

**As Passed by the House**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Am. H. B. No. 153**

**Representative Dovilla**

**Cosponsors: Representatives Amstutz, Antani, DeVitis, Pelanda, Sears,  
Speaker Rosenberger**

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**A BILL**

To amend sections 3501.01, 3513.01, and 3513.12 of 1  
the Revised Code to change the date on which 2  
presidential primary elections are held. 3

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

**Section 1.** That sections 3501.01, 3513.01, and 3513.12 of 4  
the Revised Code be amended to read as follows: 5

**Sec. 3501.01.** As used in the sections of the Revised Code 6  
relating to elections and political communications: 7

(A) "General election" means the election held on the 8  
first Tuesday after the first Monday in each November. 9

(B) "Regular municipal election" means the election held 10  
on the first Tuesday after the first Monday in November in each 11  
odd-numbered year. 12

(C) "Regular state election" means the election held on 13  
the first Tuesday after the first Monday in November in each 14  
even-numbered year. 15

(D) "Special election" means any election other than those 16

elections defined in other divisions of this section. A special 17  
election may be held only on the first Tuesday after the first 18  
Monday in February, May, August, or November, or on the day 19  
authorized by a particular municipal or county charter for the 20  
holding of a primary election, except that in any year in which 21  
a presidential primary election is held, no special election 22  
shall be held in February or May, except as authorized by a 23  
municipal or county charter, but may be held on the ~~first~~second 24  
Tuesday after the first Monday in March. 25

(E) (1) "Primary" or "primary election" means an election 26  
held for the purpose of nominating persons as candidates of 27  
political parties for election to offices, and for the purpose 28  
of electing persons as members of the controlling committees of 29  
political parties and as delegates and alternates to the 30  
conventions of political parties. Primary elections shall be 31  
held on the first Tuesday after the first Monday in May of each 32  
year except in years in which a presidential primary election is 33  
held. 34

(2) "Presidential primary election" means a primary 35  
election as defined by division (E) (1) of this section at which 36  
an election is held for the purpose of choosing delegates and 37  
alternates to the national conventions of the major political 38  
parties pursuant to section 3513.12 of the Revised Code. Unless 39  
otherwise specified, presidential primary elections are included 40  
in references to primary elections. In years in which a 41  
presidential primary election is held, all primary elections 42  
shall be held on the ~~first~~second Tuesday after the first Monday 43  
in March except as otherwise authorized by a municipal or county 44  
charter. 45

(F) "Political party" means any group of voters meeting 46

the requirements set forth in section 3517.01 of the Revised Code for the formation and existence of a political party.

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

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

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

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

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

(G) "Dominant party in a precinct" or "dominant political

party in a precinct" means that political party whose candidate 76  
for election to the office of governor at the most recent 77  
regular state election at which a governor was elected received 78  
more votes than any other person received for election to that 79  
office in such precinct at such election. 80

(H) "Candidate" means any qualified person certified in 81  
accordance with the provisions of the Revised Code for placement 82  
on the official ballot of a primary, general, or special 83  
election to be held in this state, or any qualified person who 84  
claims to be a write-in candidate, or who knowingly assents to 85  
being represented as a write-in candidate by another at either a 86  
primary, general, or special election to be held in this state. 87

(I) "Independent candidate" means any candidate who claims 88  
not to be affiliated with a political party, and whose name has 89  
been certified on the office-type ballot at a general or special 90  
election through the filing of a statement of candidacy and 91  
nominating petition, as prescribed in section 3513.257 of the 92  
Revised Code. 93

(J) "Nonpartisan candidate" means any candidate whose name 94  
is required, pursuant to section 3505.04 of the Revised Code, to 95  
be listed on the nonpartisan ballot, including all candidates 96  
for judicial office, for member of any board of education, for 97  
municipal or township offices in which primary elections are not 98  
held for nominating candidates by political parties, and for 99  
offices of municipal corporations having charters that provide 100  
for separate ballots for elections for these offices. 101

(K) "Party candidate" means any candidate who claims to be 102  
a member of a political party and who has been certified to 103  
appear on the office-type ballot at a general or special 104  
election as the nominee of a political party because the 105

candidate has won the primary election of the candidate's party 106  
for the public office the candidate seeks, has been nominated 107  
under section 3517.012, or is selected by party committee in 108  
accordance with section 3513.31 of the Revised Code. 109

