

As Passed by the House

**129th General Assembly
Regular Session
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Am. H. B. No. 318

Representatives Blessing, O'Brien

**Cosponsors: Representatives Amstutz, Anielski, Baker, Beck, Blair, Boose,
Bubp, Buchy, Combs, Conditt, Grossman, Hackett, Hayes, Henne, Hill,
Hollington, Huffman, Maag, McClain, Newbold, Pelanda, Roegner, Ruhl,
Sears, Slaby, Sprague, Stautberg, Stebelton, Terhar, Thompson, Uecker,
Wachtmann, Young Speaker Batchelder**

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A B I L L

To amend sections 511.27, 1545.21, 3501.01, 3513.12, 1
and 3513.262 of the Revised Code to eliminate 2
March primary elections in presidential election 3
years by requiring all primary elections to be 4
conducted on the first Tuesday after the first 5
Monday in May, to specify that individuals who 6
have already filed nominating papers for the 2012 7
primary election prior to the bill's effective 8
date shall be deemed to have filed those papers 9
for the May 8, 2012, primary election, and to 10
specify that a candidate who files for a district 11
whose boundary changes after filing shall be 12
deemed a candidate in the new district that 13
comprises the largest portion of the territory of 14
the district for which the candidate originally 15
filed. 16

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

Section 1. That sections 511.27, 1545.21, 3501.01, 3513.12, 17
and 3513.262 of the Revised Code be amended to read as follows: 18

Sec. 511.27. (A) To defray the expenses of the township park 19
district and for purchasing, appropriating, operating, 20
maintaining, and improving lands for parks or recreational 21
purposes, the board of park commissioners may levy a sufficient 22
tax within the ten-mill limitation, not to exceed one mill on each 23
dollar of valuation on all real and personal property within the 24
township, and on all real and personal property within any 25
municipal corporation that is within the township, that was within 26
the township at the time that the park district was established, 27
or the boundaries of which are coterminous with or include the 28
township. The levy shall be over and above all other taxes and 29
limitations on such property authorized by law. 30

(B) Except as otherwise provided in division (C) of this 31
section, the board of park commissioners, not less than ninety 32
days before the day of the election, may declare by resolution 33
that the amount of taxes that may be raised within the ten-mill 34
limitation will be insufficient to provide an adequate amount for 35
the necessary requirements of the district and that it is 36
necessary to levy a tax in excess of that limitation for the use 37
of the district. The resolution shall specify the purpose for 38
which the taxes shall be used, the annual rate proposed, and the 39
number of consecutive years the levy will be in effect. Upon the 40
adoption of the resolution, the question of levying the taxes 41
shall be submitted to the electors of the township and the 42
electors of any municipal corporation that is within the township, 43
that was within the township at the time that the park district 44
was established, or the boundaries of which are coterminous with 45
or include the township, at a special election to be held on 46
whichever of the following occurs first: 47

(1) The day of the next ensuing general election; 48

(2) ~~The first Tuesday after the first Monday in May of any 49
calendar year, except that, if a presidential day of the next 50
ensuing primary election is held in that calendar year, then the 51
day of that election. 52~~

The rate submitted to the electors at any one election shall 53
not exceed two mills annually upon each dollar of valuation. If a 54
majority of the electors voting upon the question of the levy vote 55
in favor of the levy, the tax shall be levied on all real and 56
personal property within the township and on all real and personal 57
property within any municipal corporation that is within the 58
township, that was within the township at the time that the park 59
district was established, or the boundaries of which are 60
coterminous with or include the township, and the levy shall be 61
over and above all other taxes and limitations on such property 62
authorized by law. 63

(C) In any township park district that contains only 64
unincorporated territory, if the township board of park 65
commissioners is appointed by the board of township trustees, 66
before a tax can be levied and certified to the county auditor 67
pursuant to section 5705.34 of the Revised Code or before a 68
resolution for a tax levy can be certified to the board of 69
elections pursuant to section 511.28 of the Revised Code, the 70
board of park commissioners shall receive approval for its levy 71
request from the board of township trustees. The board of park 72
commissioners shall adopt a resolution requesting the board of 73
township trustees to approve the levy request, stating the annual 74
rate of the proposed levy and the reason for the levy request. On 75
receiving this request, the board of township trustees shall vote 76
on whether to approve the request and, if a majority votes to 77
approve it, shall issue a resolution approving the levy at the 78
requested rate. 79

