

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 347

**Senator LaRose
Cosponsors: Senators Seitz, Thomas**

A BILL

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

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

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

Sec. 3513.02. ~~(A) (1) If, in any odd-numbered year, no valid declaration of candidacy person is filed for nomination certified as a candidate for the nomination of a political party for election to any of the offices an office to be voted for at the a general election to be held in such year, or if the number of persons filing such declarations of candidacy for nominations certified as candidates for the nomination of one that political party for election to such offices that office does not exceed, as to any such office, the number of candidates which such that political party is entitled to nominate as its candidates for election to such that office, then no primary election shall be~~

held for the purpose of nominating party candidates of ~~such that~~ 19
party for ~~election to offices to be voted for at such general~~ 20
~~election and no primary ballots shall be provided for such party~~ 21
that office. If, however, the only office for which there are 22
more ~~valid declarations of candidacy filed~~ certified candidates 23
than the number to be nominated by a political party, is the 24
office of councilperson in a ward, a primary election shall be 25
held for ~~such that~~ party for that office only in the ward or 26
wards in which there is a contest, and only the names of the 27
candidates for the office of councilperson in ~~such that~~ ward 28
shall appear on the primary ballot of ~~such that~~ political party. 29

~~The~~ (2) If the number of persons certified as candidates 30
for the nomination of a political party for an office does not 31
exceed the number of candidates the political party is entitled 32
to nominate as its candidates for that office, then the election 33
officials whose duty it would have been to ~~provide for and~~ 34
~~conduct the holding of such primary election, declare the~~ 35
~~results thereof, and issue certificates of nomination to the~~ 36
persons ~~entitled thereto if such~~ nominated at the primary 37
election ~~had been held~~ shall declare each of ~~such those~~ persons 38
to be nominated as of the date of the ~~ninetieth sixty-fifth~~ day 39
before the primary election, issue appropriate certificates of 40
nomination to each of them, and certify their names to the 41
proper election officials, in order that their names may be 42
printed on the official ballots provided for use in the 43
succeeding general election in the same manner as though ~~such~~ 44
the primary election had been held and such those persons had 45
been nominated at ~~such the~~ election. 46

(B) If the number of persons certified as candidates for 47
the nomination of a political party for an office exceeds the 48
number of candidates the political party is entitled to nominate 49

as its candidates for that office and one or more candidates 50
die, withdraw, or are disqualified before the day of the primary 51
election, such that the number of candidates no longer exceeds 52
the number of candidates that the political party is entitled to 53
nominate as its candidates for that office, and the vacancy or 54
vacancies are not filled under division (F) of section 3513.052 55
of the Revised Code, then all of the following apply: 56

(1) No primary election shall be held for the purpose of 57
nominating party candidates of that party for that office. 58

(2) If the ballots for that election have already been 59
prepared and a primary election is to be held for that party, 60
the board of elections shall not remove the names of candidates 61
from the ballots. The board of elections shall post a notice at 62
each polling place on the day of the election that no primary is 63
being held for the purpose of nominating party candidates of 64
that party for that office and that votes for those candidates 65
will be void and will not be counted. The board also shall 66
enclose a copy of that notice with each absent voter's ballot 67
given or mailed after all but one candidate has died, withdrawn, 68
or been disqualified. Any votes for those candidates are void 69
and shall not be counted. 70

(3) The election officials whose duty it would have been 71
to issue certificates of nomination to the persons nominated at 72
the primary election shall declare the remaining candidate or 73
candidates to be nominated as of the date of the primary 74
election, issue appropriate certificates of nomination to each 75
of them, and certify their names to the proper election 76
officials, in order that their names may be printed on the 77
official ballots provided for use in the succeeding general 78
election in the same manner as though the primary election had 79

been held and those persons had been nominated at that election. 80

Sec. 3513.30. (A) (1) ~~If only one valid declaration of~~ 81
~~candidacy is filed for nomination~~ the number of persons 82
~~certified as a candidate~~ candidates for the nomination of a 83
political party for an office does not exceed the number of 84
candidates that political party is entitled to nominate as its 85
candidates for that office and ~~that candidate dies one or more~~ 86
candidates die, withdraw, or are disqualified prior to the tenth 87
day before the primary election, both of the following may 88
occur: 89

