

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 10

Senator LaRose

Cosponsors: Senators Gardner, Beagle, Coley, Uecker, Hottinger, Peterson, Sykes, Jordan, Hite, Oelslager, Bacon, Manning, Yuko, Eklund, Huffman, Brown, Hackett, Williams, Hoagland

A BILL

To amend sections 102.02, 3513.02, 3513.30, 1
3513.301, and 3513.312 of the Revised Code to 2
expand the circumstances under which a board of 3
elections or the secretary of state is not 4
required to hold a primary election. 5

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

Section 1. That sections 102.02, 3513.02, 3513.30, 6
3513.301, and 3513.312 of the Revised Code be amended to read as 7
follows: 8

Sec. 102.02. (A) (1) Except as otherwise provided in 9
division (H) of this section, all of the following shall file 10
with the appropriate ethics commission the disclosure statement 11
described in this division on a form prescribed by the 12
appropriate commission: every person who is elected to or is a 13
candidate for a state, county, or city office and every person 14
who is appointed to fill a vacancy for an unexpired term in such 15
an elective office; all members of the state board of education; 16
the director, assistant directors, deputy directors, division 17

chiefs, or persons of equivalent rank of any administrative 18
department of the state; the president or other chief 19
administrative officer of every state institution of higher 20
education as defined in section 3345.011 of the Revised Code; 21
the executive director and the members of the capitol square 22
review and advisory board appointed or employed pursuant to 23
section 105.41 of the Revised Code; all members of the Ohio 24
casino control commission, the executive director of the 25
commission, all professional employees of the commission, and 26
all technical employees of the commission who perform an 27
internal audit function; the individuals set forth in division 28
(B) (2) of section 187.03 of the Revised Code; the chief 29
executive officer and the members of the board of each state 30
retirement system; each employee of a state retirement board who 31
is a state retirement system investment officer licensed 32
pursuant to section 1707.163 of the Revised Code; the members of 33
the Ohio retirement study council appointed pursuant to division 34
(C) of section 171.01 of the Revised Code; employees of the Ohio 35
retirement study council, other than employees who perform 36
purely administrative or clerical functions; the administrator 37
of workers' compensation and each member of the bureau of 38
workers' compensation board of directors; the bureau of workers' 39
compensation director of investments; the chief investment 40
officer of the bureau of workers' compensation; all members of 41
the board of commissioners on grievances and discipline of the 42
supreme court and the ethics commission created under section 43
102.05 of the Revised Code; every business manager, treasurer, 44
or superintendent of a city, local, exempted village, joint 45
vocational, or cooperative education school district or an 46
educational service center; every person who is elected to or is 47
a candidate for the office of member of a board of education of 48
a city, local, exempted village, joint vocational, or 49

cooperative education school district or of a governing board of 50
an educational service center that has a total student count of 51
twelve thousand or more as most recently determined by the 52
department of education pursuant to section 3317.03 of the 53
Revised Code; every person who is appointed to the board of 54
education of a municipal school district pursuant to division 55
(B) or (F) of section 3311.71 of the Revised Code; all members 56
of the board of directors of a sanitary district that is 57
established under Chapter 6115. of the Revised Code and 58
organized wholly for the purpose of providing a water supply for 59
domestic, municipal, and public use, and that includes two 60
municipal corporations in two counties; every public official or 61
employee who is paid a salary or wage in accordance with 62
schedule C of section 124.15 or schedule E-2 of section 124.152 63
of the Revised Code; members of the board of trustees and the 64
executive director of the southern Ohio agricultural and 65
community development foundation; all members appointed to the 66
Ohio livestock care standards board under section 904.02 of the 67
Revised Code; all entrepreneurs in residence assigned by the 68
LeanOhio office in the department of administrative services 69
under section 125.65 of the Revised Code and every other public 70
official or employee who is designated by the appropriate ethics 71
commission pursuant to division (B) of this section. 72

(2) The disclosure statement shall include all of the 73
following: 74

(a) The name of the person filing the statement and each 75
member of the person's immediate family and all names under 76
which the person or members of the person's immediate family do 77
business; 78

