

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 149**

**Representatives Swearingen, Stewart**

**Cosponsors: Representatives Bird, Carruthers, Cross, Ghanbari, Hall, John, Kick,  
LaRe, Lipps, Plummer, Schmidt, Young, T.**

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**A BILL**

To amend sections 3501.01, 3505.03, 3505.04, and 1  
3513.257 of the Revised Code to require certain 2  
judicial candidates to appear on the ballot with 3  
a party designation. 4

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

**Section 1.** That sections 3501.01, 3505.03, 3505.04, and 5  
3513.257 of the Revised Code be amended to read as follows: 6

**Sec. 3501.01.** As used in the sections of the Revised Code 7  
relating to elections and political communications: 8

(A) "General election" means the election held on the 9  
first Tuesday after the first Monday in each November. 10

(B) "Regular municipal election" means the election held 11  
on the first Tuesday after the first Monday in November in each 12  
odd-numbered year. 13

(C) "Regular state election" means the election held on 14  
the first Tuesday after the first Monday in November in each 15  
even-numbered year. 16

(D) "Special election" means any election other than those  
elections defined in other divisions of this section. A special  
election may be held only on the first Tuesday after the first  
Monday in May, August, or November, or on the day authorized by  
a particular municipal or county charter for the holding of a  
primary election, except that in any year in which a  
presidential primary election is held, no special election shall  
be held in May, except as authorized by a municipal or county  
charter, but may be held on the third Tuesday after the first  
Monday in March.

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

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

(F) "Political party" means any group of voters meeting 47  
the requirements set forth in section 3517.01 of the Revised 48  
Code for the formation and existence of a political party. 49

(1) "Major political party" means any political party 50  
organized under the laws of this state whose candidate for 51  
governor or nominees for presidential electors received not less 52  
than twenty per cent of the total vote cast for such office at 53  
the most recent regular state election. 54

(2) "Minor political party" means any political party 55  
organized under the laws of this state that meets either of the 56  
following requirements: 57

(a) Except as otherwise provided in this division, the 58  
political party's candidate for governor or nominees for 59  
presidential electors received less than twenty per cent but not 60  
less than three per cent of the total vote cast for such office 61  
at the most recent regular state election. A political party 62  
that meets the requirements of this division remains a political 63  
party for a period of four years after meeting those 64  
requirements. 65

(b) The political party has filed with the secretary of 66  
state, subsequent to its failure to meet the requirements of 67  
division (F) (2) (a) of this section, a petition that meets the 68  
requirements of section 3517.01 of the Revised Code. 69

A newly formed political party shall be known as a minor 70  
political party until the time of the first election for 71  
governor or president which occurs not less than twelve months 72  
subsequent to the formation of such party, after which election 73  
the status of such party shall be determined by the vote for the 74  
office of governor or president. 75

(G) "Dominant party in a precinct" or "dominant political party in a precinct" means that political party whose candidate for election to the office of governor at the most recent regular state election at which a governor was elected received more votes than any other person received for election to that office in such precinct at such election.

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

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

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

(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to

appear on the office-type ballot at a general or special 106  
election as the nominee of a political party because the 107  
candidate has won the primary election of the candidate's party 108  
for the public office the candidate seeks, has been nominated 109  
under section 3517.012, or is selected by party committee in 110  
accordance with section 3513.31 of the Revised Code. 111

(L) "Officer of a political party" includes, but is not 112  
limited to, any member, elected or appointed, of a controlling 113  
committee, whether representing the territory of the state, a 114  
district therein, a county, township, a city, a ward, a 115  
precinct, or other territory, of a major or minor political 116  
party. 117

(M) "Question or issue" means any question or issue 118  
certified in accordance with the Revised Code for placement on 119  
an official ballot at a general or special election to be held 120  
in this state. 121

(N) "Elector" or "qualified elector" means a person having 122  
the qualifications provided by law to be entitled to vote. 123

(O) "Voter" means an elector who votes at an election. 124

(P) "Voting residence" means that place of residence of an 125  
elector which shall determine the precinct in which the elector 126  
may vote. 127

(Q) "Precinct" means a district within a county 128  
established by the board of elections of such county within 129  
which all qualified electors having a voting residence therein 130  
may vote at the same polling place. 131

(R) "Polling place" means that place provided for each 132  
precinct at which the electors having a voting residence in such 133  
precinct may vote. 134

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.