Sec. 1545.21. The board of park commissioners, by resolution, 80
may submit to the electors of the park district the question of 81
levying taxes for the use of the district. The resolution shall 82
declare the necessity of levying such taxes, shall specify the 83
purpose for which such taxes shall be used, the annual rate 84
proposed, and the number of consecutive years the rate shall be 85
levied. Such resolution shall be forthwith certified to the board 86
of elections in each county in which any part of such district is 87
located, not later than the ninetieth day before the day of the 88
election, and the question of the levy of taxes as provided in 89
such resolution shall be submitted to the electors of the district 90
at a special election to be held on whichever of the following 91
occurs first: 92

(A) The day of the next general election; 93

(B) ~~The first Tuesday after the first Monday in May in any 94
calendar year, except that if a presidential day of the next 95
primary election is held in that calendar year, then the day of 96
that election. The 97~~

The ballot shall set forth the purpose for which the taxes 98
shall be levied, the annual rate of levy, and the number of years 99
of such levy. If the tax is to be placed on the current tax list, 100
the form of the ballot shall state that the tax will be levied in 101
the current tax year and shall indicate the first calendar year 102
the tax will be due. If the resolution of the board of park 103
commissioners provides that an existing levy will be canceled upon 104
the passage of the new levy, the ballot may include a statement 105
that: "an existing levy of ... mills (stating the original levy 106
millage), having ... years remaining, will be canceled and 107
replaced upon the passage of this levy." In such case, the ballot 108
may refer to the new levy as a "replacement levy" if the new 109
millage does not exceed the original millage of the levy being 110

canceled or as a "replacement and additional levy" if the new 111
millage exceeds the original millage of the levy being canceled. 112
If a majority of the electors voting upon the question of such 113
levy vote in favor thereof, such taxes shall be levied and shall 114
be in addition to the taxes authorized by section 1545.20 of the 115
Revised Code, and all other taxes authorized by law. The rate 116
submitted to the electors at any one time shall not exceed two 117
mills annually upon each dollar of valuation. When a tax levy has 118
been authorized as provided in this section or in section 1545.041 119
of the Revised Code, the board of park commissioners may issue 120
bonds pursuant to section 133.24 of the Revised Code in 121
anticipation of the collection of such levy, provided that such 122
bonds shall be issued only for the purpose of acquiring and 123
improving lands. Such levy, when collected, shall be applied in 124
payment of the bonds so issued and the interest thereon. The 125
amount of bonds so issued and outstanding at any time shall not 126
exceed one per cent of the total tax valuation in such district. 127
Such bonds shall bear interest at a rate not to exceed the rate 128
determined as provided in section 9.95 of the Revised Code. 129

Sec. 3501.01. As used in the sections of the Revised Code 130
relating to elections and political communications: 131

(A) "General election" means the election held on the first 132
Tuesday after the first Monday in each November. 133

(B) "Regular municipal election" means the election held on 134
the first Tuesday after the first Monday in November in each 135
odd-numbered year. 136

(C) "Regular state election" means the election held on the 137
first Tuesday after the first Monday in November in each 138
even-numbered year. 139

(D) "Special election" means any election other than those 140
elections defined in other divisions of this section. A special 141

election may be held only on the first Tuesday after the first 142
Monday in February, May, August, or November, or on the day 143
authorized by a particular municipal or county charter for the 144
holding of a primary election, ~~except that in any year in which a~~ 145
~~presidential primary election is held, no special election shall~~ 146
~~be held in February or May, except as authorized by a municipal or~~ 147
~~county charter, but may be held on the first Tuesday after the~~ 148
~~first Monday in March.~~ 149

