

**As Reported by the Senate Local Government and Elections Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. S. B. No. 53**

**Senator Manning**

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**A BILL**

To amend section 3513.04 of the Revised Code to  
allow a primary candidate to become a candidate  
at the general election by being appointed to  
fill a ballot vacancy under certain  
circumstances.

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

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

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

(B) The secretary of state shall not accept for filing the  
declaration of candidacy of a candidate for party nomination to  
the office of governor unless the declaration of candidacy also  
shows a joint candidate for the same party's nomination to the  
office of lieutenant governor, shall not accept for filing the  
declaration of candidacy of a candidate for party nomination to  
the office of lieutenant governor unless the declaration of  
candidacy also shows a joint candidate for the same party's  
nomination to the office of governor, and shall not accept for  
filing a declaration of candidacy that shows a candidate for  
party nomination to the office of governor or lieutenant  
governor who, for the same election, has already filed a  
declaration of candidacy or a declaration of intent to be a  
write-in candidate, or has become a candidate by the filling of  
a vacancy under section 3513.30 of the Revised Code for any  
other state office or any federal or county office.

~~No~~ (C) (1) Except as otherwise provided in division (C) (2)  
of this section, no person who seeks party nomination for an  
office or position at a primary election by declaration of  
candidacy or by declaration of intent to be a write-in candidate  
and no person who is a first choice for president of candidates  
seeking election as delegates and alternates to the national  
conventions of the different major political parties who are  
chosen by direct vote of the electors as provided in this  
chapter shall be permitted to become a candidate by nominating  
petition, including a nominating petition filed under section  
3517.012 of the Revised Code, by declaration of intent to be a  
write-in candidate, or by filling a vacancy under section  
3513.31 of the Revised Code at the following general election  
for any office other than the office of member of the state  
board of education, office of member of a city, local, or

exempted village board of education, office of member of a 51  
governing board of an educational service center, or office of 52  
township trustee. 53

(2) Division (C) (1) of this section does not prohibit such 54  
a person from becoming a candidate at the following general 55  
election for an office that is not a state or federal office by 56  
filling a vacancy under section 3513.31 of the Revised Code. 57

**Section 2.** That existing section 3513.04 of the Revised 58  
Code is hereby repealed. 59