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 79

this section and except as otherwise provided in section 102.022 80
of the Revised Code, identification of every source of income, 81
other than income from a legislative agent identified in 82
division (A) (2) (b) (ii) of this section, received during the 83
preceding calendar year, in the person's own name or by any 84
other person for the person's use or benefit, by the person 85
filing the statement, and a brief description of the nature of 86
the services for which the income was received. If the person 87
filing the statement is a member of the general assembly, the 88
statement shall identify the amount of every source of income 89
received in accordance with the following ranges of amounts: 90
zero or more, but less than one thousand dollars; one thousand 91
dollars or more, but less than ten thousand dollars; ten 92
thousand dollars or more, but less than twenty-five thousand 93
dollars; twenty-five thousand dollars or more, but less than 94
fifty thousand dollars; fifty thousand dollars or more, but less 95
than one hundred thousand dollars; and one hundred thousand 96
dollars or more. Division (A) (2) (b) (i) of this section shall not 97
be construed to require a person filing the statement who 98
derives income from a business or profession to disclose the 99
individual items of income that constitute the gross income of 100
that business or profession, except for those individual items 101
of income that are attributable to the person's or, if the 102
income is shared with the person, the partner's, solicitation of 103
services or goods or performance, arrangement, or facilitation 104
of services or provision of goods on behalf of the business or 105
profession of clients, including corporate clients, who are 106
legislative agents. A person who files the statement under this 107
section shall disclose the identity of and the amount of income 108
received from a person who the public official or employee knows 109
or has reason to know is doing or seeking to do business of any 110
kind with the public official's or employee's agency. 111

(ii) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A) (2) (b) (ii) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A) (2) (b) (ii) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(iii) Except as otherwise provided in division (A) (2) (b) (iii) of this section, division (A) (2) (b) (i) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A) (2) (b) (i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A) (2) (b) (iii) of this section to disclose

the name, other identity, or address of a client, patient, or 143
other recipient of professional services if the disclosure would 144
threaten the client, patient, or other recipient of professional 145
services, would reveal details of the subject matter for which 146
legal, medical, or professional advice or other services were 147
sought, or would reveal an otherwise privileged communication 148
involving the client, patient, or other recipient of 149
professional services. Division (A) (2) (b) (i) of this section 150
does not require an attorney, physician, or other professional 151
subject to a confidentiality requirement as described in 152
division (A) (2) (b) (iii) of this section to disclose in the brief 153
description of the nature of services required by division (A) 154
(2) (b) (i) of this section any information pertaining to specific 155
professional services rendered for a client, patient, or other 156
recipient of professional services that would reveal details of 157
the subject matter for which legal, medical, or professional 158
advice was sought or would reveal an otherwise privileged 159
communication involving the client, patient, or other recipient 160
of professional services. 161

(c) The name of every corporation on file with the 162
secretary of state that is incorporated in this state or holds a 163
certificate of compliance authorizing it to do business in this 164
state, trust, business trust, partnership, or association that 165
transacts business in this state in which the person filing the 166
statement or any other person for the person's use and benefit 167
had during the preceding calendar year an investment of over one 168
thousand dollars at fair market value as of the thirty-first day 169
of December of the preceding calendar year, or the date of 170
disposition, whichever is earlier, or in which the person holds 171
any office or has a fiduciary relationship, and a description of 172
the nature of the investment, office, or relationship. Division 173

(A) (2) (c) of this section does not require disclosure of the 174
name of any bank, savings and loan association, credit union, or 175
building and loan association with which the person filing the 176
statement has a deposit or a withdrawable share account. 177

(d) All fee simple and leasehold interests to which the 178
person filing the statement holds legal title to or a beneficial 179
interest in real property located within the state, excluding 180
the person's residence and property used primarily for personal 181
recreation; 182

(e) The names of all persons residing or transacting 183
business in the state to whom the person filing the statement 184
owes, in the person's own name or in the name of any other 185
person, more than one thousand dollars. Division (A) (2) (e) of 186
this section shall not be construed to require the disclosure of 187
debts owed by the person resulting from the ordinary conduct of 188
a business or profession or debts on the person's residence or 189
real property used primarily for personal recreation, except 190
that the superintendent of financial institutions shall disclose 191
the names of all state-chartered savings and loan associations 192
and of all service corporations subject to regulation under 193
division (E) (2) of section 1151.34 of the Revised Code to whom 194
the superintendent in the superintendent's own name or in the 195
name of any other person owes any money, and that the 196
superintendent and any deputy superintendent of banks shall 197
disclose the names of all state-chartered banks and all bank 198
subsidiary corporations subject to regulation under section 199
1109.44 of the Revised Code to whom the superintendent or deputy 200
superintendent owes any money. 201

