

As Introduced

135th General Assembly

Regular Session

2023-2024

S. B. No. 201

Senator DeMora

Cosponsors: Senators Antonio, Craig, Smith, Hicks-Hudson, Sykes, Ingram

A BILL

To amend sections 3501.01, 3505.03, 3505.04, and 1
3513.257 of the Revised Code to require justice 2
of the Supreme Court and judge of court of 3
appeals candidates to appear on the nonpartisan 4
ballot with other judicial candidates. 5

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

Section 1. That sections 3501.01, 3505.03, 3505.04, and 6
3513.257 of the Revised Code be amended to read as follows: 7

Sec. 3501.01. As used in the sections of the Revised Code 8
relating to elections and political communications: 9

(A) "General election" means the election held on the 10
first Tuesday after the first Monday in each November. 11

(B) "Regular municipal election" means the election held 12
on the first Tuesday after the first Monday in November in each 13
odd-numbered year. 14

(C) "Regular state election" means the election held on 15
the first Tuesday after the first Monday in November in each 16
even-numbered year. 17

(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 or November, on the first Tuesday after the first
Monday in August in accordance with section 3501.022 of the
Revised Code, 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 49
the requirements set forth in section 3517.01 of the Revised 50
Code for the formation and existence of a political party. 51

(1) "Major political party" means any political party 52
organized under the laws of this state whose candidate for 53
governor or nominees for presidential electors received not less 54
than twenty per cent of the total vote cast for such office at 55
the most recent regular state election. 56

(2) "Minor political party" means any political party 57
organized under the laws of this state that meets either of the 58
following requirements: 59

(a) Except as otherwise provided in this division, the 60
political party's candidate for governor or nominees for 61
presidential electors received less than twenty per cent but not 62
less than three per cent of the total vote cast for such office 63
at the most recent regular state election. A political party 64
that meets the requirements of this division remains a political 65
party for a period of four years after meeting those 66
requirements. 67

(b) The political party has filed with the secretary of 68
state, subsequent to its failure to meet the requirements of 69
division (F) (2) (a) of this section, a petition that meets the 70
requirements of section 3517.01 of the Revised Code. 71

A newly formed political party shall be known as a minor 72
political party until the time of the first election for 73
governor or president which occurs not less than twelve months 74
subsequent to the formation of such party, after which election 75
the status of such party shall be determined by the vote for the 76
office of governor or president. 77

(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 ~~judge of a municipal court, county court, or court of common pleas~~ judicial office, 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 108
election as the nominee of a political party because the 109
candidate has won the primary election of the candidate's party 110
for the public office the candidate seeks, has been nominated 111
under section 3517.012, or is selected by party committee in 112
accordance with section 3513.31 of the Revised Code. 113

(L) "Officer of a political party" includes, but is not 114
limited to, any member, elected or appointed, of a controlling 115
committee, whether representing the territory of the state, a 116
district therein, a county, township, a city, a ward, a 117
precinct, or other territory, of a major or minor political 118
party. 119

(M) "Question or issue" means any question or issue 120
certified in accordance with the Revised Code for placement on 121
an official ballot at a general or special election to be held 122
in this state. 123

(N) "Elector" or "qualified elector" means a person having 124
the qualifications provided by law to be entitled to vote. 125

(O) "Voter" means an elector who votes at an election. 126

(P) "Voting residence" means that place of residence of an 127
elector which shall determine the precinct in which the elector 128
may vote. 129

(Q) "Precinct" means a district within a county 130
established by the board of elections of such county within 131
which all qualified electors having a voting residence therein 132
may vote at the same polling place. 133

(R) "Polling place" means that place provided for each 134
precinct at which the electors having a voting residence in such 135
precinct may vote. 136

(S) "Board" or "board of elections" means the board of 137
elections appointed in a county pursuant to section 3501.06 of 138
the Revised Code. 139

(T) "Political subdivision" means a county, township, 140
city, village, or school district. 141

(U) "Election officer" or "election official" means any of 142
the following: 143

(1) Secretary of state; 144

(2) Employees of the secretary of state serving the 145
division of elections in the capacity of attorney, 146
administrative officer, administrative assistant, elections 147
administrator, office manager, or clerical supervisor; 148

(3) Director of a board of elections; 149

(4) Deputy director of a board of elections; 150

(5) Member of a board of elections; 151

(6) Employees of a board of elections; 152

(7) Precinct election officials; 153

(8) Employees appointed by the boards of elections on a 154
temporary or part-time basis. 155

