

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**S. B. No. 43**

**Senator Miller, D.**

**Cosponsors: Senators Fedor, Turner, Smith, Miller, R., Roberts, Coughlin,  
Sawyer**

**—**

**A B I L L**

To amend sections 3501.01, 3513.04, 3513.10, 3513.12, 1  
3513.13, 3513.14, 3513.15, and 3513.30 and to 2  
repeal sections 3513.121 and 3513.151 of the 3  
Revised Code to allow a political party to select 4  
delegates to its national presidential nominating 5  
convention according to the party's constitution 6  
and bylaws and to eliminate the requirement that 7  
such delegates be directly elected at the 8  
presidential primary election. 9

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

**Section 1.** That sections 3501.01, 3513.04, 3513.10, 3513.12, 10  
3513.13, 3513.14, 3513.15, and 3513.30 of the Revised Code be 11  
amended to read as follows: 12

**Sec. 3501.01.** As used in the sections of the Revised Code 13  
relating to elections and political communications: 14

(A) "General election" means the election held on the first 15  
Tuesday after the first Monday in each November. 16

(B) "Regular municipal election" means the election held on 17  
the first Tuesday after the first Monday in November in each 18

odd-numbered year. 19

(C) "Regular state election" means the election held on the 20  
first Tuesday after the first Monday in November in each 21  
even-numbered year. 22

(D) "Special election" means any election other than those 23  
elections defined in other divisions of this section. A special 24  
election may be held only on the first Tuesday after the first 25  
Monday in February, May, August, or November, or on the day 26  
authorized by a particular municipal or county charter for the 27  
holding of a primary election, except that in any year in which a 28  
presidential primary election is held, no special election shall 29  
be held in February or May, except as authorized by a municipal or 30  
county charter, but may be held on the first Tuesday after the 31  
first Monday in March. 32

(E)(1) "Primary" or "primary election" means an election held 33  
for the purpose of nominating persons as candidates of political 34  
parties for election to offices, and for the purpose of electing 35  
persons as members of the controlling committees of political 36  
parties and as delegates and alternates to the conventions of 37  
political parties. Primary elections shall be held on the first 38  
Tuesday after the first Monday in May of each year except in years 39  
in which a presidential primary election is held. 40

(2) "Presidential primary election" means a primary election 41  
as defined by division (E)(1) of this section at which an election 42  
is held for the purpose of choosing the candidates who will be 43  
selected by the Ohio delegates and alternates to the national 44  
conventions of the major political parties as the first choice for 45  
nomination as the candidate of the political party for the 46  
presidency of the United States pursuant to section 3513.12 of the 47  
Revised Code. Unless otherwise specified, presidential primary 48  
elections are included in references to primary elections. In 49  
years in which a presidential primary election is held, all 50

primary elections shall be held on the first Tuesday after the 51  
first Monday in March except as otherwise authorized by a 52  
municipal or county charter. 53

(F) "Political party" means any group of voters meeting the 54  
requirements set forth in section 3517.01 of the Revised Code for 55  
the formation and existence of a political party. 56

(1) "Major 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 no less 59  
than twenty per cent of the total vote cast for such office at the 60  
most recent regular state election. 61

(2) "Intermediate political party" means any political party 62  
organized under the laws of this state whose candidate for 63  
governor or nominees for presidential electors received less than 64  
twenty per cent but not less than ten per cent of the total vote 65  
cast for such office at the most recent regular state election. 66

(3) "Minor political party" means any political party 67  
organized under the laws of this state whose candidate for 68  
governor or nominees for presidential electors received less than 69  
ten per cent but not less than five per cent of the total vote 70  
cast for such office at the most recent regular state election or 71  
which has filed with the secretary of state, subsequent to any 72  
election in which it received less than five per cent of such 73  
vote, a petition signed by qualified electors equal in number to 74  
at least one per cent of the total vote cast for such office in 75  
the last preceding regular state election, except that a newly 76  
formed political party shall be known as a minor political party 77  
until the time of the first election for governor or president 78  
which occurs not less than twelve months subsequent to the 79  
formation of such party, after which election the status of such 80  
party shall be determined by the vote for the office of governor 81  
or president. 82

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

(H) "Candidate" means any qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held in this state.

