

**As Reported by the House Government Accountability and Oversight  
Committee**

**131st General Assembly**

**Regular Session  
2015-2016**

**Am. H. B. No. 153**

**Representative Dovilla**

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**A BILL**

To amend sections 3501.01, 3513.01, and 3513.12 of 1  
the Revised Code to change the date on which 2  
presidential primary elections are held. 3

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

**Section 1.** That sections 3501.01, 3513.01, and 3513.12 of 4  
the Revised Code be amended to read as follows: 5

**Sec. 3501.01.** As used in the sections of the Revised Code 6  
relating to elections and political communications: 7

(A) "General election" means the election held on the 8  
first Tuesday after the first Monday in each November. 9

(B) "Regular municipal election" means the election held 10  
on the first Tuesday after the first Monday in November in each 11  
odd-numbered year. 12

(C) "Regular state election" means the election held on 13  
the first Tuesday after the first Monday in November in each 14  
even-numbered year. 15

(D) "Special election" means any election other than those 16  
elections defined in other divisions of this section. A special 17  
election may be held only on the first Tuesday after the first 18  
Monday in February, May, August, or November, or on the day 19  
authorized by a particular municipal or county charter for the 20  
holding of a primary election, except that in any year in which 21  
a presidential primary election is held, no special election 22  
shall be held in February or May, except as authorized by a 23  
municipal or county charter, but may be held on the ~~first~~second 24  
Tuesday after the first Monday in March. 25

(E) (1) "Primary" or "primary election" means an election 26  
held for the purpose of nominating persons as candidates of 27  
political parties for election to offices, and for the purpose 28  
of electing persons as members of the controlling committees of 29  
political parties and as delegates and alternates to the 30  
conventions of political parties. Primary elections shall be 31  
held on the first Tuesday after the first Monday in May of each 32  
year except in years in which a presidential primary election is 33  
held. 34

(2) "Presidential primary election" means a primary 35  
election as defined by division (E) (1) of this section at which 36  
an election is held for the purpose of choosing delegates and 37  
alternates to the national conventions of the major political 38  
parties pursuant to section 3513.12 of the Revised Code. Unless 39  
otherwise specified, presidential primary elections are included 40  
in references to primary elections. In years in which a 41  
presidential primary election is held, all primary elections 42  
shall be held on the ~~first~~second Tuesday after the first Monday 43  
in March except as otherwise authorized by a municipal or county 44  
charter. 45

(F) "Political party" means any group of voters meeting 46  
the requirements set forth in section 3517.01 of the Revised 47  
Code for the formation and existence of a political party. 48

(1) "Major political party" means any political party 49  
organized under the laws of this state whose candidate for 50  
governor or nominees for presidential electors received not less 51  
than twenty per cent of the total vote cast for such office at 52  
the most recent regular state election. 53

(2) "Minor political party" means any political party 54  
organized under the laws of this state that meets either of the 55  
following requirements: 56

(a) Except as otherwise provided in this division, the 57  
political party's candidate for governor or nominees for 58  
presidential electors received less than twenty per cent but not 59  
less than three per cent of the total vote cast for such office 60  
at the most recent regular state election. A political party 61  
that meets the requirements of this division remains a political 62  
party for a period of four years after meeting those 63  
requirements. 64

(b) The political party has filed with the secretary of 65  
state, subsequent to its failure to meet the requirements of 66  
division (F) (2) (a) of this section, a petition that meets the 67  
requirements of section 3517.01 of the Revised Code. 68

A newly formed political party shall be known as a minor 69  
political party until the time of the first election for 70  
governor or president which occurs not less than twelve months 71  
subsequent to the formation of such party, after which election 72  
the status of such party shall be determined by the vote for the 73  
office of governor or president. 74

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

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

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

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

(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to appear on the office-type ballot at a general or special

election as the nominee of a political party because the 105  
candidate has won the primary election of the candidate's party 106  
for the public office the candidate seeks, has been nominated 107  
under section 3517.012, or is selected by party committee in 108  
accordance with section 3513.31 of the Revised Code. 109

(L) "Officer of a political party" includes, but is not 110  
limited to, any member, elected or appointed, of a controlling 111  
committee, whether representing the territory of the state, a 112  
district therein, a county, township, a city, a ward, a 113  
precinct, or other territory, of a major or minor political 114  
party. 115

