

**As Passed by the House**

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

**Sub. S. B. No. 79**

**Senators Stivers, Mumper, Miller  
Representatives Setzer, Carano, Chandler, C. Evans, Cirelli, Domenick,  
Flowers, Key, Otterman, Price, Slaby, G. Smith, Wolpert**

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**A B I L L**

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  
procedures for a nonpartisan primary election. 6

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

**Section 1.** That sections 3513.254 and 3513.255 be amended and 7  
section 3513.256 of the Revised Code be enacted to read as 8  
follows: 9

**Sec. 3513.254.** (A) The name of each candidate for member of a 10  
city, local, or exempted village board of education ~~or for member~~ 11  
~~of a governing board of an educational service center described in~~ 12  
~~section 3311.051 of the Revised Code~~ shall appear on the 13  
nonpartisan ballot. Nominating petitions of candidates for member 14  
of a board of education of a local or exempted village school 15  
district ~~or for member of a governing board of an educational~~ 16  
~~service center described in section 3311.051 of the Revised Code~~ 17  
shall be signed by twenty-five qualified electors of the school 18

district ~~or educational service center service area~~. Nominating 19  
petitions for candidates for member of a board of education of a 20  
city school district having a population of less than twenty 21  
thousand, as ascertained by the next preceding federal census, 22  
shall be signed by twenty-five qualified electors of the school 23  
district. Nominating petitions for candidates for member of a 24  
board of education of a city school district having a population 25  
of twenty thousand or more but less than fifty thousand, as 26  
ascertained by the next preceding federal census, shall be signed 27  
by seventy-five qualified electors of the school district. 28  
Nominating petitions for candidates for member of a board of 29  
education of a city school district having a population of fifty 30  
thousand or more but less than one hundred thousand, as 31  
ascertained by the next preceding federal census, shall be signed 32  
by one hundred fifty qualified electors of the school district. 33  
Nominating petitions for candidates for member of a board of 34  
education of a city school district having a population of one 35  
hundred thousand or more, as ascertained by the next preceding 36  
federal census, shall be signed by three hundred qualified 37  
electors of the school district. 38

(B) Nominating petitions shall be filed with the board of 39  
elections not later than four p.m. of the seventy-fifth day before 40  
the day of the general election, provided that no such petition 41  
shall be accepted for filing if it appears to contain signatures 42  
aggregating in number more than three times the minimum number of 43  
signatures required by this section. A board of elections shall 44  
not accept for filing a nominating petition of a person if that 45  
person, for the same election, has already filed a declaration of 46  
candidacy, a declaration of intent to be a write-in candidate, or 47  
a nominating petition, or has become a candidate through party 48  
nomination at a primary election or by the filling of a vacancy 49  
under section 3513.30 or 3513.31 of the Revised Code for any other 50

position as a member of a city, local, or exempted village board 51  
of education or position as a member of a governing board of an 52  
educational service center, or for a municipal or township office. 53  
When a petition of a candidate has been accepted for filing by a 54  
board of elections, the petition shall not be deemed invalid if, 55  
upon verification of signatures contained in the petition, the 56  
board of elections finds the number of signatures accepted exceeds 57  
three times the minimum number of signatures required. A board of 58  
elections may discontinue verifying petitions when the number of 59  
verified signatures equals the minimum required number of 60  
qualified signatures. 61

(C) This section is subject to section 3513.256 of the 62  
Revised Code. 63

~~Sec. 3513.255. This section does not apply to candidates for~~ 64  
~~election to a governing board of an educational service center~~ 65  
~~described in section 3311.051 of the Revised Code. This section is~~ 66  
~~subject to section 3513.256 of the Revised Code.~~ The name of each 67  
candidate for election as a member of a governing board of an 68  
educational service center shall appear on the nonpartisan ballot. 69  
Each nominating petition shall be signed by fifty qualified 70  
electors who reside in one of the following, as applicable: 71