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

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

(K) "Party candidate" means any candidate who claims to be a member of a political party, whose name has been certified on the office-type ballot at a general or special election through the filing of a declaration of candidacy and petition of candidate, and who has won the primary election of the candidate's party for

the public office the candidate seeks or is selected by party 115  
committee in accordance with section 3513.31 of the Revised Code. 116

(L) "Officer of a political party" includes, but is not 117  
limited to, any member, elected or appointed, of a controlling 118  
committee, whether representing the territory of the state, a 119  
district therein, a county, township, a city, a ward, a precinct, 120  
or other territory, of a major, intermediate, or minor political 121  
party. 122

(M) "Question or issue" means any question or issue certified 123  
in accordance with the Revised Code for placement on an official 124  
ballot at a general or special election to be held in this state. 125

(N) "Elector" or "qualified elector" means a person having 126  
the qualifications provided by law to be entitled to vote. 127

(O) "Voter" means an elector who votes at an election. 128

(P) "Voting residence" means that place of residence of an 129  
elector which shall determine the precinct in which the elector 130  
may vote. 131

(Q) "Precinct" means a district within a county established 132  
by the board of elections of such county within which all 133  
qualified electors having a voting residence therein may vote at 134  
the same polling place. 135

(R) "Polling place" means that place provided for each 136  
precinct at which the electors having a voting residence in such 137  
precinct may vote. 138

(S) "Board" or "board of elections" means the board of 139  
elections appointed in a county pursuant to section 3501.06 of the 140  
Revised Code. 141

(T) "Political subdivision" means a county, township, city, 142  
village, or school district. 143

(U) "Election officer" or "election official" means any of 144

the following:	145
(1) Secretary of state;	146
(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;	147 148 149 150
(3) Director of a board of elections;	151
(4) Deputy director of a board of elections;	152
(5) Member of a board of elections;	153
(6) Employees of a board of elections;	154
(7) Precinct polling place judges;	155
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	156 157
(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.	158 159 160 161 162 163 164
(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.	165 166 167 168
(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	169 170 171 172 173 174

any other public or government office or agency that implements a 175  
program designed and administered by the secretary of state for 176  
registering voters, including the department of job and family 177  
services, the program administered under section 3701.132 of the 178  
Revised Code by the department of health, the department of mental 179  
health, the department of mental retardation and developmental 180  
disabilities, the rehabilitation services commission, and any 181  
other agency the secretary of state designates. "Designated 182  
agency" does not include public high schools and vocational 183  
schools, public libraries, or the office of a county treasurer. 184

(Y) "National Voter Registration Act of 1993" means the 185  
"National Voter Registration Act of 1993," 107 Stat. 77, 42 186  
U.S.C.A. 1973gg. 187

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 188  
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 189

(AA) "Photo identification" means a document that meets each 190  
of the following requirements: 191

(1) It shows the name of the individual to whom it was 192  
issued, which shall conform to the name in the poll list or 193  
signature pollbook. 194

(2) It shows the current address of the individual to whom it 195  
was issued, which shall conform to the address in the poll list or 196  
signature pollbook, except for a driver's license or a state 197  
identification card issued under section 4507.50 of the Revised 198  
Code, which may show either the current or former address of the 199  
individual to whom it was issued, regardless of whether that 200  
address conforms to the address in the poll list or signature 201  
pollbook. 202

(3) It shows a photograph of the individual to whom it was 203  
issued. 204

(4) It includes an expiration date that has not passed. 205

(5) It was issued by the government of the United States or 206  
this state. 207

**Sec. 3513.04.** Candidates for party nominations to state, 208  
district, county, and municipal offices or positions, for which 209  
party nominations are provided by law, and for election as members 210  
of party controlling committees shall have their names printed on 211  
the official primary ballot by filing a declaration of candidacy 212  
and paying the fees specified for the office under divisions (A) 213  
and (B) of section 3513.10 of the Revised Code, except that the 214  
joint candidates for party nomination to the offices of governor 215  
and lieutenant governor shall, for the two of them, file one 216  
declaration of candidacy. The joint candidates also shall pay the 217  
fees specified for the joint candidates under divisions (A) and 218  
(B) of section 3513.10 of the Revised Code. 219