(M) "Question or issue" means any question or issue 116  
certified in accordance with the Revised Code for placement on 117  
an official ballot at a general or special election to be held 118  
in this state. 119

(N) "Elector" or "qualified elector" means a person having 120  
the qualifications provided by law to be entitled to vote. 121

(O) "Voter" means an elector who votes at an election. 122

(P) "Voting residence" means that place of residence of an 123  
elector which shall determine the precinct in which the elector 124  
may vote. 125

(Q) "Precinct" means a district within a county 126  
established by the board of elections of such county within 127  
which all qualified electors having a voting residence therein 128  
may vote at the same polling place. 129

(R) "Polling place" means that place provided for each 130  
precinct at which the electors having a voting residence in such 131  
precinct may vote. 132

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.	133 134 135
(T) "Political subdivision" means a county, township, city, village, or school district.	136 137
(U) "Election officer" or "election official" means any of the following:	138 139
(1) Secretary of state;	140
(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;	141 142 143 144
(3) Director of a board of elections;	145
(4) Deputy director of a board of elections;	146
(5) Member of a board of elections;	147
(6) Employees of a board of elections;	148
(7) Precinct election officials;	149
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	150 151
(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.	152 153 154 155 156 157 158
(W) "Confirmation notice" means a notice sent by a board	159

of elections, on a form prescribed by the secretary of state, to 160  
a registered elector to confirm the registered elector's current 161  
address. 162

(X) "Designated agency" means an office or agency in the 163  
state that provides public assistance or that provides state- 164  
funded programs primarily engaged in providing services to 165  
persons with disabilities and that is required by the National 166  
Voter Registration Act of 1993 to implement a program designed 167  
and administered by the secretary of state for registering 168  
voters, or any other public or government office or agency that 169  
implements a program designed and administered by the secretary 170  
of state for registering voters, including the department of job 171  
and family services, the program administered under section 172  
3701.132 of the Revised Code by the department of health, the 173  
department of mental health and addiction services, the 174  
department of developmental disabilities, the opportunities for 175  
Ohioans with disabilities agency, and any other agency the 176  
secretary of state designates. "Designated agency" does not 177  
include public high schools and vocational schools, public 178  
libraries, or the office of a county treasurer. 179

(Y) "National Voter Registration Act of 1993" means the 180  
"National Voter Registration Act of 1993," 107 Stat. 77, 42 181  
U.S.C.A. 1973gg. 182

(Z) "Voting Rights Act of 1965" means the "Voting Rights 183  
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 184

(AA) "Photo identification" means a document that meets 185  
each of the following requirements: 186

(1) It shows the name of the individual to whom it was 187  
issued, which shall conform to the name in the poll list or 188

signature pollbook. 189

(2) It shows the current address of the individual to whom 190  
it was issued, which shall conform to the address in the poll 191  
list or signature pollbook, except for a driver's license or a 192  
state identification card issued under section 4507.50 of the 193  
Revised Code, which may show either the current or former 194  
address of the individual to whom it was issued, regardless of 195  
whether that address conforms to the address in the poll list or 196  
signature pollbook. 197

(3) It shows a photograph of the individual to whom it was 198  
issued. 199

(4) It includes an expiration date that has not passed. 200

(5) It was issued by the government of the United States 201  
or this state. 202

**Sec. 3513.01.** (A) Except as otherwise provided in this 203  
section and section 3517.012 of the Revised Code, on the ~~first-~~ 204  
second Tuesday after the first Monday in March of ~~2000-2016~~ and 205  
every fourth year thereafter, and on the first Tuesday after the 206  
first Monday in May of every other year, primary elections shall 207  
be held for the purpose of nominating persons as candidates of 208  
political parties for election to offices to be voted for at the 209  
succeeding general election. 210

(B) The manner of nominating persons as candidates for 211  
election as officers of a municipal corporation having a 212  
population of two thousand or more, as ascertained by the most 213  
recent federal census, shall be the same as the manner in which 214  
candidates were nominated for election as officers in the 215  
municipal corporation in 1989 unless the manner of nominating 216  
such candidates is changed under division (C), (D), or (E) of 217



