

# AN ACT

To amend sections 3513.301, 3513.312, 5715.49, and 5715.50 and to enact sections 3.111 and 5739.081 of the Revised Code to eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances; to authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers, to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices; and to require that, upon request, county auditors, municipal fiscal officers, and their employees must share lodging tax return information with the directors of convention and visitors' bureaus operating in their counties.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 3513.301, 3513.312, 5715.49, and 5715.50 be amended and sections 3.111 and 5739.081 of the Revised Code be enacted to read as follows:

Sec. 3.111. An elected officer of a county, township, or municipal corporation that has levied an excise lodging tax under section 5739.08 or 5739.09 of the Revised Code, or a designee appointed by such elected officer, may simultaneously serve in the elected or appointed position and as a member or officer of the board of trustees of a convention and visitors' bureau organized under Chapter 1702. of the Revised Code. The simultaneous holding of the two positions shall not constitute the holding of incompatible offices or employment, notwithstanding Ohio common law or any contrary provision of the Revised Code.

Nothing in this section prevents a municipal corporation or chartered county from adopting a more restrictive policy regarding the simultaneous holding of the positions described in this section.

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:

- (1) That party's candidate for congress;
- (2) The candidate for congress of any other major political party under either of the following circumstances:
  - (a) No person has filed a valid declaration of candidacy for nomination as that party's candidate at the primary election.
  - (b) Only one person has filed a valid declaration of candidacy for nomination as that party's

candidate at the primary election, that person has withdrawn or died, and the vacancy so created has not been filled.

~~(B) The (1) Except as otherwise provided in division (B)(2) of this section, the boards of elections of all the counties contained in whole or in part within the congressional district for which a special election is being held under this section shall, as soon as reasonably practicable, conduct the special election on a date designated by the secretary of state and give notice of the time and places of holding the election as provided in section 3501.03 of the Revised Code. The election shall be held and conducted and returns of it made as in the case of a primary election, except that the secretary of state shall designate the deadline to file a declaration of candidacy or a declaration of intent to be a write-in candidate for the election.~~

~~(2) If, for each nomination to be made at the special election to be held under division (B)(1) of this section, only one person has filed a valid declaration of candidacy or no person has filed a valid declaration of candidacy, then no special election shall be held. If no special election is held, then for each nomination for which only one person has filed a valid declaration of candidacy, the secretary of state, upon receiving certification of that fact from the board of elections of the most populous county of the congressional district, shall issue a certificate of nomination to the person and the person's name shall appear on the ballot as that party's candidate at the general election.~~

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

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

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

~~(2) If only one person has filed a valid declaration of candidacy for the special election to be held under division (B)(1) of this section, or if no person has filed a valid declaration of candidacy, then no special election shall be held. If one person has filed a valid declaration of candidacy, the secretary of state, upon receiving certification of that fact from the board of elections of the most populous county of the congressional district, shall issue a certificate of nomination to the person and the person's name shall appear on the ballot as that party's candidate at the general election.~~

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

Sec. 5715.49. (A) Except as provided in division (B) ~~or (C)~~ of this section, no former or present county auditor or member of a county board of revision shall divulge, except in the

performance of official duties or upon the order of the department of taxation, or when called upon to testify in any court or proceeding, any information acquired in the exercise of the powers vested by the laws relating to taxation, or while claiming to exercise any such powers, as to the transactions, property, or business of any person, company, firm, corporation, association, or partnership. Whoever violates this section shall thereafter be disqualified from acting in any official capacity in connection with the assessment or collection of taxes or recoupment charges.

(B) Division (A) of this section does not prohibit a county auditor from divulging the name and business address of a vendor, a vendor's license number, or information regarding the active or inactive status of a vendor's license issued by the county auditor pursuant to section 5739.17 of the Revised Code.

(C) Division (A) of this section does not prohibit a county auditor from divulging to the executive director of a convention and visitors' bureau operating in the county the tax return information of a hotel subject to a lodging tax levied by the county pursuant to section 5739.09 of the Revised Code.

Sec. 5715.50. (A) Except as provided in division (B) of this section, no former or present expert, clerk, or employee of a county auditor, county board of revision, or the tax commissioner, and no former or present deputy, assistant, or agent of the tax commissioner shall divulge, except in the performance of official duties or in any report to the county auditor, the county board of revision, or the tax commissioner, or when called upon to testify in any court or proceeding, any information acquired in the exercise of the powers vested therein by any law, or while claiming to exercise such powers, as to the transactions, property, or business of any person, company, firm, corporation, association, or partnership. Whoever violates this section shall thereafter be disqualified from acting in any official capacity in connection with the assessment or collection of taxes or recoupment charges.

(B) Division (A) of this section does not prohibit the divulgence of:

(1) The name and address of the statutory agent in this state and the names of officers and directors of any corporation;

(2) The name and business address of a vendor, vendor's license number, or information regarding the active or inactive status of a vendor's license issued by the county auditor pursuant to section 5739.17 of the Revised Code;

(3) The tax return information of a hotel subject to a lodging tax levied by the county pursuant to section 5739.09 of the Revised Code when that information is provided to the executive director of a convention and visitors' bureau operating in the county.

Sec. 5739.081. A county auditor, the fiscal officer of a municipal corporation, or an employee of either shall, upon request, provide to the executive director of a convention and visitors' bureau operating in the county the tax return information of a hotel subject to a lodging tax levied by the county or municipal corporation pursuant to section 5739.08 or 5739.09 of the Revised Code.

SECTION 2. That existing sections 3513.301, 3513.312, 5715.49, and 5715.50 of the Revised Code are hereby repealed.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_