



Ohio Legislative Service Commission

Final Analysis

Lynda J. Jacobsen

Sub. H.B. 369

129th General Assembly
(As Passed by the General Assembly)

Reps. Huffman, Brenner, Buchy, Grossman, Hall, Maag, McClain, Ruhl, Sears, Stebelton, Terhar, Wachtmann, Young, Batchelder

Sens. Eklund, Seitz, Wagoner

Effective date: Emergency, December 15, 2011

ACT SUMMARY

- Establishes boundaries for the state's 16 Congressional districts based on the 2010 decennial census of Ohio.
- Specifies that any unassigned territory is included within the district (1) that contains the least population according to the 2010 decennial census of Ohio and (2) that is contiguous to that territory.
- Repeals the provisions of Sub. H.B. 318 of the 129th General Assembly that established two primary elections in 2012 and that made an appropriation to pay for the second primary election.
- Repeals the provision of Sub. H.B. 319 of the 129th General Assembly that required a mailing to be sent to all registered electors prior to the March 6, 2012, primary election, notifying them of their Congressional and General Assembly districts.
- Establishes a single primary election on March 6, 2012, for the purpose of nominating all candidates for election in 2012 and electing candidates who are scheduled to be elected on the day of the 2012 primary election.
- Specifies that candidacy documents previously filed for the offices of President and Vice-President, member of the United States House of Representatives, or delegate or alternate to a political party convention for 2012 are null and void, and requires persons who wish to be candidates for those offices to refile their candidacy documents not later than 67 days before the election.

- Reinstates the ability of a political subdivision to place an issue on the ballot at a special election held on the first Tuesday after the first Monday in August, by repealing a provision of uncodified law that eliminated the August special election in 2012.
- Permits any candidate for President who has raised at least \$5,000 in at least 20 states (with a maximum of \$250 per contributor counting toward the threshold) to file a declaration of candidacy to become a candidate in Ohio's 2012 presidential primary election.
- Establishes a Redistricting Reform Task Force, comprised of eight members of the General Assembly, which must create a redistricting reform proposal for consideration by the General Assembly during 2012, and requires that report of that proposal to be issued not later than June 30, 2012.
- Waives competitive bidding for ballot preparation for the 2012 primary election.

CONTENT AND OPERATION

Congressional district boundaries

The act creates new Congressional district boundaries and in doing so reduces the number of Congressional districts in the state from 18 to 16. The Congressional districts created by the act contain the following territory:¹

District 1: Warren County. Portions of Hamilton County.

District 2: Adams County, Brown County, Clermont County, Highland County, and Pike County. Portions of Hamilton County, Ross County, and Scioto County.

District 3: Portions of Franklin County.

District 4: Allen County, Auglaize County, Champaign County, Crawford County, Logan County, Sandusky County, Seneca County, Shelby County, and Union County. Portions of Erie County, Huron County, Lorain County, Marion County, and Mercer County.

District 5: Defiance County, Fulton County, Hancock County, Hardin County, Henry County, Paulding County, Putnam County, Van Wert County, Williams County, Wood County, and Wyandot County. Portions of Lucas County, Mercer County, and Ottawa County.

¹ R.C. 3521.01(A).

District 6: Belmont County, Carroll County, Columbiana County, Gallia County, Guernsey County, Harrison County, Jackson County, Jefferson County, Lawrence County, Meigs County, Monroe County, Noble County, and Washington County. Portions of Athens County, Mahoning County, Muskingum County, Scioto County, and Tuscarawas County.

District 7: Ashland County, Coshocton County, Holmes County, and Knox County. Portions of Huron County, Lorain County, Medina County, Richland County, Stark County, and Tuscarawas County.

District 8: Butler County, Clark County, Darke County, Miami County, and Preble County. Portions of Mercer County.

District 9: Portions of Cuyahoga County, Erie County, Lorain County, Lucas County, and Ottawa County.

District 10: Greene County and Montgomery County. Portions of Fayette County.

District 11: Portions of Cuyahoga County and Summit County.

District 12: Delaware County, Licking County, and Morrow County. Portions of Franklin County, Marion County, Muskingum County, and Richland County.

District 13: Portions of Mahoning County, Portage County, Stark County, Summit County, and Trumbull County.

District 14: Ashtabula County, Geauga County, and Lake County. Portions of Cuyahoga County, Portage County, Summit County, and Trumbull County.

District 15: Clinton County, Fairfield County, Hocking County, Madison County, Morgan County, Perry County, Pickaway County, and Vinton County. Portions of Athens County, Fayette County, Franklin County, and Ross County.

District 16: Wayne County. Portions of Cuyahoga County, Medina County, Portage County, Stark County, and Summit County.

