

As Reported by the House Ways and Means Committee

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 458

Representative Hall

**Cosponsors: Representatives Troy, Fowler Arthur, Gross, Wiggam, Stoltzfus,
Riedel, Merrin**

A BILL

To amend sections 323.17, 3501.01, 3513.301, 1
3513.312, and 3521.03 and to enact sections 2
3505.19 and 3521.04 of the Revised Code to limit 3
when a political subdivision or taxing authority 4
may hold an August special election. 5

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

Section 1. That sections 323.17, 3501.01, 3513.301, 6
3513.312, and 3521.03 be amended and sections 3505.19 and 7
3521.04 of the Revised Code be enacted to read as follows: 8

Sec. 323.17. When any taxing authority in the county has 9
certified to the board of elections a resolution that would 10
serve to place upon the ballot at a general election or at any 11
special election held prior to the general election but 12
subsequent to the first Tuesday after the first Monday in ~~August~~ 13
May the question of a tax to be levied on the current tax list 14
and duplicate for any purpose, or if the auditor has not 15
received the certified reduction factors as required by division 16
(D) (2) of section 319.301 of the Revised Code, the time for 17
delivery of the tax duplicate of the county treasurer by the 18

county auditor as provided in section 319.28 of the Revised Code 19
shall be extended to the first Monday in December. When delivery 20
of the tax duplicate has been so delayed, the times for payment 21
of taxes as fixed by section 323.12 of the Revised Code may be 22
extended to the thirty-first day of January and the twentieth 23
day of July. In case of emergency the tax commissioner may, by 24
journal entry, extend the times for delivery of the duplicate in 25
any county for an additional fifteen days upon receipt of a 26
written application from the county auditor, in the case of a 27
delay in the delivery of the tax duplicate, or from the 28
treasurer regarding an extension of the time for the billing and 29
collection of taxes. 30

When a delay in the closing of a tax collection period 31
becomes unavoidable, the tax commissioner, upon application of 32
the county auditor and county treasurer, may extend the time for 33
payment of taxes if ~~he~~ the commissioner determines that 34
penalties have accrued or would otherwise accrue for reasons 35
beyond the control of the taxpayers of the county. The order so 36
issued by the commissioner shall prescribe the final extended 37
date for the payment of taxes for that collection period. 38

"Emergency," as used in this section, includes death or 39
serious illness, any organized work stoppage, mechanical failure 40
of office equipment or machinery, or a delay in complying with 41
section 5715.24 or 5715.26 of the Revised Code which will cause 42
an unavoidable delay in the delivery of duplicates or in the 43
billing or collection of taxes. Such application shall contain a 44
statement describing the emergency that will cause the 45
unavoidable delay. Any application from the county auditor for 46
an extension of time for delivery of the duplicate due to an 47
emergency must be received by the tax commissioner on or before 48
the last day of the month preceding the date required for such 49

delivery. When an extension of time for delivery of the 50
duplicate is so granted, the time for payment of taxes shall be 51
extended for a like period of time. 52

Whenever taxable real property has been destroyed or 53
damaged by fire, flood, tornado, or otherwise, in an amount not 54
less than twenty-five per cent of the value as listed and 55
assessed for taxation but in no event less than two thousand 56
dollars of taxable value, the county board of revision, by 57
resolution, may extend the time for payment of taxes on such 58
property not more than one year after the time fixed by section 59
323.12 of the Revised Code. The board shall file a copy of such 60
resolution with the county auditor and county treasurer, stating 61
the name of the owner and description as it appears on the tax 62
list, the taxing district, the type and kind of property 63
destroyed or damaged, and the board's estimate of the amount of 64
such destruction or damage. 65

Sec. 3501.01. As used in the sections of the Revised Code 66
relating to elections and political communications: 67

(A) "General election" means the election held on the 68
first Tuesday after the first Monday in each November. 69

(B) "Regular municipal election" means the election held 70
on the first Tuesday after the first Monday in November in each 71
odd-numbered year. 72

(C) "Regular state election" means the election held on 73
the first Tuesday after the first Monday in November in each 74
even-numbered year. 75

(D) "Special election" means any election other than those 76
elections defined in other divisions of this section. A special 77
election may be held only on the first Tuesday after the first 78

Monday in May, ~~August~~, or November, on the first Tuesday after 79
the first Monday in August in accordance with section 3505.19 or 80
3521.04 of the Revised Code, or on the day authorized by a 81
particular municipal or county charter for the holding of a 82
primary election, except that in any year in which a 83
presidential primary election is held, no special election shall 84
be held in May, except as authorized by a municipal or county 85
charter, but may be held on the third Tuesday after the first 86
Monday in March. 87

