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# **Representative Angie King Ohio House District 84**

## **Sponsor Testimony on House Bill 471 Before the House Government Oversight Committee May 7, 2024**

Chairman Peterson, Vice Chair Thomas, Ranking Member Humpfrey and esteemed members of the House Government Oversight Committee, thank you for allowing me to present sponsor testimony on House Bill 471.

Current law only allows for protests against the declaration of candidacy by a qualified elector who is a member of the same political party as the candidate. Under this legislation the protest would be open to an elector, regardless of party affiliation, yet limits the nature of protests to a candidate's ineligibility to hold office. This legislation recodifies the existing reason's a voter may protest candidacy for political nomination:

- Person isn't a U.S. citizen
- Person isn't the minimum age to hold the office
- Candidate would exceed an applicable term or age limit
- Person who would be ineligible to hold the office by reason of a criminal conviction
- Candidate noncompliance and failure to provide former name as required by law. <sup>1</sup>

An issue was brought to light when a protest was presented to the Board of Elections against a petition of candidacy for noncompliance and failure to provide a former name as required by law.<sup>2</sup> Some may try to portray this as an obscure law, but it's a candidacy requirement that's been in effect since 1939 – that's right 85 years. It's nearly a century old statute. In fact, the look-back period for disclosing former names used to be double what it is now – a full ten years before 1980.

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<sup>1</sup> [Section 3513.271 - Ohio Revised Code | Ohio Laws](#)

<sup>2</sup> [Section 3513.06 - Ohio Revised Code | Ohio Laws](#)

The prior name requirement prioritizes transparency; allowing voters to check backgrounds for liens, judgements, bankruptcy, voting history, criminal history, etc. which empowers voters to make informed decisions.

Going back to 1950, the Ohio Supreme Court has upheld the statutory requirement to list former names and explained in *Pierce v. Brushart*, “the clear purpose of disclosing former names is to prevent a candidate from changing his name to another to avoid an unfavorable result in the use of the abandoned name or to secure advantage by the use of such name.”<sup>3</sup>

Since 1950 there have been numerous Ohio Supreme Court cases, one as recently as 2023. In this most recent case, the court once again, upheld the board’s refusal to certify the candidate to the ballot, emphasizing the importance of complying with the legal requirement regarding name changes in candidacy documents.<sup>4</sup>

The ability to protest a primary candidate’s ineligibility to hold office shouldn’t be partisan – that’s disingenuous to both voters and the candidate. The candidate - should they win, would be immediately suspended from office and the office declared vacated.<sup>5</sup> This enforcement procedure was added in 1951.<sup>6</sup>

There's a misconception that Ohio’s Candidate Guide doesn't address the listing of prior names. Each of us here have received this guide. It is our responsibility and our duty to thoroughly read the Candidate’s Guide. The very 1<sup>st</sup> page notes, “If you are considering running for office in Ohio, this guide can help you navigate the legal requirements to get your name on the ballot. This guide is only a brief summary and not a complete digest of laws.”<sup>7</sup>

A candidate’s first step and equally as fitting, the first topic addressed in the guide is “Rules Governing Petitions”.<sup>8</sup> The reader is told that this is an overview of the rules governing petitions and to reference Chapter 11 of the Ohio Election Manual for additional rules.<sup>9</sup> The on-line version of the Candidate’s Guide provides a convenient hyper-link to Chapter 11: Petitions.<sup>10</sup> On page 3, in large upper case font the heading reads “Candidate Name” A candidate is then very clearly instructed that to become a candidate for public office they must immediately follow their present

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<sup>3</sup> *Pierce v. Brushart* (1950), 153 Ohio St.3d 372, 381, 41 O.O. 398, 92 N.E.2d 4.

<sup>4</sup> <https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2023/2023-Ohio-1051.pdf>

<sup>5</sup> <https://codes.ohio.gov/ohio-revised-code/section-3513.271>

<sup>6</sup> S.B. 269 of the 99<sup>th</sup> General Assembly, O.L. 124 v 673 (1951).

<sup>7</sup> [https://www.ohiosos.gov/globalassets/publications/election/2023\\_crg.pdf](https://www.ohiosos.gov/globalassets/publications/election/2023_crg.pdf) (page 1)

<sup>8</sup> [https://www.ohiosos.gov/globalassets/publications/election/2023\\_crg.pdf](https://www.ohiosos.gov/globalassets/publications/election/2023_crg.pdf) (page 4)

<sup>9</sup> [https://www.ohiosos.gov/globalassets/publications/election/2023\\_crg.pdf](https://www.ohiosos.gov/globalassets/publications/election/2023_crg.pdf) (page 4)

<sup>10</sup> <https://www.ohiosos.gov/globalassets/elections/directives/2022/eom/dir2022-17-ch13.pdf>

name with their former names. It is also worth noting, this section references two court cases, one of which is *Pierce v Brushart*.<sup>11</sup>

Voters trust that the candidate they vote for is legally able to serve. Certainly, a wave of confusion would follow the unexpected suspension of an elected official, the subsequent vacancy of office, and the requirement to return any received salary.<sup>12</sup> Under HB 471, where declaration and petitions do not conform to the requirements specified by law, voters of either party can alert the board to a possible defect in a candidate's petition.

Chair Peterson, and esteemed members of the Government Oversight committee thank you for the opportunity to present this simple, yet important legislation, ensuring voters have a meaningful choice of candidates. We would be happy to answer any questions.

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<sup>11</sup> [https://www.ohiosos.gov/globalassets/elections/directives/2019/eom\\_12-2019/eom\\_ch11\\_2019-12-18.pdf](https://www.ohiosos.gov/globalassets/elections/directives/2019/eom_12-2019/eom_ch11_2019-12-18.pdf)

<sup>12</sup> Section 3513.271 - Ohio Revised Code | Ohio Laws