

As Passed by the House

135th General Assembly

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Sub. S. B. No. 71

Senator Gavarone

Cosponsors: Senators Brenner, Cirino, Hackett, Hoagland, Johnson, Lang, Wilkin

Representatives Bird, Click, Daniels, Dobos, Edwards, Fischer, Ghanbari, Hall, Holmes, John, Jones, Kick, Mathews, Miller, K., Miller, M., Peterson, Plummer, Willis

A BILL

To amend sections 305.02, 3513.041, 3513.05, 1
3513.06, 3513.07, 3513.261, and 3513.271 and to 2
enact section 3513.053 of the Revised Code 3
regarding candidate nominations and party 4
central committees. 5

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

Section 1. That sections 305.02, 3513.041, 3513.05, 6
3513.06, 3513.07, 3513.261, and 3513.271 be amended and section 7
3513.053 of the Revised Code be enacted to read as follows: 8

Sec. 305.02. (A) If a vacancy in the office of county 9
commissioner, prosecuting attorney, county auditor, county 10
treasurer, clerk of the court of common pleas, sheriff, county 11
recorder, county engineer, or coroner occurs more than forty 12
days before the next general election for state and county 13
officers, a successor shall be elected at such election for the 14
unexpired term unless such term expires within one year 15
immediately following the date of such general election. 16

In either event, the vacancy shall be filled as provided 17
in this section and the appointee shall hold office until a 18
successor is elected and qualified. 19

(B) If a vacancy occurs from any cause in any of the 20
offices named in division (A) of this section, then not later 21
than forty-five days after the vacancy occurs, a person shall be 22
appointed to hold the office and to perform the duties thereof 23
until a successor is elected and has qualified. The appointment 24
shall be made as follows: 25

(1) If the last occupant of the office was elected as a 26
partisan candidate, the county central committee of the 27
political party that nominated the last occupant of the office 28
for the current term shall make the appointment. However, if 29
such vacancy occurs because of the death, resignation, or 30
inability to take the office of an officer-elect whose term has 31
not yet begun, and the officer-elect was elected as a partisan 32
candidate, an appointment to take such office at the beginning 33
of the term shall be made by the central committee of the 34
political party that nominated the officer-elect as a candidate 35
for that office for that term. 36

A county central committee that makes an appointment under 37
division (B)(1) of this section shall meet for that purpose not 38
less than five nor more than forty-five days after the vacancy 39
occurs. Not less than four days before the date of such meeting 40
the chairperson or secretary of such central committee shall 41
send by first class mail to every member of such central 42
committee a written notice which shall state the time and place 43
of such meeting and the purpose thereof. A majority of the 44
members of the central committee present at such meeting may 45
make the appointment. The central committee may use a secret 46

ballot process to make the appointment under division (B) (1) of 47
this section. 48

(2) If the last occupant of the office or the officer- 49
elect was elected to serve the current term as an independent 50
candidate, the board of county commissioners shall make the 51
appointment, except where the vacancy is in the office of county 52
commissioner, in which case the prosecuting attorney and the 53
remaining commissioners or a majority of them shall make the 54
appointment. 55

(C) Appointments made under this section shall be 56
certified by the appointing county central committee or by the 57
board of county commissioners to the county board of elections 58
and to the secretary of state, and the persons so appointed and 59
certified shall be entitled to all remuneration provided by law 60
for the offices to which they are appointed. 61

(D) The board of county commissioners may appoint a person 62
to hold any of the offices named in division (A) of this section 63
as an acting officer and to perform the duties thereof between 64
the occurrence of the vacancy and the time when the officer 65
appointed under division (B) of this section qualifies and takes 66
the office. 67

(E) A person appointed prosecuting attorney or assistant 68
prosecuting attorney shall give bond and take the oath of office 69
prescribed by section 309.03 of the Revised Code for the 70
prosecuting attorney. 71