(V) "Acknowledgment notice" means a notice sent by a board 156
of elections, on a form prescribed by the secretary of state, 157
informing a voter registration applicant or an applicant who 158
wishes to change the applicant's residence or name of the status 159
of the application; the information necessary to complete or 160
update the application, if any; and if the application is 161
complete, the precinct in which the applicant is to vote. 162

(W) "Confirmation notice" means a notice sent by a board 163

of elections, on a form prescribed by the secretary of state, to 164
a registered elector to confirm the registered elector's current 165
address. 166

(X) "Designated agency" means an office or agency in the 167
state that provides public assistance or that provides state- 168
funded programs primarily engaged in providing services to 169
persons with disabilities and that is required by the National 170
Voter Registration Act of 1993 to implement a program designed 171
and administered by the secretary of state for registering 172
voters, or any other public or government office or agency that 173
implements a program designed and administered by the secretary 174
of state for registering voters, including the department of job 175
and family services, the program administered under section 176
3701.132 of the Revised Code by the department of health, the 177
department of mental health and addiction services, the 178
department of developmental disabilities, the opportunities for 179
Ohioans with disabilities agency, and any other agency the 180
secretary of state designates. "Designated agency" does not 181
include public high schools and vocational schools, public 182
libraries, or the office of a county treasurer. 183

(Y) "National Voter Registration Act of 1993" means the 184
"National Voter Registration Act of 1993," 107 Stat. 77, 42 185
U.S.C.A. 1973gg. 186

(Z) "Voting Rights Act of 1965" means the "Voting Rights 187
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 188

(AA) (1) "Photo identification" means one of the following 189
documents that includes the individual's name and photograph and 190
is not expired: 191

(a) An Ohio driver's license, state identification card, 192

or interim identification form issued by the registrar of motor 193
vehicles or a deputy registrar under Chapter 4506. or 4507. of 194
the Revised Code; 195

(b) A United States passport or passport card; 196

(c) A United States military identification card, Ohio 197
national guard identification card, or United States department 198
of veterans affairs identification card. 199

(2) A "copy" of an individual's photo identification means 200
images of both the front and back of a document described in 201
division (AA) (1) of this section, except that if the document is 202
a United States passport, a copy of the photo identification 203
means an image of the passport's identification page that 204
includes the individual's name, photograph, and other 205
identifying information and the passport's expiration date. 206

(BB) "Driver's license" means a license or permit issued 207
by the registrar or a deputy registrar under Chapter 4506. or 208
4507. of the Revised Code that authorizes an individual to 209
drive. "Driver's license" includes a driver's license, 210
commercial driver's license, probationary license, restricted 211
license, motorcycle operator's license, or temporary instruction 212
permit identification card. "Driver's license" does not include 213
a limited term license issued under section 4507.09 of the 214
Revised Code. 215

(CC) "State identification card" means a card issued by 216
the registrar or a deputy registrar under sections 4507.50 to 217
4507.52 of the Revised Code. 218

(DD) "Interim identification form" means the document 219
issued by the registrar or a deputy registrar to an applicant 220
for a driver's license or state identification card that 221

contains all of the information otherwise found on the license 222
or card and that an applicant may use as a form of 223
identification until the physical license or card arrives in the 224
mail. 225

Sec. 3505.03. (A) On the office type ballot shall be 226
printed the names of all candidates for election to offices, 227
~~except the office of judge of a municipal court, county court,~~ 228
~~or court of common pleas~~judicial offices, who were nominated at 229
the most recent primary election as candidates of a political 230
party or who were nominated in accordance with section 3513.02 231
of the Revised Code, and the names of all candidates for 232
election to offices who were nominated by nominating petitions, 233
except candidates for ~~the office of judge of a municipal court,~~ 234
~~county court, or court of common pleas~~judicial offices, for 235
member of the state board of education, for member of a board of 236
education, for municipal offices, and for township offices. 237

(B) The face of the ballot below the stub shall be 238
substantially in the following form: 239

"OFFICIAL OFFICE TYPE BALLOT 240

(1) To vote for a candidate record your vote in the manner 241
provided next to the name of such candidate. 242

(2) If you tear, soil, deface, or erroneously mark this 243
ballot, return it to the precinct election officers or, if you 244
cannot return it, notify the precinct election officers, and 245
obtain another ballot." 246

