

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 267**

**Representative Loychik**

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**A BILL**

To amend sections 3311.053, 3505.03, 3505.04, 1  
3513.04, 3513.052, and 3513.261 and to repeal 2  
sections 3513.254, 3513.255, 3513.256, and 3  
3513.259 of the Revised Code to provide for 4  
primary elections for state and school district 5  
board of education members and move the election 6  
for state and school district board members from 7  
the nonpartisan ballot. 8

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

**Section 1.** That sections 3311.053, 3505.03, 3505.04, 9  
3513.04, 3513.052, and 3513.261 of the Revised Code be amended 10  
to read as follows: 11

**Sec. 3311.053.** (A) The boards of education of up to five 12  
adjoining educational service centers may, by identical 13  
resolutions adopted by a majority of the members of each 14  
governing board within any sixty-day period, combine such 15  
educational service centers into one educational service center. 16  
The resolutions shall state the name of the new center, which 17  
may be styled as a "joint educational service center." The 18  
resolutions shall also indicate whether the governing board of 19

the new educational service center is to be formed in accordance 20  
with division (B) of this section, in accordance with division 21  
(A) of section 3311.054 of the Revised Code, or in accordance 22  
with section 3311.057 of the Revised Code. 23

A copy of each resolution shall be filed with the state 24  
board of education. The new educational service center shall be 25  
created and the governing boards of the participating 26  
educational service centers shall be dissolved and a new 27  
governing board established thirty days after the date on which 28  
the last resolution was filed with the state board. 29

(B) The initial members of a new governing board 30  
established in accordance with this division shall be appointed 31  
as follows: 32

(1) If two educational service centers combine, each 33  
center's governing board, prior to its dissolution, shall 34  
appoint two members to the new governing board and the four 35  
members so selected shall select a fifth member within ten days 36  
of the date on which the last of the four members is appointed. 37

(2) If three educational service centers combine, each 38  
center's governing board, prior to its dissolution, shall 39  
appoint one member to the new governing board and the three 40  
members so selected shall select the remaining two members of 41  
the governing board within ten days of the date on which the 42  
last of the three members is appointed. 43

(3) If four educational service centers combine, each 44  
center's governing board, prior to its dissolution, shall 45  
appoint one member to the new governing board and the four 46  
members so selected shall select the remaining member of the 47  
governing board within ten days of the date on which the last of 48

the four members is appointed. 49

(4) If five educational service centers combine, each 50  
center's governing board, prior to its dissolution, shall 51  
appoint one member to the new governing board. 52

If the members appointed to a new governing board by the 53  
governing boards of the combining educational service centers 54  
are unable to agree on the selection of the remaining members of 55  
the new governing board within ten days, the probate judge of 56  
the county in which the greatest number of pupils under the 57  
supervision of the new educational service center reside shall 58  
appoint the remaining members. 59

Electors of the new educational service center shall elect 60  
a new governing board at the next general election occurring in 61  
an odd-numbered year and more than ninety days after the date of 62  
the appointment of the last member to the initial governing 63  
board. Members shall serve for the duration of the term to which 64  
they are elected or until their successors are elected and 65  
qualified. At such election, two members shall be elected to 66  
terms of two years and three members shall be elected to terms 67  
of four years. Thereafter, their successors shall be elected in 68  
the same manner and for the same terms as members of governing 69  
boards of all educational service centers. ~~Each candidate for~~ 70  
~~election as a member of the educational service center governing~~ 71  
~~board shall file a nominating petition in accordance with~~ 72  
~~section 3513.255 of the Revised Code.~~ 73

(C) The funds of each former educational service center 74  
shall be paid over in full to the governing board of the new 75  
educational service center, and the legal title to all property 76  
of the former governing boards shall become vested in the new 77  
governing board. 78

The governing board of an educational service center 79  
created under this section shall honor all contracts made by the 80  
former governing boards. 81

**Sec. 3505.03.** (A) On the office type ballot shall be 82  
printed the names of all candidates for election to offices, 83  
except the office of judge of a municipal court, county court, 84  
or court of common pleas, who were nominated at the most recent 85  
primary election as candidates of a political party or who were 86  
nominated in accordance with section 3513.02 of the Revised 87  
Code, and the names of all candidates for election to offices 88  
who were nominated by nominating petitions, except candidates 89  
for the office of judge of a municipal court, county court, or 90  
court of common pleas, ~~for member of the state board of~~ 91  
~~education, for member of a board of education,~~ for municipal 92  
offices, and for township offices. 93

(B) The face of the ballot below the stub shall be 94  
substantially in the following form: 95

"OFFICIAL OFFICE TYPE BALLOT 96

(1) To vote for a candidate record your vote in the manner 97  
provided next to the name of such candidate. 98

(2) If you tear, soil, deface, or erroneously mark this 99  
ballot, return it to the precinct election officers or, if you 100  
cannot return it, notify the precinct election officers, and 101  
obtain another ballot." 102