The secretary of state shall not accept for filing the 220  
declaration of candidacy of a candidate for party nomination to 221  
the office of governor unless the declaration of candidacy also 222  
shows a joint candidate for the same party's nomination to the 223  
office of lieutenant governor, shall not accept for filing the 224  
declaration of candidacy of a candidate for party nomination to 225  
the office of lieutenant governor unless the declaration of 226  
candidacy also shows a joint candidate for the same party's 227  
nomination to the office of governor, and shall not accept for 228  
filing a declaration of candidacy that shows a candidate for party 229  
nomination to the office of governor or lieutenant governor who, 230  
for the same election, has already filed a declaration of 231  
candidacy or a declaration of intent to be a write-in candidate, 232  
or has become a candidate by the filling of a vacancy under 233  
section 3513.30 of the Revised Code for any other state office or 234  
any federal or county office. 235

No person who seeks party nomination for an office or 236



position at a primary election by declaration of candidacy or by 237  
declaration of intent to be a write-in candidate and no person who 238  
~~is a first choice for president of candidates seeking election as~~ 239  
~~delegates and alternates to the national conventions of the~~ 240  
~~different major political parties who are chosen by direct vote of~~ 241  
~~the electors~~ seeks nomination as the first choice as the candidate 242  
of a major political party for the presidency of the United States 243  
as provided in this chapter shall be permitted to become a 244  
candidate by nominating petition or by declaration of intent to be 245  
a write-in candidate at the following general election for any 246  
office other than the office of member of the state board of 247  
education, office of member of a city, local, or exempted village 248  
board of education, office of member of a governing board of an 249  
educational service center, or office of township trustee. 250

**Sec. 3513.10.** (A) At the time of filing a declaration of 251  
candidacy for nomination for any office, or a declaration of 252  
intent to be a write-in candidate, each candidate, except joint 253  
candidates for governor and lieutenant governor, shall pay a fee 254  
as follows: 255

For statewide office	\$100	256
For court of appeals judge	\$ 50	257
For court of common pleas judge	\$ 50	258
For county court judge	\$ 50	259
For municipal court judge	\$ 50	260
For district office, including member		261
of the United States house of		262
representatives and member of the		263
general assembly	\$ 50	264
For county office	\$ 50	265
For city office	\$ 20	266
For village office	\$ 10	267
For township office	\$ 10	268

For member of state board of education	\$ 20	269
For member of local, city, or exempted village board of education		270 271
or educational service center governing board	\$ 10	272 273
At the time of filing a declaration of candidacy or a declaration of intent to be a write-in candidate for the offices of governor and lieutenant governor, the joint candidates shall jointly pay to the secretary of state a fee of one hundred dollars.		274 275 276 277 278
(B)(1) At the same time the fee required under division (A) of this section is paid, each candidate shall pay an additional fee as follows:		279 280 281
For the joint candidates for governor and lieutenant governor	\$ 50	282 283
For statewide office	\$ 50	284
For district office, including member of the United States house of representatives and member of the general assembly	\$ 35	285 286 287 288
For member of state board of education	\$ 35	289
For court of appeals judge	\$ 30	290
For court of common pleas judge	\$ 30	291
For county court judge	\$ 30	292
For municipal court judge	\$ 30	293
For county office	\$ 30	294
For city office	\$ 25	295
For village office	\$ 20	296
For township office	\$ 20	297
For member of local, city, or exempted village board of education or educational service center		298 299 300

governing board § 20 301

(2) Whoever seeks to propose a ballot question or issue to be 302  
submitted to the electors shall pay the following fee at the time 303  
the petition proposing the question or issue is filed: 304

(a) If the question or issue is to be submitted to the 305  
electors throughout the entire state, twenty-five dollars; 306

(b) If the question or issue is to be submitted to the 307  
electors of a county or of a district that consists of all or part 308  
of two or more counties but less than the entire state, fifteen 309  
dollars; 310