(a) The political party whose candidate ~~died, withdrew, or~~ 90
~~was disqualified~~ may fill the vacancy so created as provided in 91
division (A) (2) of this section. 92

(b) Any major political party other than the one whose 93
candidate ~~died, withdrew, or was disqualified~~ may select a 94
candidate as provided in division (A) (2) of this section under 95
either of the following circumstances: 96

(i) No person ~~has filed a valid declaration of candidacy~~ 97
~~for nomination~~ is certified as that party's a candidate at the 98
~~primary election~~ for that party's nomination for that office. 99

(ii) ~~Only one person has filed a valid declaration of~~ 100
~~candidacy for nomination~~ The number of persons certified as that 101
~~party's candidate at the primary election~~ candidates for that 102
party's nomination for that office does not exceed the number of 103
candidates that political party is entitled to nominate as its 104
candidates for that office, that person has one or more 105
candidates have withdrawn, died, or been disqualified under 106
section 3513.052 of the Revised Code, and the vacancy or 107
vacancies so created ~~has~~ have not been filled. 108

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

(3) ~~If only one valid declaration of candidacy is filed for nomination~~ the number of persons certified as a candidate candidates for the nomination of a political party for an office does not exceed the number of candidates that political party is entitled to nominate as its candidates for that office and ~~that candidate dies~~ one or more candidates die, withdraw, or are disqualified on or after the tenth day before the day of the primary election, ~~that each such~~ candidate is considered to have received the nomination of that candidate's political party at that primary election, and, for purposes of filling the vacancy so created, that candidate's death, withdrawal, or disqualification shall be treated as if ~~that candidate died~~ it occurred on the day after the day of the primary election.

(B) ~~Any person filing a declaration of candidacy candidate~~ for the nomination of a political party for an office may withdraw as such candidate at any time prior to the primary election. The withdrawal shall be effected and the statement of

withdrawal shall be filed in accordance with the procedures 140
prescribed in division (D) of this section for the withdrawal of 141
persons nominated in a primary election or by nominating 142
petition. 143

(C) A person who is the first choice for president of the 144
United States by a candidate for delegate or alternate to a 145
national convention of a political party may withdraw consent 146
for the selection of the person as such first choice no later 147
than four p.m. of the fortieth day before the day of the 148
presidential primary election. Withdrawal of consent shall be 149
for the entire slate of candidates for delegates and alternates 150
who named such person as their presidential first choice and 151
shall constitute withdrawal from the primary election by such 152
delegates and alternates. The withdrawal shall be made in 153
writing and delivered to the secretary of state. If the 154
withdrawal is delivered to the secretary of state on or before 155
the seventieth day before the day of the primary election, the 156
boards of elections shall remove both the name of the withdrawn 157
first choice and the names of such withdrawn candidates from the 158
ballots according to the directions of the secretary of state. 159
If the withdrawal is delivered to the secretary of state after 160
the seventieth day before the day of the primary election, the 161
board of elections shall not remove the name of the withdrawn 162
first choice and the names of the withdrawn candidates from the 163
ballots. The board of elections shall post a notice at each 164
polling location on the day of the primary election, and shall 165
enclose with each absent voter's ballot given or mailed after 166
the candidate withdraws, a notice that votes for the withdrawn 167
first choice or the withdrawn candidates will be void and will 168
not be counted. If such names are not removed from all ballots 169
before the day of the election, the votes for the withdrawn 170

first choice or the withdrawn candidates are void and shall not 171
be counted. 172

(D) Any person nominated in a primary election or by 173
nominating petition as a candidate for election at the next 174
general election may withdraw as such candidate at any time 175
prior to the general election. Such withdrawal may be effected 176
by the filing of a written statement by such candidate 177
announcing the candidate's withdrawal and requesting that the 178
candidate's name not be printed on the ballots. If such 179
candidate's declaration of candidacy or nominating petition was 180
filed with the secretary of state, the candidate's statement of 181
withdrawal shall be addressed to and filed with the secretary of 182
state. If such candidate's declaration of candidacy or 183
nominating petition was filed with a board of elections, the 184
candidate's statement of withdrawal shall be addressed to and 185
filed with such board. 186

