

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 667

Representatives Upchurch, Piccolantonio

A BILL

To amend sections 3505.061, 3505.062, and 3519.21 1
and to enact section 3505.064 of the Revised 2
Code to modify the membership, procedures, and 3
powers of the Ohio Ballot Board and to declare 4
an emergency. 5

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

Section 1. That sections 3505.061, 3505.062, and 3519.21 6
be amended and section 3505.064 of the Revised Code be enacted 7
to read as follows: 8

Sec. 3505.061. ~~(A)~~ (A) (1) The Ohio ballot board, as 9
authorized by Section 1 of Article XVI, Ohio Constitution, shall 10
consist of the secretary of state and four appointed members. No 11
more than two of the appointed members shall be of the same 12
political party. ~~One of the~~ Appointed members of the board shall 13
~~be appointed by meet the president eligibility requirements~~ 14
described in section 3505.064 of the Revised Code. 15

(2) The president of the senate, ~~one shall be appointed by~~ 16
and the minority leader of the senate, ~~one shall be appointed by~~ 17
acting jointly, shall appoint two members of the board, and the 18
speaker of the house of representatives, ~~and one shall be~~ 19

~~appointed by~~ the minority leader of the house of 20
representatives, acting jointly, shall appoint two members of 21
the board. The appointments shall be made within forty-five days 22
after the commencement of the first regular session of the 23
general assembly in the year in which the appointments are to be 24
made. ~~If any appointment is not so made, the secretary of state,~~ 25
~~acting in place of the person otherwise required to make the~~ 26
~~appointment, shall appoint as many qualified members affiliated~~ 27
~~with the appropriate political party as are necessary.~~ 28

~~(B) (1)~~ (B) The initial appointees to the board shall serve 29
until the first Monday in February, 1977. Thereafter, terms of 30
office shall be for four years, each term ending on the first 31
Monday in February. The term of the secretary of state on the 32
board shall coincide with the secretary of state's term of 33
office. Except as otherwise provided in ~~division (B) (2) of this~~ 34
~~section,~~ division (B) (2) of section 3505.063, division (C) of 35
section 3505.064, and division (B) (2) of section 3519.03 of the 36
Revised Code, each appointed member shall hold office from the 37
date of appointment until the end of the term for which the 38
member was appointed. Except as otherwise provided in those 39
divisions, any member appointed to fill a vacancy occurring 40
prior to the expiration of the term for which the member's 41
predecessor was appointed shall hold office for the remainder of 42
that term. Except as otherwise provided in those divisions, any 43
member shall continue in office subsequent to the expiration 44
date of the member's term until the member's successor takes 45
office or a period of sixty days has elapsed, whichever occurs 46
first. Any vacancy occurring on the board shall be filled in the 47
manner provided for original appointments. A member appointed to 48
fill a vacancy shall be of the same political party as that 49
required of the member whom the member replaces. 50

~~(2) The term of office of a member of the board who also is a member of the general assembly and who was appointed to the board by the president of the senate, the minority leader of the senate, the speaker of the house of representatives, or the minority leader of the house of representatives shall end on the earlier of the following dates:—~~

~~(a) The ending date of the ballot board term for which the member was appointed;—~~

~~(b) The ending date of the member's term as a member of the general assembly.—~~

(C) Members of the board shall serve without compensation but shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties.

~~(D) The secretary of state shall be the chairperson of the board, and the secretary of state or the secretary of state's representative shall have a vote equal to that of any other member. The vice chairperson shall act as chairperson in the absence or disability of the chairperson, or during a vacancy in that office. The board shall meet after—~~(D) (1) The governor shall designate the times and places of the following meetings of the board and shall provide the members of the board with notice of the time and place of a meeting at least seven days at a time and place determined by the chairperson. At its before the day of the meeting:

(a) The first meeting of the board that occurs on or after the effective date of this amendment;

(b) The first meeting of the board that occurs during a term of office described in division (B) of this section;

