

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 458

Representative Hall

**Cosponsors: Representatives Troy, Fowler Arthur, Gross, Wiggam, Stoltzfus,
Riedel, Merrin**

A BILL

To amend sections 323.17, 3501.01, 3513.301, 1
3513.312, and 3521.03 and to enact section 2
3521.04 of the Revised Code to eliminate August 3
special elections except when held to nominate 4
or elect candidates for the United States House 5
of Representatives. 6

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

Section 1. That sections 323.17, 3501.01, 3513.301, 7
3513.312, and 3521.03 be amended and section 3521.04 of the 8
Revised Code be enacted to read as follows: 9

Sec. 323.17. When any taxing authority in the county has 10
certified to the board of elections a resolution that would 11
serve to place upon the ballot at a general election or at any 12
special election held prior to the general election but 13
subsequent to the first Tuesday after the first Monday in ~~August~~ 14
May the question of a tax to be levied on the current tax list 15
and duplicate for any purpose, or if the auditor has not 16
received the certified reduction factors as required by division 17
(D) (2) of section 319.301 of the Revised Code, the time for 18

delivery of the tax duplicate of the county treasurer by the 19
county auditor as provided in section 319.28 of the Revised Code 20
shall be extended to the first Monday in December. When delivery 21
of the tax duplicate has been so delayed, the times for payment 22
of taxes as fixed by section 323.12 of the Revised Code may be 23
extended to the thirty-first day of January and the twentieth 24
day of July. In case of emergency the tax commissioner may, by 25
journal entry, extend the times for delivery of the duplicate in 26
any county for an additional fifteen days upon receipt of a 27
written application from the county auditor, in the case of a 28
delay in the delivery of the tax duplicate, or from the 29
treasurer regarding an extension of the time for the billing and 30
collection of taxes. 31

When a delay in the closing of a tax collection period 32
becomes unavoidable, the tax commissioner, upon application of 33
the county auditor and county treasurer, may extend the time for 34
payment of taxes if ~~he~~ the commissioner determines that 35
penalties have accrued or would otherwise accrue for reasons 36
beyond the control of the taxpayers of the county. The order so 37
issued by the commissioner shall prescribe the final extended 38
date for the payment of taxes for that collection period. 39

"Emergency," as used in this section, includes death or 40
serious illness, any organized work stoppage, mechanical failure 41
of office equipment or machinery, or a delay in complying with 42
section 5715.24 or 5715.26 of the Revised Code which will cause 43
an unavoidable delay in the delivery of duplicates or in the 44
billing or collection of taxes. Such application shall contain a 45
statement describing the emergency that will cause the 46
unavoidable delay. Any application from the county auditor for 47
an extension of time for delivery of the duplicate due to an 48
emergency must be received by the tax commissioner on or before 49

the last day of the month preceding the date required for such 50
delivery. When an extension of time for delivery of the 51
duplicate is so granted, the time for payment of taxes shall be 52
extended for a like period of time. 53

Whenever taxable real property has been destroyed or 54
damaged by fire, flood, tornado, or otherwise, in an amount not 55
less than twenty-five per cent of the value as listed and 56
assessed for taxation but in no event less than two thousand 57
dollars of taxable value, the county board of revision, by 58
resolution, may extend the time for payment of taxes on such 59
property not more than one year after the time fixed by section 60
323.12 of the Revised Code. The board shall file a copy of such 61
resolution with the county auditor and county treasurer, stating 62
the name of the owner and description as it appears on the tax 63
list, the taxing district, the type and kind of property 64
destroyed or damaged, and the board's estimate of the amount of 65
such destruction or damage. 66

Sec. 3501.01. As used in the sections of the Revised Code 67
relating to elections and political communications: 68

(A) "General election" means the election held on the 69
first Tuesday after the first Monday in each November. 70

(B) "Regular municipal election" means the election held 71
on the first Tuesday after the first Monday in November in each 72
odd-numbered year. 73

(C) "Regular state election" means the election held on 74
the first Tuesday after the first Monday in November in each 75
even-numbered year. 76

