

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 391

Representative Huffman

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A B I L L

To repeal Sections 3 and 4 of Sub. H.B. 318 of the 1
129th General Assembly and to repeal Sections 3, 2
6, and 7 of Sub. H.B. 319 of the 129th General 3
Assembly to eliminate the requirement that Ohio 4
conduct two primary elections in 2012, to 5
eliminate the appropriation that would pay for the 6
second primary election in 2012, to eliminate the 7
requirement of mailing an election notice to each 8
registered elector prior to the March 6, 2012, 9
primary election, to establish a single primary 10
election on May 22, 2012, for the purpose of 11
nominating all candidates for election in 2012, 12
and to declare an emergency. 13

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

Section 1. (A) Notwithstanding any provision of the Revised 14
Code to the contrary, in the year 2012 no primary election shall 15
be conducted on the first Tuesday after the first Monday in March. 16
A single primary election shall be conducted on May 22, 2012, for 17
the purpose of nominating candidates for all offices that are 18
scheduled for election in 2012 and for the purpose of electing 19
candidates who are scheduled for election on the day of the 2012 20
primary election, pursuant to section 3501.02 of the Revised Code. 21

(B)(1) To be eligible to appear on the ballot as a candidate 22
for nomination or election at that election for any office other 23
than the offices of President and Vice-President of the United 24
States, member of the United States House of Representatives, 25
at-large delegate and alternate to the national convention of a 26
political party, or district delegate and alternate to the 27
national convention of a political party, a person shall have 28
filed the applicable declaration of candidacy, declaration of 29
candidacy and petition, or nominating petition not later than four 30
p.m. on December 7, 2011, in the manner specified under Title XXXV 31
of the Revised Code. To be eligible to receive votes as a write-in 32
candidate for any of those offices at that election, a person 33
shall file the declaration of intent to be a write-in candidate 34
not later than four p.m. on the seventy-second day prior to March 35
6, 2012, in the manner specified under Title XXXV of the Revised 36
Code. 37

(2) Notwithstanding any provision of section 3513.05 or 38
3513.121 or any other provision of the Revised Code to the 39
contrary, to be eligible to appear as a candidate for nomination 40
or election at that election for the offices of President and 41
Vice-President of the United States, member of the United States 42
House of Representatives, at-large delegate and alternate to the 43
national convention of a political party, or district delegate and 44
alternate to the national convention of a political party, a 45
person shall file the applicable declaration of candidacy, 46
declaration of candidacy and petition, or nominating petition not 47
later than four p.m. on the seventy-fifth day before the day of 48
that election, in the manner specified under Title XXXV of the 49
Revised Code. To be eligible to receive votes as a write-in 50
candidate for any of those offices at that election, a person 51
shall file the declaration of intent to be a write-in candidate 52
not later than four p.m. on the sixty-seventh day prior to the day 53
of that election, in the manner specified under Title XXXV of the 54

Revised Code. The Secretary of State shall adjust any applicable 55
deadlines for petition verification, challenges to petitions, and 56
ballot certification as the Secretary of State considers necessary 57
to accommodate the shorter timeframe for filing for these 58
candidates so as to ensure that ballots are prepared and made 59
available in the times and manner required under Title XXXV of the 60
Revised Code and federal election law. 61

(C)(1) Notwithstanding any provision of the Revised Code to 62
the contrary, and except as otherwise provided in division (C) of 63
this section, any person who, prior to the effective date of this 64
act, filed a declaration of candidacy, a declaration of candidacy 65
and petition, a declaration of intent to be a write-in candidate, 66
or a nominating petition seeking nomination or election at the 67
March 6, 2012, primary election shall be deemed to have filed 68
those papers for nomination or election to the same office for the 69
primary election scheduled to be held, pursuant to this act, on 70
May 22, 2012. 71

A person who filed a declaration of candidacy, declaration of 72
candidacy and petition, declaration of intent to be a write-in 73
candidate, or nominating petition prior to the effective date of 74
this act seeking nomination or election at the March 6, 2012, 75
primary election shall not appear on the ballot at the May 22, 76
2012, primary election as a candidate for the office for which 77
those papers were filed if the person's declaration or petition is 78
properly rejected by the board of elections or the Secretary of 79
State under Title XXXV of the Revised Code. 80

(2) Any declaration of candidacy, declaration of candidacy 81
and petition, or declaration of intent to be a write-in candidate 82
filed by an individual seeking nomination or election for the 83
office of President or Vice-President of the United States, member 84
of the United States House of Representatives, at-large delegate 85
and alternate to the national convention of a political party, or 86

district delegate and alternate to the national convention of a 87
political party that is filed for the 2012 primary election before 88
the effective date of this act is null and void. The Secretary of 89
State or the applicable board of elections promptly shall refund 90
any filing fee paid by a person who filed such a declaration or 91
petition. 92

A person whose declaration or petition is nullified and 93
voided under this division who files again to become a candidate 94
for nomination or election pursuant to division (B)(2) of this 95
section is not disqualified as a candidate under section 3513.052 96
of the Revised Code and, if the person otherwise qualifies as a 97
candidate, shall be placed on the ballot for nomination or 98
election for that office at that election. 99

(D) Notwithstanding any provision of section 3509.03 or 100
3511.02 of the Revised Code to the contrary, a person who desires 101
to vote by absent voter's ballots or uniformed services or 102
overseas absent voter's ballots for the 2012 primary election or 103
any special election conducted on the day of that election may 104
apply for those ballots beginning on December 7, 2011. The board 105
of elections or Secretary of State shall review and process such 106
an application as though it were received within the ninety-day 107
period before the day of the election. 108

Section 2. (A) Notwithstanding any provision of section 109
3501.01 or any other provision of the Revised Code to the 110
contrary, in 2012 no special election shall be held on the first 111
Tuesday after the first Monday in March, but a special election 112
may be held on May 22, 2012. A political subdivision or taxing 113
authority that, prior to the effective date of this act, followed 114
the procedures established under the applicable provisions of the 115
Revised Code for placing a question or issue on the ballot at a 116
special election to be held on March 6, 2012, shall be deemed to 117

have placed the question or issue on the ballot at a special 118
election to be held, pursuant to this act, on May 22, 2012. The 119
applicable board of elections shall conduct the special election 120
on May 22, 2012, in the same manner as other special elections are 121
required to be conducted under Title XXXV of the Revised Code. 122

(B) In year 2012, a political subdivision or taxing authority 123
may conduct a special election on the first Tuesday after the 124
first Monday in August, in the manner specified under Title XXXV 125
of the Revised Code. The repeal of Section 3 of Sub. H.B. 318 of 126
the 129th General Assembly, by Section 3 of this act, reinstates 127
the authority to conduct a special election on that date. 128

Section 3. That Sections 3 and 4 of Sub. H.B. 318 of the 129
129th General Assembly are hereby repealed. 130

Section 4. That Sections 3, 6, and 7 of Sub. H.B. 319 of the 131
129th General Assembly are hereby repealed. 132

Section 5. This act is hereby declared to be an emergency 133
measure necessary for the immediate preservation of the public 134
peace, health, and safety. The reason for such necessity is to 135
avoid any confusion or costs associated with conducting two 136
primary elections in 2012. Therefore, this act shall go into 137
immediate effect. 138