(C) The order in which the offices shall be listed on the 103  
ballot shall be prescribed by, and certified to each board of 104  
elections by, the secretary of state; provided that for state, 105  
district, and county offices the order from top to bottom shall 106  
be as follows: governor and lieutenant governor, attorney 107

general, auditor of state, secretary of state, treasurer of 108  
state, chief justice of the supreme court, justice of the 109  
supreme court, United States senator, representative to 110  
congress, state senator, state representative, judge of a court 111  
of appeals, member of the state board of education, member of a 112  
board of education, county commissioner, county auditor, 113  
prosecuting attorney, clerk of the court of common pleas, 114  
sheriff, county recorder, county treasurer, county engineer, and 115  
coroner. The offices of governor and lieutenant governor shall 116  
be printed on the ballot in a manner that requires a voter to 117  
cast one vote jointly for the candidates who have been nominated 118  
by the same political party or petition. 119

(D) Within the rectangular space within which the title of 120  
each judicial office listed in division (C) of this section is 121  
printed on the ballot and immediately below the title shall be 122  
printed the date of the commencement of the term of the office, 123  
if it is a full term, as follows: "Full term commencing 124  
\_\_\_\_\_ (Date) \_\_\_\_\_," or the date of the end of the term of the 125  
office, if it is an unexpired term, as follows: "Unexpired term 126  
ending \_\_\_\_\_ (Date) \_\_\_\_\_" 127

(E) (1) The names of all candidates for an office shall be 128  
arranged in a group under the title of that office, and, except 129  
for absentee ballots or when the number of candidates for a 130  
particular office is the same as the number of candidates to be 131  
elected for that office, shall be rotated from one precinct to 132  
another. On absentee ballots, the names of all candidates for an 133  
office shall be arranged in a group under the title of that 134  
office and shall be so alternated that each name shall appear, 135  
insofar as may be reasonably possible, substantially an equal 136  
number of times at the beginning, at the end, and in each 137  
intermediate place, if any, of the group in which such name 138

belongs, unless the number of candidates for a particular office 139  
is the same as the number of candidates to be elected for that 140  
office. 141

(2) The secretary of state shall prescribe the information 142  
and directions to the voter to be printed on the ballot within 143  
the rectangular space in which the title of office of member of 144  
the state board of education appears. 145

(3) Within the rectangular space within which the title of 146  
each office for member of a board of education is printed on the 147  
ballot shall be printed "For Member of Board of Education," and 148  
the number to be elected, directions to the voter as to voting 149  
for one, two, or more, and, if the office to be voted for is 150  
member of a board of education of a city school district, words 151  
shall be printed in said space on the ballot to indicate whether 152  
candidates are to be elected from subdistricts or at large. 153

(4) The method of printing the ballots to meet the 154  
rotation requirement of this section shall be as follows: the 155  
least common multiple of the number of names in each of the 156  
several groups of candidates shall be used, and the number of 157  
changes made in the printer's forms in printing the ballots 158  
shall correspond with that multiple. The board of elections 159  
shall number all precincts in regular serial sequence. In the 160  
first precinct, the names of the candidates in each group shall 161  
be listed in alphabetical order. In each succeeding precinct, 162  
the name in each group that is listed first in the preceding 163  
precinct shall be listed last, and the name of each candidate 164  
shall be moved up one place. In each precinct using paper 165  
ballots, the printed ballots shall then be assembled in tablets. 166

(F) Under the name of each candidate nominated at a 167  
primary election, nominated by petition under section 3517.012 168

of the Revised Code, or certified by a party committee to fill a 169  
vacancy under section 3513.31 of the Revised Code shall be 170  
printed, in less prominent type face than that in which the 171  
candidate's name is printed, the name of the political party by 172  
which the candidate was nominated or certified. Under the name 173  
of each candidate appearing on the ballot who filed a nominating 174  
petition and requested a ballot designation as a nonparty 175  
candidate under section 3513.257 of the Revised Code shall be 176  
printed, in less prominent type face than that in which the 177  
candidate's name is printed, the designation of "nonparty 178  
candidate." Under the name of each candidate appearing on the 179  
ballot who filed a nominating petition and requested a ballot 180  
designation as an other-party candidate under section 3513.257 181  
of the Revised Code shall be printed, in less prominent type 182  
face than that in which the candidate's name is printed, the 183  
designation of "other-party candidate." No designation shall 184  
appear under the name of a candidate appearing on the ballot who 185  
filed a nominating petition and requested that no ballot 186  
designation appear under the candidate's name under section 187  
3513.257 of the Revised Code, or who filed a nominating petition 188  
and failed to request a ballot designation either as a nonparty 189  
candidate or as an other-party candidate under that section. 190

