

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 202

Senator Kearney

Cosponsors: Senators Roberts, Smith, Cafaro

—

A B I L L

To amend sections 3501.01, 3513.01, and 3513.12 of 1
the Revised Code to require presidential primary 2
elections to be conducted on the last Tuesday in 3
January. 4

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

Section 1. That sections 3501.01, 3513.01, and 3513.12 of the 5
Revised Code be amended to read as follows: 6

Sec. 3501.01. As used in the sections of the Revised Code 7
relating to elections and political communications: 8

(A) "General election" means the election held on the first 9
Tuesday after the first Monday in each November. 10

(B) "Regular municipal election" means the election held on 11
the first Tuesday after the first Monday in November in each 12
odd-numbered year. 13

(C) "Regular state election" means the election held on the 14
first Tuesday after the first Monday in November in each 15
even-numbered year. 16

(D) "Special election" means any election other than those 17
elections defined in other divisions of this section. A special 18

election may be held only on the first Tuesday after the first 19
Monday in February, May, August, or November, or on the day 20
authorized by a particular municipal or county charter for the 21
holding of a primary election, ~~except that in any year in which a~~ 22
~~presidential primary election is held, no special election shall~~ 23
~~be held in February or May, except as authorized by a municipal or~~ 24
~~county charter, but may be held on the first Tuesday after the~~ 25
~~first Monday in March.~~ 26

(E)(1) "Primary" or "primary election" means an election held 27
for the purpose of nominating persons as candidates of political 28
parties for election to offices, and for the purpose of electing 29
persons as members of the controlling committees of political 30
parties and as delegates and alternates to the conventions of 31
political parties. Primary elections shall be held on the first 32
Tuesday after the first Monday in May of each year except in years 33
in which a presidential primary election is held. 34

(2) "Presidential primary election" means a primary election 35
as defined by division (E)(1) of this section at which an election 36
is held for the purpose of choosing delegates and alternates to 37
the national conventions of the major political parties pursuant 38
to section 3513.12 of the Revised Code. Unless otherwise 39
specified, presidential primary elections are included in 40
references to primary elections. ~~In~~ Except as otherwise authorized 41
by a municipal or county charter, in years in which a presidential 42
primary election is held, all primary elections shall be held on 43
the ~~first last~~ Tuesday after the ~~first Monday~~ in ~~March~~ ~~except as~~ 44
~~otherwise authorized by a municipal or county charter~~ January. 45

(F) "Political party" means any group of voters meeting the 46
requirements set forth in section 3517.01 of the Revised Code for 47
the formation and existence of a political party. 48

(1) "Major political party" means any political party 49
organized under the laws of this state whose candidate for 50

governor or nominees for presidential electors received no less 51
than twenty per cent of the total vote cast for such office at the 52
most recent regular state election. 53

(2) "Intermediate political party" means any political party 54
organized under the laws of this state whose candidate for 55
governor or nominees for presidential electors received less than 56
twenty per cent but not less than ten per cent of the total vote 57
cast for such office at the most recent regular state election. 58

(3) "Minor political party" means any political party 59
organized under the laws of this state whose candidate for 60
governor or nominees for presidential electors received less than 61
ten per cent but not less than five per cent of the total vote 62
cast for such office at the most recent regular state election or 63
which has filed with the secretary of state, subsequent to any 64
election in which it received less than five per cent of such 65
vote, a petition signed by qualified electors equal in number to 66
at least one per cent of the total vote cast for such office in 67
the last preceding regular state election, except that a newly 68
formed political party shall be known as a minor political party 69
until the time of the first election for governor or president 70
which occurs not less than twelve months subsequent to the 71
formation of such party, after which election the status of such 72
party shall be determined by the vote for the office of governor 73
or president. 74

(G) "Dominant party in a precinct" or "dominant political 75
party in a precinct" means that political party whose candidate 76
for election to the office of governor at the most recent regular 77
state election at which a governor was elected received more votes 78
than any other person received for election to that office in such 79
precinct at such election. 80

(H) "Candidate" means any qualified person certified in 81
accordance with the provisions of the Revised Code for placement 82

on the official ballot of a primary, general, or special election 83
to be held in this state, or any qualified person who claims to be 84
a write-in candidate, or who knowingly assents to being 85
represented as a write-in candidate by another at either a 86
primary, general, or special election to be held in this state. 87