Sec. 3513.041. A write-in space shall be provided on the 72
ballot for every office, except in an election for which the 73
board of elections has received no valid declarations of intent 74
to be a write-in candidate under this section. Write-in votes 75

shall not be counted for any candidate who has not filed a 76
declaration of intent to be a write-in candidate pursuant to 77
this section. A qualified person who has filed a declaration of 78
intent may receive write-in votes at either a primary or general 79
election. Any candidate shall file a declaration of intent to be 80
a write-in candidate before four p.m. of the seventy-second day 81
preceding the election at which such candidacy is to be 82
considered. If the election is to be determined by electors of a 83
county or a district or subdivision within the county, such 84
declaration shall be filed with the board of elections of that 85
county. If the election is to be determined by electors of a 86
subdivision located in more than one county, such declaration 87
shall be filed with the board of elections of the county in 88
which the major portion of the population of such subdivision is 89
located. If the election is to be determined by electors of a 90
district comprised of more than one county but less than all of 91
the counties of the state, such declaration shall be filed with 92
the board of elections of the most populous county in such 93
district. Any candidate for an office to be voted upon by 94
electors throughout the entire state shall file a declaration of 95
intent to be a write-in candidate with the secretary of state 96
before four p.m. of the seventy-second day preceding the 97
election at which such candidacy is to be considered. In 98
addition, candidates for president and vice-president of the 99
United States shall also file with the secretary of state by 100
that seventy-second day a slate of presidential electors 101
sufficient in number to satisfy the requirements of the United 102
States constitution. 103

A board of elections shall not accept for filing the 104
declaration of intent to be a write-in candidate of a person 105
seeking to become a candidate if that person, for the same 106

election, has already filed a declaration of candidacy, a 107
declaration of intent to be a write-in candidate, or a 108
nominating petition, or has become a candidate through party 109
nomination at a primary election or by the filling of a vacancy 110
under section 3513.30 or 3513.31 of the Revised Code, for any 111
federal, state, or county office, if the declaration of intent 112
to be a write-in candidate is for a state or county office, or 113
for any municipal or township office, for member of a city, 114
local, or exempted village board of education, or for member of 115
a governing board of an educational service center, if the 116
declaration of intent to be a write-in candidate is for a 117
municipal or township office, or for member of a city, local, or 118
exempted village board of education, or for member of a 119
governing board of an educational service center. 120

No person shall file a declaration of intent to be a 121
write-in candidate for the office of governor unless the 122
declaration also shows the intent of another person to be a 123
write-in candidate for the office of lieutenant governor. No 124
person shall file a declaration of intent to be a write-in 125
candidate for the office of lieutenant governor unless the 126
declaration also shows the intent of another person to be a 127
write-in candidate for the office of governor. No person shall 128
file a declaration of intent to be a write-in candidate for the 129
office of governor or lieutenant governor if the person has 130
previously filed a declaration of intent to be a write-in 131
candidate to the office of governor or lieutenant governor at 132
the same primary or general election. A write-in vote for the 133
two candidates who file such a declaration shall be counted as a 134
vote for them as joint candidates for the offices of governor 135
and lieutenant governor. 136

The secretary of state shall not accept for filing the 137

declaration of intent to be a write-in candidate of a person for 138
the office of governor unless the declaration also shows the 139
intent of another person to be a write-in candidate for the 140
office of lieutenant governor, shall not accept for filing the 141
declaration of intent to be a write-in candidate of a person for 142
the office of lieutenant governor unless the declaration also 143
shows the intent of another person to be a write-in candidate 144
for the office of governor, and shall not accept for filing the 145
declaration of intent to be a write-in candidate of a person to 146
the office of governor or lieutenant governor if that person, 147
for the same election, has already filed a declaration of 148
candidacy, a declaration of intent to be a write-in candidate, 149
or a nominating petition, or has become a candidate through 150
party nomination at a primary election or by the filling of a 151
vacancy under section 3513.30 or 3513.31 of the Revised Code, 152
for any other state office or any federal or county office. 153