(G) Except as provided in this section, no words, 191  
designations, or emblems descriptive of a candidate or the 192  
candidate's political affiliation, or indicative of the method 193  
by which the candidate was nominated or certified, shall be 194  
printed under or after a candidate's name that is printed on the 195  
ballot. 196

**Sec. 3505.04.** On the nonpartisan ballot shall be printed 197  
the names of all nonpartisan candidates for election to the 198  
office of judge of a municipal court, county court, or court of 199

common pleas, ~~the office of member of the state board of~~ 200  
~~education, the office of member of a board of education,~~ 201  
municipal or township offices for municipal corporations and 202  
townships in which primary elections are not held for nomination 203  
of candidates by political parties, and municipal offices of 204  
municipal corporations having charters which provide for 205  
separate ballots for elections for such municipal offices. 206

Such ballots shall have printed across the top, and below 207  
the stubs, "Official Nonpartisan Ballot." 208

The order in which the offices are listed on the ballot 209  
shall be prescribed by, and certified to each board of elections 210  
by, the secretary of state; provided that ~~the office of member~~ 211  
~~of the state board of education shall be listed first on the~~ 212  
~~ballot, then~~ county judicial offices shall be listed first on 213  
the ballot, followed by municipal and township offices, ~~and by~~ 214  
~~offices of member of a board of education,~~ in the order stated. 215

Within the rectangular space within which the title of 216  
each judicial office is printed on the ballot and immediately 217  
below such title shall be printed the date of the commencement 218  
of the term of the office, if a full term, as follows: "Full 219  
term commencing \_\_\_\_\_ (Date) \_\_\_\_\_," or the date of the end of 220  
the term of the office, if an unexpired term, as follows: 221  
"Unexpired term ending \_\_\_\_\_ (Date) \_\_\_\_\_" 222

~~The secretary of state shall prescribe the information and~~ 223  
~~directions to the voter to be printed on the ballot within the~~ 224  
~~rectangular space in which the title of office of member of the~~ 225  
~~state board of education appears.~~ 226

~~Within the rectangular space within which the title of~~ 227  
~~each office for member of a board of education is printed on the~~ 228



~~ballot shall be printed "For Member of Board of Education," and 229  
the number to be elected, directions to the voter as to voting 230  
for one, two, or more, and, if the office to be voted for is 231  
member of a board of education of a city school district, words 232  
shall be printed in said space on the ballot to indicate whether 233  
candidates are to be elected from subdistricts or at large. 234~~

The names of all nonpartisan candidates for an office 235  
shall be arranged in a group under the title of that office, and 236  
shall be rotated and printed on the ballot as provided in 237  
section 3505.03 of the Revised Code. 238

No name or designation of any political party nor any 239  
words, designations, or emblems descriptive of a candidate or 240  
the candidate's political affiliation, or indicative of the 241  
method by which such candidate was nominated or certified, shall 242  
be printed under or after any nonpartisan candidate's name which 243  
is printed on the ballot. 244

**Sec. 3513.04.** Candidates for party nominations to state, 245  
district, county, and municipal offices or positions, and member 246  
of a state, city, local, or exempted village board of education, 247  
for which party nominations are provided by law, and for 248  
election as members of party controlling committees shall have 249  
their names printed on the official primary ballot by filing a 250  
declaration of candidacy and paying the fees specified for the 251  
office under divisions (A) and (B) of section 3513.10 of the 252  
Revised Code, except that the joint candidates for party 253  
nomination to the offices of governor and lieutenant governor 254  
shall, for the two of them, file one declaration of candidacy. 255  
The joint candidates also shall pay the fees specified for the 256  
joint candidates under divisions (A) and (B) of section 3513.10 257  
of the Revised Code. 258

The secretary of state shall not accept for filing the 259  
declaration of candidacy of a candidate for party nomination to 260  
the office of governor unless the declaration of candidacy also 261  
shows a joint candidate for the same party's nomination to the 262  
office of lieutenant governor, shall not accept for filing the 263  
declaration of candidacy of a candidate for party nomination to 264  
the office of lieutenant governor unless the declaration of 265  
candidacy also shows a joint candidate for the same party's 266  
nomination to the office of governor, and shall not accept for 267  
filing a declaration of candidacy that shows a candidate for 268  
party nomination to the office of governor or lieutenant 269  
governor who, for the same election, has already filed a 270  
declaration of candidacy or a declaration of intent to be a 271  
write-in candidate, or has become a candidate by the filling of 272  
a vacancy under section 3513.30 of the Revised Code for any 273  
other state office or any federal or county office. 274

