

**As Passed by the Senate**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. S. B. No. 53**

**Senator Manning**

**Cosponsors: Senators Cirino, Reineke, Thomas, Yuko**

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**A BILL**

To amend section 3513.04 of the Revised Code to  
allow a primary candidate to become a candidate  
at the general election by being appointed to  
fill a ballot vacancy under certain  
circumstances.

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

**Section 1.** That section 3513.04 of the Revised Code be  
amended to read as follows:

**Sec. 3513.04.** (A) Candidates for party nominations to  
state, district, county, and municipal offices or positions, for  
which party nominations are provided by law, and for election as  
members of party controlling committees shall have their names  
printed on the official primary ballot by filing a declaration  
of candidacy and paying the fees specified for the office under  
divisions (A) and (B) of section 3513.10 of the Revised Code,  
except that the joint candidates for party nomination to the  
offices of governor and lieutenant governor shall, for the two  
of them, file one declaration of candidacy. The joint candidates  
also shall pay the fees specified for the joint candidates under

divisions (A) and (B) of section 3513.10 of the Revised Code. 19

(B) The secretary of state shall not accept for filing the 20  
declaration of candidacy of a candidate for party nomination to 21  
the office of governor unless the declaration of candidacy also 22  
shows a joint candidate for the same party's nomination to the 23  
office of lieutenant governor, shall not accept for filing the 24  
declaration of candidacy of a candidate for party nomination to 25  
the office of lieutenant governor unless the declaration of 26  
candidacy also shows a joint candidate for the same party's 27  
nomination to the office of governor, and shall not accept for 28  
filing a declaration of candidacy that shows a candidate for 29  
party nomination to the office of governor or lieutenant 30  
governor who, for the same election, has already filed a 31  
declaration of candidacy or a declaration of intent to be a 32  
write-in candidate, or has become a candidate by the filling of 33  
a vacancy under section 3513.30 of the Revised Code for any 34  
other state office or any federal or county office. 35

~~No~~ (C) (1) Except as otherwise provided in division (C) (2) 36  
of this section, no person who seeks party nomination for an 37  
office or position at a primary election by declaration of 38  
candidacy or by declaration of intent to be a write-in candidate 39  
and no person who is a first choice for president of candidates 40  
seeking election as delegates and alternates to the national 41  
conventions of the different major political parties who are 42  
chosen by direct vote of the electors as provided in this 43  
chapter shall be permitted to become a candidate by nominating 44  
petition, including a nominating petition filed under section 45  
3517.012 of the Revised Code, by declaration of intent to be a 46  
write-in candidate, or by filling a vacancy under section 47  
3513.31 of the Revised Code at the following general election 48  
for any office other than the office of member of the state 49

board of education, office of member of a city, local, or 50  
exempted village board of education, office of member of a 51  
governing board of an educational service center, or office of 52  
township trustee. 53

(2) Division (C) (1) of this section does not prohibit such 54  
a person from becoming a candidate at the following general 55  
election for an office that is not a state or federal office by 56  
filling a vacancy under section 3513.31 of the Revised Code. 57

**Section 2.** That existing section 3513.04 of the Revised 58  
Code is hereby repealed. 59