

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 18**

**Representatives Pelanda, Retherford**

**Cosponsors: Representatives Wiggam, Keller, Blessing, Koehler, Becker, Hambley, McColley, Goodman, Huffman, Dean, Scherer, Dever, Faber, Riedel, Green, Young, Gavarone, Kick, Rezabek, Ginter, Greenspan, Anielski, Arndt, Ashford, Conditt, Duffey, Hughes, Ingram, Lipps, Manning, O'Brien, Patmon, Patton, Perales, Reineke, Roegner, Rogers, Romanchuk, Ryan, Schaffer, Seitz, Sheehy, Slaby, Smith, R., Sprague, Stein, Sweeney, Thompson, West**

**Senators Coley, LaRose, Beagle, Eklund, Hackett, Hoagland, Huffman, Kunze, Obhof, O'Brien, Oelslager, Peterson, Sykes, Terhar, Wilson, Yuko**

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**A BILL**

To amend sections 3513.301, 3513.312, 5715.49, and 1  
5715.50 and to enact sections 3.111 and 5739.081 2  
of the Revised Code to eliminate the requirement 3  
of holding a special election to fill a vacancy 4  
in a party nomination for the office of 5  
representative to Congress under certain 6  
circumstances; to authorize local elected 7  
officers that have levied a hotel lodging excise 8  
tax, or a designee of such officers, to 9  
simultaneously hold the position of officer or 10  
member of the board of trustees of a convention 11  
and visitors' bureau without constituting 12  
incompatible offices; and to require that, upon 13  
request, county auditors, municipal fiscal 14  
officers, and their employees must share lodging 15  
tax return information with the directors of 16  
convention and visitors' bureaus operating in 17  
their counties. 18

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

**Section 1.** That sections 3513.301, 3513.312, 5715.49, and 5715.50 be amended and sections 3.111 and 5739.081 of the Revised Code be enacted to read as follows:

Sec. 3.111. An elected officer of a county, township, or municipal corporation that has levied an excise lodging tax under section 5739.08 or 5739.09 of the Revised Code, or a designee appointed by such elected officer, may simultaneously serve in the elected or appointed position and as a member or officer of the board of trustees of a convention and visitors' bureau organized under Chapter 1702. of the Revised Code. The simultaneous holding of the two positions shall not constitute the holding of incompatible offices or employment, notwithstanding Ohio common law or any contrary provision of the Revised Code.

Nothing in this section prevents a municipal corporation or chartered county from adopting a more restrictive policy regarding the simultaneous holding of the positions described in this section.

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

(1) That party's candidate for congress;	46
(2) The candidate for congress of any other major political party under either of the following circumstances:	47 48
(a) No person has filed a valid declaration of candidacy for nomination as that party's candidate at the primary election.	49 50 51
(b) Only one person has filed a valid declaration of candidacy for nomination as that party's candidate at the primary election, that person has withdrawn or died, and the vacancy so created has not been filled.	52 53 54 55
<del>(B) The</del> <u>(1) Except as otherwise provided in division (B) (2) of this section, the boards of elections of all the counties contained in whole or in part within the congressional district for which a special election is being held under this section shall, as soon as reasonably practicable, conduct the special election on a date designated by the secretary of state and give notice of the time and places of holding the election as provided in section 3501.03 of the Revised Code. The election shall be held and conducted and returns of it 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.</u>	56 57 58 59 60 61 62 63 64 65 66 67 68
<u>(2) If, for each nomination to be made at the special election to be held under division (B) (1) of this section, only one person has filed a valid declaration of candidacy or no person has filed a valid declaration of candidacy, then no special election shall be held. If no special election is held, then for each nomination for which only one person has filed a</u>	69 70 71 72 73 74

valid declaration of candidacy, the secretary of state, upon 75  
receiving certification of that fact from the board of elections 76  
of the most populous county of the congressional district, shall 77  
issue a certificate of nomination to the person and the person's 78  
name shall appear on the ballot as that party's candidate at the 79  
general election. 80

(C) The state shall pay all costs of any special election 81  
held under this section. 82

**Sec. 3513.312.** (A) Notwithstanding section 3513.31 of the 83  
Revised Code, if a person nominated in a primary election or 84  
nominated by petition under section 3517.012 of the Revised Code 85  
as a party candidate for the office of representative to 86  
congress for election at the next general election withdraws as 87  
such candidate prior to the ninetieth day before the day of such 88  
general election, or dies prior to the ninetieth day before the 89  
day of such general election, the vacancy in the party 90  
nomination so created shall be filled ~~by a special election held~~ 91  
in accordance with division (B) of this section as soon as 92  
reasonably practicable. 93