No person who seeks party nomination for an office or 275  
position at a primary election by declaration of candidacy or by 276  
declaration of intent to be a write-in candidate and no person 277  
who is a first choice for president of candidates seeking 278  
election as delegates and alternates to the national conventions 279  
of the different major political parties who are chosen by 280  
direct vote of the electors as provided in this chapter shall be 281  
permitted to become a candidate by nominating petition, 282  
including a nominating petition filed under section 3517.012 of 283  
the Revised Code, by declaration of intent to be a write-in 284  
candidate, or by filling a vacancy under section 3513.31 of the 285  
Revised Code at the following general election for any office 286  
other than the ~~office of member of the state board of education,~~ 287  
~~office of member of a city, local, or exempted village board of~~ 288  
~~education, office of member of a governing board of an~~ 289

~~educational service center, or~~ office of township trustee. 290

**Sec. 3513.052.** (A) No person shall seek nomination or 291  
election to any of the following offices or positions at the 292  
same election by filing a declaration of candidacy and petition, 293  
a declaration of intent to be a write-in candidate, or a 294  
nominating petition, or by becoming a candidate through party 295  
nomination in a primary election, or by the filling of a vacancy 296  
under section 3513.30 or 3513.31 of the Revised Code: 297

(1) Two or more state offices; 298

(2) Two or more county offices; 299

(3) A state office and a county office; 300

(4) A federal office and a state or county office; 301

(5) Any combination of two or more municipal or township 302  
offices, positions as a member of a city, local, or exempted 303  
village board of education, or positions as a member of a 304  
governing board of an educational service center. 305

(B) The secretary of state or a board of elections shall 306  
not accept for filing a declaration of candidacy and petition, a 307  
declaration of intent to be a write-in candidate, or a 308  
nominating petition of a person seeking to become a candidate if 309  
that person, for the same election, has already filed a 310  
declaration of candidacy, a declaration of intent to be a write- 311  
in candidate, or a nominating petition, or has become a 312  
candidate through party nomination at a primary election or by 313  
the filling of a vacancy under section 3513.30 or 3513.31 of the 314  
Revised Code for: 315

(1) Any federal, state, or county office, if the 316  
declaration of candidacy, declaration of intent to be a write-in 317

candidate, or nominating petition is for a state or county 318  
office; 319

(2) Any municipal or township office, or for member of a 320  
city, local, or exempted village board of education, or for 321  
member of a governing board of an educational service center, if 322  
the declaration of candidacy, declaration of intent to be a 323  
write-in candidate, or nominating petition is for a municipal or 324  
township office, or for member of a city, local, or exempted 325  
village board of education, or for member of a governing board 326  
of an educational service center. 327

(C) (1) If the secretary of state determines, before the 328  
day of the primary election, that a person is seeking nomination 329  
to more than one office at that election in violation of 330  
division (A) of this section, the secretary of state shall do 331  
one of the following: 332

(a) If each office or the district for each office for 333  
which the person is seeking nomination is wholly within a single 334  
county and none of those offices is a federal office, the 335  
secretary of state shall notify the board of elections of that 336  
county. The board then shall determine the date on which the 337  
person first sought to become a candidate for each of those 338  
offices by filing a declaration of candidacy or a declaration of 339  
intent to be a write-in candidate or by the filling of a vacancy 340  
under section 3513.30 of the Revised Code. The board shall vote 341  
promptly to disqualify that person as a candidate for each 342  
office for which the person sought to become a candidate after 343  
the date on which the person first sought to become a candidate 344  
for any of those offices. If the board determines that the 345  
person sought to become a candidate for more than one of those 346  
offices on the same date, the board shall vote promptly to 347

disqualify that person as a candidate for each office that would 348  
be listed on the ballot below the highest office for which that 349  
person seeks nomination, according to the ballot order 350  
prescribed under section 3505.03 of the Revised Code. 351

(b) If one or more of the offices for which the person is 352  
seeking nomination is a state office or an office with a 353  
district larger than a single county and none of the offices for 354  
which the person is seeking nomination is a federal office, the 355  
secretary of state shall determine the date on which the person 356  
first sought to become a candidate for each of those offices by 357  
filing a declaration of candidacy or a declaration of intent to 358  
be a write-in candidate or by the filling of a vacancy under 359  
section 3513.30 of the Revised Code. The secretary of state 360  
shall order the board of elections of each county in which the 361  
person is seeking to appear on the ballot to disqualify that 362  
person as a candidate for each office for which the person 363  
sought to become a candidate after the date on which the person 364  
first sought to become a candidate for any of those offices. If 365  
the secretary of state determines that the person sought to 366  
become a candidate for more than one of those offices on the 367  
same date, the secretary of state shall order the board of 368  
elections of each county in which the person is seeking to 369  
appear on the ballot to disqualify that person as a candidate 370  
for each office that would be listed on the ballot below the 371  
highest office for which that person seeks nomination, according 372  
to the ballot order prescribed under section 3505.03 of the 373  
Revised Code. Each board of elections so notified shall vote 374  
promptly to disqualify the person as a candidate in accordance 375  
with the order of the secretary of state. 376

