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## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Blessing

Emily E. Wendel, Attorney

### SUMMARY

- Requires that, for certain offices called “voter-nominated offices,” candidates be nominated in an open, nonpartisan top three 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.
- 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.
- Requires candidates for all other offices to be elected in a nonpartisan manner, except for President and Vice President and political party leadership.
- Requires that at the general election, candidates for voter-nominated and nonpartisan offices be elected using a consensus choice method in which the candidates for an office appear in a series of head-to-head matchups, and the voter chooses the voter’s preferred candidate in each matchup.
- Requires party primaries still to be held on the same day as the top three primary for purposes of presidential primaries and electing political party leadership.
- Eliminates the option of filing as a write-in candidate for any office, other than for President and Vice President on the general election ballot.
- Specifies that, for certain purposes under continuing law, a political party’s level of support in the state or in an election precinct must be measured based on the votes received by the party’s most recent presidential candidate instead of the party’s candidate for Governor.

- 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.

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## DETAILED ANALYSIS

### Overview

#### Nominations

The bill requires that, for certain statewide and district offices called “voter-nominated offices,” candidates be nominated in an open, nonpartisan top three 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 three primary. The candidates receiving the highest, second highest, and third highest number of votes advance to the general election.

The bill makes all judicial offices and local government offices nonpartisan, with candidates nominated by petition, except where a local jurisdiction chooses to conduct a nonpartisan top two primary as permitted under current law.

For President and Vice President, the bill retains the current system for nominating convention delegates and electing presidential electors. Partisan primary elections must still be held under the bill, at the same time as the top three primary, for purposes of presidential primaries and electing political party leadership. At the general election, presidential candidates, via their slates of presidential electors, continue to be elected by plurality vote (that is, the candidate with the most votes wins, even if the candidate does not receive a majority vote in a race with three or more candidates).<sup>1</sup>

### **Consensus choice general elections**

At the general election, the winning candidate for each office, other than the offices of President and Vice President, must be elected using a “consensus choice” method, also known as a Condorcet method. This method is designed to ensure that the candidate who is preferred over all others always wins. It eliminates the spoiler effect, in which a fringe candidate attracts just enough votes away from a popular candidate to allow another, technically less popular candidate to win the election. Ranked choice voting can be used to conduct a Condorcet election, but the bill uses a different method.<sup>2</sup>

Under the bill, on the general election ballot, the candidates for an office appear in a series of head-to-head matchups, and the voter chooses the voter’s preferred candidate in each matchup. If one candidate wins every head-to-head matchup in which the candidate appears, that candidate wins. If no candidate meets that threshold, then the winner is the candidate with the smallest margin of loss.<sup>3</sup>

### **Categorization of offices**

#### **Nomination and election of candidates under the bill**

<b>Voter nominated offices nominated by top three primary and elected by consensus choice</b>	<b>Partisan offices elected by plurality vote</b>	<b>Nonpartisan offices nominated by petition and elected by plurality vote</b>	<b>Nonpartisan offices nominated by top two primary and elected by plurality vote</b>
Governor and Lieutenant Governor Secretary of State Treasurer of State Attorney General	U.S. President and Vice President – delegates to national party convention and presidential electors (no change)	Chief Justice or Justice of the Ohio Supreme Court (currently partisan) Judge of a court of appeals (currently partisan)	Municipal and township offices, in some jurisdictions (no change) Member of a district board of education or the governing board of

<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> See R.C. 3505.011, not in the bill, which prohibits ranked choice voting effective June 16, 2026.

<sup>3</sup> R.C. 3501.01, 3505.03, and 3505.04.

Voter nominated offices nominated by top three primary and elected by consensus choice	Partisan offices elected by plurality vote	Nonpartisan offices nominated by petition and elected by plurality vote	Nonpartisan offices nominated by top two primary and elected by plurality vote
Auditor of State <sup>4</sup> U.S. Senate U.S. House of Representatives General Assembly	Party controlling committee members (no change)  Municipal offices in some jurisdictions (no change)	Judge of a court of common pleas or county court (currently nominated by partisan primary but elected on the nonpartisan general election ballot)  Judge of a municipal court (no change)  Other county offices (currently partisan)  Municipal and township offices in some jurisdictions (no change)  Member of a district board of education or the governing board of an educational service center, in some jurisdictions (no change)	an educational service center, in some jurisdictions (no change)

## Top three 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

<sup>4</sup> The bill does not classify the Auditor of State as a voter-nominated office because of a drafting error.

before the primary to secure a place on the general election ballot, independent candidates must participate in the top three 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 three 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>5</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 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 three 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>6</sup>

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<sup>5</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, 3513.02, 3513.052, 3513.121, 3513.261, 3513.262, 3513.32, and 3513.33.

