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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Legislative Budget  
Office

S.B. 382  
(1-136-2479-4)  
136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Blessing

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### SUMMARY

- Requires that, for certain offices called “voter-nominated offices,” candidates be nominated in an open, nonpartisan top two primary instead of being nominated by political parties at a partisan primary.
- Designates the following as voter-nominated offices: Governor and Lieutenant Governor, Secretary of State, Treasurer of State, Attorney General, Auditor of State, U.S. Senate, U.S. House of Representatives, Ohio Senate, and Ohio House of Representatives.
- Requires any candidate for nomination to a voter-nominated office to comply with the same candidate filing and petition signature requirements as a partisan candidate.
- Allows a candidate for a voter-nominated office to appear on the ballot with either “Preference: (name of party)” or “No political party preference,” as designated by the candidate.
- Permits a candidate to run for a voter-nominated office at the primary election as a write-in, but not at the general election.
- Requires party primaries and the top two primary to be conducted on the same day, with voters requesting a party ballot or an unaffiliated ballot, as under current law.
- Requires the top two candidates for a voter-nominated office at the primary to advance to the general election and to appear on the same general election ballot as candidates for partisan offices, in the same order as they currently appear.
- Specifies that, for certain purposes under continuing law, a “political party’s candidate for Governor” is the candidate who declared that party as the candidate’s preference and who received the most votes out of any candidate for Governor at that election who declared that party as the candidate’s preference.

- Consolidates and clarifies current-law language related to candidate terms of office appearing on the ballot and the procedures for a newly recognized minor party to certify its presidential candidate to the Secretary of State.

## DETAILED ANALYSIS

### Overview

The bill requires that, for certain statewide and district offices called “voter-nominated offices,” candidates be nominated in an open, nonpartisan top two primary instead of being nominated by political parties at a partisan primary. Candidates of all political affiliations are to appear on a single ballot at the primary election, accompanied by their preferred party labels or a “no party” option. Any voter, regardless of affiliation, may vote in the top two primary. The candidates receiving the highest and second highest number of votes advance to the general election.

Partisan primary elections must still be held under the bill, at the same time as the top two primary, for purposes of nominating candidates for other offices that remain partisan and for the purpose of electing political party leadership. The bill also retains the current system for local government offices, many of which are nonpartisan and are nominated by petition instead of primary election. The following table summarizes these categories.<sup>1</sup>

**Nomination of candidates under the bill**

Voter-nominated offices	Partisan offices	Hybrid offices (no change)	Nonpartisan offices (no change)
Governor and Lieutenant Governor	U.S. President and Vice President (delegates to national party convention)	Judge of a court of common pleas	Judge of a municipal court
Secretary of State	Chief Justice or Justice of the Ohio Supreme Court	Judge of a county court	Member of a district board of education or the governing board of an educational service center
Treasurer of State	Judge of a court of appeals	Under continuing law, candidates for these offices are nominated by partisan primary election but appear on the general election ballot with no party designation.	Municipal and township offices in some jurisdictions
Attorney General	County offices, other than judges		
Auditor of State <sup>2</sup>	Municipal and township offices in		
U.S. Senate			
U.S. House of Representatives			
General Assembly			

<sup>1</sup> R.C. 3501.01 and 3513.01; conforming changes in R.C. 3505.04, 3513.12, and 3513.24; and repeal of R.C. 3513.301 and 3513.312.

<sup>2</sup> The bill does not classify the Auditor of State as either a partisan or voter-nominated office because of a drafting error. The Auditor of State should be listed as a voter-nominated office.

