



Ohio Legislative Service Commission

Bill Analysis

Lynda J. Jacobsen

S.B. 61

128th General Assembly
(As Introduced)

Sens. Husted, Coughlin, Patton, Wagoner, Schuring, Schaffer, Gibbs, Buehrer, Faber

BILL SUMMARY

- Requires the Governor to temporarily appoint a suitable person to fill a vacancy in the office of United States Senator and to call a special election to fill the vacancy for the remainder of the Senator's unexpired term.

CONTENT AND OPERATION

Current law

Under current law, if a vacancy exists in the office of United States Senator, the Governor is required to fill the vacancy by appointing a suitable person having the necessary qualifications for the office. The appointee holds office until December 15 following the next regular state election that occurs more than 180 days after the vacancy occurs. At that election, a special election to fill the vacancy is required to be held; however, if the unexpired term ends within one year immediately following the date of that election, the special election is not held, and the appointment is for the remainder of the unexpired term.

If a special election is held, the election is governed in all respects by the laws controlling regular state elections for the office of United States Senator. Candidates to be voted on at the special election must be nominated in the same manner as is provided for the nomination of candidates at regular state elections. At least 180 days prior to the date of the regular state election, the Governor must issue a writ directing that a special election be held to fill the vacancy. The writ must be directed to the Secretary of State, and a copy of the writ must be sent by mail to the board of elections of each county in the state. The board of elections must give notice of the time and place of holding the special election in the same manner and at the same time provided in the Revised Code for giving similar notice for regular elections. (R.C. 3521.02.)

Changes proposed by the bill

Under the bill, vacancies in the office of United States Senator are filled substantially in the same manner as vacancies are filled for the office of member of the United States House of Representatives. That is, when a vacancy occurs in the office of United States Senator, the Governor, upon satisfactory information of the vacancy, must issue a writ of election directing that a special election be held to fill the vacancy "in the territory entitled to fill it" on a day specified in the writ. The writ must be directed to "the board of elections within the territory," which must give notice of the time and places of holding the special election. The election must be held and conducted, and returns of the election must be made, as in the case of a regular state election. The state must pay any costs of the special election.

The Governor must temporarily fill the vacancy by appointing a suitable person having the necessary qualifications for the office. The appointee will hold office until the canvass of the election returns of the special election is completed.

HISTORY

ACTION	DATE
Introduced	03-03-09

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