

**As Reported by the House Government Oversight Committee**

**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**

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**A BILL**

To amend section 3505.10 of the Revised Code to 1  
modify the deadline for a political party to 2  
certify its nominees for President and Vice- 3  
President to the Secretary of State. 4

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

**Section 1.** That section 3505.10 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 3505.10.** (A) On the presidential ballot below the 7  
stubs at the top of the face of the ballot shall be printed 8  
"Official Presidential Ballot" centered between the side edges 9  
of the ballot. Below "Official Presidential Ballot" shall be 10  
printed a heavy line centered between the side edges of the 11  
ballot. Below the line shall be printed "Instruction to Voters" 12  
centered between the side edges of the ballot, and below those 13  
words shall be printed the following instructions: 14

"(1) To vote for the candidates for president and vice- 15  
president whose names are printed below, record your vote in the 16  
manner provided next to the names of such candidates. That 17

recording of the vote will be counted as a vote for each of the 18  
candidates for presidential elector whose names have been 19  
certified to the secretary of state and who are members of the 20  
same political party as the nominees for president and vice- 21  
president. A recording of the vote for independent candidates 22  
for president and vice-president shall be counted as a vote for 23  
the presidential electors filed by such candidates with the 24  
secretary of state. 25

(2) To vote for candidates for president and vice- 26  
president in the blank space below, record your vote in the 27  
manner provided and write the names of your choice for president 28  
and vice-president under the respective headings provided for 29  
those offices. Such write-in will be counted as a vote for the 30  
candidates' presidential electors whose names have been properly 31  
certified to the secretary of state. 32

(3) If you tear, soil, deface, or erroneously mark this 33  
ballot, return it to the precinct election officers or, if you 34  
cannot return it, notify the precinct election officers, and 35  
obtain another ballot." 36

~~(B)~~ (B) (1) Below those instructions to the voter shall be 37  
printed a single vertical column of enclosed rectangular spaces 38  
equal in number to the number of presidential candidates plus 39  
one additional space for write-in candidates. Each of those 40  
rectangular spaces shall be enclosed by a heavy line along each 41  
of its four sides, and such spaces shall be separated from each 42  
other by one-half inch of open space. 43

In each of those enclosed rectangular spaces, except the 44  
space provided for write-in candidates, shall be printed the 45  
names of the candidates for president and vice-president 46  
certified to the secretary of state or nominated in one of the 47

following manners: 48

~~(1)~~ (a) Nominated by the national convention of a 49  
political party to which delegates and alternates were elected 50  
in this state at the next preceding primary election. ~~A~~ 51

(i) Except as otherwise provided in division (B) (1) (a) (ii) 52  
of this section, a political party certifying candidates so 53  
nominated shall certify the names of those candidates to the 54  
secretary of state in writing on or before the ninetieth day 55  
before the day of the general election. 56

(ii) If a political party's national convention will not 57  
convene in time for the political party to certify the names of 58  
the political party's candidates for president and vice- 59  
president in accordance with division (B) (1) (a) (i) of this 60  
section, then as soon as practicable but not later than the 61  
ninetieth day before the day of the general election, the 62  
political party shall notify the secretary of state of that fact 63  
in writing. The political party then shall certify the names of 64  
its nominated candidates for president and vice-president to the 65  
secretary of state in writing not later than the seventy-fourth 66  
day before the day of the general election or not later than the 67  
third day after the close of its national convention, whichever 68  
is earlier. 69

~~(2)~~ (b) Nominated by nominating petition in accordance 70  
with section 3513.257 of the Revised Code. Such a petition shall 71  
be filed on or before the ninetieth day before the day of the 72  
general election to provide sufficient time to verify the 73  
sufficiency and accuracy of signatures on it. 74

~~(3)~~ (c) Certified to the secretary of state for placement 75  
on the presidential ballot by authorized officials of a minor 76

political party that has held a state or national convention for 77  
the purpose of choosing those candidates or that may, without a 78  
convention, certify those candidates in accordance with the 79  
procedure authorized by its party rules. ~~The~~ 80