(c) If the question or issue is to be submitted to the 311  
electors of a city, twelve dollars and fifty cents; 312

(d) If the question or issue is to be submitted to the 313  
electors of a village, a township, a local, city, county, or 314  
exempted village school district, a precinct, or another district 315  
consisting of less than an entire county, ten dollars. 316

(C) No fee shall be required of candidates filing for 317  
nomination as the first choice as the candidate of a major 318  
political party for the presidency of the United States or for the 319  
office of ~~delegate or alternate to the national convention of~~ 320  
~~political parties~~, member of the state central committee ~~of a~~ 321  
~~political party~~, or member ~~of the~~ county central committee of a 322  
political party. 323

(D) All fees required under division (A) of this section 324  
immediately shall be paid by the officer receiving them into the 325  
state treasury to the credit of the general revenue fund, in the 326  
case of fees received by the secretary of state, and into the 327  
county treasury to the credit of the county general fund, in the 328  
case of fees received by a board of elections. 329

(E) The officer who receives a fee required under division 330  
(B) of this section immediately shall pay the fee to the credit of 331

the Ohio elections commission fund created by division (I) of 332  
section 3517.152 of the Revised Code. 333

(F)(1) In no case shall a fee paid under this section be 334  
returned to a candidate. 335

(2) Whenever a section of law refers to a filing fee to be 336  
paid by a candidate or by a committee proposing a ballot question 337  
or issue to be submitted to the electors, that fee includes the 338  
fees required under divisions (A) and (B) of this section. 339

(G) As used in divisions (A) and (B) of this section, 340  
"statewide office" means the office of secretary of state, auditor 341  
of state, treasurer of state, attorney general, justice and chief 342  
justice of the supreme court, and member of the United States 343  
senate. 344

**Sec. 3513.12.** (A) The procedures for the electors of a 345  
political party to choose the candidate who will be selected by 346  
the Ohio delegates to the political party's national convention as 347  
the first choice for nomination as the candidate of the political 348  
party for the presidency of the United States under divisions 349  
(B)(1) and (2) of this section are alternative procedures. If the 350  
procedures of division (B)(1) of this section are followed, then 351  
the procedures of division (B)(2) of this section need not be 352  
followed, and if the procedures of division (B)(2) of this section 353  
are followed, then the procedures of division (B)(1) of this 354  
section need not be followed. 355

(B) At a presidential primary election, which shall be held 356  
on the first Tuesday after the first Monday in March in the year 357  
2000, and similarly in every fourth year thereafter, ~~delegates and~~ 358  
~~alternates to the national conventions of the different major~~ 359  
~~political parties shall be chosen by direct vote of the electors~~ 360  
~~as provided in this chapter~~ the electors of a political party 361  
shall choose a candidate who shall be selected by the Ohio 362

~~delegates to the political party's national convention as the 363  
first choice for nomination as the candidate of the political 364  
party for the presidency of the United States. Candidates for 365  
delegate and alternate shall be qualified and the election shall 366  
be conducted in the manner prescribed in this chapter for the 367  
nomination of candidates for state and district offices, except as 368  
provided in section 3513.151 of the Revised Code and except that 369  
whenever any group of candidates for delegate at large or 370  
alternate at large, or any group of candidates for delegates or 371  
alternates from districts, file with the secretary of state 372  
statements as provided by this section, designating the same 373  
persons as their first and second choices for president of the 374  
United States, such a group of candidates may submit a group 375  
petition containing a declaration of candidacy for each of such 376  
candidates. The group petition need be signed only by the number 377  
of electors required for the petition of a single candidate. No 378  
group petition shall be submitted except by a group of candidates 379  
equal in number to the whole number of delegates at large or 380  
alternates at large to be elected or equal in number to the whole 381  
number of delegates or alternates from a district to be elected. 382~~

