

As Reported by Senate State and Local Government Committee

131st General Assembly

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Am. S. B. No. 347

Senator LaRose

Cosponsors: Senators Seitz, Thomas, Hackett

A BILL

To amend sections 3513.02, 3513.30, 3513.301, and 3513.312 of the Revised Code to expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election.

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

Section 1. That sections 3513.02, 3513.30, 3513.301, and 3513.312 of the Revised Code be amended to read as follows:

Sec. 3513.02. ~~(A) (1) If, in any odd-numbered year, no valid declaration of candidacy person is filed for nomination certified as a candidate for the nomination of a political party for election to any of the offices an office to be voted for at the a general election to be held in such year, or if the number of persons filing such declarations of candidacy for nominations certified as candidates for the nomination of one that political party for election to such offices that office does not exceed, as to any such office, the number of candidates which such that political party is entitled to nominate as its candidates for election to such that office, then no primary election shall be~~

held for the purpose of nominating party candidates of ~~such that~~ 19
party for ~~election to offices to be voted for at such general~~ 20
~~election and no primary ballots shall be provided for such party~~ 21
that office. If, however, the only office for which there are 22
more ~~valid declarations of candidacy filed~~ certified candidates 23
than the number to be nominated by a political party, is the 24
office of councilperson in a ward, a primary election shall be 25
held for ~~such that party~~ for that office only in the ward or 26
wards in which there is a contest, and only the names of the 27
candidates for the office of councilperson in ~~such that~~ ward 28
shall appear on the primary ballot of ~~such that~~ political party. 29

~~The~~ (2) If the number of persons certified as candidates 30
for the nomination of a political party for an office does not 31
exceed the number of candidates the political party is entitled 32
to nominate as its candidates for that office, then the election 33
officials whose duty it would have been to ~~provide for and~~ 34
~~conduct the holding of such primary election, declare the~~ 35
~~results thereof, and issue certificates of nomination to the~~ 36
persons ~~entitled thereto if such~~ nominated at the primary 37
election ~~had been held~~ shall declare each of ~~such those~~ persons 38
to be nominated as of the date of the ~~ninetieth~~ sixty-fifth day 39
before the primary election, issue appropriate certificates of 40
nomination to each of them, and certify their names to the 41
proper election officials, in order that their names may be 42
printed on the official ballots provided for use in the 43
succeeding general election in the same manner as though ~~such~~ 44
the primary election had been held and such those persons had 45
been nominated at ~~such the~~ election. 46

(B) If the number of persons certified as candidates for 47
the nomination of a political party for an office exceeds the 48
number of candidates the political party is entitled to nominate 49

as its candidates for that office and one or more candidates 50
die, withdraw, or are disqualified before the day of the primary 51
election, such that the number of candidates no longer exceeds 52
the number of candidates that the political party is entitled to 53
nominate as its candidates for that office, and the vacancy or 54
vacancies are not filled under division (F) of section 3513.052 55
of the Revised Code, then all of the following apply: 56

(1) No primary election shall be held for the purpose of 57
nominating party candidates of that party for that office. 58

(2) If the ballots for that election have already been 59
prepared and a primary election is to be held for that party for 60
the purpose of nominating or electing candidates for other 61
offices, the board of elections shall not remove the names of 62
candidates from the ballots. The board of elections shall post a 63
notice at each polling place on the day of the election that no 64
primary is being held for the purpose of nominating party 65
candidates of that party for that office and that votes for 66
those candidates will be void and will not be counted. The board 67
also shall enclose a copy of that notice with each absent 68
voter's ballot given or mailed after all but one candidate has 69
died, withdrawn, or been disqualified. Any votes for those 70
candidates are void and shall not be counted. 71

(3) The election officials whose duty it would have been 72
to issue certificates of nomination to the persons nominated at 73
the primary election shall declare the remaining candidate or 74
candidates to be nominated as of the date of the primary 75
election, issue appropriate certificates of nomination to each 76
of them, and certify their names to the proper election 77
officials, in order that their names may be printed on the 78
official ballots provided for use in the succeeding general 79

election in the same manner as though the primary election had 80
been held and those persons had been nominated at that election. 81

Sec. 3513.30. (A) (1) ~~If only one valid declaration of~~ 82
~~candidacy is filed for nomination~~ the number of persons 83
certified as a candidate ~~candidates for the nomination~~ of a 84
political party for an office does not exceed the number of 85
candidates that political party is entitled to nominate as its 86
candidates for that office and ~~that candidate dies one or more~~ 87
candidates die, withdraw, or are disqualified prior to the tenth 88
day before the primary election, both of the following may 89
occur: 90

(a) The political party whose candidate died, withdrew, or 91
was disqualified may fill the vacancy so created as provided in 92
division (A) (2) of this section. 93

