

**As Introduced**

**125th General Assembly  
Regular Session  
2003-2004**

**S. B. No. 79**

**Senator Stivers**

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**A BILL**

To amend sections 3513.254 and 3513.255 and to enact 1  
section 3513.256 of the Revised Code to permit 2  
boards of education and governing boards of 3  
educational service centers to adopt, for the 4  
purpose of nominating candidates for those boards, 5  
a charter municipal corporation's procedures for 6  
nominating candidates, if that municipal 7  
corporation is located wholly or partially within 8  
the school district. 9

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

**Section 1.** That sections 3513.254 and 3513.255 be amended and 10  
section 3513.256 of the Revised Code be enacted to read as 11  
follows: 12

**Sec. 3513.254. (A)** The name of each candidate for member of a 13  
city, local, or exempted village board of education or for member 14  
of a governing board of an educational service center described in 15  
section 3311.051 of the Revised Code shall appear on the 16  
nonpartisan ballot. Nominating petitions of candidates for member 17  
of a board of education of a local or exempted village school 18  
district or for member of a governing board of an educational 19  
service center described in section 3311.051 of the Revised Code 20

shall be signed by twenty-five qualified electors of the school 21  
district or educational service center service area. Nominating 22  
petitions for candidates for member of a board of education of a 23  
city school district having a population of less than twenty 24  
thousand, as ascertained by the next preceding federal census, 25  
shall be signed by twenty-five qualified electors of the school 26  
district. Nominating petitions for candidates for member of a 27  
board of education of a city school district having a population 28  
of twenty thousand or more but less than fifty thousand, as 29  
ascertained by the next preceding federal census, shall be signed 30  
by seventy-five qualified electors of the school district. 31  
Nominating petitions for candidates for member of a board of 32  
education of a city school district having a population of fifty 33  
thousand or more but less than one hundred thousand, as 34  
ascertained by the next preceding federal census, shall be signed 35  
by one hundred fifty qualified electors of the school district. 36  
Nominating petitions for candidates for member of a board of 37  
education of a city school district having a population of one 38  
hundred thousand or more, as ascertained by the next preceding 39  
federal census, shall be signed by three hundred qualified 40  
electors of the school district. 41

(B) Nominating petitions shall be filed with the board of 42  
elections not later than four p.m. of the seventy-fifth day before 43  
the day of the general election, provided that no such petition 44  
shall be accepted for filing if it appears to contain signatures 45  
aggregating in number more than three times the minimum number of 46  
signatures required by this section. A board of elections shall 47  
not accept for filing a nominating petition of a person if that 48  
person, for the same election, has already filed a declaration of 49  
candidacy, a declaration of intent to be a write-in candidate, or 50  
a nominating petition, or has become a candidate through party 51  
nomination at a primary election or by the filling of a vacancy 52

under section 3513.30 or 3513.31 of the Revised Code for any other 53  
position as a member of a city, local, or exempted village board 54  
of education or position as a member of a governing board of an 55  
educational service center, or for a municipal or township office. 56  
When a petition of a candidate has been accepted for filing by a 57  
board of elections, the petition shall not be deemed invalid if, 58  
upon verification of signatures contained in the petition, the 59  
board of elections finds the number of signatures accepted exceeds 60  
three times the minimum number of signatures required. A board of 61  
elections may discontinue verifying petitions when the number of 62  
verified signatures equals the minimum required number of 63  
qualified signatures. 64

(C) This section is subject to section 3513.256 of the 65  
Revised Code. 66

**Sec. 3513.255.** This section does not apply to candidates for 67  
election to a governing board of an educational service center 68  
described in section 3311.051 of the Revised Code. This section is 69  
subject to section 3513.256 of the Revised Code. The name of each 70  
candidate for election as a member of a governing board of an 71  
educational service center shall appear on the nonpartisan ballot. 72  
Each nominating petition shall be signed by fifty qualified 73  
electors who reside in one of the following, as applicable: 74