~~Each person seeking to be elected as delegate or alternate to 383  
the national convention of the person's political party shall file 384  
with the person's declaration of candidacy and certificate a 385  
statement in writing signed by the person in which the person 386  
shall state the person's first and second choices for nomination 387  
as the candidate of the person's party for the presidency of the 388  
United States. The secretary of state shall not permit any 389  
declaration of candidacy and certificate of a candidate for 390  
election as such delegate or alternate to be filed unless 391  
accompanied by such statement in writing. The. 392~~

(1) A candidate for the presidency of the United States whose 393  
candidacy is to be submitted to the electors of a major political 394

~~party throughout the entire state shall file, or shall designate a  
qualified elector to file on the candidate's behalf, a declaration  
of candidacy and petition under section 3513.05 of the Revised  
Code. In filing a declaration of candidacy and petition under this  
division, the name of a candidate for the presidency shall not be  
used without the candidate's written consent.~~

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

~~"Statement of Candidate~~

~~For Election as ..... (Delegate) (Alternate) to the  
..... (name of political party) National Convention~~

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

~~..... (name,)~~

~~Candidate for .....~~

~~(Delegate) (Alternate)"~~

~~The procedures for the selection of candidates for delegate~~

~~and alternate to the national convention of a political party set forth in this section and in section 3513.121 of the Revised Code are alternative procedures, and if the procedures of this section are followed, the procedures of section 3513.121 of the Revised Code need not be followed.~~

The declaration of candidacy and petition shall be filed in the same manner as a declaration of candidacy and petition is filed under section 3513.05 of the Revised Code for a candidacy that is to be submitted to electors throughout the entire state. The petition shall be signed by at least one thousand qualified electors who are members of the same political party as the candidate.

(2)(a) Any candidate for the presidency of the United States who is eligible to receive payments under the "Presidential Primary Matching Payment Account Act," 88 Stat. 1297 (1974), 26 U.S.C. 9031, et seq., as amended, may file, or may designate a qualified elector to file on the candidate's behalf, with the secretary of state a declaration of candidacy and petition not later than four p.m. of the sixtieth day before the presidential primary election held in the same year the candidate is eligible to receive such payments. In filing a declaration of candidacy and petition under this division, the name of a candidate for the presidency shall not be used without the candidate's written consent.

The declaration of candidacy and petition shall be filed in the same manner as a declaration of candidacy and petition is filed under section 3513.05 of the Revised Code for a candidacy that is to be submitted to the electors of a congressional district. The candidate shall indicate on the declaration of candidacy the congressional districts in this state where the candidate's candidacy is to be submitted to the electors. A separate petition paper shall be filed for each such congressional

district. Each petition shall be signed by at least fifty 459  
qualified electors residing in the district who are members of the 460  
same political party as the candidate. 461

(b) The form used for a declaration of candidacy filed 462  
pursuant to division (B)(2)(a) of this section shall be 463  
substantially the same as the form prescribed in section 3513.07 464  
of the Revised Code except that the secretary of state shall 465  
modify that form to include spaces for a presidential candidate to 466  
indicate in which congressional districts the candidate wishes the 467  
candidate's candidacy to be submitted to the electors and shall 468  
modify it in any other ways necessary to adapt it to use by 469  
presidential candidates. A candidate who files a declaration of 470  
candidacy pursuant to division (B)(2)(a) of this section shall not 471  
file the petition prescribed in section 3513.07 of the Revised 472  
Code. 473

(C) A vote cast for a candidate in a presidential primary 474  
election shall be considered to be a vote for the selection of the 475  
applicable number of delegates, as determined by the constitution 476  
and bylaws of the political party for which the candidate is 477  
seeking nomination, to vote for that candidate as the first choice 478  
for nomination as the candidate of the political party for the 479  
presidency of the United States at the political party's national 480  
convention. 481

(D)(1) The state central committee of each major political 482  
party, through its chairperson, not later than the fifteenth day 483  
prior to the date of the presidential primary election, shall file 484  
with the secretary of state the rules of its political party 485  
adopted by the state central committee at a meeting open to all 486  
members of the committee's party, which affect the selection of 487  
delegates and alternates to its party nominating convention. 488

