

As Introduced

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 115

Senator Jacobson

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A BILL

To amend sections 3501.38, 3503.06, 3503.14, 3513.07, 1
and 3513.261 and to enact sections 3501.381 and 2
3599.111 of the Revised Code to cure omissions in 3
and otherwise clarify the law regarding 4
circulation of election petitions. 5

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

Section 1. That sections 3501.38, 3503.06, 3503.14, 3513.07, 6
and 3513.261 be amended and that sections 3501.381 and 3599.111 of 7
the Revised Code be enacted to read as follows: 8

Sec. 3501.38. All declarations of candidacy, nominating 9
petitions, or other petitions presented to or filed with the 10
secretary of state or a board of elections or with any other 11
public office for the purpose of becoming a candidate for any 12
nomination or office or for the holding of an election on any 13
issue shall, in addition to meeting the other specific 14
requirements prescribed in the sections of the Revised Code 15
relating to them, be governed by the following rules: 16

(A) Only electors qualified to vote on the candidacy or issue 17
which is the subject of the petition shall sign a petition. Each 18
signer shall be a registered elector pursuant to section 3503.11 19
of the Revised Code. The facts of qualification shall be 20

determined as of the date when the petition is filed.

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(B) Signatures shall be affixed in ink. Each signer may also print the signer's name, so as to clearly identify the signer's signature.

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(C) Each signer shall place on the petition after the signer's name the date of signing and the location of the signer's voting residence, including the street and number if in a municipal corporation or the rural route number, post office address, or township if outside a municipal corporation. The voting address given on the petition shall be the address appearing in the registration records at the board of elections.

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(D) No person shall write any name other than the person's own on any petition. No person may authorize another to sign for the person. ~~Where~~ If a petition contains the signature of an elector two or more times, only the first signature shall be counted.

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(E)(1) On each petition paper, the circulator shall indicate the number of signatures contained on it, and shall sign a statement made under penalty of election falsification that the circulator witnessed the affixing of every signature, that all signers were to the best of the circulator's knowledge and belief qualified to sign, and that every signature is to the best of the circulator's knowledge and belief the signature of the person whose signature it purports to be. On the circulator's statement for a declaration of candidacy, nominating petition, or declaration of intent to be a write-in candidate for a person seeking to become a statewide candidate or for a statewide initiative or a statewide referendum petition, the circulator shall identify the name and address of the person employing the circulator to circulate the petition, if any.

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(2) As used in division (E) of this section, "statewide

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candidate" means the joint candidates for the offices of governor
and lieutenant governor or a candidate for the office of secretary
of state, auditor of state, treasurer of state, or attorney
general.

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(F) If a circulator knowingly permits an unqualified person
to sign a petition paper or permits a person to write a name other
than the person's own on a petition paper, that petition paper is
invalid; otherwise, the signature of a person not qualified to
sign shall be rejected but shall not invalidate the other valid
signatures on the paper.

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(G) The circulator of a petition may, before filing it in a
public office, strike from it any signature the circulator does
not wish to present as a part of the petition.

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(H) Any signer of a petition may remove the signer's
signature from that petition at any time before the petition is
filed in a public office by striking the signer's name from the
petition; no signature may be removed after the petition is filed
in any public office.

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(I)(1) No alterations, corrections, or additions may be made
to a petition after it is filed in a public office.

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(2) No petition may be withdrawn after it is filed in a
public office. Nothing in this division prohibits a person from
withdrawing as a candidate as otherwise provided by law.

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(J)(1) All declarations of candidacy, nominating petitions,
or other petitions under this section shall be accompanied by the
following statement in boldface capital letters: WHOEVER COMMITS
ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

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(2) All declarations of candidacy, nominating petitions, or
other petitions under this section shall be accompanied by the
following statement in boldface capital letters: THE CIRCULATOR OF

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THIS PETITION IS PROHIBITED BY LAW FROM RECEIVING COMPENSATION ON
A FEE PER SIGNATURE OR FEE PER VOLUME BASIS.

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(K) All separate petition papers shall be filed at the same
time, as one instrument.