(L) "Officer of a political party" includes, but is not 110  
limited to, any member, elected or appointed, of a controlling 111  
committee, whether representing the territory of the state, a 112  
district therein, a county, township, a city, a ward, a 113  
precinct, or other territory, of a major or minor political 114  
party. 115

(M) "Question or issue" means any question or issue 116  
certified in accordance with the Revised Code for placement on 117  
an official ballot at a general or special election to be held 118  
in this state. 119

(N) "Elector" or "qualified elector" means a person having 120  
the qualifications provided by law to be entitled to vote. 121

(O) "Voter" means an elector who votes at an election. 122

(P) "Voting residence" means that place of residence of an 123  
elector which shall determine the precinct in which the elector 124  
may vote. 125

(Q) "Precinct" means a district within a county 126  
established by the board of elections of such county within 127  
which all qualified electors having a voting residence therein 128  
may vote at the same polling place. 129

(R) "Polling place" means that place provided for each 130  
precinct at which the electors having a voting residence in such 131  
precinct may vote. 132

(S) "Board" or "board of elections" means the board of 133

elections appointed in a county pursuant to section 3501.06 of 134  
the Revised Code. 135

(T) "Political subdivision" means a county, township, 136  
city, village, or school district. 137

(U) "Election officer" or "election official" means any of 138  
the following: 139

(1) Secretary of state; 140

(2) Employees of the secretary of state serving the 141  
division of elections in the capacity of attorney, 142  
administrative officer, administrative assistant, elections 143  
administrator, office manager, or clerical supervisor; 144

(3) Director of a board of elections; 145

(4) Deputy director of a board of elections; 146

(5) Member of a board of elections; 147

(6) Employees of a board of elections; 148

(7) Precinct election officials; 149

(8) Employees appointed by the boards of elections on a 150  
temporary or part-time basis. 151

(V) "Acknowledgment notice" means a notice sent by a board 152  
of elections, on a form prescribed by the secretary of state, 153  
informing a voter registration applicant or an applicant who 154  
wishes to change the applicant's residence or name of the status 155  
of the application; the information necessary to complete or 156  
update the application, if any; and if the application is 157  
complete, the precinct in which the applicant is to vote. 158

(W) "Confirmation notice" means a notice sent by a board 159  
of elections, on a form prescribed by the secretary of state, to 160

a registered elector to confirm the registered elector's current address. 161  
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(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental disabilities, the opportunities for Ohioans with disabilities agency, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer. 163  
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(Y) "National Voter Registration Act of 1993" means the "National Voter Registration Act of 1993," 107 Stat. 77, 42 U.S.C.A. 1973gg. 180  
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(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 183  
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(AA) "Photo identification" means a document that meets each of the following requirements: 185  
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(1) It shows the name of the individual to whom it was issued, which shall conform to the name in the poll list or signature pollbook. 187  
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(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.

(3) It shows a photograph of the individual to whom it was  
issued.

(4) It includes an expiration date that has not passed.

(5) It was issued by the government of the United States  
or this state.

**Sec. 3513.01.** (A) Except as otherwise provided in this  
section and section 3517.012 of the Revised Code, on the ~~first-~~  
second Tuesday after the first Monday in March of ~~2000-2016~~ and  
every fourth year thereafter, and on the first Tuesday after the  
first Monday in May of every other year, primary elections shall  
be held for the purpose of nominating persons as candidates of  
political parties for election to offices to be voted for at the  
succeeding general election.

(B) The manner of nominating persons as candidates for  
election as officers of a municipal corporation having a  
population of two thousand or more, as ascertained by the most  
recent federal census, shall be the same as the manner in which  
candidates were nominated for election as officers in the  
municipal corporation in 1989 unless the manner of nominating  
such candidates is changed under division (C), (D), or (E) of  
this section.