~~Protests~~ Except as otherwise provided in section 3513.053 154
of the Revised Code, protests against the candidacy of any 155
person filing a declaration of intent to be a write-in candidate 156
may be filed by any qualified elector who is eligible to vote in 157
the election at which the candidacy is to be considered. The 158
protest shall be in writing and shall be filed not later than 159
four p.m. of the sixty-seventh day before the day of the 160
election. The protest shall be filed with the board of elections 161
with which the declaration of intent to be a write-in candidate 162
was filed. Upon the filing of the protest, the board with which 163
it is filed shall promptly fix the time for hearing it and shall 164
proceed in regard to the hearing in the same manner as for 165
hearings set for protests filed under section 3513.05 of the 166
Revised Code. At the time fixed, the board shall hear the 167
protest and determine the validity or invalidity of the 168

declaration of intent to be a write-in candidate. If the board 169
finds that the candidate is not an elector of the state, 170
district, county, or political subdivision in which the 171
candidate seeks election to office or has not fully complied 172
with the requirements of Title XXXV of the Revised Code in 173
regard to the candidate's candidacy, the candidate's declaration 174
of intent to be a write-in candidate shall be determined to be 175
invalid and shall be rejected; otherwise, it shall be determined 176
to be valid. The determination of the board is final. 177

The secretary of state shall prescribe the form of the 178
declaration of intent to be a write-in candidate. 179

Sec. 3513.05. Each person desiring to become a candidate 180
for a party nomination at a primary election or for election to 181
an office or position to be voted for at a primary election, 182
except persons desiring to become joint candidates for the 183
offices of governor and lieutenant governor and except as 184
otherwise provided in section 3513.051 of the Revised Code, 185
shall, not later than four p.m. of the ninetieth day before the 186
day of the primary election, file a declaration of candidacy and 187
petition and pay the fees required under divisions (A) and (B) 188
of section 3513.10 of the Revised Code. The declaration of 189
candidacy and all separate petition papers shall be filed at the 190
same time as one instrument. When the offices are to be voted 191
for at a primary election, persons desiring to become joint 192
candidates for the offices of governor and lieutenant governor 193
shall, not later than four p.m. of the ninetieth day before the 194
day of the primary election, comply with section 3513.04 of the 195
Revised Code. The prospective joint candidates' declaration of 196
candidacy and all separate petition papers of candidacies shall 197
be filed at the same time as one instrument. The secretary of 198
state or a board of elections shall not accept for filing a 199

declaration of candidacy and petition of a person seeking to 200
become a candidate if that person, for the same election, has 201
already filed a declaration of candidacy or a declaration of 202
intent to be a write-in candidate, or has become a candidate by 203
the filling of a vacancy under section 3513.30 of the Revised 204
Code for any federal, state, or county office, if the 205
declaration of candidacy is for a state or county office, or for 206
any municipal or township office, if the declaration of 207
candidacy is for a municipal or township office. 208

If the declaration of candidacy declares a candidacy which 209
is to be submitted to electors throughout the entire state, the 210
petition, including a petition for joint candidates for the 211
offices of governor and lieutenant governor, shall be signed by 212
at least one thousand qualified electors who are members of the 213
same political party as the candidate or joint candidates, and 214
the declaration of candidacy and petition shall be filed with 215
the secretary of state; provided that the secretary of state 216
shall not accept or file any such petition appearing on its face 217
to contain signatures of more than three thousand electors. 218

Except as otherwise provided in this paragraph, if the 219
declaration of candidacy is of one that is to be submitted only 220
to electors within a district, political subdivision, or portion 221
thereof, the petition shall be signed by not less than fifty 222
qualified electors who are members of the same political party 223
as the political party of which the candidate is a member. If 224
the declaration of candidacy is for party nomination as a 225
candidate for member of the legislative authority of a municipal 226
corporation elected by ward, the petition shall be signed by not 227
less than twenty-five qualified electors who are members of the 228
political party of which the candidate is a member. 229

No such petition, except the petition for a candidacy that 230
is to be submitted to electors throughout the entire state, 231
shall be accepted for filing if it appears to contain on its 232
face signatures of more than three times the minimum number of 233
signatures. When a petition of a candidate has been accepted for 234
filing by a board of elections, the petition shall not be deemed 235
invalid if, upon verification of signatures contained in the 236
petition, the board of elections finds the number of signatures 237
accepted exceeds three times the minimum number of signatures 238
required. A board of elections may discontinue verifying 239
signatures on petitions when the number of verified signatures 240
equals the minimum required number of qualified signatures. 241