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(L) If a board of elections distributes for use a petition
form for a declaration of candidacy, nominating petition,
declaration of intent to be a write-in candidate, or any type of
question or issue petition that does not satisfy the requirements
of law as of the date of that distribution, the board shall not
invalidate the petition on the basis that the petition form does
not satisfy the requirements of law, if the petition otherwise is
valid. Division (L) of this section applies only if the candidate
received the petition from the board within ninety days of when
the petition is required to be filed.

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Sec. 3501.381. (A)(1) Any person who will receive
compensation for supervising, managing, or otherwise organizing
any effort to obtain signatures for a declaration of candidacy,
nominating petition, or declaration of intent to be a write-in
candidate for a person seeking to become a statewide candidate or
for a statewide initiative petition or a statewide referendum
petition shall file a statement to that effect with the office of
the secretary of state before any signatures are obtained for the
petition or before the person is engaged to supervise, manage, or
otherwise organize the effort to obtain signatures for the
petition, whichever is later.

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(2) Any person who will compensate a person for supervising,
managing, or otherwise organizing any effort to obtain signatures
for a declaration of candidacy, nominating petition, or
declaration of intent to be a write-in candidate for a person
seeking to become a statewide candidate or for a statewide
initiative or a statewide referendum petition shall file a

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statement to that effect with the office of the secretary of state 113
before any signatures are obtained for the petition or before the 114
person engages a person to supervise, manage, or otherwise 115
organize the effort to obtain signatures for the petition, 116
whichever is later. 117

(B) The secretary of state shall prescribe the form and 118
content of the statements required under division (A) of this 119
section. The form shall include a notice that no person shall be 120
compensated on a fee per signature or fee per volume basis. 121

(C) Whoever violates division (A) of this section is guilty 122
of a misdemeanor of the first degree, and the petition for which a 123
person was paid compensation shall be deemed invalid. 124

(D) As used in this section, "statewide candidate" means the 125
joint candidates for the offices of governor and lieutenant 126
governor or a candidate for the office of secretary of state, 127
auditor of state, treasurer of state, or attorney general. 128

Sec. 3503.06. (A) No person shall be entitled to vote at any 129
election, or to sign ~~or circulate~~ any declaration of candidacy or 130
any nominating, ~~initiative, referendum,~~ or recall petition, unless 131
the person is registered as an elector and will have resided in 132
the county and precinct where the person is registered for at 133
least thirty days at the time of the next election. 134

(B) No person shall be entitled to circulate any declaration 135
of candidacy or any nominating or recall petition unless the 136
person is registered as an elector and will have resided in the 137
county and precinct where the person is registered for at least 138
thirty days at the time of the next election. 139

(C) No person shall be entitled to circulate any initiative 140
or referendum petition unless the person has been a resident of 141
this state for at least thirty days before the person circulates 142

the petition.

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Sec. 3503.14. (A) The secretary of state shall prescribe the form and content of the registration and change of residence and change of name form used in this state. The form shall set forth the eligibility requirements needed to qualify as an elector and meet the requirements of the National Voter Registration Act of 1993. The form shall include a space on which the person registering an applicant shall sign the person's name and a space on which the person registering an applicant shall name the employer who is employing that person to register the applicant. The form also shall include a notice that no person shall be compensated on a fee per registration or fee per volume basis for registering an applicant. No election official or employee of a designated agency who is registering an applicant shall be required to sign the election official's or employee's name or to name the employer who is employing the election official or employee to register an applicant on a form prepared under this section.

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(B) Any applicant who is unable to sign his the applicant's own name shall make an "X," if possible, which shall be certified by the signing of the name of the applicant by the person filling out the registration form, who shall add his the person's own signature. If an applicant is unable to make an "X," he the applicant shall indicate in some manner that he the applicant desires to register to vote or to change his the applicant's name or residence. The person registering such an the applicant shall sign the form and attest that the applicant indicated that he the applicant desired to register to vote or to change his the applicant's name or residence.

