

**As Reported by the House Government Accountability and Oversight
Committee**

132nd General Assembly

**Regular Session
2017-2018**

H. B. No. 18

Representatives Pelanda, Retherford

**Cosponsors: Representatives Wiggam, Keller, Blessing, Koehler, Becker,
Hambley, McColley, Goodman, Huffman, Dean, Scherer, Dever, Faber, Riedel,
Green, Young, Gavarone, Kick, Rezabek, Ginter, Greenspan**

A BILL

To amend sections 3513.301 and 3513.312 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.

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

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

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: 17

(1) That party's candidate for congress; 18

(2) The candidate for congress of any other major 19
political party under either of the following circumstances: 20

(a) No person has filed a valid declaration of candidacy 21
for nomination as that party's candidate at the primary 22
election. 23

(b) Only one person has filed a valid declaration of 24
candidacy for nomination as that party's candidate at the 25
primary election, that person has withdrawn or died, and the 26
vacancy so created has not been filled. 27

~~(B) The~~ (1) Except as otherwise provided in division (B) 28
(2) of this section, the boards of elections of all the counties 29
contained in whole or in part within the congressional district 30
for which a special election is being held under this section 31
shall, ~~as soon as reasonably practicable,~~ conduct the special 32
election on a date designated by the secretary of state and give 33
notice of the time and places of holding the election as 34
provided in section 3501.03 of the Revised Code. The election 35
shall be held and conducted and returns of it made as in the 36
case of a primary election, except that the secretary of state 37
shall designate the deadline to file a declaration of candidacy 38
or a declaration of intent to be a write-in candidate for the 39
election. 40

(2) If, for each nomination to be made at the special 41
election to be held under division (B)(1) of this section, only 42
one person has filed a valid declaration of candidacy or no 43
person has filed a valid declaration of candidacy, then no 44
special election shall be held. If no special election is held, 45

then for each nomination for which only one person has filed a 46
valid declaration of candidacy, the secretary of state, upon 47
receiving certification of that fact from the board of elections 48
of the most populous county of the congressional district, shall 49
issue a certificate of nomination to the person and the person's 50
name shall appear on the ballot as that party's candidate at the 51
general election. 52

(C) The state shall pay all costs of any special election 53
held under this section. 54

Sec. 3513.312. (A) Notwithstanding section 3513.31 of the 55
Revised Code, if a person nominated in a primary election or 56
nominated by petition under section 3517.012 of the Revised Code 57
as a party candidate for the office of representative to 58
congress for election at the next general election withdraws as 59
such candidate prior to the ninetieth day before the day of such 60
general election, or dies prior to the ninetieth day before the 61
day of such general election, the vacancy in the party 62
nomination so created shall be filled ~~by a special election held~~ 63
in accordance with division (B) of this section as soon as 64
reasonably practicable. 65

~~(B) The~~ (1) Except as otherwise provided in division (B) 66
(2) of this section, the boards of elections of all the counties 67
contained in whole or in part within the congressional district 68
in which a vacancy occurs as described in division (A) of this 69
section shall, ~~as soon as reasonably practicable,~~ conduct the 70
special election on a date designated by the secretary of state 71
and give notice of the time and places of holding such election 72
as provided in section 3501.03 of the Revised Code. Such 73
election shall be held and conducted and returns thereof made as 74
in the case of a primary election, except that the secretary of 75

state shall designate the deadline to file a declaration of 76
candidacy or a declaration of intent to be a write-in candidate 77
for the election. 78

(2) If only one person has filed a valid declaration of 79
candidacy for the special election to be held under division (B) 80
(1) of this section, or if no person has filed a valid 81
declaration of candidacy, then no special election shall be 82
held. If one person has filed a valid declaration of candidacy, 83
the secretary of state, upon receiving certification of that 84
fact from the board of elections of the most populous county of 85
the congressional district, shall issue a certificate of 86
nomination to the person and the person's name shall appear on 87
the ballot as that party's candidate at the general election. 88

(C) The state shall pay all costs of any special election 89
held pursuant to this section. 90

Section 2. That existing sections 3513.301 and 3513.312 of 91
the Revised Code are hereby repealed. 92