

As Introduced

**128th General Assembly
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H. B. No. 458

Representative Dyer

Cosponsors: Representatives Domenick, Letson, Hagan

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A B I L L

To amend section 3501.01 of the Revised Code to 1
restrict the use of circulators to candidates 2
seeking statewide office. 3

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

Section 1. That section 3501.01 of the Revised Code be 4
amended to read as follows: 5

Sec. 3501.01. As used in the sections of the Revised Code 6
relating to elections and political communications: 7

(A) "General election" means the election held on the first 8
Tuesday after the first Monday in each November. 9

(B) "Regular municipal election" means the election held on 10
the first Tuesday after the first Monday in November in each 11
odd-numbered year. 12

(C) "Regular state election" means the election held on the 13
first Tuesday after the first Monday in November in each 14
even-numbered year. 15

(D) "Special election" means any election other than those 16
elections defined in other divisions of this section. A special 17
election may be held only on the first Tuesday after the first 18

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

(E)(1) "Primary" or "primary election" means an election held 26
for the purpose of nominating persons as candidates of political 27
parties for election to offices, and for the purpose of electing 28
persons as members of the controlling committees of political 29
parties and as delegates and alternates to the conventions of 30
political parties. Primary elections shall be held on the first 31
Tuesday after the first Monday in May of each year except in years 32
in which a presidential primary election is held. 33

(2) "Presidential primary election" means a primary election 34
as defined by division (E)(1) of this section at which an election 35
is held for the purpose of choosing delegates and alternates to 36
the national conventions of the major political parties pursuant 37
to section 3513.12 of the Revised Code. Unless otherwise 38
specified, presidential primary elections are included in 39
references to primary elections. In years in which a presidential 40
primary election is held, all primary elections shall be held on 41
the first Tuesday after the first Monday in March except as 42
otherwise authorized by a municipal or county charter. 43

(F) "Political party" means any group of voters meeting the 44
requirements set forth in section 3517.01 of the Revised Code for 45
the formation and existence of a political party. 46

(1) "Major political party" means any political party 47
organized under the laws of this state whose candidate for 48
governor or nominees for presidential electors received no less 49
than twenty per cent of the total vote cast for such office at the 50

most recent regular state election. 51

(2) "Intermediate political party" means any political party 52
organized under the laws of this state whose candidate for 53
governor or nominees for presidential electors received less than 54
twenty per cent but not less than ten per cent of the total vote 55
cast for such office at the most recent regular state election. 56

(3) "Minor political party" means any political party 57
organized under the laws of this state whose candidate for 58
governor or nominees for presidential electors received less than 59
ten per cent but not less than five per cent of the total vote 60
cast for such office at the most recent regular state election or 61
which has filed with the secretary of state, subsequent to any 62
election in which it received less than five per cent of such 63
vote, a petition signed by qualified electors equal in number to 64
at least one per cent of the total vote cast for such office in 65
the last preceding regular state election, except that a newly 66
formed political party shall be known as a minor political party 67
until the time of the first election for governor or president 68
which occurs not less than twelve months subsequent to the 69
formation of such party, after which election the status of such 70
party shall be determined by the vote for the office of governor 71
or president. 72

(G) "Dominant party in a precinct" or "dominant political 73
party in a precinct" means that political party whose candidate 74
for election to the office of governor at the most recent regular 75
state election at which a governor was elected received more votes 76
than any other person received for election to that office in such 77
precinct at such election. 78

(H) "Candidate" means any qualified person certified in 79
accordance with the provisions of the Revised Code for placement 80
on the official ballot of a primary, general, or special election 81
to be held in this state, or any qualified person who claims to be 82

a write-in candidate, or who knowingly assents to being 83
represented as a write-in candidate by another at either a 84
primary, general, or special election to be held in this state. 85

(I) "Independent candidate" means any candidate who claims 86
not to be affiliated with a political party, and whose name has 87
been certified on the office-type ballot at a general or special 88
election through the filing of a statement of candidacy and 89
nominating petition, as prescribed in section 3513.257 of the 90
Revised Code. 91

(J) "Nonpartisan candidate" means any candidate whose name is 92
required, pursuant to section 3505.04 of the Revised Code, to be 93
listed on the nonpartisan ballot, including all candidates for 94
judicial office, for member of any board of education, for 95
municipal or township offices in which primary elections are not 96
held for nominating candidates by political parties, and for 97
offices of municipal corporations having charters that provide for 98
separate ballots for elections for these offices. 99