Voter-nominated offices	Partisan offices	Hybrid offices (no change)	Nonpartisan offices (no change)
	some jurisdictions, other than judges		

The bill requires the new nomination system to begin operating at the next primary election in an even-numbered year held at least 120 days after the bill takes effect (at the earliest, in 2028).<sup>3</sup>

## Top two primary procedures

### Qualifying for the ballot

The bill requires a candidate for nomination to a voter-nominated office to file a declaration of candidacy and petition, in the same manner as a partisan candidate, by 4:00 p.m. on the 90<sup>th</sup> day before the primary. The petition signature requirements are the same as for comparable partisan offices: 1,000 signatures for a statewide office and 50 signatures for a district office. However, any elector who is eligible to vote for the office may sign or circulate a petition for a candidate for voter-nominated office, regardless of the elector's party affiliation. Any elector who is eligible to vote for the office also may file a protest against the candidate.

For an independent candidate, the bill significantly changes the process to seek nomination to a voter-nominated office. Instead of submitting a nominating petition by the day before the primary to secure a place on the general election ballot, independent candidates must participate in the top two primary along with candidates who are members of political parties and must collect the same number of signatures as those candidates. Currently, an independent candidate for a statewide office must collect at least 5,000 electors' signatures, as opposed to 1,000 for a party candidate. An independent candidate for Congress or the General Assembly must collect signatures equal to 1% of the total vote for Governor at the last gubernatorial election in the district, as opposed to the 50 signatures required for a party candidate.

The bill requires a candidate for a voter-nominated office to list a committee of five electors on the candidate's declaration of candidacy. If the candidate is one of the top two vote getters at the primary but then dies, withdraws, or is disqualified, the bill allows the candidate's committee of five to select a person to replace the candidate on the general election ballot. The same procedure currently applies to an independent candidate, while a party candidate may be replaced on the ballot by the appropriate party committee.<sup>4</sup>

### Party preference listed on the ballot

A candidate for a voter-nominated office has the option to list a political party preference on the ballot at both the primary and the general election by including it in the candidate's

<sup>3</sup> Section 4 of the bill.

<sup>4</sup> R.C. 3513.04, 3513.05, 3513.07, 3513.257, 3513.30, 3513.31, and 3513.311; conforming changes in R.C. 111.27, 3513.052, 3513.121, 3513.261, 3513.262, 3513.32, and 3513.33.

declaration of candidacy. The candidate also may check an option for “no political party.” It appears that a candidate may list only a recognized political party, as the Revised Code’s definition of “political party” requires that the party be recognized by the state.

On the ballot itself, a candidate for a voter-nominated office must have under the candidate’s name either “Preference: (name of party)” or “No political party preference.” The bill specifies that a candidate’s selection of a party preference does not constitute or imply endorsement by that party. No candidate for a voter-nominated office is to be deemed the official candidate of any party by virtue of the listed party preference.

A party retains the right to endorse, support, or oppose any candidate, regardless of the preference the candidate lists in the candidate’s declaration of candidacy. The bill also allows the county executive committee of each political party to observe the official canvass of the primary election results, regardless of whether it had any partisan candidates on the ballot.

If a party’s endorsed candidate is not one of the top two vote getters at the primary election, that party will have no official candidate at the general election. By contrast, under current law, every recognized political party is guaranteed the option to have a party candidate on the general election ballot.<sup>5</sup>

### **Write-in candidates**

For voter-nominated offices, the bill allows a person to run as a write-in candidate at the top two primary but not on the general election ballot. Continuing law allows a candidate for a partisan or nonpartisan office to run as a write-in candidate at any election, except that write-ins are not permitted for political party offices (delegate or alternate to a party convention or member of a central committee). The bill clarifies that write-ins are not permitted for party offices by adding a reference to that restriction in the section governing write-in candidates.<sup>6</sup>

### **Voting procedure**

Under the bill, a partisan voter in a primary election asks the election officials for the preferred party’s ballot, the same as under current law. The voter then receives a ballot that includes all of the following:

1. The candidates for that party’s nomination to partisan offices and election to political party offices;
2. The candidates for nomination to voter-nominated offices via top two primary;
3. Any candidates in a local nonpartisan primary, depending on the jurisdiction; and
4. Any questions or issues appearing on the ballot at the election.