(E)(1) "Primary" or "primary election" means an election held 150
for the purpose of nominating persons as candidates of political 151
parties for election to offices, and for the purpose of electing 152
persons as members of the controlling committees of political 153
parties and as delegates and alternates to the conventions of 154
political parties. Primary elections shall be held on the first 155
Tuesday after the first Monday in May of each year ~~except in years~~ 156
~~in which a presidential primary election is held.~~ 157

(2) "Presidential primary election" means a primary election 158
as defined by division (E)(1) of this section at which an election 159
is held for the purpose of choosing delegates and alternates to 160
the national conventions of the major political parties pursuant 161
to section 3513.12 of the Revised Code. Unless otherwise 162
specified, presidential primary elections are included in 163
references to primary elections. ~~In years in which a presidential~~ 164
~~primary election is held, all primary elections shall be held on~~ 165
~~the first Tuesday after the first Monday in March except as~~ 166
~~otherwise authorized by a municipal or county charter.~~ 167

(F) "Political party" means any group of voters meeting the 168
requirements set forth in section 3517.01 of the Revised Code for 169
the formation and existence of a political party. 170

(1) "Major political party" means any political party 171
organized under the laws of this state whose candidate for 172
governor or nominees for presidential electors received no less 173

than twenty per cent of the total vote cast for such office at the 174
most recent regular state election. 175

(2) "Intermediate political party" means any political party 176
organized under the laws of this state whose candidate for 177
governor or nominees for presidential electors received less than 178
twenty per cent but not less than ten per cent of the total vote 179
cast for such office at the most recent regular state election. 180

(3) "Minor political party" means any political party 181
organized under the laws of this state whose candidate for 182
governor or nominees for presidential electors received less than 183
ten per cent but not less than five per cent of the total vote 184
cast for such office at the most recent regular state election or 185
which has filed with the secretary of state, subsequent to any 186
election in which it received less than five per cent of such 187
vote, a petition signed by qualified electors equal in number to 188
at least one per cent of the total vote cast for such office in 189
the last preceding regular state election, except that a newly 190
formed political party shall be known as a minor political party 191
until the time of the first election for governor or president 192
which occurs not less than twelve months subsequent to the 193
formation of such party, after which election the status of such 194
party shall be determined by the vote for the office of governor 195
or president. 196

(G) "Dominant party in a precinct" or "dominant political 197
party in a precinct" means that political party whose candidate 198
for election to the office of governor at the most recent regular 199
state election at which a governor was elected received more votes 200
than any other person received for election to that office in such 201
precinct at such election. 202

(H) "Candidate" means any qualified person certified in 203
accordance with the provisions of the Revised Code for placement 204
on the official ballot of a primary, general, or special election 205

to be held in this state, or any qualified person who claims to be 206
a write-in candidate, or who knowingly assents to being 207
represented as a write-in candidate by another at either a 208
primary, general, or special election to be held in this state. 209

(I) "Independent candidate" means any candidate who claims 210
not to be affiliated with a political party, and whose name has 211
been certified on the office-type ballot at a general or special 212
election through the filing of a statement of candidacy and 213
nominating petition, as prescribed in section 3513.257 of the 214
Revised Code. 215

(J) "Nonpartisan candidate" means any candidate whose name is 216
required, pursuant to section 3505.04 of the Revised Code, to be 217
listed on the nonpartisan ballot, including all candidates for 218
judicial office, for member of any board of education, for 219
municipal or township offices in which primary elections are not 220
held for nominating candidates by political parties, and for 221
offices of municipal corporations having charters that provide for 222
separate ballots for elections for these offices. 223

(K) "Party candidate" means any candidate who claims to be a 224
member of a political party, whose name has been certified on the 225
office-type ballot at a general or special election through the 226
filing of a declaration of candidacy and petition of candidate, 227
and who has won the primary election of the candidate's party for 228
the public office the candidate seeks or is selected by party 229
committee in accordance with section 3513.31 of the Revised Code. 230