(c) Any other meeting of the board that occurs while the

board does not have an elected co-chairperson, upon the written 80
request of three members of the board. 81

(2) The secretary of state shall be a co-chairperson of 82
the board. At a meeting called by the governor under division 83
(D) (1) (a) or (b) of this section, the board shall elect a vice- 84
chairperson from among its members for a term of two years a 85
second co-chairperson who is not a member of the same political 86
party as the secretary of state, and it then shall adopt rules 87
for its procedures. After the first meeting, the 88
The elected co- 89
chairperson of the board shall serve a term as co-chairperson 90
that coincides with the person's term of office on the board. If 91
the office of elected co-chairperson becomes vacant, the board 92
shall elect from among its members a co-chairperson who is not a 93
member of the same political party as the secretary of state, to 94
serve the remainder of the unexpired term. 94

(3) The board shall meet at the call of the chairperson or 95
upon the written request of three other members its co- 96
chairpersons, acting jointly. Three 97
The co-chairpersons, acting 98
jointly, shall provide the members of the board with notice of 99
the time and place of the meeting at least seven days before the 99
day of the meeting and shall set the agenda for the meeting. 100

(4) Three members of the board constitute a quorum. No 101
action shall be taken without the concurrence of three members. 102

(E) The secretary of state shall provide technical, 103
professional, and clerical employees as necessary for the board 104
to carry out its duties. 105

Sec. 3505.062. The Ohio ballot board shall do all of the 106
following: 107

(A) Examine, within ten days after its receipt, each 108

written initiative petition received from the attorney general 109
under section 3519.01 of the Revised Code to determine whether 110
it contains only one proposed law or constitutional amendment so 111
as to enable the voters to vote on a proposal separately. If the 112
board so determines, it shall certify its approval to the 113
attorney general, who then shall file with the secretary of 114
state in accordance with division (A) of section 3519.01 of the 115
Revised Code a verified copy of the proposed law or 116
constitutional amendment together with its summary and the 117
attorney general's certification of it. 118

If the board determines that the initiative petition 119
contains more than one proposed law or constitutional amendment, 120
the board shall divide the initiative petition into individual 121
petitions containing only one proposed law or constitutional 122
amendment so as to enable the voters to vote on each proposal 123
separately and certify its approval to the attorney general. If 124
the board so divides an initiative petition and so certifies its 125
approval to the attorney general, the petitioners shall resubmit 126
to the attorney general appropriate summaries for each of the 127
individual petitions arising from the board's division of the 128
initiative petition, and the attorney general then shall review 129
the resubmissions as provided in division (A) of section 3519.01 130
of the Revised Code. 131

(B) Prescribe the ballot title and ballot language for 132
~~constitutional amendments proposed by the general assembly to be~~ 133
~~printed on the statewide ballot~~ questions and issues ~~ballot,~~ 134
~~which.~~ 135

(1) The ballot title shall give a true and impartial 136
statement of the measure in such language that the ballot title 137
is not likely to create prejudice for or against the measure. 138

The person or committee promoting the measure may submit a suggested ballot title to the ballot board, to which the ballot board shall give full consideration in determining the ballot title. 139
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(2) The ballot language shall properly identify the substance of the proposal to be voted upon. 143
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(C) Prepare an explanation of each constitutional amendment proposed by the general assembly, which explanation may include the purpose and effects of the proposed amendment; 145
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(D) Certify the ballot title, ballot language, and explanation, if any, to the secretary of state no later than seventy-five days before the election at which the proposed question or issue is to be submitted to the voters; 148
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(E) Prepare, or designate a group of persons to prepare, arguments in support of or in opposition to a constitutional amendment proposed by a resolution of the general assembly, a constitutional amendment or state law proposed by initiative petition, or a state law, or section or item of state law, subject to a referendum petition, if the persons otherwise responsible for the preparation of those arguments fail to timely prepare and file them; 152
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(F) Direct the means by which the secretary of state shall disseminate information concerning proposed constitutional amendments, proposed laws, and referenda to the voters; 160
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(G) Direct the secretary of state to contract for the publication in a newspaper of general circulation in each county in the state of the ballot language, explanations, and arguments regarding each of the following: 163
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(1) A constitutional amendment or law proposed by 167