(I) "Independent candidate" means any candidate who claims 88
not to be affiliated with a political party, and whose name has 89
been certified on the office-type ballot at a general or special 90
election through the filing of a statement of candidacy and 91
nominating petition, as prescribed in section 3513.257 of the 92
Revised Code. 93

(J) "Nonpartisan candidate" means any candidate whose name is 94
required, pursuant to section 3505.04 of the Revised Code, to be 95
listed on the nonpartisan ballot, including all candidates for 96
judicial office, for member of any board of education, for 97
municipal or township offices in which primary elections are not 98
held for nominating candidates by political parties, and for 99
offices of municipal corporations having charters that provide for 100
separate ballots for elections for these offices. 101

(K) "Party candidate" means any candidate who claims to be a 102
member of a political party, whose name has been certified on the 103
office-type ballot at a general or special election through the 104
filing of a declaration of candidacy and petition of candidate, 105
and who has won the primary election of the candidate's party for 106
the public office the candidate seeks or is selected by party 107
committee in accordance with section 3513.31 of the Revised Code. 108

(L) "Officer of a political party" includes, but is not 109
limited to, any member, elected or appointed, of a controlling 110
committee, whether representing the territory of the state, a 111
district therein, a county, township, a city, a ward, a precinct, 112
or other territory, of a major, intermediate, or minor political 113
party. 114

(M) "Question or issue" means any question or issue certified 115
in accordance with the Revised Code for placement on an official 116
ballot at a general or special election to be held in this state. 117

(N) "Elector" or "qualified elector" means a person having 118
the qualifications provided by law to be entitled to vote. 119

(O) "Voter" means an elector who votes at an election. 120

(P) "Voting residence" means that place of residence of an 121
elector which shall determine the precinct in which the elector 122
may vote. 123

(Q) "Precinct" means a district within a county established 124
by the board of elections of such county within which all 125
qualified electors having a voting residence therein may vote at 126
the same polling place. 127

(R) "Polling place" means that place provided for each 128
precinct at which the electors having a voting residence in such 129
precinct may vote. 130

(S) "Board" or "board of elections" means the board of 131
elections appointed in a county pursuant to section 3501.06 of the 132
Revised Code. 133

(T) "Political subdivision" means a county, township, city, 134
village, or school district. 135

(U) "Election officer" or "election official" means any of 136
the following: 137

(1) Secretary of state; 138

(2) Employees of the secretary of state serving the division 139
of elections in the capacity of attorney, administrative officer, 140
administrative assistant, elections administrator, office manager, 141
or clerical supervisor; 142

(3) Director of a board of elections; 143

(4) Deputy director of a board of elections;	144
(5) Member of a board of elections;	145
(6) Employees of a board of elections;	146
(7) Precinct polling place judges and clerks;	147
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	148 149
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	150 151 152 153 154 155 156
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	157 158 159 160
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health, the department of mental retardation and developmental disabilities, the rehabilitation services commission, and any other agency the secretary of state designates. "Designated	161 162 163 164 165 166 167 168 169 170 171 172 173 174

agency" does not include public high schools and vocational 175
schools, public libraries, or the office of a county treasurer. 176

(Y) "National Voter Registration Act of 1993" means the 177
"National Voter Registration Act of 1993," 107 Stat. 77, 42 178
U.S.C.A. 1973gg. 179

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 180
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 181

(AA) "Photo identification" means a document that meets each 182
of the following requirements: 183

(1) It shows the name of the individual to whom it was 184
issued, which shall conform to the name in the poll list or 185
signature pollbook. 186

(2) It shows the current address of the individual to whom it 187
was issued, which shall conform to the address in the poll list or 188
signature pollbook, except for a driver's license or a state 189
identification card issued under section 4507.50 of the Revised 190
Code, which may show either the current or former address of the 191
individual to whom it was issued, regardless of whether that 192
address conforms to the address in the poll list or signature 193
pollbook. 194