(L) "Officer of a political party" includes, but is not 231
limited to, any member, elected or appointed, of a controlling 232
committee, whether representing the territory of the state, a 233
district therein, a county, township, a city, a ward, a precinct, 234
or other territory, of a major, intermediate, or minor political 235
party. 236

(M) "Question or issue" means any question or issue certified	237
in accordance with the Revised Code for placement on an official	238
ballot at a general or special election to be held in this state.	239
(N) "Elector" or "qualified elector" means a person having	240
the qualifications provided by law to be entitled to vote.	241
(O) "Voter" means an elector who votes at an election.	242
(P) "Voting residence" means that place of residence of an	243
elector which shall determine the precinct in which the elector	244
may vote.	245
(Q) "Precinct" means a district within a county established	246
by the board of elections of such county within which all	247
qualified electors having a voting residence therein may vote at	248
the same polling place.	249
(R) "Polling place" means that place provided for each	250
precinct at which the electors having a voting residence in such	251
precinct may vote.	252
(S) "Board" or "board of elections" means the board of	253
elections appointed in a county pursuant to section 3501.06 of the	254
Revised Code.	255
(T) "Political subdivision" means a county, township, city,	256
village, or school district.	257
(U) "Election officer" or "election official" means any of	258
the following:	259
(1) Secretary of state;	260
(2) Employees of the secretary of state serving the division	261
of elections in the capacity of attorney, administrative officer,	262
administrative assistant, elections administrator, office manager,	263
or clerical supervisor;	264
(3) Director of a board of elections;	265

(4) Deputy director of a board of elections;	266
(5) Member of a board of elections;	267
(6) Employees of a board of elections;	268
(7) Precinct polling place judges;	269
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	270 271
(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.	272 273 274 275 276 277 278
(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.	279 280 281 282
(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	283 284 285 286 287 288 289 290 291 292 293 294 295 296

include public high schools and vocational schools, public 297
libraries, or the office of a county treasurer. 298

(Y) "National Voter Registration Act of 1993" means the 299
"National Voter Registration Act of 1993," 107 Stat. 77, 42 300
U.S.C.A. 1973gg. 301

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 302
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 303

(AA) "Photo identification" means a document that meets each 304
of the following requirements: 305

(1) It shows the name of the individual to whom it was 306
issued, which shall conform to the name in the poll list or 307
signature pollbook. 308

(2) It shows the current address of the individual to whom it 309
was issued, which shall conform to the address in the poll list or 310
signature pollbook, except for a driver's license or a state 311
identification card issued under section 4507.50 of the Revised 312
Code, which may show either the current or former address of the 313
individual to whom it was issued, regardless of whether that 314
address conforms to the address in the poll list or signature 315
pollbook. 316

(3) It shows a photograph of the individual to whom it was 317
issued. 318

(4) It includes an expiration date that has not passed. 319

(5) It was issued by the government of the United States or 320
this state. 321

Sec. 3513.12. At a presidential primary election, ~~which shall~~ 322
~~be held on the first Tuesday after the first Monday in March in~~ 323
~~the year 2000, and similarly in every fourth year thereafter,~~ 324
delegates and alternates to the national conventions of the 325
different major political parties shall be chosen by direct vote 326

of the electors as provided in this chapter. Candidates for 327
delegate and alternate shall be qualified and the election shall 328
be conducted in the manner prescribed in this chapter for the 329
nomination of candidates for state and district offices, except as 330
provided in section 3513.151 of the Revised Code and except that 331
whenever any group of candidates for delegate at large or 332
alternate at large, or any group of candidates for delegates or 333
alternates from districts, file with the secretary of state 334
statements as provided by this section, designating the same 335
persons as their first and second choices for president of the 336
United States, such a group of candidates may submit a group 337
petition containing a declaration of candidacy for each of such 338
candidates. The group petition need be signed only by the number 339
of electors required for the petition of a single candidate. No 340
group petition shall be submitted except by a group of candidates 341
equal in number to the whole number of delegates at large or 342
alternates at large to be elected or equal in number to the whole 343
number of delegates or alternates from a district to be elected. 344