(b) Any major political party other than the one whose 94
candidate died, withdrew, or was disqualified may select a 95
candidate as provided in division (A) (2) of this section under 96
either of the following circumstances: 97

(i) ~~No person has filed a valid declaration of candidacy~~ 98
~~for nomination~~ is certified as that party's a candidate at the 99
primary election for that party's nomination for that office. 100

(ii) ~~Only one person has filed a valid declaration of~~ 101
~~candidacy for nomination~~ The number of persons certified as that 102
party's candidate at the primary election candidates for that 103
party's nomination for that office does not exceed the number of 104
candidates that political party is entitled to nominate as its 105
candidates for that office, that person has one or more 106
candidates have withdrawn, died, or been disqualified under 107
section 3513.052 of the Revised Code, and the vacancy or 108

vacancies so created ~~has~~have not been filled. 109

(2) A vacancy may be filled under division (A) (1) (a) and a 110
selection may be made under division (A) (1) (b) of this section 111
by the appropriate committee of the political party in the same 112
manner as provided in divisions (A) to (E) of section 3513.31 of 113
the Revised Code for the filling of similar vacancies created by 114
withdrawals or disqualifications under section 3513.052 of the 115
Revised Code after the primary election, except that the 116
certification required under that section may not be filed with 117
the secretary of state, or with a board of the most populous 118
county of a district, or with the board of a county in which the 119
major portion of the population of a subdivision is located, 120
later than four p.m. of the tenth day before the day of such 121
primary election, or with any other board later than four p.m. 122
of the fifth day before the day of such primary election. 123

(3) ~~If only one valid declaration of candidacy is filed~~ 124
~~for nomination the number of persons certified as a candidate~~ 125
~~candidates for the nomination of a political party for an office~~ 126
~~does not exceed the number of candidates that political party is~~ 127
~~entitled to nominate as its candidates for that office and that~~ 128
~~candidate dies one or more candidates die, withdraw, or are~~ 129
~~disqualified on or after the tenth day before the day of the~~ 130
primary election, ~~that each such~~ candidate is considered to have 131
received the nomination of that candidate's political party at 132
that primary election, and, for purposes of filling the vacancy 133
so created, that candidate's death, withdrawal, or 134
disqualification shall be treated as if ~~that candidate died it~~ 135
occurred on the day after the day of the primary election. 136

(B) Any ~~person filing a declaration of candidacy candidate~~ 137
for the nomination of a political party for an office may 138

withdraw as such candidate at any time prior to the primary 139
election. The withdrawal shall be effected and the statement of 140
withdrawal shall be filed in accordance with the procedures 141
prescribed in division (D) of this section for the withdrawal of 142
persons nominated in a primary election or by nominating 143
petition. 144

(C) A person who is the first choice for president of the 145
United States by a candidate for delegate or alternate to a 146
national convention of a political party may withdraw consent 147
for the selection of the person as such first choice no later 148
than four p.m. of the fortieth day before the day of the 149
presidential primary election. Withdrawal of consent shall be 150
for the entire slate of candidates for delegates and alternates 151
who named such person as their presidential first choice and 152
shall constitute withdrawal from the primary election by such 153
delegates and alternates. The withdrawal shall be made in 154
writing and delivered to the secretary of state. If the 155
withdrawal is delivered to the secretary of state on or before 156
the seventieth day before the day of the primary election, the 157
boards of elections shall remove both the name of the withdrawn 158
first choice and the names of such withdrawn candidates from the 159
ballots according to the directions of the secretary of state. 160
If the withdrawal is delivered to the secretary of state after 161
the seventieth day before the day of the primary election, the 162
board of elections shall not remove the name of the withdrawn 163
first choice and the names of the withdrawn candidates from the 164
ballots. The board of elections shall post a notice at each 165
polling location on the day of the primary election, and shall 166
enclose with each absent voter's ballot given or mailed after 167
the candidate withdraws, a notice that votes for the withdrawn 168
first choice or the withdrawn candidates will be void and will 169

not be counted. If such names are not removed from all ballots 170
before the day of the election, the votes for the withdrawn 171
first choice or the withdrawn candidates are void and shall not 172
be counted. 173

(D) Any person nominated in a primary election or by 174
nominating petition as a candidate for election at the next 175
general election may withdraw as such candidate at any time 176
prior to the general election. Such withdrawal may be effected 177
by the filing of a written statement by such candidate 178
announcing the candidate's withdrawal and requesting that the 179
candidate's name not be printed on the ballots. If such 180
candidate's declaration of candidacy or nominating petition was 181
filed with the secretary of state, the candidate's statement of 182
withdrawal shall be addressed to and filed with the secretary of 183
state. If such candidate's declaration of candidacy or 184
nominating petition was filed with a board of elections, the 185
candidate's statement of withdrawal shall be addressed to and 186
filed with such board. 187