(2) The secretary of state shall issue a certificate of 489  
nomination to the state central committee of each major political 490



party, through its chairperson, indicating the candidate selected 491  
at the presidential primary election as the first choice for 492  
nomination as the candidate of the political party for the 493  
presidency of the United States. 494

(3) The political party shall select delegates and alternates 495  
to its national convention in accordance with the party's 496  
constitution and bylaws. At the political party's national 497  
convention, those delegates shall select, as their first choice 498  
for nomination as the candidate of the political party for the 499  
presidency of the United States, the candidate who is identified, 500  
on the certificate of nomination issued under division (D)(2) of 501  
this section, as having received the highest number of votes 502  
throughout the state in that party's presidential primary 503  
election. 504

**Sec. 3513.13.** Separate primary election ballots shall be 505  
provided by the board of elections for each political party having 506  
candidates for nomination or election in a primary election. 507  
Section 3505.08 of the Revised Code governing the kind of paper, 508  
the kind of ink, and the size and style of type to be used in the 509  
printing of ballots for general elections shall apply in the 510  
printing of ballots for primary elections. 511

Primary election ballots shall have printed on the back 512  
thereof "Official ..... (name of party) ..... primary 513  
ballot," the date of the election, and the facsimile signatures of 514  
the members of the board. 515

Such ballots shall have stubs attached at the top thereof as 516  
required on ballots for general elections. 517

On the back of every ballot used there shall be a solid black 518  
line printed opposite the blank rectangular space that is used to 519  
mark the choice of the voter. This line shall be printed wide 520  
enough so that the mark in the blank rectangular space will not be 521

visible from the back side of the ballot. 522

Such ballots shall have printed at the top thereof and below 523  
the stubs "Official ..... (name of party) ..... primary 524  
ballot" and instructions to the voter to the effect that to vote 525  
for a candidate the voter shall record the vote in the manner 526  
provided on the ballot next to the name of such candidate, ~~except~~ 527  
~~as provided in section 3513.151 of the Revised Code,~~ and that if 528  
~~he~~ a voter who tears, soils, defaces, or erroneously marks the 529  
ballot ~~he~~ may return it to the precinct election officers and 530  
obtain another ballot. 531

~~Except as provided in section 3513.151 of the Revised Code,~~ 532  
~~primary~~ Primary election ballots shall contain the names of all 533  
persons whose declarations of candidacy and petitions have been 534  
determined to be valid. The name of each candidate for nomination 535  
for, or election to, an office or position shall be printed in an 536  
enclosed rectangular space at the left of which an enclosed blank 537  
rectangular space shall be provided. The names of candidates shall 538  
be printed on the ballot immediately below the title of the office 539  
or position for nomination or election to which the candidate 540  
seeks nomination or election. The order in which offices and 541  
positions shall be listed on the ballot shall be prescribed by and 542  
shall be certified to each board by the secretary of state, and 543  
shall be the same, to the extent the secretary of state deems 544  
practicable, as is provided for the listing of offices on general 545  
election ballots. 546

**Sec. 3513.14.** Except in elections for which the board of 547  
elections has received no valid declarations of intent to be a 548  
write-in candidate under section 3513.041 of the Revised Code, 549  
immediately below the title of each office for which nominations 550  
are to be made and the names of candidates for such nomination 551  
printed thereunder, there shall be provided on each primary 552

election ballot as many blank spaces as, but not more than, the 553  
number of nominations to be made for such office, in which the 554  
voter may write the names of persons for whose nomination ~~he~~ the 555  
voter desires to vote, provided that inasmuch as candidates for 556  
the office of delegate and alternate to the national and state 557  
conventions, member of the state central committee, and member of 558  
the county central committee are elected by direct vote of the 559  
members of a political party at the primary election no blank 560  
space shall be left on the ballot after the names of the 561  
candidates for such office, and no vote shall be counted for any 562  
person whose name has been written in on said ballot for any of 563  
such offices. If no person files and qualifies as a candidate for 564  
the office of member of the state central committee or member of 565  
the county central committee such office shall not appear on the 566  
ballot. 567

The face of the ballot below the stub shall be substantially 568  
in the following form: 569