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| initiative petition under Section 1g of Article II of the Ohio Constitution; | 168 169 |
| (2) A law, section, or item of law submitted to the electors by referendum petition under Section 1g of Article II of the Ohio Constitution; | 170 171 172 |
| (3) A constitutional amendment submitted to the electors by the general assembly under Section 1 of Article XVI of the Ohio Constitution. | 173 174 175 |
| <u>Sec. 3505.064.</u> (A) As used in this section: | 176 |
| <u>(1) "Appointed office" means an appointed federal office or an appointed office of a state agency or political subdivision.</u> | 177 178 179 |
| <u>(2) "Candidate" means any of the following:</u> | 180 |
| <u>(a) A person who is certified to appear on the ballot as a candidate for nomination or election to elected office, who claims to be a write-in candidate for nomination or election to elected office, or who knowingly assents to being represented by another as a write-in candidate for nomination or election to elected office;</u> | 181 182 183 184 185 186 |
| <u>(b) A person who is certified by the election officials as a candidate for the office of presidential elector or the office of delegate to a national convention or conference of a political party;</u> | 187 188 189 190 |
| <u>(c) A person who, at any time before or after an election, receives contributions or makes expenditures or other use of contributions, has given consent for another to receive contributions or make expenditures or other use of contributions, or appoints a campaign treasurer, for the purpose</u> | 191 192 193 194 195 |

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| <u>of bringing about the person's nomination or election to elected</u> | 196 |
| <u>office.</u> | 197 |
| <u>(3) "Contribution," "expenditure," "legislative campaign</u> | 198 |
| <u>fund," and "political action committee" have the same meanings</u> | 199 |
| <u>as in section 3517.01 of the Revised Code.</u> | 200 |
| <u>(4) "Elected office" means an elected federal or state</u> | 201 |
| <u>office, an elected office of a political subdivision, or an</u> | 202 |
| <u>elected office of a political party. "Elected office" includes</u> | 203 |
| <u>the office of presidential elector and the office of delegate to</u> | 204 |
| <u>a national convention or conference of a political party.</u> | 205 |
| <u>(5) "Executive agency lobbyist" has the same meaning as in</u> | 206 |
| <u>section 121.60 of the Revised Code.</u> | 207 |
| <u>(6) "Federal lobbyist" has the same meaning as "lobbyist,"</u> | 208 |
| <u>as defined in the "Lobbying Disclosure Act of 1995," 2 U.S.C.</u> | 209 |
| <u>1602.</u> | 210 |
| <u>(7) "Federal political committee" has the same meaning as</u> | 211 |
| <u>in section 3517.107 of the Revised Code.</u> | 212 |
| <u>(8) "Immediate family member" means a person's parent,</u> | 213 |
| <u>stepparent, grandparent, great-grandparent, sibling of the whole</u> | 214 |
| <u>or half blood, stepsibling, spouse, child, including an adopted</u> | 215 |
| <u>child or stepchild, aunt, uncle, nephew, niece, parent-in-law,</u> | 216 |
| <u>sibling-in-law, or child-in-law.</u> | 217 |
| <u>(9) "Legislative agent" has the same meaning as in section</u> | 218 |
| <u>101.70 of the Revised Code.</u> | 219 |
| <u>(10) "Political subdivision" has the same meaning as in</u> | 220 |
| <u>section 2744.01 of the Revised Code.</u> | 221 |
| <u>(11) "Retirement system lobbyist" has the same meaning as</u> | 222 |
| <u>in section 101.90 of the Revised Code.</u> | 223 |