If the declaration of candidacy declares a candidacy for 242
party nomination or for election as a candidate of a minor 243
party, the minimum number of signatures on such petition is one- 244
half the minimum number provided in this section, except that, 245
when the candidacy is one for election as a member of the state 246
central committee or the county central committee of a political 247
party, the minimum number shall be the same for a minor party as 248
for a major party. 249

If a declaration of candidacy is one for election as a 250
member of the state central committee or the county central 251
committee of a political party, the petition shall be signed by 252
five qualified electors of the district, county, ward, township, 253
or precinct within which electors may vote for such candidate. 254
The electors signing such petition shall be members of the same 255
political party as the political party of which the candidate is 256
a member. 257

For purposes of signing or circulating a petition of 258
candidacy for party nomination or election, an elector is 259

considered to be a member of a political party if the elector 260
voted in that party's primary election within the preceding two 261
calendar years, or if the elector did not vote in any other 262
party's primary election within the preceding two calendar 263
years. 264

If the declaration of candidacy is of one that is to be 265
submitted only to electors within a county, or within a district 266
or subdivision or part thereof smaller than a county, the 267
petition shall be filed with the board of elections of the 268
county. If the declaration of candidacy is of one that is to be 269
submitted only to electors of a district or subdivision or part 270
thereof that is situated in more than one county, the petition 271
shall be filed with the board of elections of the county within 272
which the major portion of the population thereof, as 273
ascertained by the next preceding federal census, is located. 274

A petition shall consist of separate petition papers, each 275
of which shall contain signatures of electors of only one 276
county. Petitions or separate petition papers containing 277
signatures of electors of more than one county shall not thereby 278
be declared invalid. In case petitions or separate petition 279
papers containing signatures of electors of more than one county 280
are filed, the board shall determine the county from which the 281
majority of signatures came, and only signatures from such 282
county shall be counted. Signatures from any other county shall 283
be invalid. 284

Each separate petition paper shall be circulated by one 285
person only, who shall be the candidate or a joint candidate or 286
a member of the same political party as the candidate or joint 287
candidates, and each separate petition paper shall be governed 288
by the rules set forth in section 3501.38 of the Revised Code. 289

The secretary of state shall promptly transmit to each 290
board such separate petition papers of each petition 291
accompanying a declaration of candidacy filed with the secretary 292
of state as purport to contain signatures of electors of the 293
county of such board. The board of the most populous county of a 294
district shall promptly transmit to each board within such 295
district such separate petition papers of each petition 296
accompanying a declaration of candidacy filed with it as purport 297
to contain signatures of electors of the county of each such 298
board. The board of a county within which the major portion of 299
the population of a subdivision, situated in more than one 300
county, is located, shall promptly transmit to the board of each 301
other county within which a portion of such subdivision is 302
located such separate petition papers of each petition 303
accompanying a declaration of candidacy filed with it as purport 304
to contain signatures of electors of the portion of such 305
subdivision in the county of each such board. 306

All petition papers so transmitted to a board and all 307
petitions accompanying declarations of candidacy filed with a 308
board shall, under proper regulations, be open to public 309
inspection until four p.m. of the eightieth day before the day 310
of the next primary election. Each board shall, not later than 311
the seventy-eighth day before the day of that primary election, 312
examine and determine the validity or invalidity of the 313
signatures on the petition papers so transmitted to or filed 314
with it and shall return to the secretary of state all petition 315
papers transmitted to it by the secretary of state, together 316
with its certification of its determination as to the validity 317
or invalidity of signatures thereon, and shall return to each 318
other board all petition papers transmitted to it by such board, 319
together with its certification of its determination as to the 320

validity or invalidity of the signatures thereon. All other 321
matters affecting the validity or invalidity of such petition 322
papers shall be determined by the secretary of state or the 323
board with whom such petition papers were filed. 324