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(C) No registration and change of residence and change of name form shall be rejected solely on the basis that a person

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registering an applicant failed to sign the person's name or 174
failed to name the employer who is employing that person to 175
register the applicant as required under division (A) of this 176
section. 177

(D) As used in this section, "registering an applicant" 178
includes any effort, for compensation, to provide voter 179
registration forms or to assist persons in completing those forms 180
or returning them to the board of elections, the office of the 181
secretary of state, or other appropriate public office. 182

Sec. 3513.07. The form of declaration of candidacy and 183
petition of a person desiring to be a candidate for a party 184
nomination or a candidate for election to an office or position to 185
be voted for at a primary election shall be substantially as 186
follows: 187

"DECLARATION OF CANDIDACY PARTY PRIMARY ELECTION 188

I, (Name of Candidate), the 189
undersigned, hereby declare under penalty of election 190
falsification that my voting residence is in 191
precinct of the (Township) or (Ward 192
and City or Village) in the county of, Ohio; that 193
my voting residence is (Street and Number, if any, 194
or Rural Route and Number) of the 195
(City or Village) of, Ohio; and that I am a 196
qualified elector in the precinct in which my voting residence is 197
located. I am a member of the Party. I hereby declare 198
that I desire to be (a candidate for 199
nomination as a candidate of the Party for election to the office 200
of) (a candidate for election to the office or 201
position of) for the in the state, 202
district, (Full term or unexpired term ending) 203
county, city, or village of, at the primary 204

election to be held on the day of,, 205
 and I hereby request that my name be printed upon the official 206
 primary election ballot of the said Party as a 207
 candidate for (such nomination) or (such election) as 208
 provided by law. 209

I further declare that, if elected to said office or 210
 position, I will qualify therefor, and that I will support and 211
 abide by the principles enunciated by the Party. 212

Dated this day of, 213
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 (Signature of candidate) 215

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 216
 OF THE FIFTH DEGREE. 217

PETITION OF CANDIDATE 218

We, the undersigned, qualified electors of the state of Ohio, 219
 whose voting residence is in the county, city, village, ward, 220
 township, or school district, and precinct set opposite our names, 221
 and members of the Party, 222
 hereby certify that (Name of 223
 candidate) whose declaration of candidacy is filed herewith, is a 224
 member of the Party, and is, in our opinion, well 225
 qualified to perform the duties of the office or position to which 226
 that candidate desires to be elected. 227

Street City, 228
 and Village or 229

Signature Number Township Ward Precinct County Date 230
 (Must use address on file with the board of elections) 231

..... 232
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..... (Name of circulator 235
of petition), declares under penalty of election falsification 236
that the circulator of the petition is a qualified elector of the 237
state of Ohio and resides at the address appearing below the 238
signature of that circulator; that the circulator is a member of 239
the Party; that the circulator is the circulator of 240
the foregoing petition paper containing (Number) 241
signatures; that the circulator will not be compensated on a fee 242
per signature or fee per volume basis; that the circulator 243
witnessed the affixing of every signature; that all signers were 244
to the best of the circulator's knowledge and belief qualified to 245
sign; and that every signature is to the best of the circulator's 246
knowledge and belief the signature of the person whose signature 247
it purports to be. 248

..... 249
(Signature of circulator) 250
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(Address of circulator) 252
..... 253
(If petition is for a statewide 254
candidate, the name and address 255
of person employing 256
circulator to circulate 257
petition, if any) 258

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 259
OF THE FIFTH DEGREE. 260

THE CIRCULATOR OF THIS PETITION IS PROHIBITED BY LAW FROM 261
RECEIVING COMPENSATION ON A FEE PER SIGNATURE OR FEE PER VOLUME 262
BASIS." 263

The secretary of state shall prescribe a form of declaration 264
of candidacy and petition, and the form shall be substantially 265
similar to the declaration of candidacy and petition set forth in 266

this section, that will be suitable for joint candidates for the 267
offices of governor and lieutenant governor. 268

The petition provided for in this section shall be circulated 269
only by a member of the same political party as the candidate. 270