this section. 218

(C) Primary elections shall not be held for the nomination 219  
of candidates for election as officers of any township, or any 220  
municipal corporation having a population of less than two 221  
thousand, unless a majority of the electors of any such township 222  
or municipal corporation, as determined by the total number of 223  
votes cast in such township or municipal corporation for the 224  
office of governor at the most recent regular state election, 225  
files with the board of elections of the county within which 226  
such township or municipal corporation is located, or within 227  
which the major portion of the population thereof is located, if 228  
the municipal corporation is situated in more than one county, 229  
not later than one hundred twenty days before the day of a 230  
primary election, a petition signed by such electors asking that 231  
candidates for election as officers of such township or 232  
municipal corporation be nominated as candidates of political 233  
parties, in which event primary elections shall be held in such 234  
township or municipal corporation for the purpose of nominating 235  
persons as candidates of political parties for election as 236  
officers of such township or municipal corporation to be voted 237  
for at the succeeding regular municipal election. In a township 238  
or municipal corporation where a majority of the electors have 239  
filed a petition asking that candidates for election as officers 240  
of the township or municipal corporation be nominated as 241  
candidates of political parties, the nomination of candidates 242  
for a nonpartisan election may be reestablished in the manner 243  
prescribed in division (E) of this section. 244

(D) (1) The electors in a municipal corporation having a 245  
population of two thousand or more, in which municipal officers 246  
were nominated in the most recent election by nominating 247  
petition and elected by nonpartisan election, may place on the 248

ballot in the manner prescribed in division (D) (2) of this 249  
section the question of changing to the primary-election method 250  
of nominating persons as candidates for election as officers of 251  
the municipal corporation. 252

(2) The board of elections of the county within which the 253  
municipal corporation is located, or, if the municipal 254  
corporation is located in more than one county, of the county 255  
within which the major portion of the population of the 256  
municipal corporation is located, shall, upon receipt of a 257  
petition signed by electors of the municipal corporation equal 258  
in number to at least ten per cent of the vote cast at the most 259  
recent regular municipal election, submit to the electors of the 260  
municipal corporation the question of changing to the primary- 261  
election method of nominating persons as candidates for election 262  
as officers of the municipal corporation. The ballot language 263  
shall be substantially as follows: 264

"Shall candidates for election as officers of ..... 265  
(name of municipal corporation) in the county of ..... 266  
(name of county) be nominated as candidates of political 267  
parties? 268

..... yes 269

..... no" 270

The question shall be placed on the ballot at the next 271  
general election in an even-numbered year occurring at least 272  
ninety days after the petition is filed with the board. If a 273  
majority of the electors voting on the question vote in the 274  
affirmative, candidates for election as officers of the 275  
municipal corporation shall thereafter be nominated as 276  
candidates of political parties in primary elections, under 277

division (A) of this section, unless a change in the manner of 278  
nominating persons as candidates for election as officers of the 279  
municipal corporation is made under division (E) of this 280  
section. 281

(E) (1) The electors in a township or municipal corporation 282  
in which the township or municipal officers are nominated as 283  
candidates of political parties in a primary election may place 284  
on the ballot, in the manner prescribed in division (E) (2) of 285  
this section, the question of changing to the nonpartisan method 286  
of nominating persons as candidates for election as officers of 287  
the township or municipal corporation. 288

(2) The board of elections of the county within which the 289  
township or municipal corporation is located, or, if the 290  
municipal corporation is located in more than one county, of the 291  
county within which the major portion of the population of the 292  
municipal corporation is located, shall, upon receipt of a 293  
petition signed by electors of the township or municipal 294  
corporation equal in number to at least ten per cent of the vote 295  
cast at the most recent regular township or municipal election, 296  
as appropriate, submit to the electors of the township or 297  
municipal corporation, as appropriate, the question of changing 298  
to the nonpartisan method of nominating persons as candidates 299  
for election as officers of the township or municipal 300  
corporation. The ballot language shall be substantially as 301  
follows: 302

"Shall candidates for election as officers of ..... 303  
(name of the township or municipal corporation) in the county of 304  
..... (name of county) be nominated as candidates by 305  
nominating petition and be elected only in a nonpartisan 306  
election? 307

..... yes 308

..... no" 309

The question shall appear on the ballot at the next 310  
general election in an even-numbered year occurring at least 311  
ninety days after the petition is filed with the board. If a 312  
majority of electors voting on the question vote in the 313  
affirmative, candidates for officer of the township or municipal 314  
corporation shall thereafter be nominated by nominating petition 315  
and be elected only in a nonpartisan election, unless a change 316  
in the manner of nominating persons as candidates for election 317  
as officers of the township or municipal corporation is made 318  
under division (C) or (D) of this section. 319