<sup>6</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.

## 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 three 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 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>

## Nominations for nonpartisan offices

For the offices that are newly nonpartisan under the bill – statewide, appellate, and county judicial offices and other county offices – the bill does not specify the filing deadline or required number of signatures for nominating petitions. This appears to be a drafting oversight. For offices that remain nonpartisan under the bill – municipal, township, and school board offices – the filing deadline (90 days before the general election) and required numbers of signatures are unchanged.<sup>9</sup>

## Write-in candidates

The bill eliminates the option of filing as a write-in candidate for any office, other than for the offices of President and Vice President on the general election ballot. The consensus choice voting procedure described below cannot accommodate write-in candidates.<sup>10</sup>

## Consensus choice election procedure

At the general election, voter-nominated offices appear on the office-type ballot in the same order as they currently appear, and nonpartisan offices appear on the nonpartisan ballot

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<sup>7</sup> R.C. 3501.23, 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. 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 3513.261, and 3513.263.

<sup>10</sup> R.C. 3513.041 (3505.101) and conforming changes in R.C. 3513.05, 3513.052, 3513.10, 3513.14, 3513.15, 3513.23, 3513.251, 3513.253, 3513.254, and 3513.255.

in the same order as they currently appear, with the newly nonpartisan state and district offices being added at the top.

As is mentioned above, voter-nominated candidates must have “Preference: (name of party)” or “No political party preference” printed under their names, and nonpartisan candidates are not permitted to have any party preference listed. By contrast, under current 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.

For a given voter-nominated or nonpartisan office, the names of the candidates appear on the ballot arranged in pairs, and the ballot displays each possible unique pairing of candidates, as follows:

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### For United States Senate

For each pairing, mark the box next to your preferred candidate.

Mark only one candidate in each pair.

You are not required to mark a candidate in every pair.

<input type="checkbox"/>	<b>Candidate A</b> Preference: Party 1
<input type="checkbox"/>	<b>Candidate B</b> Preference: Party 2

<input type="checkbox"/>	<b>Candidate B</b> Preference: Party 2
<input type="checkbox"/>	<b>Candidate C</b> Preference: Party 1

<input type="checkbox"/>	<b>Candidate C</b> Preference: Party 1
<input type="checkbox"/>	<b>Candidate A</b> Preference: Party 1

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The bill requires the ballot order to be rotated so that among all ballots provided to voters, each candidate appears first in a pairing substantially an equal number of times, and so that each pairing appears in each position (first, second, or third) substantially an equal number of times.

This is similar to the current law requirement to rotate the order of candidates' names for each office when candidates are elected by plurality vote.<sup>11</sup>

### Example election results – clear consensus choice

For the U.S. Senate race in the above example, assume that five million voters participate in the election. Candidates A and C are members of the same party, but Candidate C has fewer supporters and was a distant third-place winner in the primary. The general election results for each pairing are as follows:

**U.S. Senate election results – consensus choice**

Pairing	Voter preferences	Winner
Candidate A vs. Candidate B	2,505,000 for A   2,495,000 for B	Candidate A
Candidate B vs. Candidate C	2,495,000 for B   2,505,000 for C	Candidate C
Candidate C vs. Candidate A	20,000 for C   4,980,000 for A	Candidate A

Candidate A wins both pairings in which Candidate A appears, meaning that Candidate A is the most preferred candidate of the three and wins the election.

In a standard plurality vote election between the same three candidates, the results would be as follows:

**U.S. Senate election results – plurality vote**

Candidate	Votes received
Candidate A	2,485,000 (49.7%)
Candidate B	2,495,000 (49.9%)
Candidate C	20,000 (0.4%)

Candidate B wins with 49.9% of the vote, although the bill's consensus choice method demonstrates that most voters prefer either Candidate A or Candidate C. Candidate C acts as a spoiler, earning the small number of votes that Candidate A would have needed to beat Candidate B.<sup>12</sup>

### Example election results – no consensus choice

In some cases, the outcome of an election held under the bill might not be as clear, requiring the election officials to calculate each candidate's margin of loss. This may occur if, for

<sup>11</sup> R.C. 3505.03, 3505.08, and 3513.257 and conforming changes in R.C. 3505.23, 3505.27, and 3506.11.