Sec. 3513.261. A nominating petition may consist of one or 271
more separate petition papers, each of which shall be 272
substantially in the form prescribed in this section. If the 273
petition consists of more than one separate petition paper, the 274
statement of candidacy of the candidate or joint candidates named 275
need be signed by the candidate or joint candidates on only one of 276
such separate petition papers, but the statement of candidacy so 277
signed shall be copied on each other separate petition paper 278
before the signatures of electors are placed on it. Each 279
nominating petition containing signatures of electors of more than 280
one county shall consist of separate petition papers each of which 281
shall contain signatures of electors of only one county; provided 282
that petitions containing signatures of electors of more than one 283
county shall not thereby be declared invalid. In case petitions 284
containing signatures of electors of more than one county are 285
filed, the board of elections shall determine the county from 286
which the majority of the signatures came, and only signatures 287
from this county shall be counted. Signatures from any other 288
county shall be invalid. 289

All signatures on nominating petitions shall be written in 290
ink or indelible pencil. 291

At the time of filing a nominating petition, the candidate 292
designated in the nominating petition, and joint candidates for 293
governor and lieutenant governor, shall pay to the election 294
officials with whom it is filed the fees specified for the office 295
under divisions (A) and (B) of section 3513.10 of the Revised 296
Code. The fees shall be disposed of by those election officials in 297

the manner that is provided in section 3513.10 of the Revised Code 298
for the disposition of other fees, and in no case shall a fee 299
required under that section be returned to a candidate. 300

Candidates or joint candidates whose names are written on the 301
ballot, and who are elected, shall pay the same fees under section 302
3513.10 of the Revised Code that candidates who file nominating 303
petitions pay. Payment of these fees shall be a condition 304
precedent to the granting of their certificates of election. 305

Each nominating petition shall contain a statement of 306
candidacy that shall be signed by the candidate or joint 307
candidates named in it. Such statement of candidacy shall contain 308
a declaration made under penalty of election falsification that 309
the candidate desires to be a candidate for the office named in 310
it, and that the candidate is an elector qualified to vote for the 311
office the candidate seeks. 312

The form of the nominating petition and statement of 313
candidacy shall be substantially as follows: 314

"STATEMENT OF CANDIDACY 315

I, (Name of candidate), 316
the undersigned, hereby declare under penalty of election 317
falsification that my voting residence is in 318
..... Precinct of the (Township) or 319
(Ward and City, or Village) in the county of Ohio; 320
that my post-office address is 321
(Street and Number, if any, or Rural Route and Number) of the 322
..... (City, Village, or post office) of 323
....., Ohio; and that I am a qualified elector in 324
the precinct in which my voting residence is located. I hereby 325
declare that I desire to be a candidate for election to the office 326
of in the (State, 327
District, County, City, Village, Township, or School District) for 328

the (Full term or unexpired
term ending) at the General Election to be held
on the day of,

I further declare that I am an elector qualified to vote for
the office I seek. Dated this day of,
.....
(Signature of candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY
OF THE FIFTH DEGREE.

I,, hereby constitute the
persons named below a committee to represent me:

Name	Residence	
.....	340
.....	341
.....	342
.....	343
.....	344
.....	345

NOMINATING PETITION 346

We, the undersigned, qualified electors of the state of Ohio,
whose voting residence is in the County, City, Village, Ward,
Township or Precinct set opposite our names, hereby nominate
..... as a candidate for election to the office of
..... in the
(State, District, County, City, Village, Township, or School
District) for the (Full term or unexpired term
ending) to be voted for at the general
election next hereafter to be held, and certify that this person
is, in our opinion, well qualified to perform the duties of the
office or position to which the person desires to be elected.

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Street 359

Address	360
or R.F.D.	361
(Must use	362
address on City,	363
file with Village	364
the board of or Date of	365
Signature elections) Township Ward Precinct County Signing	366
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.....	368
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.....	370
....., declares under penalty of election	371
falsification that such person is a qualified elector of the state	372
of Ohio and resides at the address appearing below such person's	373
signature hereto; that such person is the circulator of the	374
foregoing petition paper containing signatures;	375
<u>that such person as circulator will not be compensated on a fee</u>	376
<u>per signature or fee per volume basis;</u> that such person witnessed	377
the affixing of every signature; that all signers were to the best	378
of such person's knowledge and belief qualified to sign; and that	379
every signature is to the best of such person's knowledge and	380
belief the signature of the person whose signature it purports to	381
be.	382
.....	383
(Signature of circulator)	384
.....	385
(Address)	386
.....	387
<u>(If petition is for a statewide</u>	388
<u>candidate, the name and address</u>	389
<u>of person employing circulator</u>	390
<u>to circulate petition, if any)</u>	391