(E) When a person withdraws under division (B) or (D) of 187
this section on or before the seventieth day before the day of 188
the primary election or the general election, the board of 189
elections shall remove the name of the withdrawn candidate from 190
the ballots according to the directions of the secretary of 191
state. When a person withdraws under division (B) or (D) of this 192
section after the seventieth day before the day of the primary 193
election or the general election, the board of elections shall 194
not remove the name of the withdrawn candidate from the ballots. 195
The board of elections shall post a notice at each polling place 196
on the day of the election, and shall enclose with each absent 197
voter's ballot given or mailed after the candidate withdraws, a 198
notice that votes for the withdrawn candidate will be void and 199
will not be counted. If the name is not removed from all ballots 200
before the day of the election, the votes for the withdrawn 201

candidate are void and shall not be counted. 202

Sec. 3513.301. (A) Notwithstanding section 3513.30 of the 203
Revised Code and except as otherwise provided in division (B)(2) 204
of this section, if only one person has filed a valid 205
declaration of candidacy for nomination as the candidate of a 206
political party for the office of representative to congress and 207
that person withdraws as a candidate or dies at any time before 208
the primary election, a special election shall be held under 209
division (B) (1) of this section to nominate the following: 210

(1) That party's candidate for congress; 211

(2) The candidate for congress of any other major 212
political party under either of the following circumstances: 213

(a) No person has filed a valid declaration of candidacy 214
for nomination as that party's candidate at the primary 215
election. 216

(b) Only one person has filed a valid declaration of 217
candidacy for nomination as that party's candidate at the 218
primary election, that person has withdrawn or died, and the 219
vacancy so created has not been filled. 220

~~(B)~~ (1) Except as otherwise provided in division (B) 221
(2) of this section, the boards of elections of all the counties 222
contained in whole or in part within the congressional district 223
for which a special election is being held under this section 224
shall, as soon as reasonably practicable, conduct the special 225
election and give notice of the time and places of holding the 226
election as provided in section 3501.03 of the Revised Code. The 227
election shall be held and conducted and returns of it made as 228
in the case of a primary election, except that the secretary of 229
state shall designate the deadline to file a declaration of 230

candidacy or a declaration of intent to be a write-in candidate 231
for the election. 232

(2) If, for each nomination to be made at the special 233
election to be held under division (B)(1) of this section, only 234
one person has filed a valid declaration of candidacy or no 235
person has filed a valid declaration of candidacy, then no 236
special election shall be held. If no special election is held, 237
then for each nomination for which only one person has filed a 238
valid declaration of candidacy, the secretary of state shall 239
issue a certificate of nomination to the person and certify the 240
person's name to appear on the ballot as that party's candidate 241
at the general election. 242

(C) The state shall pay all costs of any special election 243
held under this section. 244

Sec. 3513.312. (A) Notwithstanding section 3513.31 of the 245
Revised Code, if a person nominated in a primary election or 246
nominated by petition under section 3517.012 of the Revised Code 247
as a party candidate for the office of representative to 248
congress for election at the next general election withdraws as 249
such candidate prior to the ninetieth day before the day of such 250
general election, or dies prior to the ninetieth day before the 251
day of such general election, the vacancy in the party 252
nomination so created shall be filled ~~by a special election held~~ 253
in accordance with division (B) of this section. 254

~~(B) The~~ (1) Except as otherwise provided in division (B) 255
(2) of this section, the boards of elections of all the counties 256
contained in whole or in part within the congressional district 257
in which a vacancy occurs as described in division (A) of this 258
section shall, as soon as reasonably practicable, conduct the 259
special election and give notice of the time and places of 260

holding such election as provided in section 3501.03 of the Revised Code. Such election shall be held and conducted and returns thereof made as in the case of a primary election, except that the secretary of state shall designate the deadline to file a declaration of candidacy or a declaration of intent to be a write-in candidate for the election.

(2) If only one person has filed a valid declaration of candidacy for the special election to be held under division (B) (1) of this section, or if no person has filed a valid declaration of candidacy, then no special election shall be held. If one person has filed a valid declaration of candidacy, the secretary of state shall issue a certificate of nomination to the person and certify the person's name to appear on the ballot as that party's candidate at the general election.

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

Section 2. That existing sections 3513.02, 3513.30, 3513.301, and 3513.312 of the Revised Code are hereby repealed.