

As Reported by the Senate State and Local Government Committee

131st General Assembly

Regular Session

2015-2016

Am. H. B. No. 153

Representative Dovilla

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

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 the Revised Code.	134 135
(T) "Political subdivision" means a county, township, city, village, or school district.	136 137
(U) "Election officer" or "election official" means any of the following:	138 139
(1) Secretary of state;	140
(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;	141 142 143 144
(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 temporary or part-time basis.	150 151
(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.	152 153 154 155 156 157 158
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to	159 160

a registered elector to confirm the registered elector's current address. 161
162

(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
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179

(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
181
182

(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
184

(AA) "Photo identification" means a document that meets each of the following requirements: 185
186

(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
188
189

(2) It shows the current address of the individual to whom 190
it was issued, which shall conform to the address in the poll 191
list or signature pollbook, except for a driver's license or a 192
state identification card issued under section 4507.50 of the 193
Revised Code, which may show either the current or former 194
address of the individual to whom it was issued, regardless of 195
whether that address conforms to the address in the poll list or 196
signature pollbook. 197

(3) It shows a photograph of the individual to whom it was 198
issued. 199

(4) It includes an expiration date that has not passed. 200

(5) It was issued by the government of the United States 201
or this state. 202

Sec. 3513.01. (A) Except as otherwise provided in this 203
section and section 3517.012 of the Revised Code, on the ~~first-~~ 204
second Tuesday after the first Monday in March of ~~2000-2016~~ and 205
every fourth year thereafter, and on the first Tuesday after the 206
first Monday in May of every other year, primary elections shall 207
be held for the purpose of nominating persons as candidates of 208
political parties for election to offices to be voted for at the 209
succeeding general election. 210

(B) The manner of nominating persons as candidates for 211
election as officers of a municipal corporation having a 212
population of two thousand or more, as ascertained by the most 213
recent federal census, shall be the same as the manner in which 214
candidates were nominated for election as officers in the 215
municipal corporation in 1989 unless the manner of nominating 216
such candidates is changed under division (C), (D), or (E) of 217
this section. 218

(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