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

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

(1) Secretary of state;

(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;

(3) Director of a board of elections;

(4) Deputy director of a board of elections;

(5) Member of a board of elections;

(6) Employees of a board of elections;

(7) Precinct election officials;

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

(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.

(W) "Confirmation notice" means a notice sent by a board

of elections, on a form prescribed by the secretary of state, to 162  
a registered elector to confirm the registered elector's current 163  
address. 164

(X) "Designated agency" means an office or agency in the 165  
state that provides public assistance or that provides state- 166  
funded programs primarily engaged in providing services to 167  
persons with disabilities and that is required by the National 168  
Voter Registration Act of 1993 to implement a program designed 169  
and administered by the secretary of state for registering 170  
voters, or any other public or government office or agency that 171  
implements a program designed and administered by the secretary 172  
of state for registering voters, including the department of job 173  
and family services, the program administered under section 174  
3701.132 of the Revised Code by the department of health, the 175  
department of mental health and addiction services, the 176  
department of developmental disabilities, the opportunities for 177  
Ohioans with disabilities agency, and any other agency the 178  
secretary of state designates. "Designated agency" does not 179  
include public high schools and vocational schools, public 180  
libraries, or the office of a county treasurer. 181

(Y) "National Voter Registration Act of 1993" means the 182  
"National Voter Registration Act of 1993," 107 Stat. 77, 42 183  
U.S.C.A. 1973gg. 184

(Z) "Voting Rights Act of 1965" means the "Voting Rights 185  
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 186

(AA) "Photo identification" means a document that meets 187  
each of the following requirements: 188

(1) It shows the name of the individual to whom it was 189  
issued, which shall conform to the name in the poll list or 190

signature pollbook. 191

(2) It shows the current address of the individual to whom 192  
it was issued, which shall conform to the address in the poll 193  
list or signature pollbook, except for a driver's license or a 194  
state identification card issued under section 4507.50 of the 195  
Revised Code, which may show either the current or former 196  
address of the individual to whom it was issued, regardless of 197  
whether that address conforms to the address in the poll list or 198  
signature pollbook. 199

(3) It shows a photograph of the individual to whom it was 200  
issued. 201

(4) It includes an expiration date that has not passed. 202

(5) It was issued by the government of the United States 203  
or this state. 204

**Sec. 3505.03.** (A) On the office type ballot shall be 205  
printed the names of all candidates for election to offices, 206  
~~except judicial offices~~ the office of judge of a municipal 207  
court, county court, or court of common pleas, who were 208  
nominated at the most recent primary election as candidates of a 209  
political party or who were nominated in accordance with section 210  
3513.02 of the Revised Code, and the names of all candidates for 211  
election to offices who were nominated by nominating petitions, 212  
~~except candidates for judicial offices~~ the office of judge of a 213  
municipal court, county court, or court of common pleas, for 214  
member of the state board of education, for member of a board of 215  
education, for municipal offices, and for township offices. 216

(B) The face of the ballot below the stub shall be 217  
substantially in the following form: 218

"OFFICIAL OFFICE TYPE BALLOT 219



~~(A)~~ (1) To vote for a candidate record your vote in the 220  
manner provided next to the name of such candidate. 221

~~(B)~~ (2) If you tear, soil, deface, or erroneously mark 222  
this ballot, return it to the precinct election officers or, if 223  
you cannot return it, notify the precinct election officers, and 224  
obtain another ballot." 225

(C) The order in which the offices shall be listed on the 226  
ballot shall be prescribed by, and certified to each board of 227  
elections by, the secretary of state; provided that for state, 228  
district, and county offices the order from top to bottom shall 229  
be as follows: governor and lieutenant governor, attorney 230  
general, auditor of state, secretary of state, treasurer of 231  
state, chief justice of the supreme court, justice of the 232  
supreme court, United States senator, representative to 233  
congress, state senator, state representative, judge of a court 234  
of appeals, county commissioner, county auditor, prosecuting 235  
attorney, clerk of the court of common pleas, sheriff, county 236  
recorder, county treasurer, county engineer, and coroner. The 237  
offices of governor and lieutenant governor shall be printed on 238  
the ballot in a manner that requires a voter to cast one vote 239  
jointly for the candidates who have been nominated by the same 240  
political party or petition. 241

(D) Within the rectangular space within which the title of 242  
each judicial office listed in division (C) of this section is 243  
printed on the ballot and immediately below the title shall be 244  
printed the date of the commencement of the term of the office, 245  
if it is a full term, as follows: "Full term commencing 246  
\_\_\_\_\_ (Date) \_\_\_\_\_," or the date of the end of the term of the 247  
office, if it is an unexpired term, as follows: "Unexpired term 248  
ending \_\_\_\_\_ (Date) \_\_\_\_\_" 249