(E) (1) "Primary" or "primary election" means an election 88
held for the purpose of nominating persons as candidates of 89
political parties for election to offices, and for the purpose 90
of electing persons as members of the controlling committees of 91
political parties and as delegates and alternates to the 92
conventions of political parties. Primary elections shall be 93
held on the first Tuesday after the first Monday in May of each 94
year except in years in which a presidential primary election is 95
held. 96

(2) "Presidential primary election" means a primary 97
election as defined by division (E) (1) of this section at which 98
an election is held for the purpose of choosing delegates and 99
alternates to the national conventions of the major political 100
parties pursuant to section 3513.12 of the Revised Code. Unless 101
otherwise specified, presidential primary elections are included 102
in references to primary elections. In years in which a 103
presidential primary election is held, all primary elections 104
shall be held on the third Tuesday after the first Monday in 105
March except as otherwise authorized by a municipal or county 106
charter. 107

(F) "Political party" means any group of voters meeting 108

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 138
for election to the office of governor at the most recent 139
regular state election at which a governor was elected received 140
more votes than any other person received for election to that 141
office in such precinct at such election. 142

(H) "Candidate" means any qualified person certified in 143
accordance with the provisions of the Revised Code for placement 144
on the official ballot of a primary, general, or special 145
election to be held in this state, or any qualified person who 146
claims to be a write-in candidate, or who knowingly assents to 147
being represented as a write-in candidate by another at either a 148
primary, general, or special election to be held in this state. 149

(I) "Independent candidate" means any candidate who claims 150
not to be affiliated with a political party, and whose name has 151
been certified on the office-type ballot at a general or special 152
election through the filing of a statement of candidacy and 153
nominating petition, as prescribed in section 3513.257 of the 154
Revised Code. 155

(J) "Nonpartisan candidate" means any candidate whose name 156
is required, pursuant to section 3505.04 of the Revised Code, to 157
be listed on the nonpartisan ballot, including all candidates 158
for judge of a municipal court, county court, or court of common 159
pleas, for member of any board of education, for municipal or 160
township offices in which primary elections are not held for 161
nominating candidates by political parties, and for offices of 162
municipal corporations having charters that provide for separate 163
ballots for elections for these offices. 164

(K) "Party candidate" means any candidate who claims to be 165
a member of a political party and who has been certified to 166
appear on the office-type ballot at a general or special 167

election as the nominee of a political party because the 168
candidate has won the primary election of the candidate's party 169
for the public office the candidate seeks, has been nominated 170
under section 3517.012, or is selected by party committee in 171
accordance with section 3513.31 of the Revised Code. 172

(L) "Officer of a political party" includes, but is not 173
limited to, any member, elected or appointed, of a controlling 174
committee, whether representing the territory of the state, a 175
district therein, a county, township, a city, a ward, a 176
precinct, or other territory, of a major or minor political 177
party. 178

(M) "Question or issue" means any question or issue 179
certified in accordance with the Revised Code for placement on 180
an official ballot at a general or special election to be held 181
in this state. 182

(N) "Elector" or "qualified elector" means a person having 183
the qualifications provided by law to be entitled to vote. 184

(O) "Voter" means an elector who votes at an election. 185

(P) "Voting residence" means that place of residence of an 186
elector which shall determine the precinct in which the elector 187
may vote. 188

(Q) "Precinct" means a district within a county 189
established by the board of elections of such county within 190
which all qualified electors having a voting residence therein 191
may vote at the same polling place. 192

(R) "Polling place" means that place provided for each 193
precinct at which the electors having a voting residence in such 194
precinct may vote. 195

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.	196 197 198
(T) "Political subdivision" means a county, township, city, village, or school district.	199 200
(U) "Election officer" or "election official" means any of the following:	201 202
(1) Secretary of state;	203
(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;	204 205 206 207
(3) Director of a board of elections;	208
(4) Deputy director of a board of elections;	209
(5) Member of a board of elections;	210
(6) Employees of a board of elections;	211
(7) Precinct election officials;	212
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	213 214
(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.	215 216 217 218 219 220 221
(W) "Confirmation notice" means a notice sent by a board	222

of elections, on a form prescribed by the secretary of state, to 223
a registered elector to confirm the registered elector's current 224
address. 225