(12) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government and includes the nonprofit corporation formed under section 187.01 of the Revised Code. 224
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(B) No appointed member of the Ohio ballot board shall be any of the following: 228
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(1) A person who currently holds an elected office or an appointed office, or who has held such an office at any time during the current calendar year or the immediately preceding six calendar years; 230
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(2) A person who is a candidate or who has been a candidate at any time during the current calendar year or the immediately preceding six calendar years; 234
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(3) A person who is an officer of, or a paid consultant or contractor for, any political party, political action committee, campaign committee, legislative campaign fund, or federal political committee, or who has been such an officer, consultant, or contractor at any time during the current calendar year or the immediately preceding six calendar years; 237
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(4) A person who is a staff member, paid consultant, or contractor for a candidate or a person who holds an elected office, or who has been such a staff member, paid consultant, or contractor at any time during the current calendar year or the immediately preceding six calendar years; 243
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(5) A person who is a federal lobbyist, a legislative agent, an executive agency lobbyist, or a retirement system lobbyist, or who has been a federal lobbyist, a legislative agent, an executive agency lobbyist, or a retirement system lobbyist at any time during the current calendar year or the 248
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| <u>immediately preceding six calendar years;</u> | 253 |
| <u>(6) An immediate family member of a person described in divisions (B) (1) to (5) of this section.</u> | 254 |
| <u>(C) If an appointed member of the Ohio ballot board becomes a person described in divisions (B) (1) to (6) of this section, the member's seat on the board immediately becomes vacant.</u> | 256 |
| <u>Sec. 3519.21. The (A) In the case of propositions to be voted upon in a district larger than a county, both of the following apply:</u> | 260 |
| <u>(1) The secretary of state shall determine the order in which all propositions, issues, or questions, including proposed laws and constitutional amendments, shall appear on the ballot and</u> | 263 |
| <u>and</u> | 266 |
| <u>(2) Except for statewide ballot questions and issues, the secretary of state shall determine the ballot title of all such propositions, issues, or questions</u> | 267 |
| <u>shall be determined by the secretary of state in case of propositions to be voted upon in a district larger than a county, and by the board of elections in a county in</u> | 268 |
| <u>and</u> | 270 |
| <u>(B) In the case of a proposition to be voted upon in a county or a political subdivision thereof, the board of elections shall determine the order in which the propositions, issues, or questions shall appear on the ballot and shall determine the ballot titles of those propositions, issues, or questions. In</u> | 273 |
| <u>and</u> | 274 |
| <u>(C) In preparing such a ballot title under this section,</u> | 275 |
| <u>the secretary of state or the board of elections shall give a true and impartial statement of the measures in such language</u> | 276 |
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that the ballot title shall not be likely to create prejudice 282
for or against the measure. The person or committee promoting 283
such measure may submit to the secretary of state or the board a 284
suggested ballot title, which shall be given full consideration 285
by the secretary of state or board in determining the ballot 286
title. 287

(D) Except as otherwise provided by law, all propositions, 288
issues, or questions submitted to the electors and receiving an 289
affirmative vote of a majority of the votes cast thereon are 290
approved. 291

Section 2. That existing sections 3505.061, 3505.062, and 292
3519.21 of the Revised Code are hereby repealed. 293

Section 3. Notwithstanding any contrary provision of 294
division (B) of section 3505.061 of the Revised Code, as amended 295
by this act, the seat of an appointed member of the Ohio Ballot 296
Board who was appointed before the effective date of this 297
section and who is ineligible to be a member of the Board under 298
section 3505.064 of the Revised Code, as enacted by this act, is 299
vacant as of the effective date of this section. The vacancy 300
shall be filled in accordance with section 3505.061 of the 301
Revised Code, as amended by this act. 302

Section 4. This act is hereby declared to be an emergency 303
measure necessary for the immediate preservation of the public 304
peace, health, and safety. The reason for such necessity is to 305
allow the provisions of this act to take effect before the Ohio 306
Ballot Board will be required to perform its duties under 307
Article XX, Section 2 of the Constitution of the State of Ohio 308
if the electors approve Issue 1 at the November 5, 2024, general 309
election. Therefore, this act shall go into immediate effect. 310