(E) (1) The names of all candidates for an office shall be 250  
arranged in a group under the title of that office, and, except 251  
for absentee ballots or when the number of candidates for a 252  
particular office is the same as the number of candidates to be 253  
elected for that office, shall be rotated from one precinct to 254  
another. On absentee ballots, the names of all candidates for an 255  
office shall be arranged in a group under the title of that 256  
office and shall be so alternated that each name shall appear, 257  
insofar as may be reasonably possible, substantially an equal 258  
number of times at the beginning, at the end, and in each 259  
intermediate place, if any, of the group in which such name 260  
belongs, unless the number of candidates for a particular office 261  
is the same as the number of candidates to be elected for that 262  
office. 263

(2) The method of printing the ballots to meet the 264  
rotation requirement of this section shall be as follows: the 265  
least common multiple of the number of names in each of the 266  
several groups of candidates shall be used, and the number of 267  
changes made in the printer's forms in printing the ballots 268  
shall correspond with that multiple. The board of elections 269  
shall number all precincts in regular serial sequence. In the 270  
first precinct, the names of the candidates in each group shall 271  
be listed in alphabetical order. In each succeeding precinct, 272  
the name in each group that is listed first in the preceding 273  
precinct shall be listed last, and the name of each candidate 274  
shall be moved up one place. In each precinct using paper 275  
ballots, the printed ballots shall then be assembled in tablets. 276

(F) Under the name of each candidate nominated at a 277  
primary election, nominated by petition under section 3517.012 278  
of the Revised Code, or certified by a party committee to fill a 279  
vacancy under section 3513.31 of the Revised Code shall be 280

printed, in less prominent type face than that in which the 281  
candidate's name is printed, the name of the political party by 282  
which the candidate was nominated or certified. Under the name 283  
of each candidate appearing on the ballot who filed a nominating 284  
petition and requested a ballot designation as a nonparty 285  
candidate under section 3513.257 of the Revised Code shall be 286  
printed, in less prominent type face than that in which the 287  
candidate's name is printed, the designation of "nonparty 288  
candidate." Under the name of each candidate appearing on the 289  
ballot who filed a nominating petition and requested a ballot 290  
designation as an other-party candidate under section 3513.257 291  
of the Revised Code shall be printed, in less prominent type 292  
face than that in which the candidate's name is printed, the 293  
designation of "other-party candidate." No designation shall 294  
appear under the name of a candidate appearing on the ballot who 295  
filed a nominating petition and requested that no ballot 296  
designation appear under the candidate's name under section 297  
3513.257 of the Revised Code, or who filed a nominating petition 298  
and failed to request a ballot designation either as a nonparty 299  
candidate or as an other-party candidate under that section. 300

(G) Except as provided in this section, no words, 301  
designations, or emblems descriptive of a candidate or the 302  
candidate's political affiliation, or indicative of the method 303  
by which the candidate was nominated or certified, shall be 304  
printed under or after a candidate's name that is printed on the 305  
ballot. 306

**Sec. 3505.04.** On the nonpartisan ballot shall be printed 307  
the names of all nonpartisan candidates for election to ~~judicial~~ 308  
the office of judge of a municipal court, county court, or court 309  
of common pleas, the office of member of the state board of 310  
education, the office of member of a board of education, 311

municipal or township offices for municipal corporations and 312  
townships in which primary elections are not held for nomination 313  
of candidates by political parties, and municipal offices of 314  
municipal corporations having charters which provide for 315  
separate ballots for elections for such municipal offices. 316

Such ballots shall have printed across the top, and below 317  
the stubs, "Official Nonpartisan Ballot." 318

The order in which the offices are listed on the ballot 319  
shall be prescribed by, and certified to each board of elections 320  
by, the secretary of state; provided that the office of member 321  
of the state board of education shall be listed first on the 322  
ballot, then ~~state, district, and county judicial offices shall~~ 323  
~~be listed on the ballot in such order~~, followed by municipal and 324  
township offices, and by offices of member of a board of 325  
education, in the order stated. 326

