

As Reported by the House Education Committee

125th General Assembly

Regular Session

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Sub. S. B. No. 79

Senators Stivers, Mumper, Miller

Representatives Setzer, Carano, Chandler, C. Evans

A B I L L

To amend sections 3513.254 and 3513.255 and to enact
section 3513.256 of the Revised Code to permit
boards of education and governing boards of
educational service centers to adopt, for the
purpose of nominating candidates for those boards,
procedures for a nonpartisan primary election.

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

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

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

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 114

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;

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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;

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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;

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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.

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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.

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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.

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The board shall notify the board of elections of any
resolution adopted under this division. No such resolution shall
apply to a particular election unless the resolution is adopted at

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least one hundred twenty days prior to the deadline to become a 146
candidate for nomination at that election under the nomination 147
procedures the resolution is rescinding. Subject to division (D) 148
of this section, the requirements of Chapter 3513. of the Revised 149
Code shall apply to all subsequent nominations for a position as a 150
member of that board. 151

(C) Any candidate nominated pursuant to a resolution adopted 152
under division (A) of this section shall appear on the nonpartisan 153
ballot at the general election as prescribed in sections 3505.04, 154
3513.254, and 3513.255 of the Revised Code. 155

(D) Nothing in this section prohibits or shall be construed 156
to prohibit the board of education of a city, local, or exempted 157
village school district or the governing board of an educational 158
service center that has rescinded a resolution under division (B) 159
of this section from subsequently adopting the same or different 160
procedures for a nonpartisan primary election by adopting a 161
resolution under division (A) of this section. 162

Section 2. That existing sections 3513.254 and 3513.255 of 163
the Revised Code are hereby repealed. 164