Protests—Except as otherwise provided in section 3513.053 325
of the Revised Code, protests against the candidacy of any 326
person filing a declaration of candidacy for party nomination or 327
for election to an office or position, as provided in this 328
section, may be filed by any qualified elector who is a member 329
of the same political party as the candidate and who is eligible 330
to vote at the primary election for the candidate whose 331
declaration of candidacy the elector objects to, or by the 332
controlling committee of that political party. The protest shall 333
be in writing, and shall be filed not later than four p.m. of 334
the seventy-fourth day before the day of the primary election. 335
The protest shall be filed with the election officials with whom 336
the declaration of candidacy and petition was filed. Upon the 337
filing of the protest, the election officials with whom it is 338
filed shall promptly fix the time for hearing it, and shall 339
forthwith mail notice of the filing of the protest and the time 340
fixed for hearing to the person whose candidacy is so protested. 341
They shall also forthwith mail notice of the time fixed for such 342
hearing to the person who filed the protest. At the time fixed, 343
such election officials shall hear the protest and determine the 344
validity or invalidity of the declaration of candidacy and 345
petition. If they find that such candidate is not an elector of 346
the state, district, county, or political subdivision in which 347
the candidate seeks a party nomination or election to an office 348
or position, or has not fully complied with this chapter, the 349
candidate's declaration of candidacy and petition shall be 350
determined to be invalid and shall be rejected; otherwise, it 351

shall be determined to be valid. That determination shall be 352
final. 353

A protest against the candidacy of any persons filing a 354
declaration of candidacy for joint party nomination to the 355
offices of governor and lieutenant governor shall be filed, 356
heard, and determined in the same manner as a protest against 357
the candidacy of any person filing a declaration of candidacy 358
singly. 359

The secretary of state shall, on the seventieth day before 360
the day of a primary election, certify to each board in the 361
state the forms of the official ballots to be used at the 362
primary election, together with the names of the candidates to 363
be printed on the ballots whose nomination or election is to be 364
determined by electors throughout the entire state and who filed 365
valid declarations of candidacy and petitions. 366

The board of the most populous county in a district 367
comprised of more than one county but less than all of the 368
counties of the state shall, on the seventieth day before the 369
day of a primary election, certify to the board of each county 370
in the district the names of the candidates to be printed on the 371
official ballots to be used at the primary election, whose 372
nomination or election is to be determined only by electors 373
within the district and who filed valid declarations of 374
candidacy and petitions. 375

The board of a county within which the major portion of 376
the population of a subdivision smaller than the county and 377
situated in more than one county is located shall, on the 378
seventieth day before the day of a primary election, certify to 379
the board of each county in which a portion of that subdivision 380
is located the names of the candidates to be printed on the 381

official ballots to be used at the primary election, whose 382
nomination or election is to be determined only by electors 383
within that subdivision and who filed valid declarations of 384
candidacy and petitions. 385

Sec. 3513.053. Notwithstanding any provision of section 386
3513.041 or 3513.05 of the Revised Code to the contrary, any 387
elector who is eligible to vote at the general election for an 388
office may file a protest under those sections against a 389
person's candidacy for a political party's nomination for the 390
office on the ground that, if elected to the office, the person 391
would be ineligible to hold the office for any of the following 392
reasons: 393

(A) The person is not a United States citizen. 394

(B) The person would not have attained the minimum age to 395
hold the office. 396

(C) The person would exceed an applicable term limit or 397
age limit. 398

(D) The person would be ineligible to hold the office by 399
reason of a criminal conviction. 400

(E) The person is in violation of section 3513.052 or 401
3513.271 of the Revised Code. 402

Sec. 3513.06. If any person desiring to become a candidate 403
for public office has had a change of name within five years 404
immediately preceding the filing of the person's declaration of 405
candidacy, the person's declaration of candidacy and petition 406
shall both contain, immediately following the person's present 407
name, on a space provided for the purpose, the person's former 408
names. Any person who has been elected under the person's 409
changed name, without submission of the person's former name, 410

shall be immediately suspended from the office and the office 411
declared vacated, and shall be liable to the state for any 412
salary ~~he~~ the person has received while holding such office. The 413
attorney general in the case of candidates for state offices, 414
the prosecuting attorney of the most populous county in a 415
district in the case of candidates for district offices, and the 416
prosecuting attorney of the county in the case of all other 417
candidates shall institute necessary action to enforce this 418
section. 419