OFFICIAL .....(name of party)..... 570

PRIMARY BALLOT 571

(A) To vote for a candidate record your vote in the manner 572  
provided next to the name of such candidate. 573

(B) If you tear, soil, deface, or erroneously mark this 574  
ballot return it to the election officials and obtain another. 575

**Sec. 3513.15.** The names of the candidates in each group of 576  
two or more candidates seeking the same nomination or election at 577  
a primary election, ~~except delegates and alternates to the~~ 578  
~~national convention of a political party,~~ shall be rotated and 579  
printed as provided in section 3505.03 of the Revised Code, except 580  
that no indication of membership in or affiliation with a 581  
political party shall be printed after or under the candidate's 582  
name. ~~When the names of the first choices for president of~~ 583

~~candidates for delegate and alternate are not grouped with the~~ 584  
~~names of such candidates, the names of the first choices for~~ 585  
~~president shall be rotated in the same manner as the names of~~ 586  
~~candidates.~~ The specific form and size of the ballot shall be 587  
prescribed by the secretary of state in compliance with this 588  
chapter. 589

It shall not be necessary to have the names of candidates for 590  
member of a county central committee printed on the ballots 591  
provided for absentee voters, and the board may cause the names of 592  
such candidates to be written on said ballots in the spaces 593  
provided therefor. 594

~~The secretary of state shall prescribe the procedure for~~ 595  
~~rotating the names of candidates on the ballot and the form of the~~ 596  
~~ballot for the election of delegates and alternates to the~~ 597  
~~national convention of a political party in accordance with~~ 598  
~~section 3513.151 of the Revised Code.~~ 599

**Sec. 3513.30.** (A)(1) If only one valid declaration of 600  
candidacy is filed for nomination as a candidate of a political 601  
party for an office and that candidate dies prior to the tenth day 602  
before the primary election, both of the following may occur: 603

(a) The political party whose candidate died may fill the 604  
vacancy so created as provided in division (A)(2) of this section. 605

(b) Any major political party other than the one whose 606  
candidate died may select a candidate as provided in division 607  
(A)(2) of this section under either of the following 608  
circumstances: 609

(i) No person has filed a valid declaration of candidacy for 610  
nomination as that party's candidate at the primary election. 611

(ii) Only one person has filed a valid declaration of 612  
candidacy for nomination as that party's candidate at the primary 613

election, that person has withdrawn, died, or been disqualified 614  
under section 3513.052 of the Revised Code, and the vacancy so 615  
created has not been filled. 616

(2) A vacancy may be filled under division (A)(1)(a) and a 617  
selection may be made under division (A)(1)(b) of this section by 618  
the appropriate committee of the political party in the same 619  
manner as provided in divisions (A) to (E) of section 3513.31 of 620  
the Revised Code for the filling of similar vacancies created by 621  
withdrawals or disqualifications under section 3513.052 of the 622  
Revised Code after the primary election, except that the 623  
certification required under that section may not be filed with 624  
the secretary of state, or with a board of the most populous 625  
county of a district, or with the board of a county in which the 626  
major portion of the population of a subdivision is located, later 627  
than four p.m. of the tenth day before the day of such primary 628  
election, or with any other board later than four p.m. of the 629  
fifth day before the day of such primary election. 630

(3) If only one valid declaration of candidacy is filed for 631  
nomination as a candidate of a political party for an office and 632  
that candidate dies on or after the tenth day before the day of 633  
the primary election, that candidate is considered to have 634  
received the nomination of that candidate's political party at 635  
that primary election, and, for purposes of filling the vacancy so 636  
created, that candidate's death shall be treated as if that 637  
candidate died on the day after the day of the primary election. 638

