S.C. sec. 1746, certifying that the candidate has met the contribution requirements of this division. Any candidate who files a declaration of candidacy pursuant to this division shall also file, or shall cause to be filed by a person authorized in writing to represent the candidate, not later than four p.m. of the ninetieth day before the same primary election, a list of candidates for district delegate and alternate to the national convention of the candidate's political party who have been selected in accordance with rules adopted by the state central committee of the candidate's political party. The candidates for district delegate and alternate whose names appear on this list shall be represented on the ballot in accordance with section 3513.151 of the Revised Code in every congressional district that the presidential candidate named in the presidential candidate's declaration of candidacy, provided that such candidates meet the other requirements of this section.

(B) Candidates for delegate at large and alternate at large to the national convention of a political party for a presidential candidate who submits a declaration of candidacy in accordance with division (A) of this section shall be selected in accordance with rules adopted by the state central committee of the presidential candidate's political party.

(C) Each candidate for district delegate and alternate to the national convention of a political party selected pursuant to division (A) of this section shall file or shall cause to be filed with the secretary of state, not later than four p.m. of the ninetieth day before the presidential primary election in which the person is a candidate, both of the following:

(1) A declaration of candidacy in the form prescribed in section 3513.07 of the Revised Code, but not the petition prescribed in that section;

(2) A statement in writing signed by the candidate in which the candidate states the candidate's first and second choices for nomination as the candidate of the candidate's party for the presidency of the United States.

(D) A declaration of candidacy filed pursuant to division (A) of this section shall be in substantially the form prescribed in section 3513.07 of the Revised Code except that the secretary of state shall modify that form to include spaces for a presidential candidate to indicate in which congressional districts the candidate wishes the candidate's candidacy to be

submitted to the electors and shall modify it in any other ways necessary to adapt it to use by presidential candidates. A candidate who files a declaration of candidacy pursuant to division (A) of this section shall not file the petition prescribed in section 3513.07 of the Revised Code.

(E) Section 3513.151 of the Revised Code applies in regard to candidates for delegate and alternate to the national convention of a political party selected pursuant to this section. The state central committee of the political party of any presidential candidate who files a declaration of candidacy pursuant to division (A) of this section shall file with the secretary of state the rules of its political party in accordance with division (E) of section 3513.151 of the Revised Code.

(F) The procedures for the selection of candidates for delegate and alternate to the national convention of a political party set forth in this section and in section 3513.12 of the Revised Code are alternative procedures, and if the procedures of this section are followed, the procedures of section 3513.12 of the Revised Code need not be followed.

SECTION 2. That existing section 3513.121 of the Revised Code is hereby repealed.

SECTION 3. (A) Notwithstanding any provision of the Revised Code to the contrary, in the year 2012 primary elections shall be conducted as follows:

(1) On March 6, 2012, a primary election shall be conducted for the purpose of nominating candidates for all offices that are scheduled for election in 2012 pursuant to section 3501.02 of the Revised Code, except candidates for the offices of President and Vice-President of the United States, candidates for the office of member of the United States House of Representatives, candidates for at-large delegate and alternate to the national convention of a major political party, and candidates for district delegate and alternate to the national convention of a major political party. To be eligible to appear on the ballot as a candidate for nomination at that election, a person shall file the applicable declaration of candidacy and petition or nominating petition not later than four p.m. on the ninetieth day prior to the day of that election, in the manner specified under Title XXXV of the Revised Code. To be eligible to receive votes as a write-in candidate at that election, a person shall file the declaration of intent to be a write-in candidate not later than four p.m. on the seventy-second day prior to the day of that election, in the manner specified under Title XXXV of the Revised

Code.

(2) On June 12, 2012, a primary election shall be conducted for the purpose of nominating candidates for the offices of President and Vice-President of the United States, candidates for the office of member of the United States House of Representatives, candidates for at-large delegate and alternate to the national convention of a major political party, and candidates for district delegate and alternate to the national convention of a major political party. To be eligible to appear on the ballot as a candidate for nomination at that election, a person shall fulfill the applicable requirements to become a candidate not later than four p.m. on the ninetieth day prior to the day of that election, in the manner specified under Title XXXV of the Revised Code. To be eligible to receive votes as a write-in candidate at that election, a person shall file the declaration of intent to be a write-in candidate not later than four p.m. on the seventy-second day prior to the day of that election, in the manner specified under Title XXXV of the Revised Code.

(B)(1) The primary election held on June 12, 2012, shall be conducted in the manner provided under Title XXXV of the Revised Code for other primary elections, except that only the names of candidates for nomination for the offices of President and Vice-President of the United States and candidates for the office of member of the United States House of Representatives shall appear on the ballot at that election, and the names of candidates for at-large delegate and alternate to the national convention of a major political party and candidates for district delegate and alternate to the national convention of a major political party may appear on the ballot at that election.

(2) Any declaration of candidacy and petition or declaration of intent to be a write-in candidate filed by an individual seeking nomination for the office of President or Vice-President of the United States, member of the United States House of Representatives, at-large delegate and alternate to the national convention of a major political party, or district delegate and alternate to the national convention of a major political party that is filed for the 2012 primary election before the effective date of this act is null and void.

(C) Notwithstanding any provision of section 3501.01 or any other provision of the Revised Code to the contrary, in 2012 no special election shall be held on the first Tuesday after the first Monday in August. A political subdivision or taxing authority may hold a special election on the day of the June 12, 2012, primary election. A political subdivision or taxing authority that wishes to hold a special election on the day of the June 12,

2012, primary election shall, not later than ninety days before the day of that election, follow the procedures established under the applicable provisions of the Revised Code for placing the question or issue on the ballot at a special election. Upon proper notification of such a special election, the applicable board of elections shall hold a special election in the appropriate precincts on the day of the June 12, 2012, primary election.

SECTION 4. Upon completion of the June 12, 2012, primary election, the Secretary of State shall certify to the Director of Budget and Management the cost to each county of conducting the election. An amount equal to the total of these costs is hereby appropriated to GRF appropriation item 911404, Mandate Assistance, for fiscal year 2013. The Director of Budget and Management shall use this appropriation to reimburse each county for the certified costs of this election.

SECTION 5. Because this act will not take effect before the December 7, 2011, candidate filing deadline established in Title XXXV of the Revised Code for the 2012 primary election, it is the intent of the General Assembly to allow any individual filing to be a candidate for nomination for the office of member of the United States House of Representatives to file on or before four p.m. on December 7, 2011, based on the sixteen-district congressional district map enacted.

It is also the intent of the General Assembly to allow any individual filing to become a candidate for nomination for the office of President or Vice-President of the United States, any individual or group of individuals filing as a candidate or candidates, respectively, for at-large delegate and alternate to the national convention of a major political party, and any individual or group of individuals filing as a candidate or candidates, respectively, for district delegate and alternate to the national convention of a major political party to file on or before four p.m. on December 7, 2011, based on the sixteen-district congressional map enacted.

Finally, it is the intent of the General Assembly to allow any individual filing to be a write-in candidate for nomination for the office of President or Vice-President of the United States or the office of member of the United States House of Representatives to file, on or before four p.m. on December 24, 2011, based on the sixteen-district congressional map enacted.

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Speaker _____ of the House of Representatives.

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President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

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Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

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Secretary of State.

File No. _____ Effective Date _____