

S. B. No. 63

As Passed by the Senate

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "3501.01" insert ", 3513.05, 3513.262, 1  
3513.263," 2

In line 4 of the title, delete "and" and insert "," 3

In line 7 of the title, after "voting" insert ", and to make changes 4  
to election petition records" 5

In line 8, after "3501.01" insert ", 3513.05, 3513.262, 3513.263," 6

After line 264, insert: 7

"Sec. 3513.05. Each person desiring to become a candidate 8  
for a party nomination at a primary election or for election to 9  
an office or position to be voted for at a primary election, 10  
except persons desiring to become joint candidates for the 11  
offices of governor and lieutenant governor and except as 12  
otherwise provided in section 3513.051 of the Revised Code, 13  
shall, not later than four p.m. of the ninetieth day before the 14  
day of the primary election, file a declaration of candidacy and 15  
petition and pay the fees required under divisions (A) and (B) 16  
of section 3513.10 of the Revised Code. The declaration of 17



candidacy and all separate petition papers shall be filed at the 18  
same time as one instrument. When the offices are to be voted 19  
for at a primary election, persons desiring to become joint 20  
candidates for the offices of governor and lieutenant governor 21  
shall, not later than four p.m. of the ninetieth day before the 22  
day of the primary election, comply with section 3513.04 of the 23  
Revised Code. The prospective joint candidates' declaration of 24  
candidacy and all separate petition papers of candidacies shall 25  
be filed at the same time as one instrument. The secretary of 26  
state or a board of elections shall not accept for filing a 27  
declaration of candidacy and petition of a person seeking to 28  
become a candidate if that person, for the same election, has 29  
already filed a declaration of candidacy or a declaration of 30  
intent to be a write-in candidate, or has become a candidate by 31  
the filling of a vacancy under section 3513.30 of the Revised 32  
Code for any federal, state, or county office, if the 33  
declaration of candidacy is for a state or county office, or for 34  
any municipal or township office, if the declaration of 35  
candidacy is for a municipal or township office. 36

If the declaration of candidacy declares a candidacy which 37  
is to be submitted to electors throughout the entire state, the 38  
petition, including a petition for joint candidates for the 39  
offices of governor and lieutenant governor, shall be signed by 40  
at least one thousand qualified electors who are members of the 41  
same political party as the candidate or joint candidates, and 42  
the declaration of candidacy and petition shall be filed with 43  
the secretary of state; provided that the secretary of state 44  
shall not accept or file any such petition appearing on its face 45  
to contain signatures of more than three thousand electors. 46

Except as otherwise provided in this paragraph, if the 47  
declaration of candidacy is of one that is to be submitted only 48

to electors within a district, political subdivision, or portion 49  
thereof, the petition shall be signed by not less than fifty 50  
qualified electors who are members of the same political party 51  
as the political party of which the candidate is a member. If 52  
the declaration of candidacy is for party nomination as a 53  
candidate for member of the legislative authority of a municipal 54  
corporation elected by ward, the petition shall be signed by not 55  
less than twenty-five qualified electors who are members of the 56  
political party of which the candidate is a member. 57

No such petition, except the petition for a candidacy that 58  
is to be submitted to electors throughout the entire state, 59  
shall be accepted for filing if it appears to contain on its 60  
face signatures of more than three times the minimum number of 61  
signatures. When a petition of a candidate has been accepted for 62  
filing by a board of elections, the petition shall not be deemed 63  
invalid if, upon verification of signatures contained in the 64  
petition, the board of elections finds the number of signatures 65  
accepted exceeds three times the minimum number of signatures 66  
required. A board of elections may discontinue verifying 67  
signatures on petitions when the number of verified signatures 68  
equals the minimum required number of qualified signatures. 69

If the declaration of candidacy declares a candidacy for 70  
party nomination or for election as a candidate of a minor 71  
party, the minimum number of signatures on such petition is one- 72  
half the minimum number provided in this section, except that, 73  
when the candidacy is one for election as a member of the state 74  
central committee or the county central committee of a political 75  
party, the minimum number shall be the same for a minor party as 76  
for a major party. 77

If a declaration of candidacy is one for election as a 78

member of the state central committee or the county central 79  
committee of a political party, the petition shall be signed by 80  
five qualified electors of the district, county, ward, township, 81  
or precinct within which electors may vote for such candidate. 82  
The electors signing such petition shall be members of the same 83  
political party as the political party of which the candidate is 84  
a member. 85

For purposes of signing or circulating a petition of 86  
candidacy for party nomination or election, an elector is 87  
considered to be a member of a political party if the elector 88  
voted in that party's primary election within the preceding two 89  
calendar years, or if the elector did not vote in any other 90  
party's primary election within the preceding two calendar 91  
years. 92