(C) The order in which the offices shall be listed on the 247
ballot shall be prescribed by, and certified to each board of 248
elections by, the secretary of state; provided that for state, 249
district, and county offices the order from top to bottom shall 250

be as follows: governor and lieutenant governor, attorney 251
general, auditor of state, secretary of state, treasurer of 252
state, ~~chief justice of the supreme court, justice of the~~ 253
~~supreme court,~~ United States senator, representative to 254
congress, state senator, state representative, ~~judge of a court~~ 255
~~of appeals,~~ county commissioner, county auditor, prosecuting 256
attorney, clerk of the court of common pleas, sheriff, county 257
recorder, county treasurer, county engineer, and coroner. The 258
offices of governor and lieutenant governor shall be printed on 259
the ballot in a manner that requires a voter to cast one vote 260
jointly for the candidates who have been nominated by the same 261
political party or petition. 262

~~(D) Within the rectangular space within which the title of~~ 263
~~each judicial office listed in division (C) of this section is~~ 264
~~printed on the ballot and immediately below the title shall be~~ 265
~~printed the date of the commencement of the term of the office,~~ 266
~~if it is a full term, as follows: "Full term commencing~~ 267
~~_____ (Date) _____," or the date of the end of the term of the~~ 268
~~office, if it is an unexpired term, as follows: "Unexpired term~~ 269
~~ending _____ (Date) _____"~~ 270

~~(E) (1)~~ (D) (1) The names of all candidates for an office 271
shall be arranged in a group under the title of that office, 272
and, except for absentee ballots or when the number of 273
candidates for a particular office is the same as the number of 274
candidates to be elected for that office, shall be rotated from 275
one precinct to another. On absentee ballots, the names of all 276
candidates for an office shall be arranged in a group under the 277
title of that office and shall be so alternated that each name 278
shall appear, insofar as may be reasonably possible, 279
substantially an equal number of times at the beginning, at the 280
end, and in each intermediate place, if any, of the group in 281

which such name belongs, unless the number of candidates for a 282
particular office is the same as the number of candidates to be 283
elected for that office. 284

(2) The method of printing the ballots to meet the 285
rotation requirement of this section shall be as follows: the 286
least common multiple of the number of names in each of the 287
several groups of candidates shall be used, and the number of 288
changes made in the printer's forms in printing the ballots 289
shall correspond with that multiple. The board of elections 290
shall number all precincts in regular serial sequence. In the 291
first precinct, the names of the candidates in each group shall 292
be listed in alphabetical order. In each succeeding precinct, 293
the name in each group that is listed first in the preceding 294
precinct shall be listed last, and the name of each candidate 295
shall be moved up one place. In each precinct using paper 296
ballots, the printed ballots shall then be assembled in tablets. 297

~~(F)~~ (E) Under the name of each candidate nominated at a 298
primary election, nominated by petition under section 3517.012 299
of the Revised Code, or certified by a party committee to fill a 300
vacancy under section 3513.31 of the Revised Code shall be 301
printed, in less prominent type face than that in which the 302
candidate's name is printed, the name of the political party by 303
which the candidate was nominated or certified. Under the name 304
of each candidate appearing on the ballot who filed a nominating 305
petition and requested a ballot designation as a nonparty 306
candidate under section 3513.257 of the Revised Code shall be 307
printed, in less prominent type face than that in which the 308
candidate's name is printed, the designation of "nonparty 309
candidate." Under the name of each candidate appearing on the 310
ballot who filed a nominating petition and requested a ballot 311
designation as an other-party candidate under section 3513.257 312

of the Revised Code shall be printed, in less prominent type 313
face than that in which the candidate's name is printed, the 314
designation of "other-party candidate." No designation shall 315
appear under the name of a candidate appearing on the ballot who 316
filed a nominating petition and requested that no ballot 317
designation appear under the candidate's name under section 318
3513.257 of the Revised Code, or who filed a nominating petition 319
and failed to request a ballot designation either as a nonparty 320
candidate or as an other-party candidate under that section. 321

~~(G)~~ (F) Except as provided in this section, no words, 322
designations, or emblems descriptive of a candidate or the 323
candidate's political affiliation, or indicative of the method 324
by which the candidate was nominated or certified, shall be 325
printed under or after a candidate's name that is printed on the 326
ballot. 327

Sec. 3505.04. On the nonpartisan ballot shall be printed 328
the names of all nonpartisan candidates for election to ~~the~~ 329
~~judicial office of judge of a municipal court, county court, or~~ 330
~~court of common pleas,~~ the office of member of the state board 331
of education, the office of member of a board of education, 332
municipal or township offices for municipal corporations and 333
townships in which primary elections are not held for nomination 334
of candidates by political parties, and municipal offices of 335
municipal corporations having charters which provide for 336
separate ballots for elections for such municipal offices. 337