~~(B) The~~ (1) Except as otherwise provided in division (B) 94  
(2) of this section, the boards of elections of all the counties 95  
contained in whole or in part within the congressional district 96  
in which a vacancy occurs as described in division (A) of this 97  
section shall, ~~as soon as reasonably practicable,~~ conduct the 98  
special election on a date designated by the secretary of state 99  
and give notice of the time and places of holding such election 100  
as provided in section 3501.03 of the Revised Code. Such 101  
election shall be held and conducted and returns thereof made as 102  
in the case of a primary election, except that the secretary of 103  
state shall designate the deadline to file a declaration of 104

candidacy or a declaration of intent to be a write-in candidate 105  
for the election. 106

(2) If only one person has filed a valid declaration of 107  
candidacy for the special election to be held under division (B) 108  
(1) of this section, or if no person has filed a valid 109  
declaration of candidacy, then no special election shall be 110  
held. If one person has filed a valid declaration of candidacy, 111  
the secretary of state, upon receiving certification of that 112  
fact from the board of elections of the most populous county of 113  
the congressional district, shall issue a certificate of 114  
nomination to the person and the person's name shall appear on 115  
the ballot as that party's candidate at the general election. 116

(C) The state shall pay all costs of any special election 117  
held pursuant to this section. 118

**Sec. 5715.49.** (A) Except as provided in division (B) or 119  
(C) of this section, no former or present county auditor or 120  
member of a county board of revision shall divulge, except in 121  
the performance of official duties or upon the order of the 122  
department of taxation, or when called upon to testify in any 123  
court or proceeding, any information acquired in the exercise of 124  
the powers vested by the laws relating to taxation, or while 125  
claiming to exercise any such powers, as to the transactions, 126  
property, or business of any person, company, firm, corporation, 127  
association, or partnership. Whoever violates this section shall 128  
thereafter be disqualified from acting in any official capacity 129  
in connection with the assessment or collection of taxes or 130  
recoupment charges. 131

(B) Division (A) of this section does not prohibit a 132  
county auditor from divulging the name and business address of a 133  
vendor, a vendor's license number, or information regarding the 134

active or inactive status of a vendor's license issued by the 135  
county auditor pursuant to section 5739.17 of the Revised Code. 136

(C) Division (A) of this section does not prohibit a 137  
county auditor from divulging to the executive director of a 138  
convention and visitors' bureau operating in the county the tax 139  
return information of a hotel subject to a lodging tax levied by 140  
the county pursuant to section 5739.09 of the Revised Code. 141

**Sec. 5715.50.** (A) Except as provided in division (B) of 142  
this section, no former or present expert, clerk, or employee of 143  
a county auditor, county board of revision, or the tax 144  
commissioner, and no former or present deputy, assistant, or 145  
agent of the tax commissioner shall divulge, except in the 146  
performance of official duties or in any report to the county 147  
auditor, the county board of revision, or the tax commissioner, 148  
or when called upon to testify in any court or proceeding, any 149  
information acquired in the exercise of the powers vested 150  
therein by any law, or while claiming to exercise such powers, 151  
as to the transactions, property, or business of any person, 152  
company, firm, corporation, association, or partnership. Whoever 153  
violates this section shall thereafter be disqualified from 154  
acting in any official capacity in connection with the 155  
assessment or collection of taxes or recoupment charges. 156

(B) Division (A) of this section does not prohibit the 157  
divulgence of: 158

(1) The name and address of the statutory agent in this 159  
state and the names of officers and directors of any 160  
corporation; 161

(2) The name and business address of a vendor, vendor's 162  
license number, or information regarding the active or inactive 163

status of a vendor's license issued by the county auditor 164  
pursuant to section 5739.17 of the Revised Code; 165

(3) The tax return information of a hotel subject to a 166  
lodging tax levied by the county pursuant to section 5739.09 of 167  
the Revised Code when that information is provided to the 168  
executive director of a convention and visitors' bureau 169  
operating in the county. 170

**Sec. 5739.081.** A county auditor, the fiscal officer of a 171  
municipal corporation, or an employee of either shall, upon 172  
request, provide to the executive director of a convention and 173  
visitors' bureau operating in the county the tax return 174  
information of a hotel subject to a lodging tax levied by the 175  
county or municipal corporation pursuant to section 5739.08 or 176  
5739.09 of the Revised Code. 177

**Section 2.** That existing sections 3513.301, 3513.312, 178  
5715.49, and 5715.50 of the Revised Code are hereby repealed. 179