(3) It shows a photograph of the individual to whom it was 195
issued. 196

(4) It includes an expiration date that has not passed. 197

(5) It was issued by the government of the United States or 198
this state. 199

Sec. 3513.01. (A) Except as otherwise provided in this 200
section, ~~on the first Tuesday after the first Monday in March of~~ 201
~~2000 and every fourth year thereafter, and on the first Tuesday~~ 202
~~after the first Monday in May of every other year,~~ primary 203
elections shall be held in each year on the dates specified in 204

section 3501.01 of the Revised Code for the purpose of nominating 205
persons as candidates of political parties for election to offices 206
to be voted for at the succeeding general election. 207

(B) The manner of nominating persons as candidates for 208
election as officers of a municipal corporation having a 209
population of two thousand or more, as ascertained by the most 210
recent federal census, shall be the same as the manner in which 211
candidates were nominated for election as officers in the 212
municipal corporation in 1989 unless the manner of nominating such 213
candidates is changed under division (C), (D), or (E) of this 214
section. 215

(C) Primary elections shall not be held for the nomination of 216
candidates for election as officers of any township, or any 217
municipal corporation having a population of less than two 218
thousand, unless a majority of the electors of any such township 219
or municipal corporation, as determined by the total number of 220
votes cast in such township or municipal corporation for the 221
office of governor at the most recent regular state election, 222
files with the board of elections of the county within which such 223
township or municipal corporation is located, or within which the 224
major portion of the population thereof is located, if the 225
municipal corporation is situated in more than one county, not 226
later than one hundred five days before the day of a primary 227
election, a petition signed by such electors asking that 228
candidates for election as officers of such township or municipal 229
corporation be nominated as candidates of political parties, in 230
which event primary elections shall be held in such township or 231
municipal corporation for the purpose of nominating persons as 232
candidates of political parties for election as officers of such 233
township or municipal corporation to be voted for at the 234
succeeding regular municipal election. In a township or municipal 235
corporation where a majority of the electors have filed a petition 236

asking that candidates for election as officers of the township or 237
municipal corporation be nominated as candidates of political 238
parties, the nomination of candidates for a nonpartisan election 239
may be reestablished in the manner prescribed in division (E) of 240
this section. 241

(D)(1) The electors in a municipal corporation having a 242
population of two thousand or more, in which municipal officers 243
were nominated in the most recent election by nominating petition 244
and elected by nonpartisan election, may place on the ballot in 245
the manner prescribed in division (D)(2) of this section the 246
question of changing to the primary-election method of nominating 247
persons as candidates for election as officers of the municipal 248
corporation. 249

(2) The board of elections of the county within which the 250
municipal corporation is located, or, if the municipal corporation 251
is located in more than one county, of the county within which the 252
major portion of the population of the municipal corporation is 253
located, shall, upon receipt of a petition signed by electors of 254
the municipal corporation equal in number to at least ten per cent 255
of the vote cast at the most recent regular municipal election, 256
submit to the electors of the municipal corporation the question 257
of changing to the primary-election method of nominating persons 258
as candidates for election as officers of the municipal 259
corporation. The ballot language shall be substantially as 260
follows: 261

"Shall candidates for election as officers of 262
(name of municipal corporation) in the county of 263
(name of county) be nominated as candidates of political parties? 264
..... yes 265
..... no" 266

The question shall be placed on the ballot at the next 267

general election in an even-numbered year occurring at least 268
seventy-five days after the petition is filed with the board. If a 269
majority of the electors voting on the question vote in the 270
affirmative, candidates for election as officers of the municipal 271
corporation shall thereafter be nominated as candidates of 272
political parties in primary elections, under division (A) of this 273
section, unless a change in the manner of nominating persons as 274
candidates for election as officers of the municipal corporation 275
is made under division (E) of this section. 276

(E)(1) The electors in a township or municipal corporation in 277
which the township or municipal officers are nominated as 278
candidates of political parties in a primary election may place on 279
the ballot, in the manner prescribed in division (E)(2) of this 280
section, the question of changing to the nonpartisan method of 281
nominating persons as candidates for election as officers of the 282
township or municipal corporation. 283

(2) The board of elections of the county within which the 284
township or municipal corporation is located, or, if the municipal 285
corporation is located in more than one county, of the county 286
within which the major portion of the population of the municipal 287
corporation is located, shall, upon receipt of a petition signed 288
by electors of the township or municipal corporation equal in 289
number to at least ten per cent of the vote cast at the most 290
recent regular township or municipal election, as appropriate, 291
submit to the electors of the township or municipal corporation, 292
as appropriate, the question of changing to the nonpartisan method 293
of nominating persons as candidates for election as officers of 294
the township or municipal corporation. The ballot language shall 295
be substantially as follows: 296