Within the rectangular space within which the title of 327  
each judicial office is printed on the ballot and immediately 328  
below such title shall be printed the date of the commencement 329  
of the term of the office, if a full term, as follows: "Full 330  
term commencing \_\_\_\_\_ (Date) \_\_\_\_\_," or the date of the end of 331  
the term of the office, if an unexpired term, as follows: 332  
"Unexpired term ending \_\_\_\_\_ (Date) \_\_\_\_\_" 333

The secretary of state shall prescribe the information and 334  
directions to the voter to be printed on the ballot within the 335  
rectangular space in which the title of office of member of the 336  
state board of education appears. 337

Within the rectangular space within which the title of 338  
each office for member of a board of education is printed on the 339  
ballot shall be printed "For Member of Board of Education," and 340

the number to be elected, directions to the voter as to voting 341  
for one, two, or more, and, if the office to be voted for is 342  
member of a board of education of a city school district, words 343  
shall be printed in said space on the ballot to indicate whether 344  
candidates are to be elected from subdistricts or at large. 345

The names of all nonpartisan candidates for an office 346  
shall be arranged in a group under the title of that office, and 347  
shall be rotated and printed on the ballot as provided in 348  
section 3505.03 of the Revised Code. 349

No name or designation of any political party nor any 350  
words, designations, or emblems descriptive of a candidate or 351  
~~his~~the candidate's political affiliation, or indicative of the 352  
method by which such candidate was nominated or certified, shall 353  
be printed under or after any nonpartisan candidate's name which 354  
is printed on the ballot. 355

**Sec. 3513.257.** Each person desiring to become an 356  
independent candidate for an office for which candidates may be 357  
nominated at a primary election, except persons desiring to 358  
become independent joint candidates for the offices of governor 359  
and lieutenant governor and for the offices of president and 360  
vice-president of the United States, shall file no later than 361  
four p.m. of the day before the day of the primary election 362  
immediately preceding the general election at which such 363  
candidacy is to be voted for by the voters, a statement of 364  
candidacy and nominating petition as provided in section 365  
3513.261 of the Revised Code. Persons desiring to become 366  
independent joint candidates for the offices of governor and 367  
lieutenant governor shall file, not later than four p.m. of the 368  
day before the day of the primary election, one statement of 369  
candidacy and one nominating petition for the two of them. 370

Persons desiring to become independent joint candidates for the 371  
offices of president and vice-president of the United States 372  
shall file, not later than four p.m. of the ninetieth day before 373  
the day of the general election at which the president and vice- 374  
president are to be elected, one statement of candidacy and one 375  
nominating petition for the two of them. The prospective 376  
independent joint candidates' statement of candidacy shall be 377  
filed with the nominating petition as one instrument. 378

The statement of candidacy and separate petition papers of 379  
each candidate or pair of joint candidates shall be filed at the 380  
same time as one instrument. 381

The nominating petition shall contain signatures of 382  
qualified electors of the district, political subdivision, or 383  
portion of a political subdivision in which the candidacy is to 384  
be voted on in an amount to be determined as follows: 385

(A) If the candidacy is to be voted on by electors 386  
throughout the entire state, the nominating petition, including 387  
the nominating petition of independent joint candidates for the 388  
offices of governor and lieutenant governor, shall be signed by 389  
no less than five thousand qualified electors, provided that no 390  
petition shall be accepted for filing if it purports to contain 391  
more than fifteen thousand signatures. 392

(B) If the candidacy is to be voted on by electors in any 393  
district, political subdivision, or part thereof in which less 394  
than five thousand electors voted for the office of governor at 395  
the most recent election for that office, the nominating 396  
petition shall contain signatures of not less than twenty-five 397  
qualified electors of the district, political subdivision, or 398  
part thereof, or a number of qualified signatures equal to at 399  
least five per cent of that vote, if this number is less than 400

twenty-five. 401

(C) If the candidacy is to be voted on by electors in any 402  
district, political subdivision, or part thereof in which five 403  
thousand or more electors voted for the office of governor at 404  
the most recent election for that office, the nominating 405  
petition shall contain a number of signatures equal to at least 406  
one per cent of those electors. 407

