

As Introduced

134th General Assembly

Regular Session

2021-2022

S. B. No. 316

Senators Thomas, Maharath

Cosponsors: Senators Yuko, Fedor, Sykes, Craig, Antonio, Williams

A BILL

To amend Section 4 of H.B. 93 of the 134th General 1
Assembly to delay the 2022 primary election to 2
June 28, 2022, and to declare an emergency. 3

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

Section 1. Notwithstanding any provision of the Revised 4
Code to the contrary: 5

(A) (1) The primary election scheduled to be held on May 3, 6
2022, shall be held instead on June 28, 2022. 7

(2) A declaration of candidacy, declaration of candidacy 8
and petition, or declaration of intent to be a write-in 9
candidate is not invalid on the ground that it indicates the 10
date of the primary election as May 3, 2022. 11

(3) The following deadlines with respect to the 2022 12
primary election, which expired before the effective date of 13
this section, remain expired: 14

(a) The deadlines to file declarations of candidacy, 15
declarations of candidacy and petitions, or declarations of 16
intent to be a write-in candidate; 17

(b) The deadline to certify a ballot issue or question to the election officials or to file a petition with the election officials to place a question or issue on the ballot at the primary election or a special election held on the day of the primary election.

(B) No special election shall be held on May 3, 2022. A special election may be held on June 28, 2022. Any special election originally scheduled to be held on May 3, 2022, shall be held instead on June 28, 2022.

Section 2. That Section 4 of H.B. 93 of the 134th General Assembly be amended to read as follows:

Sec. 4. Notwithstanding any contrary provision of the Revised Code, all of the following apply to the primary election to be held on ~~May 3~~ June 28, 2022:

(A) To be eligible to appear as a candidate for nomination, or to receive votes as a write-in candidate, for the office of member of the United States House of Representatives, a person shall file the applicable declaration of candidacy and petition or declaration of intent to be a write-in candidate not later than four p.m. on March 4, 2022, in the manner specified under Title XXXV of the Revised Code.

(B) A declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate filed by a person seeking nomination for the office of member of the United States House of Representatives, the Ohio Senate, the Ohio House of Representatives, or the state central committee of a political party shall not be considered invalid on the basis that it does not include the number of the district the filer seeks to

represent or that it includes an incorrect district number. If 47
the filer seeks nomination for the office of member of the Ohio 48
Senate, the Ohio House of Representatives, or the state central 49
committee of a political party, the document shall be deemed to 50
include the number of the applicable district in which the filer 51
resides. If the filer seeks nomination for the office of member 52
of the United States House of Representatives, the filer shall 53
notify the election officials in writing of the district the 54
filer seeks to represent. 55

(C) (1) A declaration of candidacy, declaration of 56
candidacy and petition, nominating petition, or declaration of 57
intent to be a write-in candidate filed by a person seeking 58
nomination for the office of member of the Ohio Senate or the 59
Ohio House of Representatives shall not be considered invalid on 60
the basis that it contains the filer's former residence address 61
that is not located in the district the filer seeks to 62
represent, so long as the filer does all of the following not 63
later than the deadline for the filer to change residence under 64
division (C) of Article XI, Section 9, Ohio Constitution: 65

(a) Becomes a resident of the district the filer seeks to 66
represent; 67

(b) Files with the board of elections an addendum to the 68
declaration of candidacy, declaration of candidacy and petition, 69
nominating petition, or declaration of intent to be a write-in 70
candidate that indicates the filer's new residence address; 71

(c) Submits a notice of change of address for voter 72
registration purposes. 73

(2) After a filer notifies the board of elections of the 74
filer's new residence address under division (C) (1) of this 75

section, the signatures on the filer's petition shall be 76
verified under this section on the basis of the filer's new 77
residence address. 78

(D) A signature on a declaration of candidacy and petition 79
or nominating petition filed by a person seeking nomination for 80
the office of member of the United States House of 81
Representatives, the Ohio Senate, the Ohio House of 82
Representatives, or the state central committee of a political 83
party shall not be considered invalid on the ground that the 84
signer does not reside in the district the filer seeks to 85
represent, so long as one of the following applies: 86

(1) The filer seeks nomination for the office of member of 87
the United States House of Representatives and both of the 88
following are true: 89

(a) The district the filer sought to represent under the 90
congressional district plan described in S.B. 258 of the 134th 91
General Assembly had territory in the county in which the signer 92
resides. The filer shall notify the election officials in 93
writing of the district the filer sought to represent under that 94
act. 95