(D) "Special election" means any election other than those 77
elections defined in other divisions of this section. A special 78

election may be held only on the first Tuesday after the first 79
Monday in May, ~~August~~, or November, on the first Tuesday after 80
the first Monday in August in accordance with section 3521.04 of 81
the Revised Code, or on the day authorized by a particular 82
municipal or county charter for the holding of a primary 83
election, except that in any year in which a presidential 84
primary election is held, no special election shall be held in 85
May, except as authorized by a municipal or county charter, but 86
may be held on the third Tuesday after the first Monday in 87
March. 88

(E) (1) "Primary" or "primary election" means an election 89
held for the purpose of nominating persons as candidates of 90
political parties for election to offices, and for the purpose 91
of electing persons as members of the controlling committees of 92
political parties and as delegates and alternates to the 93
conventions of political parties. Primary elections shall be 94
held on the first Tuesday after the first Monday in May of each 95
year except in years in which a presidential primary election is 96
held. 97

(2) "Presidential primary election" means a primary 98
election as defined by division (E) (1) of this section at which 99
an election is held for the purpose of choosing delegates and 100
alternates to the national conventions of the major political 101
parties pursuant to section 3513.12 of the Revised Code. Unless 102
otherwise specified, presidential primary elections are included 103
in references to primary elections. In years in which a 104
presidential primary election is held, all primary elections 105
shall be held on the third Tuesday after the first Monday in 106
March except as otherwise authorized by a municipal or county 107
charter. 108

(F) "Political party" means any group of voters meeting 109
the requirements set forth in section 3517.01 of the Revised 110
Code for the formation and existence of a political party. 111

(1) "Major political party" means any political party 112
organized under the laws of this state whose candidate for 113
governor or nominees for presidential electors received not less 114
than twenty per cent of the total vote cast for such office at 115
the most recent regular state election. 116

(2) "Minor political party" means any political party 117
organized under the laws of this state that meets either of the 118
following requirements: 119

(a) Except as otherwise provided in this division, the 120
political party's candidate for governor or nominees for 121
presidential electors received less than twenty per cent but not 122
less than three per cent of the total vote cast for such office 123
at the most recent regular state election. A political party 124
that meets the requirements of this division remains a political 125
party for a period of four years after meeting those 126
requirements. 127

(b) The political party has filed with the secretary of 128
state, subsequent to its failure to meet the requirements of 129
division (F) (2) (a) of this section, a petition that meets the 130
requirements of section 3517.01 of the Revised Code. 131

A newly formed political party shall be known as a minor 132
political party until the time of the first election for 133
governor or president which occurs not less than twelve months 134
subsequent to the formation of such party, after which election 135
the status of such party shall be determined by the vote for the 136
office of governor or president. 137

(G) "Dominant party in a precinct" or "dominant political party in a precinct" means that political party whose candidate for election to the office of governor at the most recent regular state election at which a governor was elected received more votes than any other person received for election to that office in such precinct at such election.

(H) "Candidate" means any qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held in this state.

(I) "Independent candidate" means any candidate who claims not to be affiliated with a political party, and whose name has been certified on the office-type ballot at a general or special election through the filing of a statement of candidacy and nominating petition, as prescribed in section 3513.257 of the Revised Code.

(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judge of a municipal court, county court, or court of common pleas, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to

appear on the office-type ballot at a general or special 168
election as the nominee of a political party because the 169
candidate has won the primary election of the candidate's party 170
for the public office the candidate seeks, has been nominated 171
under section 3517.012, or is selected by party committee in 172
accordance with section 3513.31 of the Revised Code. 173

(L) "Officer of a political party" includes, but is not 174
limited to, any member, elected or appointed, of a controlling 175
committee, whether representing the territory of the state, a 176
district therein, a county, township, a city, a ward, a 177
precinct, or other territory, of a major or minor political 178
party. 179

(M) "Question or issue" means any question or issue 180
certified in accordance with the Revised Code for placement on 181
an official ballot at a general or special election to be held 182
in this state. 183

(N) "Elector" or "qualified elector" means a person having 184
the qualifications provided by law to be entitled to vote. 185

(O) "Voter" means an elector who votes at an election. 186

(P) "Voting residence" means that place of residence of an 187
elector which shall determine the precinct in which the elector 188
may vote. 189

(Q) "Precinct" means a district within a county 190
established by the board of elections of such county within 191
which all qualified electors having a voting residence therein 192
may vote at the same polling place. 193