This section does not apply to a change of name by reason 420
of marriage; to a candidate for a state office who has once 421
complied with this section and who has previously been elected 422
to a state office; to a candidate for a district office who has 423
once complied with this section and who has previously been 424
elected to a state or district office; to a candidate for a 425
county office who has once complied with this section and has 426
previously been elected to a state, district, or county office; 427
to a candidate for a municipal office who has once complied with 428
this section and has previously been elected to a municipal 429
office; or to a candidate for a township office who has once 430
complied with this section and has previously been elected to a 431
township office; provided that such previous election was one at 432
which ~~his~~ the candidate's candidacy complied with this section. 433

Sec. 3513.07. The form of declaration of candidacy and 434
petition of a person desiring to be a candidate for a party 435
nomination or a candidate for election to an office or position 436
to be voted for at a primary election shall be substantially as 437
follows: 438

"DECLARATION OF CANDIDACY PARTY PRIMARY ELECTION 439

I, _____ (Name of Candidate), the 440

undersigned, formerly _____ (any former
names used by the Candidate within the last five years, except
where the change of name was the result of marriage), hereby
declare under penalty of election falsification that my voting
residence is in _____ precinct of the
_____ (Township) or (Ward and City or
Village) in the county of _____, Ohio; that my voting
residence is _____ (Street and Number, if any, or
Rural Route and Number) of the _____
(City or Village) of _____, Ohio; and that I am a
qualified elector in the precinct in which my voting residence
is located. I am a member of the _____ Party. I hereby
declare that I desire to be _____ (a candidate
for nomination as a candidate of the Party for election to the
office of _____) (a candidate for election to the office
or position of _____) for the _____ in the
state, district, (Full term or unexpired term ending
_____) county, city, or village of
_____, at the primary election to be held on the
_____ day of _____, _____, and I hereby request that
my name be printed upon the official primary election ballot of
the said _____ Party as a candidate for _____ (such
nomination) or (such election) as provided by law.

I further declare that, if elected to said office or
position, I will qualify therefor, and that I will support and
abide by the principles enunciated by the _____ Party.

Dated this _____ day of _____, _____

(Signature of candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 470
FELONY OF THE FIFTH DEGREE. 471

PETITION OF CANDIDATE 472

We, the undersigned, qualified electors of the state of 473
Ohio, whose voting residence is in the county, city, village, 474
ward, township, or school district, and precinct set opposite 475
our names, and members of the 476

_____ Party, hereby certify 477
that _____ (Name of candidate), formerly 478
_____ (any former names used by the 479
candidate within the last five years, except where the change of 480
name was the result of marriage), whose declaration of candidacy 481
is filed herewith, is a member of the _____ Party, and 482
is, in our opinion, well qualified to perform the duties of the 483
office or position to which that candidate desires to be 484
elected. 485

Street City, 486
and Village or 487
Signature Number Township Ward Precinct County Date 488

(Must use address on file with the board of elections) 489

_____ 490
_____ 491
_____ 492

_____ (Name of circulator 493
of petition), declares under penalty of election falsification 494
that the circulator of the petition is a qualified elector of 495
the state of Ohio and resides at the address appearing below the 496
signature of that circulator; that the circulator is a member of 497
the _____ Party; that the circulator is the circulator of 498

the foregoing petition paper containing _____ (Number) 499
signatures; that the circulator witnessed the affixing of every 500
signature; that all signers were to the best of the circulator's 501
knowledge and belief qualified to sign; and that every signature 502
is to the best of the circulator's knowledge and belief the 503
signature of the person whose signature it purports to be or of 504
an attorney in fact acting pursuant to section 3501.382 of the 505
Revised Code. 506

_____ 507

(Signature of circulator) 508

_____ 509

(Address of circulator's 510

permanent residence in this 511

state) 512

_____ 513

(If petition is for a 514

statewide candidate, the 515

name and address of person 516

employing to circulate 517

petition, if any) 518

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 519
FELONY OF THE FIFTH DEGREE." 520