If the declaration of candidacy is of one that is to be 93  
submitted only to electors within a county, or within a district 94  
or subdivision or part thereof smaller than a county, the 95  
petition shall be filed with the board of elections of the 96  
county. If the declaration of candidacy is of one that is to be 97  
submitted only to electors of a district or subdivision or part 98  
thereof that is situated in more than one county, the petition 99  
shall be filed with the board of elections of the county within 100  
which the major portion of the population thereof, as 101  
ascertained by the next preceding federal census, is located. 102

A petition shall consist of separate petition papers, each 103  
of which shall contain signatures of electors of only one 104  
county. Petitions or separate petition papers containing 105  
signatures of electors of more than one county shall not thereby 106  
be declared invalid. In case petitions or separate petition 107  
papers containing signatures of electors of more than one county 108

are filed, the board shall determine the county from which the 109  
majority of signatures came, and only signatures from such 110  
county shall be counted. Signatures from any other county shall 111  
be invalid. 112

Each separate petition paper shall be circulated by one 113  
person only, who shall be the candidate or a joint candidate or 114  
a member of the same political party as the candidate or joint 115  
candidates, and each separate petition paper shall be governed 116  
by the rules set forth in section 3501.38 of the Revised Code. 117

The secretary of state shall promptly transmit to each 118  
board such separate petition papers of each petition 119  
accompanying a declaration of candidacy filed with the secretary 120  
of state as purport to contain signatures of electors of the 121  
county of such board. The board of the most populous county of a 122  
district shall promptly transmit to each board within such 123  
district such separate petition papers of each petition 124  
accompanying a declaration of candidacy filed with it as purport 125  
to contain signatures of electors of the county of each such 126  
board. The board of a county within which the major portion of 127  
the population of a subdivision, situated in more than one 128  
county, is located, shall promptly transmit to the board of each 129  
other county within which a portion of such subdivision is 130  
located such separate petition papers of each petition 131  
accompanying a declaration of candidacy filed with it as purport 132  
to contain signatures of electors of the portion of such 133  
subdivision in the county of each such board. 134

All petition papers so transmitted to a board and all 135  
petitions accompanying declarations of candidacy filed with a 136  
~~board shall, under proper regulations, be open to public~~ 137  
~~inspection until four p.m. of the eightieth day before the day~~ 138

of the next primary election are public records subject to 139  
disclosure under section 149.43 of the Revised Code. Upon 140  
receiving a public records request for petition papers and 141  
petitions accompanying declarations of candidacy, the board 142  
shall, as soon as practicable, make available for public 143  
inspection, or provide copies of, the petition papers and 144  
petitions, in electronic or paper form as specified by the 145  
requester, whether or not the petitions have been modified or 146  
marked upon or the petition's signatures have been certified as 147  
valid by the board. Each board shall, not later than the 148  
seventy-eighth day before the day of that primary election, 149  
examine and determine the validity or invalidity of the 150  
signatures on the petition papers so transmitted to or filed 151  
with it and shall return to the secretary of state all petition 152  
papers transmitted to it by the secretary of state, together 153  
with its certification of its determination as to the validity 154  
or invalidity of signatures thereon, and shall return to each 155  
other board all petition papers transmitted to it by such board, 156  
together with its certification of its determination as to the 157  
validity or invalidity of the signatures thereon. All other 158  
matters affecting the validity or invalidity of such petition 159  
papers shall be determined by the secretary of state or the 160  
board with whom such petition papers were filed. 161

Protests against the candidacy of any person filing a 162  
declaration of candidacy for party nomination or for election to 163  
an office or position, as provided in this section, may be filed 164  
by any qualified elector who is a member of the same political 165  
party as the candidate and who is eligible to vote at the 166  
primary election for the candidate whose declaration of 167  
candidacy the elector objects to, or by the controlling 168  
committee of that political party. The protest shall be in 169

writing, and shall be filed not later than four p.m. of the 170  
seventy-fourth day before the day of the primary election. The 171  
protest shall be filed with the election officials with whom the 172  
declaration of candidacy and petition was filed. Upon the filing 173  
of the protest, the election officials with whom it is filed 174  
shall promptly fix the time for hearing it, and shall forthwith 175  
mail notice of the filing of the protest and the time fixed for 176  
hearing to the person whose candidacy is so protested. They 177  
shall also forthwith mail notice of the time fixed for such 178  
hearing to the person who filed the protest. At the time fixed, 179  
such election officials shall hear the protest and determine the 180  
validity or invalidity of the declaration of candidacy and 181  
petition. If they find that such candidate is not an elector of 182  
the state, district, county, or political subdivision in which 183  
the candidate seeks a party nomination or election to an office 184  
or position, or has not fully complied with this chapter, the 185  
candidate's declaration of candidacy and petition shall be 186  
determined to be invalid and shall be rejected; otherwise, it 187  
shall be determined to be valid. That determination shall be 188  
final. 189