(B) Any person filing a declaration of candidacy may withdraw 639  
as such candidate at any time prior to the primary election, or, 640  
if the primary election is a presidential primary election, at any 641  
time prior to the fiftieth day before the presidential primary 642  
election. The withdrawal shall be effected and the statement of 643  
withdrawal shall be filed in accordance with the procedures 644  
prescribed in division (D) of this section for the withdrawal of 645

persons nominated in a primary election or by nominating petition. 646

(C) A person who is seeking nomination as the first choice 647  
for president of the United States by ~~a candidate for delegate or~~ 648  
~~alternate~~ delegates to a national convention of a political party 649  
may withdraw ~~consent for the selection of the person as such first~~ 650  
~~choice~~ no candidate not later than four p.m. of the thirtieth day 651  
before the day of the presidential primary election. ~~Withdrawal of~~ 652  
~~consent shall be for the entire slate of candidates for delegates~~ 653  
~~and alternates who named such person as their presidential first~~ 654  
~~choice and shall constitute withdrawal from the primary election~~ 655  
~~by such delegates and alternates.~~ The withdrawal shall be made in 656  
writing and delivered to the secretary of state. If the withdrawal 657  
is delivered to the secretary of state on or before the sixtieth 658  
day before the day of the primary election, or, if the election is 659  
a presidential primary election, on or before the forty-fifth day 660  
before the day of the presidential primary election, the boards of 661  
elections shall remove ~~both~~ the name of the withdrawn ~~first choice~~ 662  
~~and the names of such withdrawn candidates~~ candidate from the 663  
ballots according to the directions of the secretary of state. If 664  
the withdrawal is delivered to the secretary of state after the 665  
sixtieth day before the day of the primary election, or, if the 666  
election is a presidential primary election, after the forty-fifth 667  
day before the day of the presidential primary election, the board 668  
of elections shall not remove the name of the withdrawn ~~first~~ 669  
~~choice and the names of the withdrawn candidates~~ candidate from 670  
the ballots. The board of elections shall post a notice at each 671  
polling location on the day of the primary election, and shall 672  
enclose with each absent voter's ballot given or mailed after the 673  
candidate withdraws, a notice that votes for the withdrawn ~~first~~ 674  
~~choice or the withdrawn candidates~~ candidate will be void and will 675  
not be counted. If ~~such names are~~ the candidate's name is not 676  
removed from all ballots before the day of the election, the votes 677  
for the withdrawn ~~first choice or the withdrawn candidates~~ 678

candidate are void and shall not be counted. 679

(D) Any person nominated in a primary election or by 680  
nominating petition as a candidate for election at the next 681  
general election may withdraw as such candidate at any time prior 682  
to the general election. Such withdrawal may be effected by the 683  
filing of a written statement by such candidate announcing the 684  
candidate's withdrawal and requesting that the candidate's name 685  
not be printed on the ballots. If such candidate's declaration of 686  
candidacy or nominating petition was filed with the secretary of 687  
state, the candidate's statement of withdrawal shall be addressed 688  
to and filed with the secretary of state. If such candidate's 689  
declaration of candidacy or nominating petition was filed with a 690  
board of elections, the candidate's statement of withdrawal shall 691  
be addressed to and filed with such board. 692

(E) When a person withdraws under division (B) or (D) of this 693  
section on or before the sixtieth day before the day of the 694  
primary election, or, if the election is a presidential primary 695  
election, on or before the forty-fifth day before the day of the 696  
presidential primary election, the board of elections shall remove 697  
the name of the withdrawn candidate from the ballots according to 698  
the directions of the secretary of state. When a person withdraws 699  
under division (B) or (D) of this section after the sixtieth day 700  
before the day of the primary election, or, if the election is a 701  
presidential primary election, after the forty-fifth day before 702  
the day of the presidential primary election, the board of 703  
elections shall not remove the name of the withdrawn candidate 704  
from the ballots. The board of elections shall post a notice at 705  
each polling place on the day of the primary election, and shall 706  
enclose with each absent voter's ballot given or mailed after the 707  
candidate withdraws, a notice that votes for the withdrawn 708  
candidate will be void and will not be counted. If the name is not 709  
removed from all ballots before the day of the election, the votes 710

for the withdrawn candidate are void and shall not be counted. 711

**Section 2.** That existing sections 3501.01, 3513.04, 3513.10, 712  
3513.12, 3513.13, 3513.14, 3513.15, and 3513.30 and sections 713  
3513.121 and 3513.151 of the Revised Code are hereby repealed. 714