(K) "Party candidate" means any candidate who claims to be a 100
member of a political party, whose name has been certified on the 101
office-type ballot at a general or special election through the 102
filing of a declaration of candidacy and petition of candidate, 103
and who has won the primary election of the candidate's party for 104
the public office the candidate seeks or is selected by party 105
committee in accordance with section 3513.31 of the Revised Code. 106

(L) "Officer of a political party" includes, but is not 107
limited to, any member, elected or appointed, of a controlling 108
committee, whether representing the territory of the state, a 109
district therein, a county, township, a city, a ward, a precinct, 110
or other territory, of a major, intermediate, or minor political 111
party. 112

(M) "Question or issue" means any question or issue certified 113

in accordance with the Revised Code for placement on an official	114
ballot at a general or special election to be held in this state.	115
(N) "Elector" or "qualified elector" means a person having	116
the qualifications provided by law to be entitled to vote.	117
(O) "Voter" means an elector who votes at an election.	118
(P) "Voting residence" means that place of residence of an	119
elector which shall determine the precinct in which the elector	120
may vote.	121
(Q) "Precinct" means a district within a county established	122
by the board of elections of such county within which all	123
qualified electors having a voting residence therein may vote at	124
the same polling place.	125
(R) "Polling place" means that place provided for each	126
precinct at which the electors having a voting residence in such	127
precinct may vote.	128
(S) "Board" or "board of elections" means the board of	129
elections appointed in a county pursuant to section 3501.06 of the	130
Revised Code.	131
(T) "Political subdivision" means a county, township, city,	132
village, or school district.	133
(U) "Election officer" or "election official" means any of	134
the following:	135
(1) Secretary of state;	136
(2) Employees of the secretary of state serving the division	137
of elections in the capacity of attorney, administrative officer,	138
administrative assistant, elections administrator, office manager,	139
or clerical supervisor;	140
(3) Director of a board of elections;	141
(4) Deputy director of a board of elections;	142

(5) Member of a board of elections;	143
(6) Employees of a board of elections;	144
(7) Precinct polling place judges;	145
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	146 147
(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.	148 149 150 151 152 153 154
(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.	155 156 157 158
(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 developmental disabilities, the rehabilitation services commission, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public	159 160 161 162 163 164 165 166 167 168 169 170 171 172 173

libraries, or the office of a county treasurer.	174
(Y) "National Voter Registration Act of 1993" means the	175
"National Voter Registration Act of 1993," 107 Stat. 77, 42	176
U.S.C.A. 1973gg.	177
(Z) "Voting Rights Act of 1965" means the "Voting Rights Act	178
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.	179
(AA) "Photo identification" means a document that meets each	180
of the following requirements:	181
(1) It shows the name of the individual to whom it was	182
issued, which shall conform to the name in the poll list or	183
signature pollbook.	184
(2) It shows the current address of the individual to whom it	185
was issued, which shall conform to the address in the poll list or	186
signature pollbook, except for a driver's license or a state	187
identification card issued under section 4507.50 of the Revised	188
Code, which may show either the current or former address of the	189
individual to whom it was issued, regardless of whether that	190
address conforms to the address in the poll list or signature	191
pollbook.	192
(3) It shows a photograph of the individual to whom it was	193
issued.	194
(4) It includes an expiration date that has not passed.	195
(5) It was issued by the government of the United States or	196
this state.	197
<u>(BB) "Circulator" means a person who gathers signatures on a</u>	198
<u>petition under Title XXXV of the Revised Code for any lawful</u>	199
<u>purpose unrelated to the candidacy, nomination, or election of a</u>	200
<u>candidate, a person who gathers signatures on behalf of a</u>	201
<u>candidate seeking the office of governor, lieutenant governor,</u>	202
<u>secretary of state, auditor of state, treasurer of state, attorney</u>	203

general, or judge of the supreme court, or a person who gathers 204
signatures in order that the same person may become a nonstatewide 205
candidate for elective office in this state. 206

(CC) "Nonstatewide candidate" means any person seeking 207
elective office in this state except for the offices of governor, 208
lieutenant governor, secretary of state, auditor of state, 209
treasurer of state, attorney general, or judge of the supreme 210
court. 211

Section 2. That existing section 3501.01 of the Revised Code 212
is hereby repealed. 213