Items 2, 3, and 4 are the same on every ballot, regardless of party. An unaffiliated voter has the option to request a ballot that includes only items 2, 3, and 4. The bill gives an unaffiliated

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<sup>5</sup> R.C. 3505.03, 3513.01(A)(2), 3513.07, 3513.15, 3513.22, and 3517.012. See also R.C. 3517.01(A), not in the bill.

<sup>6</sup> R.C. 3513.041, 3513.14, 3513.15, and 3513.23.

voter the opportunity to participate in candidate primaries for voter-nominated offices without declaring a party affiliation at the polls.<sup>7</sup>

Regarding item 3, the bill also consolidates and relocates, but does not otherwise change, current provisions of law that allow a school board to choose to hold a nonpartisan primary to nominate candidates for the school board instead of nominating candidates by petition.<sup>8</sup>

## **General election procedures**

At the general election, candidates for voter-nominated offices appear on the same ballot as candidates for partisan offices, and the offices must appear in the same order as they currently appear. Because many offices remain partisan under the bill, the ballot alternates in certain places between partisan and voter-nominated offices.

As is mentioned above, voter-nominated candidates must have “Preference: (name of party)” or “No political party preference” printed under their names. By contrast, under continuing law, party candidates for partisan office have only the name of the party printed below their names, while independent candidates have their choice of “Other party,” “No party,” or a blank.<sup>9</sup>

## **Gubernatorial election results**

For certain purposes, the Revised Code uses the vote total received by a political party’s candidate for Governor at the last gubernatorial election as a measure. Specifically, this information is used to determine the dominant party in a precinct for purposes of the voting location manager’s affiliation and to determine whether a political party has sufficient support to remain recognized as a party. (For party status retention purposes, the vote for U.S. President is also taken into consideration.)

Under the bill, a party does not officially nominate a candidate for that office. Instead, the bill specifies that a “political party’s candidate for governor” is the candidate who declared that party as the candidate’s preference and who received the most votes out of any candidate for Governor at that election who declared that party as the candidate’s preference.

For example, if both candidates for Governor at the general election listed the same party as their preference, the “party’s candidate for Governor” would be the one who received the most votes. By the same token, if no candidate for Governor listed a given party as the candidate’s preference, then the party would not have a candidate for Governor for purposes of a voting location manager determination or for purposes of maintaining its recognition as a party.<sup>10</sup>

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<sup>7</sup> R.C. 3509.03, 3509.04, 3511.02, 3511.05, 3513.13, 3513.14, 3513.18, 3513.19, 3513.191, and 3513.20.

<sup>8</sup> R.C. 3513.01, 3513.254, 3513.255, and 3517.016; repeal of R.C. 3513.256.

<sup>9</sup> R.C. 3505.03 and 3513.257.

<sup>10</sup> R.C. 3501.01(F)(3) and (G). See also R.C. 3517.01(A), not in the bill.

## Technical changes

### Terms of office on the ballot

The bill consolidates, but does not otherwise change, language that requires candidates to specify the term of office they seek in certain circumstances. In particular, if a candidate seeks to fill a vacant office for the remainder of an unexpired term, the candidate must specify in the candidate's filing the date on which the unexpired term ends.

Alternatively, if multiple seats in the same office appear on the ballot at the same election, such as in a multi-judge court, the candidate's filing must state the start date of the term the candidate seeks. The candidate then competes only against candidates who also file to run for that particular seat.<sup>11</sup>

### Minor party presidential candidates

Finally, the bill makes technical changes to a section of law governing minor political parties in order to add references to the continuing law procedures for a newly recognized minor party to submit its candidates for President and Vice President to the Secretary of State for inclusion on the general election ballot.<sup>12</sup>

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## HISTORY

Action	Date
Introduced	03-19-26

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<sup>11</sup> R.C. 3513.08; repeal of R.C. 3513.16 and 3513.28.

<sup>12</sup> R.C. 3517.012. See also R.C. 3505.10, not in the bill.