Such ballots shall have printed across the top, and below 338
the stubs, "Official Nonpartisan Ballot." 339

The order in which the offices are listed on the ballot 340
shall be prescribed by, and certified to each board of elections 341
by, the secretary of state; provided that the office of member 342

of the state board of education shall be listed first on the 343
ballot, then state, district, and county judicial offices shall 344
be listed on the ballot in such order, followed by municipal and 345
township offices, and by offices of member of a board of 346
education, in the order stated. 347

Within the rectangular space within which the title of 348
each judicial office is printed on the ballot and immediately 349
below such title shall be printed the date of the commencement 350
of the term of the office, if a full term, as follows: "Full 351
term commencing _____ (Date) _____," or the date of the end of 352
the term of the office, if an unexpired term, as follows: 353
"Unexpired term ending _____ (Date) _____" 354

The secretary of state shall prescribe the information and 355
directions to the voter to be printed on the ballot within the 356
rectangular space in which the title of office of member of the 357
state board of education appears. 358

Within the rectangular space within which the title of 359
each office for member of a board of education is printed on the 360
ballot shall be printed "For Member of Board of Education," and 361
the number to be elected, directions to the voter as to voting 362
for one, two, or more, and, if the office to be voted for is 363
member of a board of education of a city school district, words 364
shall be printed in said space on the ballot to indicate whether 365
candidates are to be elected from subdistricts or at large. 366

The names of all nonpartisan candidates for an office 367
shall be arranged in a group under the title of that office, and 368
shall be rotated and printed on the ballot as provided in 369
section 3505.03 of the Revised Code. 370

No name or designation of any political party nor any 371

words, designations, or emblems descriptive of a candidate or 372
the candidate's political affiliation, or indicative of the 373
method by which such candidate was nominated or certified, shall 374
be printed under or after any nonpartisan candidate's name which 375
is printed on the ballot. 376

Sec. 3513.257. Each person desiring to become an 377
independent candidate for an office for which candidates may be 378
nominated at a primary election, except persons desiring to 379
become independent joint candidates for the offices of governor 380
and lieutenant governor and for the offices of president and 381
vice-president of the United States, shall file no later than 382
four p.m. of the day before the day of the primary election 383
immediately preceding the general election at which such 384
candidacy is to be voted for by the voters, a statement of 385
candidacy and nominating petition as provided in section 386
3513.261 of the Revised Code. Persons desiring to become 387
independent joint candidates for the offices of governor and 388
lieutenant governor shall file, not later than four p.m. of the 389
day before the day of the primary election, one statement of 390
candidacy and one nominating petition for the two of them. 391
Persons desiring to become independent joint candidates for the 392
offices of president and vice-president of the United States 393
shall file, not later than four p.m. of the ninetieth day before 394
the day of the general election at which the president and vice- 395
president are to be elected, one statement of candidacy and one 396
nominating petition for the two of them. The prospective 397
independent joint candidates' statement of candidacy shall be 398
filed with the nominating petition as one instrument. 399

The statement of candidacy and separate petition papers of 400
each candidate or pair of joint candidates shall be filed at the 401
same time as one instrument. 402

The nominating petition shall contain signatures of 403
qualified electors of the district, political subdivision, or 404
portion of a political subdivision in which the candidacy is to 405
be voted on in an amount to be determined as follows: 406

(A) If the candidacy is to be voted on by electors 407
throughout the entire state, the nominating petition, including 408
the nominating petition of independent joint candidates for the 409
offices of governor and lieutenant governor, shall be signed by 410
no less than five thousand qualified electors, provided that no 411
petition shall be accepted for filing if it purports to contain 412
more than fifteen thousand signatures. 413

(B) If the candidacy is to be voted on by electors in any 414
district, political subdivision, or part thereof in which less 415
than five thousand electors voted for the office of governor at 416
the most recent election for that office, the nominating 417
petition shall contain signatures of not less than twenty-five 418
qualified electors of the district, political subdivision, or 419
part thereof, or a number of qualified signatures equal to at 420
least five per cent of that vote, if this number is less than 421
twenty-five. 422

(C) If the candidacy is to be voted on by electors in any 423
district, political subdivision, or part thereof in which five 424
thousand or more electors voted for the office of governor at 425
the most recent election for that office, the nominating 426
petition shall contain a number of signatures equal to at least 427
one per cent of those electors. 428

All nominating petitions of candidates for offices to be 429
voted on by electors throughout the entire state shall be filed 430
in the office of the secretary of state. No nominating petition 431
for the offices of president and vice-president of the United 432

