

**As Introduced**

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

**S. B. No. 92**

**Senators McColley, Gavarone**

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**A BILL**

To amend section 3501.022 of the Revised Code to  
allow a special election to be held in August  
for certain purposes and to make an  
appropriation.

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

**Section 1.** That section 3501.022 of the Revised Code be  
amended to read as follows:

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**Sec. 3501.022.** ~~(A) A political subdivision or taxing~~  
~~authority may hold a special election~~ may be held on the first  
Tuesday after the first Monday in August under any of the  
following circumstances:

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(A) (1) A political subdivision or taxing authority may  
hold a special election on that day for an office, question, or  
issue if the political subdivision is under a fiscal emergency  
under section 118.03 of the Revised Code, or the taxing  
authority that is a school district is under a fiscal emergency  
under division (B) of section 3316.03 of the Revised Code, at  
the time the board of elections certifies the office, question,  
or issue for placement on the ballot for that special election.

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~~(B) (2)~~ The deadlines applicable to a special election

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held by a political subdivision or taxing authority under 20  
division ~~(A)~~ (A) (1) of this section shall be the same as the 21  
deadlines specified to place the office, question, or issue on 22  
the ballot on the day of a primary or general election. 23

~~(C)~~ (3) The entire cost of a special election held under 24  
division (A) of this section shall be charged to the political 25  
subdivision or taxing authority in accordance with division (D) 26  
of section 3501.17 of the Revised Code. 27

(B) A special election may be held on that day for the 28  
purpose of submitting a statewide ballot issue to the voters 29  
under Section 1 of Article XVI, Ohio Constitution. 30

(C) A special election may be held on that day if 31  
authorized under section 3513.301, 3513.312, 3513.32, or 3521.03 32  
of the Revised Code. 33

**Section 2.** That existing section 3501.022 of the Revised 34  
Code is hereby repealed. 35

**Section 3.** All items in this act are hereby appropriated 36  
as designated out of any moneys in the state treasury to the 37  
credit of the designated fund. For all operating appropriations 38  
made in this act, those in the first column are for fiscal year 39  
2022 and those in the second column are for fiscal year 2023. 40  
The operating appropriations made in this act are in addition to 41  
any other operating appropriations made for these fiscal years. 42

**Section 4.** 43

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A	SOS SECRETARY OF STATE			
B	Dedicated Purpose Fund Group			
C	5FG0	050620	BOE Reimbursement and Education	\$0 \$20,000,000
D	TOTAL Dedicated Purpose Fund Group			\$0 \$20,000,000
E	TOTAL ALL BUDGET FUND GROUPS			\$0 \$20,000,000

BOE REIMBURSEMENT AND EDUCATION 45

The foregoing appropriation item 050620, BOE Reimbursement and Education, shall be used to provide financial assistance to boards of elections to conduct a special election on August 8, 2023, in accordance with section 3501.022 of the Revised Code, as amended by this act. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050620, BOE Reimbursement and Education, at the end of fiscal year 2023 is hereby reappropriated to the Secretary of State for the same purpose in fiscal year 2024. 46  
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On the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$20,000,000 cash from the General Revenue Fund to the BOE Reimbursement and Education Fund (Fund 5FG0). 55  
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On December 31, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer cash in an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050620, BOE Reimbursement and Education, as of December 31, 2023, from the BOE Reimbursement and Education Fund (Fund 5FG0) to the General Revenue Fund. 59  
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**Section 5.** Within the limits set forth in this act, the 65

Director of Budget and Management shall establish accounts 66  
indicating the source and amount of funds for each appropriation 67  
made in this act, and shall determine the manner in which 68  
appropriation accounts shall be maintained. Expenditures from 69  
operating appropriations contained in this act shall be 70  
accounted for as though made in, and are subject to all 71  
applicable provisions of, H.B. 110 of the 134th General 72  
Assembly. 73