(c) If each office or the district for each office for 377  
which the person is seeking nomination is wholly within a single 378

county and any of those offices is a federal office, the 379  
secretary of state shall notify the board of elections of that 380  
county. The board then shall vote promptly to disqualify that 381  
person as a candidate for each office that is not a federal 382  
office. 383

(d) If one or more of the offices for which the person is 384  
seeking nomination is a state office and any of the offices for 385  
which the person is seeking nomination is a federal office, the 386  
secretary of state shall order the board of elections of each 387  
county in which the person is seeking to appear on the ballot to 388  
disqualify that person as a candidate for each office that is 389  
not a federal office. Each board of elections so notified shall 390  
vote promptly to disqualify the person as a candidate in 391  
accordance with the order of the secretary of state. 392

(2) If a board of elections determines, before the day of 393  
the primary election, that a person is seeking nomination to 394  
more than one office at that election in violation of division 395  
(A) of this section, the board shall do one of the following: 396

(a) If each office or the district for each office for 397  
which the person is seeking nomination is wholly within that 398  
county and none of those offices is a federal office, the board 399  
shall determine the date on which the person first sought to 400  
become a candidate for each of those offices by filing a 401  
declaration of candidacy or a declaration of intent to be a 402  
write-in candidate or by the filling of a vacancy under section 403  
3513.30 of the Revised Code. The board shall vote promptly to 404  
disqualify that person as a candidate for each office for which 405  
the person sought to become a candidate after the date on which 406  
the person first sought to become a candidate for any of those 407  
offices. If the board determines that the person sought to 408

become a candidate for more than one of those offices on the 409  
same date, the board shall vote promptly to disqualify that 410  
person as a candidate for each office that would be listed on 411  
the ballot below the highest office for which that person seeks 412  
nomination, according to the ballot order prescribed under 413  
section 3505.03 of the Revised Code. 414

(b) If one or more of the offices for which the person is 415  
seeking nomination is a state office or an office with a 416  
district larger than a single county and none of the offices for 417  
which the person is seeking nomination is a federal office, the 418  
board shall notify the secretary of state. The secretary of 419  
state then shall determine the date on which the person first 420  
sought to become a candidate for each of those offices by filing 421  
a declaration of candidacy or a declaration of intent to be a 422  
write-in candidate or by the filling of a vacancy under section 423  
3513.30 of the Revised Code. The secretary of state shall order 424  
the board of elections of each county in which the person is 425  
seeking to appear on the ballot to disqualify that person as a 426  
candidate for each office for which the person sought to become 427  
a candidate after the date on which the person first sought to 428  
become a candidate for any of those offices. If the secretary of 429  
state determines that the person sought to become a candidate 430  
for more than one of those offices on the same date, the 431  
secretary of state shall order the board of elections of each 432  
county in which the person is seeking to appear on the ballot to 433  
disqualify that person as a candidate for each office that would 434  
be listed on the ballot below the highest office for which that 435  
person seeks nomination, according to the ballot order 436  
prescribed under section 3505.03 of the Revised Code. Each board 437  
of elections so notified shall vote promptly to disqualify the 438  
person as a candidate in accordance with the order of the 439

secretary of state. 440

(c) If each office or the district for each office for 441  
which the person is seeking nomination is wholly within a single 442  
county and any of those offices is a federal office, the board 443  
shall vote promptly to disqualify that person as a candidate for 444  
each office that is not a federal office. 445

(d) If one or more of the offices for which the person is 446  
seeking nomination is a state office and any of the offices for 447  
which the person is seeking nomination is a federal office, the 448  
board shall notify the secretary of state. The secretary of 449  
state then shall order the board of elections of each county in 450  
which the person is seeking to appear on the ballot to 451  
disqualify that person as a candidate for each office that is 452  
not a federal office. Each board of elections so notified shall 453  
vote promptly to disqualify the person as a candidate in 454  
accordance with the order of the secretary of state. 455

(D) (1) If the secretary of state determines, after the day 456  
of the primary election and before the day of the general 457  
election, that a person is seeking election to more than one 458  
office at that election in violation of division (A) of this 459  
section, the secretary of state shall do one of the following: 460

(a) If each office or the district for each office for 461  
which the person is seeking election is wholly within a single 462  
county and none of those offices is a federal office, the 463  
secretary of state shall notify the board of elections of that 464  
county. The board then shall determine the offices for which the 465  
person seeks to appear as a candidate on the ballot. The board 466  
shall vote promptly to disqualify that person as a candidate for 467  
each office that would be listed on the ballot below the highest 468  
office for which that person seeks election, according to the 469



ballot order prescribed under section 3505.03 of the Revised Code. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(b) If one or more of the offices for which the person is seeking election is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking election is a federal office, the secretary of state shall promptly investigate and determine the offices for which the person seeks to appear as a candidate on the ballot. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(c) If each office or the district for each office for which the person is seeking election is wholly within a single county and any of those offices is a federal office, the

secretary of state shall notify the board of elections of that 501  
county. The board then shall vote promptly to disqualify that 502  
person as a candidate for each office that is not a federal 503  
office. If the person sought nomination at a primary election 504  
and has not yet been issued a certificate of nomination, the 505  
board shall not issue that certificate for that person for any 506  
office that is not a federal office. 507