States shall be accepted for filing unless there is submitted to 433
the secretary of state, at the time of filing the petition, a 434
slate of presidential electors sufficient in number to satisfy 435
the requirement of the United States Constitution. The secretary 436
of state shall not accept for filing the statement of candidacy 437
of a person who desires to be an independent candidate for the 438
office of governor unless it also shows the joint candidacy of a 439
person who desires to be an independent candidate for the office 440
of lieutenant governor, shall not accept for filing the 441
statement of candidacy of a person who desires to be an 442
independent candidate for the office of lieutenant governor 443
unless it also shows the joint candidacy of a person who desires 444
to be an independent candidate for the office of governor, and 445
shall not accept for filing the statement of candidacy of a 446
person who desires to be an independent candidate to the office 447
of governor or lieutenant governor who, for the same election, 448
has already filed a declaration of candidacy, a declaration of 449
intent to be a write-in candidate, or a statement of candidacy, 450
or has become a candidate by the filling of a vacancy under 451
section 3513.30 of the Revised Code for any other state office 452
or any federal or county office. 453

Nominating petitions of candidates for offices to be voted 454
on by electors within a district or political subdivision 455
comprised of more than one county but less than all counties of 456
the state shall be filed with the boards of elections of that 457
county or part of a county within the district or political 458
subdivision which had a population greater than that of any 459
other county or part of a county within the district or 460
political subdivision according to the last federal decennial 461
census. 462

Nominating petitions for offices to be voted on by 463

electors within a county or district smaller than a county shall 464
be filed with the board of elections for such county. 465

No petition other than the petition of a candidate whose 466
candidacy is to be considered by electors throughout the entire 467
state shall be accepted for filing if it appears on its face to 468
contain more than three times the minimum required number of 469
signatures. A board of elections shall not accept for filing a 470
nominating petition of a person seeking to become a candidate if 471
that person, for the same election, has already filed a 472
declaration of candidacy, a declaration of intent to be a write- 473
in candidate, or a nominating petition, or has become a 474
candidate by the filling of a vacancy under section 3513.30 of 475
the Revised Code for any federal, state, or county office, if 476
the nominating petition is for a state or county office, or for 477
any municipal or township office, for member of a city, local, 478
or exempted village board of education, or for member of a 479
governing board of an educational service center, if the 480
nominating petition is for a municipal or township office, or 481
for member of a city, local, or exempted village board of 482
education, or for member of a governing board of an educational 483
service center. When a petition of a candidate has been accepted 484
for filing by a board of elections, the petition shall not be 485
deemed invalid if, upon verification of signatures contained in 486
the petition, the board of elections finds the number of 487
signatures accepted exceeds three times the minimum number of 488
signatures required. A board of elections may discontinue 489
verifying signatures when the number of verified signatures on a 490
petition equals the minimum required number of qualified 491
signatures. 492

~~Any nonjudicial candidate, other than a candidate for 493~~
~~judge of a municipal court, county court, or court of common 494~~

~~pleas,~~ who files a nominating petition may request, at the time 495
of filing, that the candidate be designated on the ballot as a 496
nonparty candidate or as an other-party candidate, or may 497
request that the candidate's name be placed on the ballot 498
without any designation. Any such candidate who fails to request 499
a designation either as a nonparty candidate or as an other- 500
party candidate shall have the candidate's name placed on the 501
ballot without any designation. 502

The purpose of establishing a filing deadline for 503
independent candidates prior to the primary election immediately 504
preceding the general election at which the candidacy is to be 505
voted on by the voters is to recognize that the state has a 506
substantial and compelling interest in protecting its electoral 507
process by encouraging political stability, ensuring that the 508
winner of the election will represent a majority of the 509
community, providing the electorate with an understandable 510
ballot, and enhancing voter education, thus fostering informed 511
and educated expressions of the popular will in a general 512
election. The filing deadline for independent candidates 513
required in this section prevents splintered parties and 514
unrestrained factionalism, avoids political fragmentation, and 515
maintains the integrity of the ballot. The deadline, one day 516
prior to the primary election, is the least drastic or 517
restrictive means of protecting these state interests. The 518
general assembly finds that the filing deadline for independent 519
candidates in primary elections required in this section is 520
reasonably related to the state's purpose of ensuring fair and 521
honest elections while leaving unimpaired the political, voting, 522
and associational rights secured by the first and fourteenth 523
amendments to the United States Constitution. 524

Section 2. That existing sections 3501.01, 3505.03, 525

3505.04, and 3513.257 of the Revised Code are hereby repealed.

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