(R) "Polling place" means that place provided for each 194
precinct at which the electors having a voting residence in such 195
precinct may vote. 196

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.	197 198 199
(T) "Political subdivision" means a county, township, city, village, or school district.	200 201
(U) "Election officer" or "election official" means any of the following:	202 203
(1) Secretary of state;	204
(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;	205 206 207 208
(3) Director of a board of elections;	209
(4) Deputy director of a board of elections;	210
(5) Member of a board of elections;	211
(6) Employees of a board of elections;	212
(7) Precinct election officials;	213
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	214 215
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	216 217 218 219 220 221 222
(W) "Confirmation notice" means a notice sent by a board	223

of elections, on a form prescribed by the secretary of state, to 224
a registered elector to confirm the registered elector's current 225
address. 226

(X) "Designated agency" means an office or agency in the 227
state that provides public assistance or that provides state- 228
funded programs primarily engaged in providing services to 229
persons with disabilities and that is required by the National 230
Voter Registration Act of 1993 to implement a program designed 231
and administered by the secretary of state for registering 232
voters, or any other public or government office or agency that 233
implements a program designed and administered by the secretary 234
of state for registering voters, including the department of job 235
and family services, the program administered under section 236
3701.132 of the Revised Code by the department of health, the 237
department of mental health and addiction services, the 238
department of developmental disabilities, the opportunities for 239
Ohioans with disabilities agency, and any other agency the 240
secretary of state designates. "Designated agency" does not 241
include public high schools and vocational schools, public 242
libraries, or the office of a county treasurer. 243

(Y) "National Voter Registration Act of 1993" means the 244
"National Voter Registration Act of 1993," 107 Stat. 77, 42 245
U.S.C.A. 1973gg. 246

(Z) "Voting Rights Act of 1965" means the "Voting Rights 247
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 248

(AA) "Photo identification" means a document that meets 249
each of the following requirements: 250

(1) It shows the name of the individual to whom it was 251
issued, which shall conform to the name in the poll list or 252

signature pollbook.	253
(2) It shows the current address of the individual to whom it was issued, which shall conform to the address in the poll list or signature pollbook, except for a driver's license or a state identification card issued under section 4507.50 of the Revised Code, which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook.	254 255 256 257 258 259 260 261
(3) It shows a photograph of the individual to whom it was issued.	262 263
(4) It includes an expiration date that has not passed.	264
(5) It was issued by the government of the United States or this state.	265 266
Sec. 3513.301. (A) Notwithstanding section 3513.30 of the Revised Code and except as otherwise provided in division (B) (2) of this section, if only one person has filed a valid declaration of candidacy for nomination as the candidate of a political party for the office of representative to congress and that person withdraws as a candidate or dies at any time before the primary election, a special election shall be held under division (B) (1) of this section as soon as reasonably practicable to nominate the following:	267 268 269 270 271 272 273 274 275
(1) That party's candidate for congress;	276
(2) The candidate for congress of any other major political party under either of the following circumstances:	277 278
(a) No person has filed a valid declaration of candidacy for nomination as that party's candidate at the primary	279 280

election.	281
(b) Only one person has filed a valid declaration of	282
candidacy for nomination as that party's candidate at the	283
primary election, that person has withdrawn or died, and the	284
vacancy so created has not been filled.	285
(B) (1) Except as otherwise provided in division (B) (2) of	286
this section, the boards of elections of all the counties	287
contained in whole or in part within the congressional district	288
for which a special election is being held under this section	289
shall conduct the special election on a date designated by the	290
secretary of state and give notice of the time and places of	291
holding the election as provided in section 3501.03 of the	292
Revised Code. The election shall be held and conducted and	293
returns of it made as in the case of a primary election, except	294
that the secretary of state shall designate the deadline to file	295
a declaration of candidacy or a declaration of intent to be a	296
write-in candidate for the election.	297
(2) If, for each nomination to be made at the special	298
election to be held under division (B) (1) of this section, only	299
one person has filed a valid declaration of candidacy or no	300
person has filed a valid declaration of candidacy, then no	301
special election shall be held. If no special election is held,	302
then for each nomination for which only one person has filed a	303
valid declaration of candidacy, the secretary of state, upon	304
receiving certification of that fact from the board of elections	305
of the most populous county of the congressional district, shall	306
issue a certificate of nomination to the person and the person's	307
name shall appear on the ballot as that party's candidate at the	308
general election.	309
(C) The <u>Except as otherwise provided in section 3521.04 of</u>	310

the Revised Code, the state shall pay all costs of any special 311
election held under this section. 312