(X) "Designated agency" means an office or agency in the 226
state that provides public assistance or that provides state- 227
funded programs primarily engaged in providing services to 228
persons with disabilities and that is required by the National 229
Voter Registration Act of 1993 to implement a program designed 230
and administered by the secretary of state for registering 231
voters, or any other public or government office or agency that 232
implements a program designed and administered by the secretary 233
of state for registering voters, including the department of job 234
and family services, the program administered under section 235
3701.132 of the Revised Code by the department of health, the 236
department of mental health and addiction services, the 237
department of developmental disabilities, the opportunities for 238
Ohioans with disabilities agency, and any other agency the 239
secretary of state designates. "Designated agency" does not 240
include public high schools and vocational schools, public 241
libraries, or the office of a county treasurer. 242

(Y) "National Voter Registration Act of 1993" means the 243
"National Voter Registration Act of 1993," 107 Stat. 77, 42 244
U.S.C.A. 1973gg. 245

(Z) "Voting Rights Act of 1965" means the "Voting Rights 246
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 247

(AA) "Photo identification" means a document that meets 248
each of the following requirements: 249

(1) It shows the name of the individual to whom it was 250
issued, which shall conform to the name in the poll list or 251

signature pollbook.	252
(2) It shows the current address of the individual to whom it was issued, which shall conform to the address in the poll list or signature pollbook, except for a driver's license or a state identification card issued under section 4507.50 of the Revised Code, which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook.	253 254 255 256 257 258 259 260
(3) It shows a photograph of the individual to whom it was issued.	261 262
(4) It includes an expiration date that has not passed.	263
(5) It was issued by the government of the United States or this state.	264 265
<u>Sec. 3505.19. (A) A political subdivision or taxing authority shall only hold a special election on the first Tuesday after the first Monday in August for an office, question, or issue if either of the following are met:</u>	266 267 268 269
<u>(1) The political subdivision is under a fiscal emergency under section 118.03 of the Revised Code or the taxing authority that is a school district is under a fiscal emergency under division (B) of section 3316.03 of the Revised Code at the time the board of elections certifies the office, question, or issue for placement on the ballot for that special election.</u>	270 271 272 273 274 275
<u>(2) The political subdivision or taxing authority is permitted to hold a special election in accordance with section 3521.04 of the Revised Code.</u>	276 277 278
<u>(B) The deadlines applicable to a special election held by</u>	279

a political subdivision or taxing authority under division (A) 280
of this section shall be the same as the deadlines specified to 281
place the office, question, or issue on the ballot on the day of 282
a primary or general election. 283

(C) The entire cost of a special election held under 284
division (A) (1) of this section shall be charged to the 285
political subdivision or taxing authority in accordance with 286
division (D) of section 3501.17 of the Revised Code. 287

Sec. 3513.301. (A) Notwithstanding section 3513.30 of the 288
Revised Code and except as otherwise provided in division (B) (2) 289
of this section, if only one person has filed a valid 290
declaration of candidacy for nomination as the candidate of a 291
political party for the office of representative to congress and 292
that person withdraws as a candidate or dies at any time before 293
the primary election, a special election shall be held under 294
division (B) (1) of this section as soon as reasonably 295
practicable to nominate the following: 296

(1) That party's candidate for congress; 297

(2) The candidate for congress of any other major 298
political party under either of the following circumstances: 299

(a) No person has filed a valid declaration of candidacy 300
for nomination as that party's candidate at the primary 301
election. 302

(b) Only one person has filed a valid declaration of 303
candidacy for nomination as that party's candidate at the 304
primary election, that person has withdrawn or died, and the 305
vacancy so created has not been filled. 306

(B) (1) Except as otherwise provided in division (B) (2) of 307
this section, the boards of elections of all the counties 308

contained in whole or in part within the congressional district 309
for which a special election is being held under this section 310
shall conduct the special election on a date designated by the 311
secretary of state and give notice of the time and places of 312
holding the election as provided in section 3501.03 of the 313
Revised Code. The election shall be held and conducted and 314
returns of it made as in the case of a primary election, except 315
that the secretary of state shall designate the deadline to file 316
a declaration of candidacy or a declaration of intent to be a 317
write-in candidate for the election. 318

(2) If, for each nomination to be made at the special 319
election to be held under division (B)(1) of this section, only 320
one person has filed a valid declaration of candidacy or no 321
person has filed a valid declaration of candidacy, then no 322
special election shall be held. If no special election is held, 323
then for each nomination for which only one person has filed a 324
valid declaration of candidacy, the secretary of state, upon 325
receiving certification of that fact from the board of elections 326
of the most populous county of the congressional district, shall 327
issue a certificate of nomination to the person and the person's 328
name shall appear on the ballot as that party's candidate at the 329
general election. 330