The secretary of state shall prescribe a form of 521
declaration of candidacy and petition, and the form shall be 522
substantially similar to the declaration of candidacy and 523
petition set forth in this section, that will be suitable for 524

joint candidates for the offices of governor and lieutenant 525
governor. 526

The petition provided for in this section shall be 527
circulated only by a member of the same political party as the 528
candidate. 529

Sec. 3513.261. A nominating petition may consist of one or 530
more separate petition papers, each of which shall be 531
substantially in the form prescribed in this section. If the 532
petition consists of more than one separate petition paper, the 533
statement of candidacy of the candidate or joint candidates 534
named need be signed by the candidate or joint candidates on 535
only one of such separate petition papers, but the statement of 536
candidacy so signed shall be copied on each other separate 537
petition paper before the signatures of electors are placed on 538
it. Each nominating petition containing signatures of electors 539
of more than one county shall consist of separate petition 540
papers each of which shall contain signatures of electors of 541
only one county; provided that petitions containing signatures 542
of electors of more than one county shall not thereby be 543
declared invalid. In case petitions containing signatures of 544
electors of more than one county are filed, the board of 545
elections shall determine the county from which the majority of 546
the signatures came, and only signatures from this county shall 547
be counted. Signatures from any other county shall be invalid. 548

All signatures on nominating petitions shall be written in 549
ink or indelible pencil. 550

At the time of filing a nominating petition, the candidate 551
designated in the nominating petition, and joint candidates for 552
governor and lieutenant governor, shall pay to the election 553
officials with whom it is filed the fees specified for the 554

office under divisions (A) and (B) of section 3513.10 of the Revised Code. The fees shall be disposed of by those election officials in the manner that is provided in section 3513.10 of the Revised Code for the disposition of other fees, and in no case shall a fee required under that section be returned to a candidate.

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

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

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

"STATEMENT OF CANDIDACY

I, _____ (Name of candidate), formerly _____ (any former names used by the Candidate within the last five years, except where the change of name was the result of marriage), the undersigned, hereby declare under penalty of election falsification that my voting residence is in _____

_____ Precinct of the _____ (Township) 584
or (Ward and City, or Village) in the county of _____ 585
Ohio; that my post-office address is 586
_____ (Street and Number, if any, or 587
Rural Route and Number) of the _____ 588
(City, Village, or post office) of _____, Ohio; 589
and that I am a qualified elector in the precinct in which my 590
voting residence is located. I hereby declare that I desire to 591
be a candidate for election to the office of _____ in 592
the _____ (State, District, County, City, 593
Village, Township, or School District) for the 594
_____ (Full term or unexpired 595
term ending _____) at the General Election to be held 596
on the _____ day of _____, ____ 597

I further declare that I am an elector qualified to vote 598
for the office I seek. Dated this _____ day of _____, 599
_____ 600

_____ 601
(Signature of candidate) 602

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 603
FELONY OF THE FIFTH DEGREE. 604

I, _____, hereby constitute 605
the persons named below a committee to represent me: 606

Name	Residence	
_____	_____	607
_____	_____	608
_____	_____	609
_____	_____	610

_____ 611
_____ 612

NOMINATING PETITION 613

We, the undersigned, qualified electors of the state of 614
Ohio, whose voting residence is in the County, City, Village, 615
Ward, Township or Precinct set opposite our names, hereby 616
nominate _____, formerly 617
_____ (any former names used by the 618
candidate within the last five years, except where the change of 619
name was the result of marriage), as a candidate for election to 620
the office of _____ in the 621
_____ (State, District, County, City, 622
Village, Township, or School District) for the _____ 623
(Full term or unexpired term ending _____) to be 624
voted for at the general election next hereafter to be held, and 625
certify that this person is, in our opinion, well qualified to 626
perform the duties of the office or position to which the person 627
desires to be elected. 628

629

- | | | | | | | | |
|---|---|-----------|---|---|---|---|---|
| | 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