(b) The congressional district the filer seeks to 96
represent has territory in the county in which the signer 97
resides. 98

(2) The filer seeks nomination for the office of member of 99
the Ohio Senate and both of the following are true: 100

(a) The Senate district in which the filer resided under 101
the General Assembly district plan adopted by the Ohio 102
Redistricting Commission in September 2021 had territory in the 103
county in which the signer resides. 104

(b) The Senate district the filer seeks to represent has territory in the county in which the signer resides.	105 106
(3) The filer seeks nomination for the office of member of the Ohio House of Representatives and both of the following are true:	107 108 109
(a) The House district in which the filer resided under the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021 had territory in the county in which the signer resides.	110 111 112 113
(b) The House district the filer seeks to represent has territory in the county in which the signer resides.	114 115
(4) The filer seeks nomination for the office of member of the state central committee of a political party to represent a congressional district and both of the following are true:	116 117 118
(a) The district in which the filer resided under the congressional district plan described in S.B. 258 of the 134th General Assembly had territory in the county in which the signer resides.	119 120 121 122
(b) The congressional district the filer seeks to represent has territory in the county in which the signer resides.	123 124 125
(5) The filer seeks nomination for the office of member of the state central committee of a political party to represent a Senate district and both of the following are true:	126 127 128
(a) The Senate district in which the filer resided under the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021 had territory in the county in which the signer resides.	129 130 131 132

(b) The Senate district the filer seeks to represent has 133
territory in the county in which the signer resides. 134

(E) If a person seeking nomination for the office of 135
member of the United States House of Representatives, the Ohio 136
Senate, the Ohio House of Representatives, or the state central 137
committee of a political party files a declaration of candidacy, 138
declaration of candidacy and petition, nominating petition, or 139
declaration of intent to be a write-in candidate with a board of 140
elections and that board subsequently becomes aware that the 141
filer is seeking to represent a district for which a different 142
board of elections is the appropriate office to process the 143
filing under Chapter 3513. of the Revised Code, the board of 144
elections that originally received the filing promptly shall 145
transfer that filing to the appropriate board of elections. 146

(F) A signature on a declaration of candidacy and petition 147
or nominating petition filed by a person seeking nomination for 148
the office of member of the United States House of 149
Representatives, the Ohio Senate, the Ohio House of 150
Representatives, or the state central committee of a political 151
party shall not be considered invalid on the ground that the 152
signature was signed before a district plan of the applicable 153
type was adopted or enacted or took effect, provided that, in 154
accordance with sections 3513.262 and 3513.263 of the Revised 155
Code, a signature on a nominating petition is not valid if it is 156
dated more than one year before the date the nominating petition 157
is filed. 158

~~(G) Except for the following deadlines, the Secretary of 159
State may adjust any deadlines pertaining to the administration 160
of the May 3, 2022, primary election as the Secretary of State 161
determines necessary to accommodate the shorter timeframe to 162~~

~~prepare to hold the election on May 3, 2022, and to ensure that
ballots are prepared and made available in the times and manner
required under Title XXXV of the Revised Code and federal
election law;~~ 163
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~~(1) The deadline to file a declaration of candidacy,
declaration of candidacy and petition, or declaration of intent
to be a write-in candidate;~~ 167
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~~(2) The deadline to certify a ballot issue or question to
the election officials or to file a petition with the election
officials to place a question or issue on the ballot at the May
3, 2022, primary election or a special election on that date;~~ 170
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~~(3) The deadline for the boards of elections to have
uniformed services and overseas absent voter's ballots printed
and ready for use, unless the Secretary of State obtains a
waiver pursuant to 52 U.S.C. 20302(g) for the May 3, 2022,
primary election;~~ 174
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~~(4) Any deadline that, under the Revised Code, falls on or
after April 3, 2022.~~ 179
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Section 3. That existing Section 4 of H.B. 93 of the 134th 181
General Assembly is hereby repealed. 182

Section 4. Sections 1, 2, and 3 of this act are hereby 183
declared to be an emergency measure necessary for the immediate 184
preservation of the public peace, health, and safety. The reason 185
for such necessity is to allow candidates and election officials 186
sufficient time to prepare for the 2022 primary election. 187
Therefore, Sections 1, 2, and 3 of this act shall go into 188
immediate effect. 189