A protest against the candidacy of any persons filing a 190  
declaration of candidacy for joint party nomination to the 191  
offices of governor and lieutenant governor shall be filed, 192  
heard, and determined in the same manner as a protest against 193  
the candidacy of any person filing a declaration of candidacy 194  
singly. 195

The secretary of state shall, on the seventieth day before 196  
the day of a primary election, certify to each board in the 197  
state the forms of the official ballots to be used at the 198  
primary election, together with the names of the candidates to 199  
be printed on the ballots whose nomination or election is to be 200

determined by electors throughout the entire state and who filed 201  
valid declarations of candidacy and petitions. 202

The board of the most populous county in a district 203  
comprised of more than one county but less than all of the 204  
counties of the state shall, on the seventieth day before the 205  
day of a primary election, certify to the board of each county 206  
in the district the names of the candidates to be printed on the 207  
official ballots to be used at the primary election, whose 208  
nomination or election is to be determined only by electors 209  
within the district and who filed valid declarations of 210  
candidacy and petitions. 211

The board of a county within which the major portion of 212  
the population of a subdivision smaller than the county and 213  
situated in more than one county is located shall, on the 214  
seventieth day before the day of a primary election, certify to 215  
the board of each county in which a portion of that subdivision 216  
is located the names of the candidates to be printed on the 217  
official ballots to be used at the primary election, whose 218  
nomination or election is to be determined only by electors 219  
within that subdivision and who filed valid declarations of 220  
candidacy and petitions." 221

After line 285, insert: 222

**"Sec. 3513.262.** The nominating petitions of all 223  
candidates required to be filed before four p.m. of the day 224  
before the day of the primary election immediately preceding the 225  
general election shall be processed as follows: 226

If such petition is filed with the secretary of state, the 227  
secretary of state shall, not later than the fifteenth day of 228  
June following the filing of such petition, or if the primary 229

election was a presidential primary election, not later than the 230  
end of the sixth week after the day of that election, transmit 231  
to each board such separate petition papers as purport to 232  
contain signatures of electors of the county of such board. If 233  
such petition is filed with the board of the most populous 234  
county of a district or of a county in which the major portion 235  
of the population of a subdivision is located, such board shall, 236  
not later than the fifteenth day of June, or if the primary 237  
election was a presidential primary election, not later than the 238  
end of the sixth week after the day of that election, transmit 239  
to each board within such district such separate petition papers 240  
of the petition as purport to contain signatures of electors of 241  
the county of such board. 242

All petition papers so transmitted to a board and all 243  
nominating petitions filed with a board ~~shall, under proper~~ 244  
~~regulations, be open to public inspection from the fifteenth day~~ 245  
~~of June until four p.m. of the thirtieth day of that month, or~~ 246  
~~if the primary election was a presidential primary election,~~ 247  
~~from the end of the sixth week after the election until four~~ 248  
~~p.m. of the end of the seventh week after the election~~ are public 249  
records subject to disclosure under section 149.43 of the 250  
Revised Code. Upon receiving a public records request for 251  
petition papers and petitions accompanying nominating petitions 252  
as described in this section, the board shall, as soon as 253  
practicable, make available for public inspection, or provide 254  
copies of, the petition papers and nominating petitions, in 255  
electronic or paper form as specified by the requester, whether 256  
or not the petitions have been modified or marked upon or the 257  
petition's signatures have been certified as valid by the board. 258  
Each board shall, not later than the next fifteenth day of July, 259  
or if the primary election was a presidential primary election, 260

not later than the end of the tenth week after the day of that 261  
election, examine and determine the sufficiency of the 262  
signatures on the petition papers transmitted to or filed with 263  
it, and the validity of the petitions filed with it, and shall 264  
return to the secretary of state all petition papers transmitted 265  
to it by the secretary of state, together with its certification 266  
of its determination as to the validity or invalidity of 267  
signatures thereon, and shall return to each other board all 268  
petition papers transmitted to it by such other board, as 269  
provided in this section, together with its certification of its 270  
determination as to the validity or invalidity of signatures 271  
thereon. A signature on a nominating petition is not valid if it 272  
is dated more than one year before the date the nominating 273  
petition was filed. All other matters affecting the validity or 274  
invalidity of such petition papers shall be determined by the 275  
secretary of state or the board with whom such petition papers 276  
were filed. 277

