

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

Sub. S. B. No. 53

Senator Manning

Cosponsors: Senators Cirino, Reineke, Thomas, Yuko

A BILL

To amend section 3513.04 of the Revised Code to
allow a primary candidate to become a candidate
at the general election by being appointed to
fill a ballot vacancy under certain
circumstances.

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

Section 1. That section 3513.04 of the Revised Code be
amended to read as follows:

Sec. 3513.04. (A) Candidates for party nominations to
state, district, county, and municipal offices or positions, for
which party nominations are provided by law, and for election as
members of party controlling committees shall have their names
printed on the official primary ballot by filing a declaration
of candidacy and paying the fees specified for the office under
divisions (A) and (B) of section 3513.10 of the Revised Code,
except that the joint candidates for party nomination to the
offices of governor and lieutenant governor shall, for the two
of them, file one declaration of candidacy. The joint candidates
also shall pay the fees specified for the joint candidates under

divisions (A) and (B) of section 3513.10 of the Revised Code. 19

(B) The secretary of state shall not accept for filing the 20
declaration of candidacy of a candidate for party nomination to 21
the office of governor unless the declaration of candidacy also 22
shows a joint candidate for the same party's nomination to the 23
office of lieutenant governor, shall not accept for filing the 24
declaration of candidacy of a candidate for party nomination to 25
the office of lieutenant governor unless the declaration of 26
candidacy also shows a joint candidate for the same party's 27
nomination to the office of governor, and shall not accept for 28
filing a declaration of candidacy that shows a candidate for 29
party nomination to the office of governor or lieutenant 30
governor who, for the same election, has already filed a 31
declaration of candidacy or a declaration of intent to be a 32
write-in candidate, or has become a candidate by the filling of 33
a vacancy under section 3513.30 of the Revised Code for any 34
other state office or any federal or county office. 35

~~No~~ (C) (1) Except as otherwise provided in division (C) (2) 36
of this section, no person who seeks party nomination for an 37
office or position at a primary election by declaration of 38
candidacy or by declaration of intent to be a write-in candidate 39
and no person who is a first choice for president of candidates 40
seeking election as delegates and alternates to the national 41
conventions of the different major political parties who are 42
chosen by direct vote of the electors as provided in this 43
chapter shall be permitted to become a candidate by nominating 44
petition, including a nominating petition filed under section 45
3517.012 of the Revised Code, by declaration of intent to be a 46
write-in candidate, or by filling a vacancy under section 47
3513.31 of the Revised Code at the following general election 48
for any office other than the office of member of the state 49

board of education, office of member of a city, local, or 50
exempted village board of education, office of member of a 51
governing board of an educational service center, or office of 52
township trustee. 53

(2) Division (C) (1) of this section does not prohibit such 54
a person from becoming a candidate at the following general 55
election for an office that is not a state or federal office by 56
filling a vacancy under section 3513.31 of the Revised Code. 57

Section 2. That existing section 3513.04 of the Revised 58
Code is hereby repealed. 59