(C) ~~The~~ Except as otherwise provided in section 3521.04 of 331
the Revised Code, the state shall pay all costs of any special 332
election held under this section. 333

Sec. 3513.312. (A) Notwithstanding section 3513.31 of the 334
Revised Code, if a person nominated in a primary election or 335
nominated by petition under section 3517.012 of the Revised Code 336
as a party candidate for the office of representative to 337
congress for election at the next general election withdraws as 338

such candidate prior to the ninetieth day before the day of such 339
general election, or dies prior to the ninetieth day before the 340
day of such general election, the vacancy in the party 341
nomination so created shall be filled in accordance with 342
division (B) of this section as soon as reasonably practicable. 343

(B) (1) Except as otherwise provided in division (B) (2) of 344
this section, the boards of elections of all the counties 345
contained in whole or in part within the congressional district 346
in which a vacancy occurs as described in division (A) of this 347
section shall conduct the special election on a date designated 348
by the secretary of state and give notice of the time and places 349
of holding such election as provided in section 3501.03 of the 350
Revised Code. Such election shall be held and conducted and 351
returns thereof made as in the case of a primary election, 352
except that the secretary of state shall designate the deadline 353
to file a declaration of candidacy or a declaration of intent to 354
be a write-in candidate for the election. 355

(2) If only one person has filed a valid declaration of 356
candidacy for the special election to be held under division (B) 357
(1) of this section, or if no person has filed a valid 358
declaration of candidacy, then no special election shall be 359
held. If one person has filed a valid declaration of candidacy, 360
the secretary of state, upon receiving certification of that 361
fact from the board of elections of the most populous county of 362
the congressional district, shall issue a certificate of 363
nomination to the person and the person's name shall appear on 364
the ballot as that party's candidate at the general election. 365

(C) ~~The~~ Except as otherwise provided in section 3521.04 of 366
the Revised Code, the state shall pay all costs of any special 367
election held pursuant to this section. 368

Sec. 3521.03. When a vacancy in the office of 369
representative to congress occurs, the governor, upon 370
satisfactory information thereof, shall issue a writ of election 371
directing that a special election be held to fill such vacancy 372
in the territory entitled to fill it on a day specified in the 373
writ. Such writ shall be directed to the board of elections 374
within such territory which shall give notice of the time and 375
places of holding such election as provided in section 3501.03 376
of the Revised Code. Such election shall be held and conducted 377
and returns thereof made as in case of a regular state election. 378
~~The~~ Except as otherwise provided in section 3521.04 of the 379
Revised Code, the state shall pay all costs of any special 380
election held under this section. 381

Sec. 3521.04. (A) If a special election is held under 382
section 3513.301, 3513.312, or 3521.03 of the Revised Code on 383
the first Tuesday after the first Monday in August, a political 384
subdivision or taxing authority, the territory of which is 385
located entirely within the applicable congressional district, 386
may also hold a special election on that day for an office, 387
question, or issue, so long as the applicable deadlines 388
described in division (B) of this section are met. This section 389
does not apply to an office, question, or issue that the Revised 390
Code does not allow to be placed on the ballot by a political 391
subdivision or taxing authority at a special election held on 392
the first Tuesday after the first Monday in August. 393

(B) The deadlines applicable to a special election held by 394
a political subdivision or taxing authority under division (A) 395
of this section shall be the same as the deadlines specified to 396
place the office, question, or issue on the ballot on the day of 397
a primary or general election. 398

(C) If one or more political subdivisions or taxing authorities place an office, question, or issue on the ballot under division (A) of this section, the entire cost of the special election shall be divided proportionally between the state and each political subdivision or taxing authority based upon a ratio determined by the number of offices, questions, or issues placed on the ballot in each precinct by the state and each political subdivision or taxing authority. 399
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Section 2. That existing sections 323.17, 3501.01, 3513.301, 3513.312, and 3521.03 of the Revised Code are hereby repealed. 407
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Section 3. Notwithstanding any contrary provision of the Revised Code, a political subdivision may hold a special election on the first Tuesday after the first Monday in August of the year 2022 for the sole purpose of submitting to the electors a question authorized under Section 4 of Article X or Section 8 of Article XVIII of the Ohio Constitution. 410
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