Each person seeking to be elected as delegate or alternate to 345
the national convention of the person's political party shall file 346
with the person's declaration of candidacy and certificate a 347
statement in writing signed by the person in which the person 348
shall state the person's first and second choices for nomination 349
as the candidate of the person's party for the presidency of the 350
United States. The secretary of state shall not permit any 351
declaration of candidacy and certificate of a candidate for 352
election as such delegate or alternate to be filed unless 353
accompanied by such statement in writing. The name of a candidate 354
for the presidency shall not be so used without the candidate's 355
written consent. 356

A person who is a first choice for president of candidates 357
seeking election as delegates and alternates shall file with the 358

secretary of state, prior to the day of the election, a list 359
indicating the order in which certificates of election are to be 360
issued to delegate or alternate candidates to whose candidacy the 361
person has consented, if fewer than all of such candidates are 362
entitled under party rules to be certified as elected. Each 363
candidate for election as such delegate or alternate may also file 364
along with the candidate's declaration of candidacy and 365
certificate a statement in writing signed by the candidate in the 366
following form: 367

"Statement of Candidate 368

For Election as (Delegate) (Alternate) to the 369
..... (name of political party) National Convention 370

I hereby declare to the voters of my political party in the 371
State of Ohio that, if elected as (delegate) 372
(alternate) to their national party convention, I shall, to the 373
best of my judgment and ability, support that candidate for 374
President of the United States who shall have been selected at 375
this primary by the voters of my party in the manner provided in 376
Chapter 3513. of the Ohio Revised Code, as their candidate for 377
such office. 378

..... (name) 379

Candidate for 380

(Delegate) (Alternate)" 381

The procedures for the selection of candidates for delegate 382
and alternate to the national convention of a political party set 383
forth in this section and in section 3513.121 of the Revised Code 384
are alternative procedures, and if the procedures of this section 385
are followed, the procedures of section 3513.121 of the Revised 386
Code need not be followed. 387

Sec. 3513.262. The nominating petitions of all candidates 388
required to be filed before four p.m. of the day before the day of 389

the primary election immediately preceding the general election 390
shall be processed as follows: 391

If such petition is filed with the secretary of state, ~~he~~ the 392
secretary of state shall, not later than the fifteenth day of June 393
following the filing of such petition, ~~or if the primary election~~ 394
~~was a presidential primary election, not later than the end of the~~ 395
~~sixth week after the day of that election,~~ transmit to each board 396
such separate petition papers as purport to contain signatures of 397
electors of the county of such board. If such petition is filed 398
with the board of the most populous county of a district or of a 399
county in which the major portion of the population of a 400
subdivision is located, such board shall, not later than the 401
fifteenth day of June, ~~or if the primary election was a~~ 402
~~presidential primary election, not later than the end of the sixth~~ 403
~~week after the day of that election,~~ transmit to each board within 404
such district such separate petition papers of the petition as 405
purport to contain signatures of electors of the county of such 406
board. 407

All petition papers so transmitted to a board and all 408
nominating petitions filed with a board shall, under proper 409
regulations, be open to public inspection from the fifteenth day 410
of June until four p.m. of the thirtieth day of that month, ~~or if~~ 411
~~the primary election was a presidential primary election, from the~~ 412
~~end of the sixth week after the election until four p.m. of the~~ 413
~~end of the seventh week after the election.~~ Each board shall, not 414
later than the next fifteenth day of July, ~~or if the primary~~ 415
~~election was a presidential primary election, not later than the~~ 416
~~end of the tenth week after the day of that election,~~ examine and 417
determine the sufficiency of the signatures on the petition papers 418
transmitted to or filed with it, and the validity of the petitions 419
filed with it, and shall return to the secretary of state all 420
petition papers transmitted to it by ~~him~~ the secretary of state, 421

together with its certification of its determination as to the 422
validity or invalidity of signatures thereon, and shall return to 423
each other board all petition papers transmitted to it by such 424
other board, as provided in this section, together with its 425
certification of its determination as to the validity or 426
invalidity of signatures thereon. All other matters affecting the 427
validity or invalidity of such petition papers shall be determined 428
by the secretary of state or the board with whom such petition 429
papers were filed. 430