All nominating petitions of candidates for offices to be 408  
voted on by electors throughout the entire state shall be filed 409  
in the office of the secretary of state. No nominating petition 410  
for the offices of president and vice-president of the United 411  
States shall be accepted for filing unless there is submitted to 412  
the secretary of state, at the time of filing the petition, a 413  
slate of presidential electors sufficient in number to satisfy 414  
the requirement of the United States Constitution. The secretary 415  
of state shall not accept for filing the statement of candidacy 416  
of a person who desires to be an independent candidate for the 417  
office of governor unless it also shows the joint candidacy of a 418  
person who desires to be an independent candidate for the office 419  
of lieutenant governor, shall not accept for filing the 420  
statement of candidacy of a person who desires to be an 421  
independent candidate for the office of lieutenant governor 422  
unless it also shows the joint candidacy of a person who desires 423  
to be an independent candidate for the office of governor, and 424  
shall not accept for filing the statement of candidacy of a 425  
person who desires to be an independent candidate to the office 426  
of governor or lieutenant governor who, for the same election, 427  
has already filed a declaration of candidacy, a declaration of 428  
intent to be a write-in candidate, or a statement of candidacy, 429  
or has become a candidate by the filling of a vacancy under 430  
section 3513.30 of the Revised Code for any other state office 431

or any federal or county office. 432

Nominating petitions of candidates for offices to be voted 433  
on by electors within a district or political subdivision 434  
comprised of more than one county but less than all counties of 435  
the state shall be filed with the boards of elections of that 436  
county or part of a county within the district or political 437  
subdivision which had a population greater than that of any 438  
other county or part of a county within the district or 439  
political subdivision according to the last federal decennial 440  
census. 441

Nominating petitions for offices to be voted on by 442  
electors within a county or district smaller than a county shall 443  
be filed with the board of elections for such county. 444

No petition other than the petition of a candidate whose 445  
candidacy is to be considered by electors throughout the entire 446  
state shall be accepted for filing if it appears on its face to 447  
contain more than three times the minimum required number of 448  
signatures. A board of elections shall not accept for filing a 449  
nominating petition of a person seeking to become a candidate if 450  
that person, for the same election, has already filed a 451  
declaration of candidacy, a declaration of intent to be a write- 452  
in candidate, or a nominating petition, or has become a 453  
candidate by the filling of a vacancy under section 3513.30 of 454  
the Revised Code for any federal, state, or county office, if 455  
the nominating petition is for a state or county office, or for 456  
any municipal or township office, for member of a city, local, 457  
or exempted village board of education, or for member of a 458  
governing board of an educational service center, if the 459  
nominating petition is for a municipal or township office, or 460  
for member of a city, local, or exempted village board of 461



education, or for member of a governing board of an educational 462  
service center. When a petition of a candidate has been accepted 463  
for filing by a board of elections, the petition shall not be 464  
deemed invalid if, upon verification of signatures contained in 465  
the petition, the board of elections finds the number of 466  
signatures accepted exceeds three times the minimum number of 467  
signatures required. A board of elections may discontinue 468  
verifying signatures when the number of verified signatures on a 469  
petition equals the minimum required number of qualified 470  
signatures. 471

Any ~~nonjudicial~~ candidate, other than a candidate for 472  
judge of a municipal court, county court, or court of common 473  
pleas, who files a nominating petition may request, at the time 474  
of filing, that the candidate be designated on the ballot as a 475  
nonparty candidate or as an other-party candidate, or may 476  
request that the candidate's name be placed on the ballot 477  
without any designation. Any such candidate who fails to request 478  
a designation either as a nonparty candidate or as an other- 479  
party candidate shall have the candidate's name placed on the 480  
ballot without any designation. 481

The purpose of establishing a filing deadline for 482  
independent candidates prior to the primary election immediately 483  
preceding the general election at which the candidacy is to be 484  
voted on by the voters is to recognize that the state has a 485  
substantial and compelling interest in protecting its electoral 486  
process by encouraging political stability, ensuring that the 487  
winner of the election will represent a majority of the 488  
community, providing the electorate with an understandable 489  
ballot, and enhancing voter education, thus fostering informed 490  
and educated expressions of the popular will in a general 491  
election. The filing deadline for independent candidates 492

required in this section prevents splintered parties and 493  
unrestrained factionalism, avoids political fragmentation, and 494  
maintains the integrity of the ballot. The deadline, one day 495  
prior to the primary election, is the least drastic or 496  
restrictive means of protecting these state interests. The 497  
general assembly finds that the filing deadline for independent 498  
candidates in primary elections required in this section is 499  
reasonably related to the state's purpose of ensuring fair and 500  
honest elections while leaving unimpaired the political, voting, 501  
and associational rights secured by the first and fourteenth 502  
amendments to the United States Constitution. 503

**Section 2.** That existing sections 3501.01, 3505.03, 504  
3505.04, and 3513.257 of the Revised Code are hereby repealed. 505