



Ohio Legislative Service Commission

Bill Analysis

Lynda J. Jacobsen

H.B. 391*

129th General Assembly
(As Introduced)

Rep. Huffman

BILL SUMMARY

- Eliminates the requirement that Ohio conduct two primary elections in 2012 and eliminates the associated appropriation that would pay for the second primary election in 2012.
- Eliminates the requirement of mailing an election notice to each registered elector prior to the March 6, 2012, primary election.
- Establishes a single primary election on May 22, 2012, for the purpose of nominating all candidates for election in 2012 and electing candidates who are scheduled to be elected on the day of the 2012 primary election.
- Specifies that persons who have filed to become candidates for the March 6, 2012, primary election will be considered to have filed candidacy papers to become candidates at the May 22, 2012, primary election established by the bill.
- Specifies that candidacy documents previously filed for the offices of President and Vice-President, member of the United States House of Representatives, or delegate or alternate to a political party convention for 2012 are null and void, and requires persons who wish to be candidates for those offices to refile their candidacy documents.
- Permits persons who desire to vote by absent voter's ballots or uniformed services and overseas absent voter's ballots for the 2012 primary election to apply for those ballots beginning December 7, 2011.

* This analysis was prepared before the introduction of the bill appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Specifies that political subdivisions who have completed the requirements to place an issue on the ballot at a special election to be held on the day of the March 6, 2012, primary election will be considered to have placed the issue on the ballot at a special election to be held on the day of the May 22, 2012, primary election.
- Reinstates the ability of a political subdivision to place an issue on the ballot at a special election held on the first Tuesday after the first Monday in August, by repealing a provision of uncodified law that eliminated the August special election in 2012.
- Declares an emergency.

CONTENT AND OPERATION

Timing of 2012 primary election

The bill specifies that, in the year 2012 no primary election will be conducted on the first Tuesday after the first Monday in March (the usual time for a presidential primary election). The bill also eliminates a presidential primary election that other legislation has scheduled for June 6, 2012. Instead, the bill specifies that a single primary election must be conducted on May 22, 2012, for the purpose of nominating candidates for all offices that are scheduled for election in 2012 and for the purpose of electing candidates who are scheduled for election on the day of the 2012 primary election.¹

Because the bill eliminates the June 12, 2012, presidential primary election, the bill also eliminates the associated appropriation that was intended to pay for the second primary election in 2012.²

Candidates for nomination in 2012

Timing for filing

The bill establishes two separate procedures for appearing on the ballot at the May 22, 2012, primary election, depending upon whether the office for which a candidate is seeking nomination is affected by the Congressional redistricting.

To be eligible to appear on the ballot as a candidate for nomination or election at that election for any office other than the offices of President and Vice-President of the

¹ Sections 1(A) and 3 of the bill.

² Section 3 of the bill.

United States, member of the United States House of Representatives, at-large delegate and alternate to the national convention of a political party, or district delegate and alternate to the national convention of a political party, a person must have filed the applicable declaration of candidacy, declaration of candidacy and petition, or nominating petition not later than 4 p.m. on December 7, 2011. To be eligible to receive votes as a write-in candidate for any of those offices at that election, a person is required to file the declaration of intent to be a write-in candidate not later than 4 p.m. on the 72nd day prior to March 6, 2012.³

To be eligible to appear as a candidate for nomination or election at that election for the offices of President and Vice-President of the United States, member of the United States House of Representatives, at-large delegate and alternate to the national convention of a political party, or district delegate and alternate to the national convention of a political party, a person must file the applicable declaration of candidacy, declaration of candidacy and petition, or nominating petition not later than 4 p.m. on the 75th day before the day of that election, in the manner specified under the Election Law. To be eligible to receive votes as a write-in candidate for any of those offices at that election, a person must file the declaration of intent to be a write-in candidate not later than 4 p.m. on the 67th day prior to the day of that election. The bill requires the Secretary of State to adjust any applicable deadlines for petition verification, challenges to petitions, and ballot certification as the Secretary of State considers necessary to accommodate the shorter timeframe for filing for these candidates (candidates usually file 90 days before an election) so as to ensure that ballots are prepared and made available in the times and manner required under both Ohio and federal Election Law.⁴

Candidates who have previously filed

Any person who, prior to the bill's effective date, filed a declaration of candidacy, a declaration of candidacy and petition, a declaration of intent to be a write-in candidate, or a nominating petition seeking nomination at the March 6, 2012, primary election is deemed to have filed those papers for nomination or election to the same office for the primary election scheduled to be held on May 22, 2012. However, a person who filed a declaration of candidacy, declaration of candidacy and petition, declaration of intent to be a write-in candidate, or nominating petition prior to the bill's effective date seeking nomination or election at the March 6, 2012, primary election must not appear on the ballot at the May 22, 2012, primary election as a candidate for the office for which those papers were filed if the person's declaration or petition is

³ Section 1(B)(1) of the bill.

⁴ Section 1(B)(2) of the bill.

properly rejected by the board of elections or the Secretary of State under the Election Law.

The bill specifies that any declaration of candidacy, declaration of candidacy and petition, or declaration of intent to be a write-in candidate filed by an individual seeking nomination or election for the office of President or Vice-President of the United States, member of the United States House of Representatives, at-large delegate and alternate to the national convention of a political party, or district delegate and alternate to the national convention of a political party that is filed for the 2012 primary election before the effective date of this act is null and void. The Secretary of State or the applicable board of elections promptly is required to refund any filing fee paid by a person who filed such a declaration or petition.

A person whose declaration or petition is nullified and voided under this provision who files again to become a candidate for nomination or election to one of those offices for the May 22, 2012, primary election is not disqualified as a candidate under the statutory provisions prohibiting dual candidacy. If the person otherwise qualifies as a candidate, the person shall be placed on the ballot for nomination or election for that office at that election.⁵

Applications for absent voter's ballots

A person who desires to vote by absent voter's ballots or uniformed services or overseas absent voter's ballots for the 2012 primary election or any special election conducted on the day of that election may apply for those ballots beginning on December 7, 2011. The bill requires the board of elections or Secretary of State to review and process such an application as though it were received within the 90-day period before the day of the election.⁶

Special elections in 2012

The bill specifies that, in 2012 no special election may be held on the first Tuesday after the first Monday in March. However, a special election may be held on May 22, 2012. A political subdivision or taxing authority that, prior to the bill's effective date, followed the procedures established under the applicable provisions of the Revised Code for placing a question or issue on the ballot at a special election to be held on March 6, 2012, must be deemed to have placed the question or issue on the ballot at a special election to be held on May 22, 2012. The applicable board of elections must

⁵ Section 1(C) of the bill.

⁶ Section 1(D) of the bill.

conduct the special election on May 22, 2012, in the same manner as other special elections are required to be conducted.

The bill reinstates the ability of a political subdivision or taxing authority to conduct a special election on the first Tuesday after the first Monday in August in 2012 by repealing Section 3 of Sub. H.B. 318 of the 129th General Assembly, which had eliminated that election for 2012.⁷

Pre-election mailing for March primary election

The bill eliminates a provision of H.B. 319 of the 129th General Assembly (the Congressional redistricting bill) that required a pre-election mailing to be sent to registered voters prior to the March 6, 2012, primary election. Since that election is being eliminated by the bill, the bill also eliminates the associated mailing.⁸

HISTORY

ACTION	DATE
Introduced	--

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⁷ Sections 2 and 3 of the bill.

⁸ Section 4 of the bill.