(d) If one or more of the offices for which the person is 508  
seeking election is a state office and any of the offices for 509  
which the person is seeking election is a federal office, the 510  
secretary of state shall order the board of elections of each 511  
county in which the person is seeking to appear on the ballot to 512  
disqualify that person as a candidate for each office that is 513  
not a federal office. Each board of elections so notified shall 514  
vote promptly to disqualify the person as a candidate in 515  
accordance with the order of the secretary of state. If the 516  
person sought nomination at a primary election and has not yet 517  
been issued a certificate of nomination, the board shall not 518  
issue that certificate for that person for any office that is 519  
not a federal office. 520

(2) If a board of elections determines, after the day of 521  
the primary election and before the day of the general election, 522  
that a person is seeking election to more than one office at 523  
that election in violation of division (A) of this section, the 524  
board of elections shall do one of the following: 525

(a) If each office or the district for each office for 526  
which the person is seeking election is wholly within that 527  
county and none of those offices is a federal office, the board 528  
shall determine the offices for which the person seeks to appear 529  
as a candidate on the ballot. The board shall vote promptly to 530

disqualify that person as a candidate for each office that would 531  
be listed on the ballot below the highest office for which that 532  
person seeks election, according to the ballot order prescribed 533  
under section 3505.03 of the Revised Code. If the person sought 534  
nomination at a primary election and has not yet been issued a 535  
certificate of nomination, the board shall not issue that 536  
certificate for that person for any office that would be listed 537  
on the ballot below the highest office for which that person 538  
seeks election, according to the ballot order prescribed under 539  
section 3505.03 of the Revised Code. 540

(b) If one or more of the offices for which the person is 541  
seeking election is a state office or an office with a district 542  
larger than a single county and none of the offices for which 543  
the person is seeking election is a federal office, the board 544  
shall notify the secretary of state. The secretary of state 545  
promptly shall investigate and determine the offices for which 546  
the person seeks to appear as a candidate on the ballot. The 547  
secretary of state shall order the board of elections of each 548  
county in which the person is seeking to appear on the ballot to 549  
disqualify that person as a candidate for each office that would 550  
be listed on the ballot below the highest office for which that 551  
person seeks election, according to the ballot order prescribed 552  
under section 3505.03 of the Revised Code. Each board of 553  
elections so notified shall vote promptly to disqualify the 554  
person as a candidate in accordance with the order of the 555  
secretary of state. If the person sought nomination at a primary 556  
election and has not yet been issued a certificate of 557  
nomination, the board shall not issue that certificate for that 558  
person for any office that would be listed on the ballot below 559  
the highest office for which that person seeks election, 560  
according to the ballot order prescribed under section 3505.03 561

of the Revised Code. 562

(c) If each office or the district for each office for 563  
which the person is seeking election is wholly within that 564  
county and any of those offices is a federal office, the board 565  
shall vote promptly to disqualify that person as a candidate for 566  
each office that is not a federal office. If the person sought 567  
nomination at a primary election and has not yet been issued a 568  
certificate of nomination, the board shall not issue that 569  
certificate for that person for any office that is not a federal 570  
office. 571

(d) If one or more of the offices for which the person is 572  
seeking election is a state office and any of the offices for 573  
which the person is seeking election is a federal office, the 574  
board shall notify the secretary of state. The secretary of 575  
state shall order the board of elections of each county in which 576  
the person is seeking to appear on the ballot to disqualify that 577  
person as a candidate for each office that is not a federal 578  
office. Each board of elections so notified shall vote promptly 579  
to disqualify the person as a candidate in accordance with the 580  
order of the secretary of state. If the person sought nomination 581  
at a primary election and has not yet been issued a certificate 582  
of nomination, the board shall not issue that certificate for 583  
that person for any office that is not a federal office. 584

(E) When a person is disqualified as a candidate under 585  
division (C) or (D) of this section, on or before the seventieth 586  
day before the day of the applicable election, the board of 587  
elections shall remove the person's name from the ballot for any 588  
office for which that person has been disqualified as a 589  
candidate according to the directions of the secretary of state. 590  
When a person is disqualified as a candidate under division (C) 591

or (D) of this section after the seventieth day before the day 592  
of the applicable election, the board of elections shall not 593  
remove the person's name from the ballot for any office for 594  
which that person has been disqualified as a candidate. The 595  
board of elections shall post a notice at each polling location 596  
on the day of the applicable election, and shall enclose with 597  
each absent voter's ballot given or mailed after the candidate 598  
is disqualified, a notice that votes for the person for the 599  
office for which the person has been disqualified as a candidate 600  
will be void and will not be counted. If the name is not removed 601  
from the ballots before the day of the election, the votes for 602  
the disqualified candidate are void and shall not be counted. 603