(C) Primary elections shall not be held for the nomination 219  
of candidates for election as officers of any township, or any 220  
municipal corporation having a population of less than two 221  
thousand, unless a majority of the electors of any such township 222  
or municipal corporation, as determined by the total number of 223  
votes cast in such township or municipal corporation for the 224  
office of governor at the most recent regular state election, 225  
files with the board of elections of the county within which 226  
such township or municipal corporation is located, or within 227  
which the major portion of the population thereof is located, if 228  
the municipal corporation is situated in more than one county, 229  
not later than one hundred twenty days before the day of a 230  
primary election, a petition signed by such electors asking that 231  
candidates for election as officers of such township or 232  
municipal corporation be nominated as candidates of political 233  
parties, in which event primary elections shall be held in such 234  
township or municipal corporation for the purpose of nominating 235  
persons as candidates of political parties for election as 236  
officers of such township or municipal corporation to be voted 237  
for at the succeeding regular municipal election. In a township 238  
or municipal corporation where a majority of the electors have 239  
filed a petition asking that candidates for election as officers 240  
of the township or municipal corporation be nominated as 241  
candidates of political parties, the nomination of candidates 242  
for a nonpartisan election may be reestablished in the manner 243  
prescribed in division (E) of this section. 244

(D) (1) The electors in a municipal corporation having a 245  
population of two thousand or more, in which municipal officers 246  
were nominated in the most recent election by nominating 247  
petition and elected by nonpartisan election, may place on the 248  
ballot in the manner prescribed in division (D) (2) of this 249

section the question of changing to the primary-election method 250  
of nominating persons as candidates for election as officers of 251  
the municipal corporation. 252

(2) The board of elections of the county within which the 253  
municipal corporation is located, or, if the municipal 254  
corporation is located in more than one county, of the county 255  
within which the major portion of the population of the 256  
municipal corporation is located, shall, upon receipt of a 257  
petition signed by electors of the municipal corporation equal 258  
in number to at least ten per cent of the vote cast at the most 259  
recent regular municipal election, submit to the electors of the 260  
municipal corporation the question of changing to the primary- 261  
election method of nominating persons as candidates for election 262  
as officers of the municipal corporation. The ballot language 263  
shall be substantially as follows: 264

"Shall candidates for election as officers of ..... 265  
(name of municipal corporation) in the county of ..... 266  
(name of county) be nominated as candidates of political 267  
parties? 268  
..... yes 269  
..... no" 270

The question shall be placed on the ballot at the next 271  
general election in an even-numbered year occurring at least 272  
ninety days after the petition is filed with the board. If a 273  
majority of the electors voting on the question vote in the 274  
affirmative, candidates for election as officers of the 275  
municipal corporation shall thereafter be nominated as 276  
candidates of political parties in primary elections, under 277  
division (A) of this section, unless a change in the manner of 278

nominating persons as candidates for election as officers of the 279  
municipal corporation is made under division (E) of this 280  
section. 281

(E) (1) The electors in a township or municipal corporation 282  
in which the township or municipal officers are nominated as 283  
candidates of political parties in a primary election may place 284  
on the ballot, in the manner prescribed in division (E) (2) of 285  
this section, the question of changing to the nonpartisan method 286  
of nominating persons as candidates for election as officers of 287  
the township or municipal corporation. 288

(2) The board of elections of the county within which the 289  
township or municipal corporation is located, or, if the 290  
municipal corporation is located in more than one county, of the 291  
county within which the major portion of the population of the 292  
municipal corporation is located, shall, upon receipt of a 293  
petition signed by electors of the township or municipal 294  
corporation equal in number to at least ten per cent of the vote 295  
cast at the most recent regular township or municipal election, 296  
as appropriate, submit to the electors of the township or 297  
municipal corporation, as appropriate, the question of changing 298  
to the nonpartisan method of nominating persons as candidates 299  
for election as officers of the township or municipal 300  
corporation. The ballot language shall be substantially as 301  
follows: 302

"Shall candidates for election as officers of ..... 303  
(name of the township or municipal corporation) in the county of 304  
..... (name of county) be nominated as candidates by 305  
nominating petition and be elected only in a nonpartisan 306  
election? 307

..... yes 308

..... no" 309

The question shall appear on the ballot at the next 310  
general election in an even-numbered year occurring at least 311  
ninety days after the petition is filed with the board. If a 312  
majority of electors voting on the question vote in the 313  
affirmative, candidates for officer of the township or municipal 314  
corporation shall thereafter be nominated by nominating petition 315  
and be elected only in a nonpartisan election, unless a change 316  
in the manner of nominating persons as candidates for election 317  
as officers of the township or municipal corporation is made 318  
under division (C) or (D) of this section. 319