**Sec. 3513.12.** At a presidential primary election, which 320  
shall be held on the ~~first~~second Tuesday after the first Monday 321  
in March in the year ~~2000~~2016, and similarly in every fourth 322  
year thereafter, delegates and alternates to the national 323  
conventions of the different major political parties shall be 324  
chosen by direct vote of the electors as provided in this 325  
chapter. Candidates for delegate and alternate shall be 326  
qualified and the election shall be conducted in the manner 327  
prescribed in this chapter for the nomination of candidates for 328  
state and district offices, except as provided in section 329  
3513.151 of the Revised Code and except that whenever any group 330  
of candidates for delegate at large or alternate at large, or 331  
any group of candidates for delegates or alternates from 332  
districts, file with the secretary of state statements as 333  
provided by this section, designating the same persons as their 334  
first and second choices for president of the United States, 335  
such a group of candidates may submit a group petition 336  
containing a declaration of candidacy for each of such 337

candidates. The group petition need be signed only by the number 338  
of electors required for the petition of a single candidate. No 339  
group petition shall be submitted except by a group of 340  
candidates equal in number to the whole number of delegates at 341  
large or alternates at large to be elected or equal in number to 342  
the whole number of delegates or alternates from a district to 343  
be elected. 344

Each person seeking to be elected as delegate or alternate 345  
to the national convention of the person's political party shall 346  
file with the person's declaration of candidacy and certificate 347  
a statement in writing signed by the person in which the person 348  
shall state the person's first and second choices for nomination 349  
as the candidate of the person's party for the presidency of the 350  
United States. The secretary of state shall not permit any 351  
declaration of candidacy and certificate of a candidate for 352  
election as such delegate or alternate to be filed unless 353  
accompanied by such statement in writing. The name of a 354  
candidate for the presidency shall not be so used without the 355  
candidate's written consent. 356

A person who is a first choice for president of candidates 357  
seeking election as delegates and alternates shall file with the 358  
secretary of state, prior to the day of the election, a list 359  
indicating the order in which certificates of election are to be 360  
issued to delegate or alternate candidates to whose candidacy 361  
the person has consented, if fewer than all of such candidates 362  
are entitled under party rules to be certified as elected. Each 363  
candidate for election as such delegate or alternate may also 364  
file along with the candidate's declaration of candidacy and 365  
certificate a statement in writing signed by the candidate in 366  
the following form: 367

"Statement of Candidate	368
For Election as ..... (Delegate) (Alternate) to the	369
..... (name of political party) National Convention	370
I hereby declare to the voters of my political party in	371
the State of Ohio that, if elected as ..... (delegate)	372
(alternate) to their national party convention, I shall, to the	373
best of my judgment and ability, support that candidate for	374
President of the United States who shall have been selected at	375
this primary by the voters of my party in the manner provided in	376
Chapter 3513. of the Ohio Revised Code, as their candidate for	377
such office.	378
..... (name) <u>  </u>	379
Candidate for .....	380
(Delegate) (Alternate)"	381
The procedures for the selection of candidates for	382
delegate and alternate to the national convention of a political	383
party set forth in this section and in section 3513.121 of the	384
Revised Code are alternative procedures, and if the procedures	385
of this section are followed, the procedures of section 3513.121	386
of the Revised Code need not be followed.	387
<b>Section 2.</b> That existing sections 3501.01, 3513.01, and	388
3513.12 of the Revised Code are hereby repealed.	389
<b>Section 3.</b> Notwithstanding any contrary provision of the	390
Revised Code, a declaration of candidacy or election petition	391
filed for the 2016 primary election or a special election on the	392
day of that election shall not be considered invalid on the	393
ground that it identifies the date of the 2016 primary election	394
as March 8, 2016, instead of March 15, 2016.	395

**Section 4.** Section 3501.01 of the Revised Code is 396  
presented in this act as a composite of the section as amended 397  
by Am. Sub. H.B. 59, Am. Sub. S.B. 109, and Am. Sub. S.B. 193 398  
all of the 130th General Assembly. The General Assembly, 399  
applying the principle stated in division (B) of section 1.52 of 400  
the Revised Code that amendments are to be harmonized if 401  
reasonably capable of simultaneous operation, finds that the 402  
composite is the resulting version of the section in effect 403  
prior to the effective date of the section as presented in this 404  
act. 405