Unassigned territory

Any county or part of a county that has not been assigned to one of the districts described in the act is included (1) within the district that contains the least population

according to the 2010 decennial census and (2) that is contiguous to that county or part of that county.²

Definitions and incorporation by reference

As used in the act, "county," "census tract," "census block group," and "census block" have the same meanings and describe the same geographical boundaries as used by the United States Department of Commerce, Bureau of the Census in reporting the 2010 decennial census of Ohio. The act incorporates by reference into the Revised Code the official report of that census and all official documents relating to that report.³

Repeal of H.B. 318 provisions

The act repeals Sections 3 and 4 of Sub. H.B. 318 of the 129th General Assembly. Those provisions would have established a separate primary election in 2012 for all offices affected by Congressional district boundaries, specified the manner in which a person would become a candidate in that election, and made an appropriation to pay for the second primary election. By repealing those sections, the act eliminates the requirement that a second primary election be conducted and all funding associated with that second primary election.⁴

Repeal of H.B. 319 provision

The act repeals Section 3 of Sub. H.B. 319 of the 129th General Assembly, which would have required a board of elections to mail a notice to each registered elector in the county, not later than 35 days before the March 6, 2012, primary election, notifying the elector of the day of the election, the elector's precinct, and the Congressional district and General Assembly district in which the elector's voting residence is located. By repealing that section, the act eliminates the duty of a board of elections to send such a notice.⁵

Candidates for nomination in 2012

Timing for filing

The act establishes two separate procedures for appearing on the ballot at the March 6, 2012, primary election, depending upon whether the office for which a candidate is seeking nomination is affected by the Congressional redistricting.

² R.C. 3521.01(B).

³ R.C. 3521.01(C).

⁴ Section 5 of the act.

⁵ Section 6 of the act.

To be eligible to appear on the ballot as a candidate for nomination or election at that election for any office other than the offices of President and 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 political party, or district delegate and alternate to the national convention of a political party, a person must have filed the applicable declaration of candidacy, declaration of candidacy and petition, or nominating petition not later than 4 p.m. on December 7, 2011. To be eligible to receive votes as a write-in candidate for any of those offices at that election, a person is required to file the declaration of intent to be a write-in candidate not later than 4 p.m. on the 72nd day prior to March 6, 2012.⁶

To be eligible to appear as a candidate for nomination or election at that election for the offices of President and 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 political party, or district delegate and alternate to the national convention of a political party, a person must file the applicable declaration of candidacy, declaration of candidacy and petition, or nominating petition not later than 4 p.m. on the 67th day before the day of that election, in the manner specified under the Election Law. To be eligible to receive votes as a write-in candidate for any of those offices at that election, a person must file the declaration of intent to be a write-in candidate not later than 4 p.m. on the 67th day prior to the day of that election. The act requires the Secretary of State to adjust any applicable deadlines for petition verification, challenges to petitions, and ballot certification as the Secretary of State considers necessary to accommodate the shorter timeframe for filing for these candidates (candidates usually file 90 days before an election) so as to ensure that ballots are prepared and made available in the times and manner required under both Ohio and federal Election Law.⁷

Candidates who have previously filed

The act specifies that any declaration of candidacy, declaration of candidacy and petition, or declaration of intent to be a write-in candidate filed by an individual seeking nomination or election 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 political party, or district delegate and alternate to the national convention of a political party that is filed for the 2012 primary election before the act's effective date is null and void. The Secretary of State or the

⁶ Section 3(B)(1) of the act.

⁷ Section 3(B)(2) of the act.

applicable board of elections promptly is required to refund any filing fee paid by a person who filed such a declaration or petition.

A person whose declaration or petition is nullified and voided under this provision who files again to become a candidate for nomination or election to one of those offices for the 2012 primary election is not disqualified as a candidate under the statutory provisions prohibiting dual candidacy. If the person otherwise qualifies as a candidate, the person shall be placed on the ballot for nomination or election for that office at that election.⁸

Special elections in 2012

The act reinstates the ability of a political subdivision or taxing authority to conduct a special election on the first Tuesday after the first Monday in August in 2012 by repealing Section 3 of Sub. H.B. 318 of the 129th General Assembly, which had eliminated that election for 2012.⁹

Becoming a presidential candidate

The act revises one of the existing processes for becoming a candidate for the office of President of the United States. Instead of permitting anyone who qualifies to receive matching funds under federal law to file a declaration of candidacy for President, the act permits any candidate for President who has raised at least \$5,000 for the primary election in each of 20 states from individuals (with a maximum of \$250 per contributor counting toward the threshold) to file a declaration of candidacy for the 2012 presidential primary election. The declaration of candidacy must be accompanied by a reasonable accounting proving eligibility and a statement from the candidate's registered principal campaign committee treasurer certifying that the candidate has met the contribution requirements.¹⁰

Redistricting reform task force

The act creates the Redistricting Reform Task Force, comprised of eight members of the General Assembly who are equally divided between the members of the two major political parties. Not later than 30 days after the act's effective date, the legislative leader of the majority caucus and the legislative leader of the minority caucus in each house of the General Assembly must each appoint two members to the Task Force.

⁸ Section 3(C) of the act.

⁹ Sections 4 and 5 of the act.

¹⁰ Section 7 of the act.

The Task Force will be co-chaired by two members, one from each major political party. The legislative leaders in the House of Representatives and in the Senate who are members of the same political party must jointly appoint a chairperson.

The purpose of the Task Force is to create a redistricting reform proposal for consideration by the General Assembly during 2012.

The act requires the Task Force to issue a report, not later than June 30, 2012, that includes the Task Force's recommendations for reforming the redistricting process. The Task Force must hold a minimum of three public hearings, one of which is to be conducted after the Task Force issues its report, to allow for meaningful public discussion of the recommendations included in the report.¹¹

Competitive bidding

The act specifies that neither the Secretary of State nor any board of elections is required to use competitive bidding or competitive selection for ballot preparation or printing for the 2012 primary election.¹²

HISTORY

ACTION	DATE
Introduced	11-03-11
Reported, H. Rules and Reference	12-14-11
Passed House (77-17)	12-14-11
Passed Senate (27-6)	12-14-11

11-hb369-129.docx/jc

¹¹ Section 8.

¹² Section 10.

