

As Passed by the Senate

135th General Assembly

Regular Session

2023-2024

Sub. S. B. No. 92

Senators McColley, Gavarone

**Cosponsors: Senators Brenner, Cirino, Hoagland, Huffman, S., Lang, O'Brien,
Wilson**

A BILL

To amend section 3501.022 of the Revised Code to 1
allow a special election to be held in August 2
for certain purposes, to require a special 3
election to be held on August 8, 2023, and to 4
make an appropriation. 5

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

Section 1. That section 3501.022 of the Revised Code be 6
amended to read as follows: 7

Sec. 3501.022. ~~(A) A political subdivision or taxing~~ 8
~~authority may hold a special election~~ may be held on the first 9
Tuesday after the first Monday in August under any of the 10
following circumstances: 11

(A) (1) A political subdivision or taxing authority may 12
hold a special election on that day for an office, question, or 13
issue if the political subdivision is under a fiscal emergency 14
under section 118.03 of the Revised Code, or the taxing 15
authority that is a school district is under a fiscal emergency 16
under division (B) of section 3316.03 of the Revised Code, at 17

the time the board of elections certifies the office, question, 18
or issue for placement on the ballot for that special election. 19

~~(B)~~ (2) The deadlines applicable to a special election 20
held by a political subdivision or taxing authority under 21
division ~~(A)~~ (A) (1) of this section shall be the same as the 22
deadlines specified to place the office, question, or issue on 23
the ballot on the day of a primary or general election. 24

~~(C)~~ (3) The entire cost of a special election held under 25
division (A) of this section shall be charged to the political 26
subdivision or taxing authority in accordance with division (D) 27
of section 3501.17 of the Revised Code. 28

(B) A special election may be held on that day for the 29
purpose of submitting a statewide ballot issue to the voters 30
under Section 1 of Article XVI, Ohio Constitution. 31

(C) A special election may be held on that day if 32
authorized under section 3513.301, 3513.312, 3513.32, or 3521.03 33
of the Revised Code. 34

Section 2. That existing section 3501.022 of the Revised 35
Code is hereby repealed. 36

Section 3. Notwithstanding any contrary provision of 37
existing section 3501.022 or section 3501.01 of the Revised 38
Code, a special election shall be held on August 8, 2023, for 39
the purpose of submitting a statewide ballot issue to the voters 40
under Ohio Constitution, Article XVI, Section 1. No other 41
office, question, or issue shall appear on the ballot at the 42
special election, except as authorized under existing section 43
3501.022 or section 3513.32 or 3521.03 of the Revised Code. The 44
special election shall be conducted in accordance with all 45
applicable provisions of Title XXXV of the Revised Code. 46

Section 4. All items in Section 5 of this act are hereby 47
 appropriated as designated out of any moneys in the state 48
 treasury to the credit of the designated fund. For all operating 49
 appropriations made in this act, those in the first column are 50
 for fiscal year 2022 and those in the second column are for 51
 fiscal year 2023. The operating appropriations made in this act 52
 are in addition to any other operating appropriations made for 53
 these fiscal years. 54

Section 5. 55

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	1	2	3	4	5
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 57

The foregoing appropriation item 050620, BOE Reimbursement 58
 and Education, shall be used to provide financial assistance to 59
 boards of elections to conduct a special election on August 8, 60
 2023, in accordance with Section 3 of this act. An amount equal 61
 to the unexpended, unencumbered portion of the foregoing 62
 appropriation item 050620, BOE Reimbursement and Education, at 63
 the end of fiscal year 2023 is hereby reappropriated to the 64

Secretary of State for the same purpose in fiscal year 2024. 65

On the effective date of this section, or as soon as 66
possible thereafter, the Director of Budget and Management shall 67
transfer \$20,000,000 cash from the General Revenue Fund to the 68
BOE Reimbursement and Education Fund (Fund 5FG0). 69

On December 31, 2023, or as soon as possible thereafter, 70
the Director of Budget and Management shall transfer cash in an 71
amount equal to the unexpended, unencumbered portion of the 72
foregoing appropriation item 050620, BOE Reimbursement and 73
Education, as of December 31, 2023, from the BOE Reimbursement 74
and Education Fund (Fund 5FG0) to the General Revenue Fund. 75

Section 6. Within the limits set forth in this act, the 76
Director of Budget and Management shall establish accounts 77
indicating the source and amount of funds for each appropriation 78
made in this act, and shall determine the manner in which 79
appropriation accounts shall be maintained. Expenditures from 80
operating appropriations contained in this act shall be 81
accounted for as though made in, and are subject to all 82
applicable provisions of, H.B. 110 of the 134th General 83
Assembly. 84

Section 7. Sections 3, 4, 5, and 6 of this act are exempt 85
from the referendum under Ohio Constitution, Article II, Section 86
1d and section 1.471 of the Revised Code and therefore take 87
effect immediately when this act becomes law. 88