Sec. 3513.312. (A) Notwithstanding section 3513.31 of the 313
Revised Code, if a person nominated in a primary election or 314
nominated by petition under section 3517.012 of the Revised Code 315
as a party candidate for the office of representative to 316
congress for election at the next general election withdraws as 317
such candidate prior to the ninetieth day before the day of such 318
general election, or dies prior to the ninetieth day before the 319
day of such general election, the vacancy in the party 320
nomination so created shall be filled in accordance with 321
division (B) of this section as soon as reasonably practicable. 322

(B) (1) Except as otherwise provided in division (B) (2) of 323
this section, the boards of elections of all the counties 324
contained in whole or in part within the congressional district 325
in which a vacancy occurs as described in division (A) of this 326
section shall conduct the special election on a date designated 327
by the secretary of state and give notice of the time and places 328
of holding such election as provided in section 3501.03 of the 329
Revised Code. Such election shall be held and conducted and 330
returns thereof made as in the case of a primary election, 331
except that the secretary of state shall designate the deadline 332
to file a declaration of candidacy or a declaration of intent to 333
be a write-in candidate for the election. 334

(2) If only one person has filed a valid declaration of 335
candidacy for the special election to be held under division (B) 336
(1) of this section, or if no person has filed a valid 337
declaration of candidacy, then no special election shall be 338
held. If one person has filed a valid declaration of candidacy, 339
the secretary of state, upon receiving certification of that 340

fact from the board of elections of the most populous county of 341
the congressional district, shall issue a certificate of 342
nomination to the person and the person's name shall appear on 343
the ballot as that party's candidate at the general election. 344

(C) ~~The~~ Except as otherwise provided in section 3521.04 of 345
the Revised Code, the state shall pay all costs of any special 346
election held pursuant to this section. 347

Sec. 3521.03. When a vacancy in the office of 348
representative to congress occurs, the governor, upon 349
satisfactory information thereof, shall issue a writ of election 350
directing that a special election be held to fill such vacancy 351
in the territory entitled to fill it on a day specified in the 352
writ. Such writ shall be directed to the board of elections 353
within such territory which shall give notice of the time and 354
places of holding such election as provided in section 3501.03 355
of the Revised Code. Such election shall be held and conducted 356
and returns thereof made as in case of a regular state election. 357
~~The~~ Except as otherwise provided in section 3521.04 of the 358
Revised Code, the state shall pay all costs of any special 359
election held under this section. 360

Sec. 3521.04. (A) Notwithstanding any contrary provision 361
of the Revised Code, except as otherwise provided in division 362
(D) of this section, if a special election is held under section 363
3513.301, 3513.312, or 3521.03 of the Revised Code on the first 364
Tuesday after the first Monday in August, a political 365
subdivision or taxing authority whose territory is located 366
entirely within the applicable congressional district may also 367
hold a special election on that day for any office, question, or 368
issue, so long as the applicable deadlines described in division 369
(B) of this section are met. 370

(B) The deadlines applicable to a special election held by 371
a political subdivision or taxing authority under division (A) 372
of this section shall be the same as the deadlines specified to 373
place the office, question, or issue on the ballot on the day of 374
a primary or general election. 375

(C) If one or more political subdivisions or taxing 376
authorities place an office, question, or issue on the ballot 377
under division (A) of this section, the entire cost of the 378
special election shall be divided proportionally between the 379
state and each political subdivision or taxing authority based 380
upon a ratio determined by the number of offices, questions, or 381
issues placed on the ballot in each precinct by the state and 382
each political subdivision or taxing authority. 383

(D) A political subdivision or taxing authority may not 384
hold a special election under division (A) of this section for a 385
purpose described in section 5705.194 or 5739.028, division (B) 386
of section 5739.021, division (D) of section 5739.026, or 387
division (I) of section 5748.09 of the Revised Code. 388

Section 2. That existing sections 323.17, 3501.01, 389
3513.301, 3513.312, and 3521.03 of the Revised Code are hereby 390
repealed. 391