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 392
OF THE FIFTH DEGREE. 393

THE CIRCULATOR OF THIS PETITION IS PROHIBITED BY LAW FROM 394
RECEIVING COMPENSATION ON A FEE PER SIGNATURE OR FEE PER VOLUME 395
BASIS." 396

The secretary of state shall prescribe a form of nominating 397
petition for a group of candidates for the office of member of a 398
board of education, township office, and offices of municipal 399
corporations of under two thousand population. 400

The secretary of state shall prescribe a form of statement of 401
candidacy and nominating petition, which shall be substantially 402
similar to the form of statement of candidacy and nominating 403
petition set forth in this section, that will be suitable for 404
joint candidates for the offices of governor and lieutenant 405
governor. 406

If such petition nominates a candidate whose election is to 407
be determined by the electors of a county or a district or 408
subdivision within the county, it shall be filed with the board of 409
such county. If the petition nominates a candidate whose election 410
is to be determined by the voters of a subdivision located in more 411
than one county, it shall be filed with the board of the county in 412
which the major portion of the population of such subdivision is 413
located. 414

If the petition nominates a candidate whose election is to be 415
determined by the electors of a district comprised of more than 416
one county but less than all of the counties of the state, it 417
shall be filed with the board of elections of the most populous 418
county in such district. If the petition nominates a candidate 419
whose election is to be determined by the electors of the state at 420
large, it shall be filed with the secretary of state. 421

The secretary of state or a board of elections shall not 422

accept for filing a nominating petition of a person seeking to
become a candidate if that person, for the same election, has
already filed a declaration of candidacy, a declaration of intent
to be a write-in candidate, or a nominating petition, or has
become a candidate through party nomination at a primary election
or by the filling of a vacancy under section 3513.30 or 3513.31 of
the Revised Code for any state or county office, if the nominating
petition is for a state or county office, or for any municipal or
township office, for member of a city, local, or exempted village
board of education, or for member of a governing board of an
educational service center, if the nominating petition is for a
municipal or township office, or for member of a city, local, or
exempted village board of education, or for member of a governing
board of an educational service center.

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Sec. 3599.111. (A) As used in this section, "registering a
voter" or "registering voters" includes any effort, for
compensation, to provide voter registration forms or to assist
persons in completing those forms or returning them to the board
of elections, the office of the secretary of state, or other
appropriate public office.

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(B) No person shall receive compensation on a fee per
signature or fee per volume basis for circulating any declaration
of candidacy, nominating petition, declaration of intent to be a
write-in candidate, initiative petition, referendum petition,
recall petition, or any other election-related petition that is
filed with or transmitted to a board of elections, the office of
the secretary of state, or other appropriate public office.

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(C) No person shall receive compensation on a fee per
registration or fee per volume basis for registering a voter.

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(D) Compensation for collecting signatures on
election-related petitions and for registering voters shall be

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paid solely on the basis of time worked. 454

(E)(1) Whoever violates division (B) or (C) of this section 455
is guilty of election falsification under section 3599.36 of the 456
Revised Code. 457

(2) Whoever violates division (D) of this section is guilty 458
of a felony of the fifth degree. 459

Section 2. That existing sections 3501.38, 3503.06, 3503.14, 460
3513.07, and 3513.261 of the Revised Code are hereby repealed. 461

Section 3. The versions of sections 3501.38, 3503.14, 462
3513.07, and 3513.261 of the Revised Code, as amended by this act, 463
and the versions of sections 3501.381 and 3599.111 of the Revised 464
Code, as enacted by this act, prevail over the versions of those 465
sections presented in Am. Sub. H.B. 1 of the Special Session of 466
the 125th General Assembly. 467