<sup>12</sup> R.C. 3501.01(II) and 3505.03(D).

instance, some voters cross party lines when voting on a particular pairing, or if some voters choose not to vote in certain pairings.

Using the same U.S. Senate race with five million voters participating, assume that Candidates A, B, and C are all closely matched. The general election results for each pairing are as follows:

**U.S. Senate election results – consensus choice**

Pairing	Voter preferences	Winner
Candidate A vs. Candidate B	2,505,000 for A   2,495,000 for B	Candidate A
Candidate B vs. Candidate C	2,501,000 for B   2,499,000 for C	Candidate B
Candidate C vs. Candidate A	2,550,000 for C   2,450,000 for A	Candidate C

To reach a true consensus, one of the candidates would need to win two pairings, but that did not happen. This situation is known as a circular tie, with each candidate winning one pairing and losing one pairing.

To determine the winner, for each pairing, the bill requires the election officials to calculate the losing candidate's margin of loss, meaning the number of voters who indicated a preference for the winner, minus the number of voters who indicated a preference for the loser.

**U.S. Senate election results – losing candidate's margin of loss**

Pairing	Losing candidate	Margin of loss
Candidate A vs. Candidate B	Candidate B	10,000 votes
Candidate B vs. Candidate C	Candidate C	2,000 votes
Candidate C vs. Candidate A	Candidate A	100,000 votes

Candidate C has the smallest margin of loss, so Candidate C wins the election.

If there is a tie for the smallest margin of loss, the tie is resolved by lot using the same procedures that apply under current law. The bill relocates, but does not substantively change, provisions of law describing the procedures for resolving a tie in any election.

It is less clear how the results of this example election might translate to a standard plurality vote election between the same three candidates because the voter behaviors shown in the consensus choice election are not totally consistent. Candidate C similarly might win by a small margin, or another candidate might prevail.<sup>13</sup>

<sup>13</sup> R.C. 3501.01(JJ), 3505.03(D), 3505.10, 3505.33, 3505.34, 3505.35, 3505.36, and 3505.37.

## Uncontested races

In an uncontested race, the bill requires candidates to be elected in the same manner as under current law, with no series of head-to-head matchups. For instance, in a nonpartisan election with multiple seats, such as a city council election, if four candidates are running for four seats, the candidates must appear in a single list and the voter is instructed to vote for up to four candidates.<sup>14</sup>

## Reports of election results

For each voter-nominated or nonpartisan office, the bill requires the Secretary of State (SOS) to publish three reports:

1. A summary report that lists, for each pair of candidates, the number of voters who preferred each candidate, along with the overall winning candidate.
2. A ballot image report that lists, for each ballot cast, the voter's indicated preference in each candidate pairing, the precinct of the ballot, and whether the ballot was cast in person or by mail. Ballots must be listed in a manner that does not permit the order in which they were cast in each precinct to be reconstructed.
3. A comprehensive report that lists, for each precinct and for each pair of candidates, all of the following:
  - a. The number of ballots preferring the first candidate to the second;
  - b. The number of ballots preferring the second candidate to the first;
  - c. The number of ballots that indicated no preference for that comparison.

As soon as practicable after the close of the polls, the bill requires the SOS to make preliminary versions of the first two reports available to the public in a plain text electronic format on the SOS's official website. When the results of the election are declared, the SOS must post the final versions of all three reports in that manner.<sup>15</sup>

## Gubernatorial election results

For certain purposes, the Revised Code currently 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, to determine the parties represented on a board of elections, 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.)

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<sup>14</sup> R.C. 3505.03(D)(2) and 3505.04.

<sup>15</sup> R.C. 3505.301.

Because under the bill, a party does not officially nominate a candidate for Governor, the bill requires those determinations to be made based solely on the votes received by the party's presidential candidate.<sup>16</sup>

## 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>17</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>18</sup>

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## HISTORY

Action	Date
Introduced	03-23-26

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<sup>16</sup> R.C. 3501.01(F) and (G), 3501.06, 3501.22, and 3517.01(A).

<sup>17</sup> R.C. 3505.04 and 3513.08; repeal of R.C. 3513.16 and 3513.28.

<sup>18</sup> R.C. 3517.012. See also R.C. 3505.10, not in the bill.