"Shall candidates for election as officers of 297
(name of the township or municipal corporation) in the county of 298
..... (name of county) be nominated as candidates by 299

nominating petition and be elected only in a nonpartisan election? 300
..... yes 301
..... no" 302

The question shall appear on the ballot at the next general 303
election in an even-numbered year occurring at least seventy-five 304
days after the petition is filed with the board. If a majority of 305
electors voting on the question vote in the affirmative, 306
candidates for officer of the township or municipal corporation 307
shall thereafter be nominated by nominating petition and be 308
elected only in a nonpartisan election, unless a change in the 309
manner of nominating persons as candidates for election as 310
officers of the township or municipal corporation is made under 311
division (C) or (D) of this section. 312

Sec. 3513.12. At a presidential primary election, ~~which shall~~ 313
~~be held on the first Tuesday after the first Monday in March in~~ 314
~~the year 2000, and similarly in every fourth year thereafter,~~ 315
delegates and alternates to the national conventions of the 316
different major political parties shall be chosen by direct vote 317
of the electors as provided in this chapter. Candidates for 318
delegate and alternate shall be qualified and the election shall 319
be conducted in the manner prescribed in this chapter for the 320
nomination of candidates for state and district offices, except as 321
provided in section 3513.151 of the Revised Code and except that 322
whenever any group of candidates for delegate at large or 323
alternate at large, or any group of candidates for delegates or 324
alternates from districts, file with the secretary of state 325
statements as provided by this section, designating the same 326
persons as their first and second choices for president of the 327
United States, such a group of candidates may submit a group 328
petition containing a declaration of candidacy for each of such 329
candidates. The group petition need be signed only by the number 330

of electors required for the petition of a single candidate. No 331
group petition shall be submitted except by a group of candidates 332
equal in number to the whole number of delegates at large or 333
alternates at large to be elected or equal in number to the whole 334
number of delegates or alternates from a district to be elected. 335

Each person seeking to be elected as delegate or alternate to 336
the national convention of the person's political party shall file 337
with the person's declaration of candidacy and certificate a 338
statement in writing signed by the person in which the person 339
shall state the person's first and second choices for nomination 340
as the candidate of the person's party for the presidency of the 341
United States. The secretary of state shall not permit any 342
declaration of candidacy and certificate of a candidate for 343
election as such delegate or alternate to be filed unless 344
accompanied by such statement in writing. The name of a candidate 345
for the presidency shall not be so used without the candidate's 346
written consent. 347

A person who is a first choice for president of candidates 348
seeking election as delegates and alternates shall file with the 349
secretary of state, prior to the day of the election, a list 350
indicating the order in which certificates of election are to be 351
issued to delegate or alternate candidates to whose candidacy the 352
person has consented, if fewer than all of such candidates are 353
entitled under party rules to be certified as elected. Each 354
candidate for election as such delegate or alternate may also file 355
along with the candidate's declaration of candidacy and 356
certificate a statement in writing signed by the candidate in the 357
following form: 358

"Statement of Candidate 359

For Election as (Delegate) (Alternate) to the 360

..... (name of political party) National Convention 361

I hereby declare to the voters of my political party in the 362

State of Ohio that, if elected as (delegate) 363
(alternate) to their national party convention, I shall, to the 364
best of my judgment and ability, support that candidate for 365
President of the United States who shall have been selected at 366
this primary by the voters of my party in the manner provided in 367
Chapter 3513. of the Ohio Revised Code, as their candidate for 368
such office. 369

..... (name) 370
Candidate for 371
(Delegate) (Alternate)" 372

The procedures for the selection of candidates for delegate 373
and alternate to the national convention of a political party set 374
forth in this section and in section 3513.121 of the Revised Code 375
are alternative procedures, and if the procedures of this section 376
are followed, the procedures of section 3513.121 of the Revised 377
Code need not be followed. 378

Section 2. That existing sections 3501.01, 3513.01, and 379
3513.12 of the Revised Code are hereby repealed. 380