Written protests against nominating petitions may be filed by 431
any qualified elector eligible to vote for the candidate whose 432
nominating petition ~~he~~ the elector objects to, not later than four 433
p.m. of the thirtieth day of July, ~~or if the primary election was~~ 434
~~a presidential primary election, not later than the end of the~~ 435
~~twelfth week after the day of that election.~~ Such protests shall 436
be filed with the election officials with whom the nominating 437
petition was filed. Upon the filing of such protest, the election 438
officials with whom it is filed shall promptly fix the time and 439
place for hearing it, and shall forthwith mail notice of the 440
filing of such protest and the time and place for hearing it to 441
the person whose nomination is protested. They shall also 442
forthwith mail notice of the time and place fixed for the hearing 443
to the person who filed the protest. At the time fixed, such 444
election officials shall hear the protest and determine the 445
validity or invalidity of the petition. Such determination shall 446
be final. 447

A protest against the nominating petition filed by joint 448
candidates for the offices of governor and lieutenant governor 449
shall be filed, heard, and determined in the same manner as a 450
protest against the nominating petition of a candidate who files 451
~~by himself~~ individually. 452

Section 2. That existing sections 511.27, 1545.21, 3501.01, 453
3513.12, and 3513.262 of the Revised Code are hereby repealed. 454

Section 3. (A) Notwithstanding any provision of the Revised 455
Code to the contrary, any person who, prior to the effective date 456
of this act, filed a declaration of candidacy and petition, a 457
declaration of intent to be a write-in candidate, or a nominating 458
petition seeking nomination at the March 6, 2012, primary election 459
shall be deemed to have filed those papers for nomination to the 460
same office for the primary election scheduled to be held, 461
pursuant to this act, on May 8, 2012. If the district boundaries 462
for the office for which the candidate is seeking nomination 463
change after those papers were filed, the candidate shall be 464
deemed to have filed the necessary paperwork to become a candidate 465
in the new district that comprises the largest portion of the 466
territory of the district for which the candidate originally filed 467
nominating papers. 468

(B) Notwithstanding any provision of the Revised Code to the 469
contrary, a person who wishes to seek nomination at the primary 470
election scheduled to be held, under this act, on May 8, 2012, may 471
file the appropriate declaration of candidacy and petition, 472
declaration of intent to be a write-in candidate, or nominating 473
petition for that election not later than ninety days prior to the 474
day of that election, in the manner specified under Title XXXV of 475
the Revised Code. 476

(C) If a person filed a declaration of candidacy and 477
petition, declaration of intent to be a write-in candidate, or 478
nominating petition to become a candidate for nomination at the 479
2012 primary election prior to the filing deadline for that 480
election as it existed before the effective date of Sections 1 and 481
2 of this act and files again to become a candidate for nomination 482
at that election for the same office prior to the new filing 483

deadline that will occur after those sections take effect, the 484
person is not disqualified as a candidate under section 3513.052 485
of the Revised Code and, if the person otherwise qualifies as a 486
candidate, shall be placed on the ballot for nomination for that 487
office at that election. 488

For the purpose of this division, a person who filed a 489
declaration of candidacy and petition, declaration of intent to be 490
a write-in candidate, or nominating petition to become a candidate 491
for nomination for the office of congressional representative at 492
the 2012 primary election prior to the effective date of Sections 493
1 and 2 of this act and who files those documents for a different 494
congressional district for the same election after that effective 495
date shall be deemed to have filed to become a candidate for 496
nomination to the same office. If the person otherwise qualifies 497
to become a candidate, the person's name shall be placed on the 498
ballot for the congressional district for which the person most 499
recently filed nominating papers. 500

(D) It is the purpose of this section to ensure that persons 501
who otherwise would be qualified candidates for the 2012 primary 502
election, and who have properly filed the necessary paperwork to 503
become candidates for that election, are not inadvertently 504
disqualified due to changes in the filing deadline for that 505
election. 506