(E) When a person withdraws under division (B) or (D) of 188
this section on or before the seventieth day before the day of 189
the primary election or the general election, the board of 190
elections shall remove the name of the withdrawn candidate from 191
the ballots according to the directions of the secretary of 192
state. When a person withdraws under division (B) or (D) of this 193
section after the seventieth day before the day of the primary 194
election or the general election, the board of elections shall 195
not remove the name of the withdrawn candidate from the ballots. 196
The board of elections shall post a notice at each polling place 197
on the day of the election, and shall enclose with each absent 198
voter's ballot given or mailed after the candidate withdraws, a 199
notice that votes for the withdrawn candidate will be void and 200

will not be counted. If the name is not removed from all ballots 201
before the day of the election, the votes for the withdrawn 202
candidate are void and shall not be counted. 203

Sec. 3513.301. (A) Notwithstanding section 3513.30 of the 204
Revised Code and except as otherwise provided in division (B) (2) 205
of this section, if only one person has filed a valid 206
declaration of candidacy for nomination as the candidate of a 207
political party for the office of representative to congress and 208
that person withdraws as a candidate or dies at any time before 209
the primary election, a special election shall be held under 210
division (B) (1) of this section as soon as reasonably 211
practicable to nominate the following: 212

(1) That party's candidate for congress; 213

(2) The candidate for congress of any other major 214
political party under either of the following circumstances: 215

(a) No person has filed a valid declaration of candidacy 216
for nomination as that party's candidate at the primary 217
election. 218

(b) Only one person has filed a valid declaration of 219
candidacy for nomination as that party's candidate at the 220
primary election, that person has withdrawn or died, and the 221
vacancy so created has not been filled. 222

(B) ~~The~~ (1) Except as otherwise provided in division (B) 223
(2) of this section, the boards of elections of all the counties 224
contained in whole or in part within the congressional district 225
for which a special election is being held under this section 226
shall, ~~as soon as reasonably practicable,~~ conduct the special 227
election on a date designated by the secretary of state and give 228
notice of the time and places of holding the election as 229

provided in section 3501.03 of the Revised Code. The election 230
shall be held and conducted and returns of it made as in the 231
case of a primary election, except that the secretary of state 232
shall designate the deadline to file a declaration of candidacy 233
or a declaration of intent to be a write-in candidate for the 234
election. 235

(2) If, for each nomination to be made at the special 236
election to be held under division (B) (1) of this section, only 237
one person has filed a valid declaration of candidacy or no 238
person has filed a valid declaration of candidacy, then no 239
special election shall be held. If no special election is held, 240
then for each nomination for which only one person has filed a 241
valid declaration of candidacy, the board of elections of the 242
most populous county of the congressional district shall certify 243
the person's name to the secretary of state, the secretary of 244
state shall issue a certificate of nomination to the person, and 245
the person's name shall appear on the ballot as that party's 246
candidate at the general election. 247

(C) The state shall pay all costs of any special election 248
held under this section. 249

Sec. 3513.312. (A) Notwithstanding section 3513.31 of the 250
Revised Code, if a person nominated in a primary election or 251
nominated by petition under section 3517.012 of the Revised Code 252
as a party candidate for the office of representative to 253
congress for election at the next general election withdraws as 254
such candidate prior to the ninetieth day before the day of such 255
general election, or dies prior to the ninetieth day before the 256
day of such general election, the vacancy in the party 257
nomination so created shall be filled ~~by a special election held~~ 258
in accordance with division (B) (1) of this section as soon as 259

reasonably practicable. 260

(B) ~~The~~ (1) Except as otherwise provided in division (B) 261
(2) of this section, the boards of elections of all the counties 262
contained in whole or in part within the congressional district 263
in which a vacancy occurs as described in division (A) of this 264
section shall, ~~as soon as reasonably practicable,~~ conduct the 265
special election on a date designated by the secretary of state 266
and give notice of the time and places of holding such election 267
as provided in section 3501.03 of the Revised Code. Such 268
election shall be held and conducted and returns thereof made as 269
in the case of a primary election, except that the secretary of 270
state shall designate the deadline to file a declaration of 271
candidacy or a declaration of intent to be a write-in candidate 272
for the election. 273

(2) If only one person has filed a valid declaration of 274
candidacy for the special election to be held under division (B) 275
(1) of this section, or if no person has filed a valid 276
declaration of candidacy, then no special election shall be 277
held. If one person has filed a valid declaration of candidacy, 278
the board of elections of the most populous county of the 279
congressional district shall certify the person's name to the 280
secretary of state, the secretary of state shall issue a 281
certificate of nomination to the person, and the person's name 282
shall appear on the ballot as that party's candidate at the 283
general election. 284

(C) The state shall pay all costs of any special election 285
held pursuant to this section. 286

Section 2. That existing sections 3513.02, 3513.30, 287
3513.301, and 3513.312 of the Revised Code are hereby repealed. 288