(A) The school districts over which the educational service 75  
center governing board has jurisdiction, in the case of any 76  
candidate running for a position on any educational service center 77  
governing board other than a governing board established in 78  
accordance with section 3311.054 of the Revised Code; 79

(B) The subdistrict in which the candidate is running, in the 80  
case of a position on a governing board of an educational service 81  
center established in accordance with section 3311.054 of the 82  
Revised Code. 83

Each nominating petition shall be filed with the board of 84  
elections of the county in which the central administrative 85  
offices of the educational service center governing board are 86  
located not later than four p.m. of the seventy-fifth day before 87  
the day of the general election, provided that no such petition 88  
shall be accepted for filing if it appears to contain signatures 89  
aggregating in number more than three times the minimum number of 90  
signatures required by this section. A board of elections shall 91  
not accept for filing a nominating petition of a person if that 92  
person, for the same election, has already filed a declaration of 93  
candidacy, a declaration of intent to be a write-in candidate, or 94  
a nominating petition, or has become a candidate through party 95  
nomination at a primary election or by the filling of a vacancy 96  
under section 3513.30 or 3513.31 of the Revised Code for any other 97  
position as a member of a governing board of an educational 98  
service center or position as a member of a city, local, or 99  
exempted village board of education, or for a municipal or 100  
township office. When a petition of a candidate has been accepted 101  
for filing by a board of elections, the petition shall not be 102  
deemed invalid if, upon verification of signatures contained in 103  
the petition, the board of elections finds the number of 104  
signatures accepted exceeds three times the minimum signatures 105  
required. A board of elections may discontinue verifying petitions 106  
when the number of verified signatures equals the minimum required 107  
number of qualified signatures. 108

Sec. 3513.256. (A) Notwithstanding any provision of the 109  
Revised Code to the contrary, for the purpose of nominating 110  
candidates for a position as a member of the board of education of 111  
a city, local, or exempted village school district or a position 112  
as a member of a governing board of an educational service center, 113  
the board may adopt, by resolution, the procedures specified in 114  
the charter of a municipal corporation for nominating candidates 115

for the office of member of the legislative authority of the 116  
municipal corporation, if the territory of the municipal 117  
corporation is located partially or wholly within the school 118  
district or the territory of the service center. 119

No resolution adopted under this division shall apply for a 120  
particular election unless the resolution is adopted at least 121  
ninety days prior to the deadline to become a candidate for 122  
nomination at that election in accordance with the charter of the 123  
municipal corporation whose nomination procedures the resolution 124  
is adopting. Subject to division (B) of this section, the 125  
resolution shall apply to all subsequent nominations for a 126  
position as a member of that board. 127

(B) The board of education of a city, local, or exempted 128  
village school district or the governing board of an educational 129  
service center that has adopted a resolution under division (A) of 130  
this section may rescind that resolution by subsequent resolution. 131

No resolution adopted under this division shall apply to a 132  
particular election if candidates already have been nominated for 133  
that election under the procedures adopted pursuant to division 134  
(A) of this section. Subject to division (D) of this section, the 135  
requirements of Chapter 3513. of the Revised Code shall apply to 136  
all subsequent nominations for a position as a member of that 137  
board. 138

(C) Any candidate nominated pursuant to a resolution adopted 139  
under division (A) of this section shall appear on the nonpartisan 140  
ballot at the general election as prescribed in sections 3505.04, 141  
3513.254, and 3513.255 of the Revised Code. 142

(D) Nothing in this section prohibits or shall be construed 143  
to prohibit the board of education of a city, local, or exempted 144  
village school district or the governing board of an educational 145

service center that has rescinded a resolution under division (B) 146  
of this section from subsequently adopting the nomination 147  
procedures of the same or of a different municipal corporation 148  
that is located partially or wholly within the school district or 149  
the territory of the service center by adopting a resolution under 150  
division (A) of this section. 151

**Section 2.** That existing sections 3513.254 and 3513.255 of 152  
the Revised Code are hereby repealed. 153