

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**S. B. No. 233**

**Senator Manning**

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**A BILL**

To amend section 3513.04 of the Revised Code to 1  
allow a primary candidate to become a candidate 2  
at the general election by being appointed to 3  
fill a ballot vacancy. 4

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

**Section 1.** That section 3513.04 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 3513.04.** Candidates for party nominations to state, 7  
district, county, and municipal offices or positions, for which 8  
party nominations are provided by law, and for election as 9  
members of party controlling committees shall have their names 10  
printed on the official primary ballot by filing a declaration 11  
of candidacy and paying the fees specified for the office under 12  
divisions (A) and (B) of section 3513.10 of the Revised Code, 13  
except that the joint candidates for party nomination to the 14  
offices of governor and lieutenant governor shall, for the two 15  
of them, file one declaration of candidacy. The joint candidates 16  
also shall pay the fees specified for the joint candidates under 17  
divisions (A) and (B) of section 3513.10 of the Revised Code. 18

The secretary of state shall not accept for filing the 19

declaration of candidacy of a candidate for party nomination to 20  
the office of governor unless the declaration of candidacy also 21  
shows a joint candidate for the same party's nomination to the 22  
office of lieutenant governor, shall not accept for filing the 23  
declaration of candidacy of a candidate for party nomination to 24  
the office of lieutenant governor unless the declaration of 25  
candidacy also shows a joint candidate for the same party's 26  
nomination to the office of governor, and shall not accept for 27  
filing a declaration of candidacy that shows a candidate for 28  
party nomination to the office of governor or lieutenant 29  
governor who, for the same election, has already filed a 30  
declaration of candidacy or a declaration of intent to be a 31  
write-in candidate, or has become a candidate by the filling of 32  
a vacancy under section 3513.30 of the Revised Code for any 33  
other state office or any federal or county office. 34

No person who seeks party nomination for an office or 35  
position at a primary election by declaration of candidacy or by 36  
declaration of intent to be a write-in candidate and no person 37  
who is a first choice for president of candidates seeking 38  
election as delegates and alternates to the national conventions 39  
of the different major political parties who are chosen by 40  
direct vote of the electors as provided in this chapter shall be 41  
permitted to become a candidate by nominating petition, 42  
including a nominating petition filed under section 3517.012 of 43  
the Revised Code, or by declaration of intent to be a write-in 44  
candidate, ~~or by filling a vacancy under section 3513.31 of the~~ 45  
~~Revised Code~~ at the following general election for any office 46  
other than the office of member of the state board of education, 47  
office of member of a city, local, or exempted village board of 48  
education, office of member of a governing board of an 49  
educational service center, or office of township trustee. 50

**Section 2.** That existing section 3513.04 of the Revised Code is hereby repealed. 51  
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