Written protests against nominating petitions may be filed 278  
by any qualified elector eligible to vote for the candidate 279  
whose nominating petition the elector objects to, not later than 280  
four p.m. of the thirtieth day of July, or if the primary 281  
election was a presidential primary election, not later than the 282  
end of the twelfth week after the day of that election. Such 283  
protests shall be filed with the election officials with whom 284  
the nominating petition was filed. Upon the filing of such 285  
protest, the election officials with whom it is filed shall 286  
promptly fix the time and place for hearing it, and shall 287  
forthwith mail notice of the filing of such protest and the time 288  
and place for hearing it to the person whose nomination is 289  
protested. They shall also forthwith mail notice of the time and 290  
place fixed for the hearing to the person who filed the protest. 291

At the time fixed, such election officials shall hear the 292  
protest and determine the validity or invalidity of the 293  
petition. Such determination shall be final. 294

A protest against the nominating petition filed by joint 295  
candidates for the offices of governor and lieutenant governor 296  
shall be filed, heard, and determined in the same manner as a 297  
protest against the nominating petition of a candidate who files 298  
individually. 299

**Sec. 3513.263.** The nominating petitions of all candidates 300  
required to be filed before four p.m. of the ninetieth day 301  
before the day of the general election, shall be processed as 302  
follows: 303

If such petition is filed with the secretary of state, the 304  
secretary of state shall promptly transmit to each board such 305  
separate petition papers as purports to contain signatures of 306  
electors of the county of such board. 307

If such petition is filed with the board of a county in 308  
which the major portion of the population of a subdivision is 309  
located, such board shall promptly transmit to the board of each 310  
county in which other portions of such subdivision are located 311  
such separate petition papers of the petition as purport to 312  
contain signatures of electors of such county. 313

All petition papers so transmitted to a board of 314  
elections, and all nominating petitions filed with a board of 315  
elections ~~shall, under proper regulation, be open to public~~ 316  
~~inspection until four p.m. of the eightieth day before the day~~ 317  
~~of such general election~~ are public records subject to disclosure 318  
under section 149.43 of the Revised Code. Upon receiving a 319  
public records request for petition papers and petitions 320

accompanying declarations of candidacy, the board shall, as soon 321  
as practicable, make available for public inspection, or provide 322  
copies of, the petition papers and petitions, in electronic or 323  
paper form as specified by the requester, whether or not the 324  
petitions have been modified or marked upon or the petition's 325  
signatures have been certified as valid by the board. Each board 326  
shall, not later than the seventy-eighth day before the day of 327  
such general election examine and determine the sufficiency of 328  
the signatures on the petition papers transmitted to or filed 329  
with it and the validity or invalidity of petitions filed with 330  
it, and shall return to each other board all petition papers 331  
transmitted to it by such other board, together with its 332  
certification of its determination as to the validity or 333  
invalidity of signatures thereon. A signature on a nominating 334  
petition is not valid if it is dated more than one year before 335  
the date the nominating petition was filed. All other matters 336  
affecting the validity or invalidity of such petition papers 337  
shall be determined by the board with whom such petition papers 338  
were filed. 339

Written protests against such nominating petitions may be 340  
filed by any qualified elector eligible to vote for the 341  
candidate whose nominating petition the elector objects to, not 342  
later than the seventy-fourth day before the general election. 343  
Such protests shall be filed with the election officials with 344  
whom the nominating petition was filed. Upon the filing of such 345  
protests, the election officials with whom it is filed shall 346  
promptly fix the time and place for hearing it, and shall 347  
forthwith mail notice of the filing of such protest and the time 348  
and place for hearing it to the person whose nomination is 349  
protested. They shall also forthwith mail notice of the time and 350  
place fixed for the hearing to the person who filed the protest. 351

At the time and place fixed, such election officials shall hear 352  
the protest and determine the validity or invalidity of the 353  
petition. Such determination shall be final." 354

In line 560, after "3501.01" insert ", 3513.05, 3513.262, 3513.263," 355

The motion was \_\_\_\_\_ agreed to.

**SYNOPSIS** 356

**Petition papers as public records** 357

**R.C. 3513.05, 3513.262, and 3513.263** 358

Clarifies that petition papers accompanying declarations 359  
of candidacy and nominating petitions are public records, and 360  
removes the requirement that the papers be open to inspection 361  
only during certain times before the next election. 362

Requires a board of elections, upon receiving a public 363  
records request for these papers, as soon as practicable, to 364  
make them available for public inspection or provide copies, in 365  
electronic or paper form as specified by the requester, whether 366  
or not the petitions have been modified or marked upon or the 367  
petition's signatures have been certified as valid by the board. 368