_____ 630

_____ 631

_____ 632

_____, declares under penalty of election 633
falsification that such person is a qualified elector of the 634
state of Ohio and resides at the address appearing below such 635
person's signature hereto; that such person is the circulator of 636
the foregoing petition paper containing _____ 637
signatures; that such person witnessed the affixing of every 638
signature; that all signers were to the best of such person's 639
knowledge and belief qualified to sign; and that every signature 640
is to the best of such person's knowledge and belief the 641
signature of the person whose signature it purports to be or of 642
an attorney in fact acting pursuant to section 3501.382 of the 643
Revised Code. 644

_____ 645

(Signature of circulator) 646

_____ 647

(Address of circulator's 648

permanent residence 649

in this state) 650

_____ 651

(If petition is for a statewide 652

candidate, the name and address 653

of person employing circulator 654

to circulate petition, if any) 655

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 656

FELONY OF THE FIFTH DEGREE." 657

The secretary of state shall prescribe a form of 658

nominating petition for a group of candidates for the office of 659

member of a board of education, township office, and offices of 660

municipal corporations of under two thousand population. 661

The secretary of state shall prescribe a form of statement 662

of candidacy and nominating petition, which shall be 663

substantially similar to the form of statement of candidacy and 664

nominating petition set forth in this section, that will be 665

suitable for joint candidates for the offices of governor and 666

lieutenant governor. 667

If such petition nominates a candidate whose election is 668

to be determined by the electors of a county or a district or 669

subdivision within the county, it shall be filed with the board 670

of such county. If the petition nominates a candidate whose 671

election is to be determined by the voters of a subdivision 672

located in more than one county, it shall be filed with the 673

board of the county in which the major portion of the population 674

of such subdivision is located. 675

If the petition nominates a candidate whose election is to 676

be determined by the electors of a district comprised of more 677
than one county but less than all of the counties of the state, 678
it shall be filed with the board of elections of the most 679
populous county in such district. If the petition nominates a 680
candidate whose election is to be determined by the electors of 681
the state at large, it shall be filed with the secretary of 682
state. 683

The secretary of state or a board of elections shall not 684
accept for filing a nominating petition of a person seeking to 685
become a candidate if that person, for the same election, has 686
already filed a declaration of candidacy, a declaration of 687
intent to be a write-in candidate, or a nominating petition, or 688
has become a candidate through party nomination at a primary 689
election or by the filling of a vacancy under section 3513.30 or 690
3513.31 of the Revised Code for any federal, state, or county 691
office, if the nominating petition is for a state or county 692
office, or for any municipal or township office, for member of a 693
city, local, or exempted village board of education, or for 694
member of a governing board of an educational service center, if 695
the nominating petition is for a municipal or township office, 696
or for member of a city, local, or exempted village board of 697
education, or for member of a governing board of an educational 698
service center. 699

Sec. 3513.271. If any person desiring to become a 700
candidate for public office has had a change of name within five 701
years immediately preceding the filing of his the person's 702
statement of candidacy, both his the person's statement of 703
candidacy and nominating petition must contain, immediately 704
following the person's present name, on a space provided for the 705
purpose, the person's former names. Any person who has been 706
elected under the person's changed name, without submission of 707

the person's former name, shall be immediately suspended from 708
the office and the office declared vacated, and shall be liable 709
to the state for any salary the person has received while 710
holding such office. The attorney general in the case of 711
candidates for state offices, the prosecuting attorney of the 712
most populous county in a district in the case of candidates for 713
district offices, and the prosecuting attorney of the county in 714
the case of all other candidates shall institute necessary 715
action to enforce this section. 716

This section does not apply to a change of name by reason 717
of marriage; to a candidate for a state office who has once 718
complied with this section and who has previously been elected 719
to a state office; to a candidate for a district office who has 720
once complied with this section and who has previously been 721
elected to a state or district office; to a candidate for a 722
county office who has once complied with this section and has 723
previously been elected to a state, district, or county office; 724
to a candidate for a municipal office who has once complied with 725
this section and has previously been elected to a municipal 726
office; or to a candidate for a township office who has once 727
complied with this section and has previously been elected to a 728
township office; provided that such previous election was one at 729
which ~~his~~ the person's candidacy complied with this section. 730

Section 2. That existing sections 305.02, 3513.041, 731
3513.05, 3513.06, 3513.07, 3513.261, and 3513.271 of the Revised 732
Code are hereby repealed. 733