(F) Any vacancy created by the disqualification of a 604  
person as a candidate under division (C) or (D) of this section 605  
may be filled in the manner provided for in sections 3513.30 and 606  
3513.31 of the Revised Code. 607

(G) Nothing in this section or section 3513.04, 3513.041, 608  
3513.05, 3513.251, 3513.253, ~~3513.254~~, ~~3513.255~~, 3513.257, 609  
~~3513.259~~, or 3513.261 of the Revised Code prohibits, and the 610  
secretary of state or a board of elections shall not disqualify, 611  
a person from being a candidate for an office, if that person 612  
timely withdraws as a candidate for any offices specified in 613  
division (A) of this section for which that person first sought 614  
to become a candidate by filing a declaration of candidacy and 615  
petition, a declaration of intent to be a write-in candidate, or 616  
a nominating petition, by party nomination in a primary 617  
election, or by the filling of a vacancy under section 3513.30 618  
or 3513.31 of the Revised Code. 619

(H) As used in this section: 620

(1) "State office" means the offices of governor, 621

lieutenant governor, secretary of state, auditor of state, 622  
treasurer of state, attorney general, member of the state board 623  
of education, member of the general assembly, chief justice of 624  
the supreme court, and justice of the supreme court. 625

(2) "Timely withdraws" means either of the following: 626

(a) Withdrawing as a candidate before the applicable 627  
deadline for filing a declaration of candidacy, declaration of 628  
intent to be a write-in candidate, or nominating petition for 629  
the subsequent office for which the person is seeking to become 630  
a candidate at the same election; 631

(b) Withdrawing as a candidate before the applicable 632  
deadline for the filling of a vacancy under section 3513.30 or 633  
3513.31 of the Revised Code, if the person is seeking to become 634  
a candidate for a subsequent office at the same election under 635  
either of those sections. 636

**Sec. 3513.261.** A nominating petition may consist of one or 637  
more separate petition papers, each of which shall be 638  
substantially in the form prescribed in this section. If the 639  
petition consists of more than one separate petition paper, the 640  
statement of candidacy of the candidate or joint candidates 641  
named need be signed by the candidate or joint candidates on 642  
only one of such separate petition papers, but the statement of 643  
candidacy so signed shall be copied on each other separate 644  
petition paper before the signatures of electors are placed on 645  
it. Each nominating petition containing signatures of electors 646  
of more than one county shall consist of separate petition 647  
papers each of which shall contain signatures of electors of 648  
only one county; provided that petitions containing signatures 649  
of electors of more than one county shall not thereby be 650  
declared invalid. In case petitions containing signatures of 651

electors of more than one county are filed, the board of 652  
elections shall determine the county from which the majority of 653  
the signatures came, and only signatures from this county shall 654  
be counted. Signatures from any other county shall be invalid. 655

All signatures on nominating petitions shall be written in 656  
ink or indelible pencil. 657

At the time of filing a nominating petition, the candidate 658  
designated in the nominating petition, and joint candidates for 659  
governor and lieutenant governor, shall pay to the election 660  
officials with whom it is filed the fees specified for the 661  
office under divisions (A) and (B) of section 3513.10 of the 662  
Revised Code. The fees shall be disposed of by those election 663  
officials in the manner that is provided in section 3513.10 of 664  
the Revised Code for the disposition of other fees, and in no 665  
case shall a fee required under that section be returned to a 666  
candidate. 667

Candidates or joint candidates whose names are written on 668  
the ballot, and who are elected, shall pay the same fees under 669  
section 3513.10 of the Revised Code that candidates who file 670  
nominating petitions pay. Payment of these fees shall be a 671  
condition precedent to the granting of their certificates of 672  
election. 673

Each nominating petition shall contain a statement of 674  
candidacy that shall be signed by the candidate or joint 675  
candidates named in it or by an attorney in fact acting pursuant 676  
to section 3501.382 of the Revised Code. Such statement of 677  
candidacy shall contain a declaration made under penalty of 678  
election falsification that the candidate desires to be a 679  
candidate for the office named in it, and that the candidate is 680  
an elector qualified to vote for the office the candidate seeks. 681

The form of the nominating petition and statement of 682  
candidacy shall be substantially as follows: 683