**Sec. 3513.12.** At a presidential primary election, which 320  
shall be held on the ~~first~~second Tuesday after the first Monday 321  
in March in the year ~~2000~~2016, and similarly in every fourth 322  
year thereafter, delegates and alternates to the national 323  
conventions of the different major political parties shall be 324  
chosen by direct vote of the electors as provided in this 325  
chapter. Candidates for delegate and alternate shall be 326  
qualified and the election shall be conducted in the manner 327  
prescribed in this chapter for the nomination of candidates for 328  
state and district offices, except as provided in section 329  
3513.151 of the Revised Code and except that whenever any group 330  
of candidates for delegate at large or alternate at large, or 331  
any group of candidates for delegates or alternates from 332  
districts, file with the secretary of state statements as 333  
provided by this section, designating the same persons as their 334  
first and second choices for president of the United States, 335  
such a group of candidates may submit a group petition 336  
containing a declaration of candidacy for each of such 337  
candidates. The group petition need be signed only by the number 338  
of electors required for the petition of a single candidate. No 339

group petition shall be submitted except by a group of 340  
candidates equal in number to the whole number of delegates at 341  
large or alternates at large to be elected or equal in number to 342  
the whole number of delegates or alternates from a district to 343  
be elected. 344

Each person seeking to be elected as delegate or alternate 345  
to the national convention of the person's political party shall 346  
file with the person's declaration of candidacy and certificate 347  
a statement in writing signed by the person in which the person 348  
shall state the person's first and second choices for nomination 349  
as the candidate of the person's party for the presidency of the 350  
United States. The secretary of state shall not permit any 351  
declaration of candidacy and certificate of a candidate for 352  
election as such delegate or alternate to be filed unless 353  
accompanied by such statement in writing. The name of a 354  
candidate for the presidency shall not be so used without the 355  
candidate's written consent. 356

A person who is a first choice for president of candidates 357  
seeking election as delegates and alternates shall file with the 358  
secretary of state, prior to the day of the election, a list 359  
indicating the order in which certificates of election are to be 360  
issued to delegate or alternate candidates to whose candidacy 361  
the person has consented, if fewer than all of such candidates 362  
are entitled under party rules to be certified as elected. Each 363  
candidate for election as such delegate or alternate may also 364  
file along with the candidate's declaration of candidacy and 365  
certificate a statement in writing signed by the candidate in 366  
the following form: 367

"Statement of Candidate 368

For Election as ..... (Delegate) (Alternate) to the 369

..... (name of political party) National Convention 370

I hereby declare to the voters of my political party in 371  
the State of Ohio that, if elected as ..... (delegate) 372  
(alternate) to their national party convention, I shall, to the 373  
best of my judgment and ability, support that candidate for 374  
President of the United States who shall have been selected at 375  
this primary by the voters of my party in the manner provided in 376  
Chapter 3513. of the Ohio Revised Code, as their candidate for 377  
such office. 378

..... (name) 379

Candidate for ..... 380

(Delegate) (Alternate)" 381

The procedures for the selection of candidates for 382  
delegate and alternate to the national convention of a political 383  
party set forth in this section and in section 3513.121 of the 384  
Revised Code are alternative procedures, and if the procedures 385  
of this section are followed, the procedures of section 3513.121 386  
of the Revised Code need not be followed. 387

**Section 2.** That existing sections 3501.01, 3513.01, and 388  
3513.12 of the Revised Code are hereby repealed. 389

**Section 3.** Notwithstanding any contrary provision of the 390  
Revised Code, a declaration of candidacy or election petition 391  
filed for the 2016 primary election or a special election on the 392  
day of that election shall not be considered invalid on the 393  
ground that it identifies the date of the 2016 primary election 394  
as March 8, 2016, instead of March 15, 2016. 395

**Section 4.** Section 3501.01 of the Revised Code is 396  
presented in this act as a composite of the section as amended 397

by Am. Sub. H.B. 59, Am. Sub. S.B. 109, and Am. Sub. S.B. 193 398  
all of the 130th General Assembly. The General Assembly, 399  
applying the principle stated in division (B) of section 1.52 of 400  
the Revised Code that amendments are to be harmonized if 401  
reasonably capable of simultaneous operation, finds that the 402  
composite is the resulting version of the section in effect 403  
prior to the effective date of the section as presented in this 404  
act. 405