(A) The school districts over which the educational service 72  
center governing board has jurisdiction, in the case of any 73  
candidate running for a position on any educational service center 74  
governing board other than a governing board established in 75  
accordance with section 3311.054 of the Revised Code; 76

(B) The subdistrict in which the candidate is running, in the 77  
case of a position on a governing board of an educational service 78  
center established in accordance with section 3311.054 of the 79  
Revised Code. 80

Each nominating petition shall be filed with the board of 81

elections of the county in which the central administrative 82  
offices of the educational service center governing board are 83  
located not later than four p.m. of the seventy-fifth day before 84  
the day of the general election, provided that no such petition 85  
shall be accepted for filing if it appears to contain signatures 86  
aggregating in number more than three times the minimum number of 87  
signatures required by this section. A board of elections shall 88  
not accept for filing a nominating petition of a person if that 89  
person, for the same election, has already filed a declaration of 90  
candidacy, a declaration of intent to be a write-in candidate, or 91  
a nominating petition, or has become a candidate through party 92  
nomination at a primary election or by the filling of a vacancy 93  
under section 3513.30 or 3513.31 of the Revised Code for any other 94  
position as a member of a governing board of an educational 95  
service center or position as a member of a city, local, or 96  
exempted village board of education, or for a municipal or 97  
township office. When a petition of a candidate has been accepted 98  
for filing by a board of elections, the petition shall not be 99  
deemed invalid if, upon verification of signatures contained in 100  
the petition, the board of elections finds the number of 101  
signatures accepted exceeds three times the minimum signatures 102  
required. A board of elections may discontinue verifying petitions 103  
when the number of verified signatures equals the minimum required 104  
number of qualified signatures. 105

Sec. 3513.256. (A) Notwithstanding any provision of the 106  
Revised Code to the contrary, for the purpose of nominating 107  
candidates for a position as a member of the board of education of 108  
a city, local, or exempted village school district or a position 109  
as a member of a governing board of an educational service center, 110  
the board may adopt, by resolution upon a three-fifths majority 111  
vote of its total membership, procedures for a nonpartisan primary 112  
election. Such procedures shall specify the following: 113

(1) That the primary election for nominating candidates for a position as a member of that board shall be held on the same day as the primary election for nominating all other candidates for public office in that year; 114  
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(2) That nominating petitions shall be filed with the board of elections not later than four p.m. of the seventy-fifth day before the day of the primary election; 118  
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(3) That the primary election shall take place only if the number of candidates for nomination for a position on that board, as verified by the board of elections, is at least one more than two times the number of available positions on that board at the general election; 121  
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(4) That the number of candidates advancing from the primary election to the general election shall equal two times the number of available positions on that board at the general election. 126  
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The board shall notify the board of elections upon adoption of a resolution under this division. No such resolution shall apply for a particular election unless the resolution is adopted at least one hundred twenty days prior to the deadline specified in the resolution to become a candidate for nomination at that election. Subject to division (B) of this section, the resolution shall apply to all subsequent nominations for a position as a member of that board. 129  
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(B) Not earlier than five years after the adoption of a resolution under division (A) of this section, the board of education of a city, local, or exempted village school district or the governing board of an educational service center may rescind that resolution by subsequent resolution upon a three-fifths majority vote of its total membership. 137  
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The board shall notify the board of elections of any resolution adopted under this division. No such resolution shall 143  
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apply to a particular election unless the resolution is adopted at  
least one hundred twenty days prior to the deadline to become a  
candidate for nomination at that election under the nomination  
procedures the resolution is rescinding. Subject to division (D)  
of this section, the requirements of Chapter 3513. of the Revised  
Code shall apply to all subsequent nominations for a position as a  
member of that board.

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

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(D) Nothing in this section prohibits or shall be construed  
to prohibit the board of education of a city, local, or exempted  
village school district or the governing board of an educational  
service center that has rescinded a resolution under division (B)  
of this section from subsequently adopting the same or different  
procedures for a nonpartisan primary election by adopting a  
resolution under division (A) of this section.

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

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