"STATEMENT OF CANDIDACY 684

I, \_\_\_\_\_ (Name of 685  
candidate), the undersigned, hereby declare under penalty of 686  
election falsification that my voting residence is in 687  
\_\_\_\_\_ Precinct of the 688  
\_\_\_\_\_ (Township) or (Ward and City, or 689  
Village) in the county of \_\_\_\_\_ Ohio; that my post- 690  
office address is \_\_\_\_\_ (Street and 691  
Number, if any, or Rural Route and Number) of the 692  
\_\_\_\_\_ (City, Village, or post office) 693  
of \_\_\_\_\_, Ohio; and that I am a qualified elector 694  
in the precinct in which my voting residence is located. I 695  
hereby declare that I desire to be a candidate for election to 696  
the office of \_\_\_\_\_ in the \_\_\_\_\_ 697  
(State, District, County, City, Village, ~~or Township, or School~~ 698  
~~District~~) for the \_\_\_\_\_ (Full 699  
term or unexpired term ending \_\_\_\_\_) at the General 700  
Election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ 701

I further declare that I am an elector qualified to vote 702  
for the office I seek. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 703  
\_\_\_\_\_ 704

\_\_\_\_\_ 705

(Signature of candidate) 706

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 707  
FELONY OF THE FIFTH DEGREE. 708

I, \_\_\_\_\_, hereby constitute 709  
the persons named below a committee to represent me: 710



Name	Residence	
_____	_____	711
_____	_____	712
_____	_____	713
_____	_____	714
_____	_____	715
_____	_____	716

NOMINATING PETITION 717

We, the undersigned, qualified electors of the state of 718  
Ohio, whose voting residence is in the County, City, Village, 719  
Ward, Township or Precinct set opposite our names, hereby 720  
nominate \_\_\_\_\_ as a candidate for election to the 721  
office of \_\_\_\_\_ in the 722  
\_\_\_\_\_ (State, District, County, City, 723  
Village, or Township, ~~or School District~~) for the 724  
\_\_\_\_\_ (Full term or unexpired term ending 725  
\_\_\_\_\_) to be voted for at the general election 726  
next hereafter to be held, and certify that this person is, in 727  
our opinion, well qualified to perform the duties of the office 728  
or position to which the person desires to be elected. 729

730

	1	2	3	4	5	6	7
A		Street					
B		Address					
C		or R.F.D.					

D (Must use  
E address on City,  
F file with Village  
G the board of or Date of  
H Signature elections) Township Ward Precinct County Signing

\_\_\_\_\_ 731

\_\_\_\_\_ 732

\_\_\_\_\_ 733

\_\_\_\_\_, declares under penalty of election 734  
falsification that such person is a qualified elector of the 735  
state of Ohio and resides at the address appearing below such 736  
person's signature hereto; that such person is the circulator of 737  
the foregoing petition paper containing \_\_\_\_\_ 738  
signatures; that such person witnessed the affixing of every 739  
signature; that all signers were to the best of such person's 740  
knowledge and belief qualified to sign; and that every signature 741  
is to the best of such person's knowledge and belief the 742  
signature of the person whose signature it purports to be or of 743  
an attorney in fact acting pursuant to section 3501.382 of the 744  
Revised Code. 745

\_\_\_\_\_ 746

(Signature of circulator) 747

\_\_\_\_\_ 748

(Address of circulator's 749

permanent residence 750

in this state) 751

\_\_\_\_\_ 752

(If petition is for a statewide 753

candidate, the name and address 754

of person employing circulator 755

to circulate petition, if any) 756

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 757

FELONY OF THE FIFTH DEGREE." 758

The secretary of state shall prescribe a form of 759

nominating petition for a group of candidates for ~~the office of~~ 760

~~member of a board of education,~~ township office, and offices of 761

municipal corporations of under two thousand population. 762

The secretary of state shall prescribe a form of statement 763

of candidacy and nominating petition, which shall be 764

substantially similar to the form of statement of candidacy and 765

nominating petition set forth in this section, that will be 766

suitable for joint candidates for the offices of governor and 767

lieutenant governor. 768

If such petition nominates a candidate whose election is 769

to be determined by the electors of a county or a district or 770

subdivision within the county, it shall be filed with the board 771

of such county. If the petition nominates a candidate whose 772

election is to be determined by the voters of a subdivision 773

located in more than one county, it shall be filed with the 774

board of the county in which the major portion of the population 775

of such subdivision is located. 776

If the petition nominates a candidate whose election is to be determined by the electors of a district comprised of more than one county but less than all of the counties of the state, it shall be filed with the board of elections of the most populous county in such district. If the petition nominates a candidate whose election is to be determined by the electors of the state at large, it shall be filed with the secretary of state.

The secretary of state or a board of elections shall not accept for filing a nominating petition of a person seeking to become a candidate if that person, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a nominating petition, or has become a candidate through party nomination at a primary election or by the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code for any federal, state, or county office, if the nominating petition is for a state or county office, or for any municipal or township office, for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center, if the nominating petition is for a municipal or township office, or for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center.

**Section 2.** That existing sections 3311.053, 3505.03, 3505.04, 3513.04, 3513.052, and 3513.261 of the Revised Code are hereby repealed.

**Section 3.** That sections 3513.254, 3513.255, 3513.256, and 3513.259 of the Revised Code are hereby repealed.