(i) Except as otherwise provided in division (B) (1) (c) (ii) 81  
of this section, the officials shall certify the names of those 82  
candidates to the secretary of state in writing on or before the 83  
ninetieth day before the day of the general election. The 84  
certification shall be accompanied by a designation of a 85  
sufficient number of presidential electors to satisfy the 86  
requirements of law. 87

(ii) If a minor political party will not nominate its 88  
candidates for president and vice-president in time for the 89  
political party to certify the names of those candidates in 90  
accordance with division (B) (1) (c) (i) of this section, then as 91  
soon as practicable but not later than the ninetieth day before 92  
the day of the general election, the political party shall 93  
notify the secretary of state of that fact in writing. The 94  
political party then shall certify the names of its nominated 95  
candidates for president and vice-president to the secretary of 96  
state in writing not later than the seventy-fourth day before 97  
the day of the general election or not later than the third day 98  
after it nominates its candidates, whichever is earlier. 99

(2) A political party may transmit a notice or 100  
certification to the secretary of state under division (B) (1) (a) 101  
or (c) of this section by any reasonably reliable method that, 102  
under the circumstances, will provide for the secretary of state 103  
to receive it by the applicable deadline, including by any of 104  
the following methods: 105

(a) Hand delivery; 106

<u>(b) Certified, express, or ordinary mail delivery by the</u>	107
<u>United States postal service;</u>	108
<u>(c) Commercial carrier service;</u>	109
<u>(d) Facsimile transmission;</u>	110
<u>(e) Electronic mail.</u>	111
<u>(3) The names of candidates for electors of president and</u>	112
vice-president shall not be placed on the ballot, but shall be	113
certified to the secretary of state as required by sections	114
3513.11 and 3513.257 of the Revised Code. A vote for any	115
candidates for president and vice-president shall be a vote for	116
the electors of those candidates whose names have been certified	117
to the secretary of state.	118
(C) The arrangement of the printing in each of the	119
enclosed rectangular spaces shall be substantially as follows:	120
Near the top and centered within the rectangular space shall be	121
printed "For President" in ten-point boldface upper and lower	122
case type. Below "For President" shall be printed the name of	123
the candidate for president in twelve-point boldface upper case	124
type. Below the name of the candidate for president shall be	125
printed the name of the political party by which that candidate	126
for president was nominated in eight-point lightface upper and	127
lower case type. Below the name of such political party shall be	128
printed "For Vice-President" in ten-point boldface upper and	129
lower case type. Below "For Vice-President" shall be printed the	130
name of the candidate for vice-president in twelve-point	131
boldface upper case type. Below the name of the candidate for	132
vice-president shall be printed the name of the political party	133
by which that candidate for vice-president was nominated in	134
eight-point lightface upper and lower case type. Except for	135

candidates nominated by petition under section 3517.012 of the Revised Code, no political identification or name of any political party shall be printed below the names of presidential and vice-presidential candidates nominated by petition.

The rectangular spaces on the ballot described in this section shall be rotated and printed as provided in section 3505.03 of the Revised Code.

**Section 2.** That existing section 3505.10 of the Revised Code is hereby repealed.

**Section 3.** The amendments to section 3505.10 of the Revised Code by this act first apply on January 1, 2025.

**Section 4.** (A) Notwithstanding any provision of the Revised Code to the contrary, a major political party shall certify to the Secretary of State in writing the names of its candidates for president and vice-president nominated by its national convention pursuant to section 3505.10 of the Revised Code not later than the seventy-fourth day before the 2024 general election. The political party may transmit the certification to the Secretary of State by any reasonably reliable method that, under the circumstances, will provide for the Secretary of State to receive it by the deadline, including by any of the following methods:

(1) Hand delivery;

(2) Certified, express, or ordinary mail delivery by the United States Postal Service;

(3) Commercial carrier service;

(4) Facsimile transmission;

(5) Electronic mail.

(B) For purposes of this section, "major political party" 164  
has the same meaning as in section 3501.01 of the Revised Code. 165