(f) The names of all persons residing or transacting 202
business in the state, other than a depository excluded under 203

division (A) (2) (c) of this section, who owe more than one 204
thousand dollars to the person filing the statement, either in 205
the person's own name or to any person for the person's use or 206
benefit. Division (A) (2) (f) of this section shall not be 207
construed to require the disclosure of clients of attorneys or 208
persons licensed under section 4732.12 of the Revised Code, or 209
patients of persons certified under section 4731.14 of the 210
Revised Code, nor the disclosure of debts owed to the person 211
resulting from the ordinary conduct of a business or profession. 212

(g) Except as otherwise provided in section 102.022 of the 213
Revised Code, the source of each gift of over seventy-five 214
dollars, or of each gift of over twenty-five dollars received by 215
a member of the general assembly from a legislative agent, 216
received by the person in the person's own name or by any other 217
person for the person's use or benefit during the preceding 218
calendar year, except gifts received by will or by virtue of 219
section 2105.06 of the Revised Code, or received from spouses, 220
parents, grandparents, children, grandchildren, siblings, 221
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 222
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 223
or any person to whom the person filing the statement stands in 224
loco parentis, or received by way of distribution from any inter 225
vivos or testamentary trust established by a spouse or by an 226
ancestor; 227

(h) Except as otherwise provided in section 102.022 of the 228
Revised Code, identification of the source and amount of every 229
payment of expenses incurred for travel to destinations inside 230
or outside this state that is received by the person in the 231
person's own name or by any other person for the person's use or 232
benefit and that is incurred in connection with the person's 233
official duties, except for expenses for travel to meetings or 234

conventions of a national or state organization to which any 235
state agency, including, but not limited to, any legislative 236
agency or state institution of higher education as defined in 237
section 3345.011 of the Revised Code, pays membership dues, or 238
any political subdivision or any office or agency of a political 239
subdivision pays membership dues; 240

(i) Except as otherwise provided in section 102.022 of the 241
Revised Code, identification of the source of payment of 242
expenses for meals and other food and beverages, other than for 243
meals and other food and beverages provided at a meeting at 244
which the person participated in a panel, seminar, or speaking 245
engagement or at a meeting or convention of a national or state 246
organization to which any state agency, including, but not 247
limited to, any legislative agency or state institution of 248
higher education as defined in section 3345.011 of the Revised 249
Code, pays membership dues, or any political subdivision or any 250
office or agency of a political subdivision pays membership 251
dues, that are incurred in connection with the person's official 252
duties and that exceed one hundred dollars aggregated per 253
calendar year; 254

(j) If the disclosure statement is filed by a public 255
official or employee described in division (B)(2) of section 256
101.73 of the Revised Code or division (B)(2) of section 121.63 257
of the Revised Code who receives a statement from a legislative 258
agent, executive agency lobbyist, or employer that contains the 259
information described in division (F)(2) of section 101.73 of 260
the Revised Code or division (G)(2) of section 121.63 of the 261
Revised Code, all of the nondisputed information contained in 262
the statement delivered to that public official or employee by 263
the legislative agent, executive agency lobbyist, or employer 264
under division (F)(2) of section 101.73 or (G)(2) of section 265

121.63 of the Revised Code.	266
(3) A person may file a statement required by this section in person, by mail, or by electronic means.	267 268
(4) A person who is required to file a statement under this section shall file that statement according to the following deadlines, as applicable:	269 270 271
(a) Except as otherwise provided in divisions (A) (4) (b), (c), and (d) of this section, the person shall file the statement not later than the fifteenth day of May of each year.	272 273 274
(b) A <u>Subject to divisions (A) (4) (b) (i) and (ii) of this section, a person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a</u>	275 276 277 278 279 280
<u>(i) A person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on.</u>	281 282 283
<u>(ii) A person who is a candidate for the nomination of a political party for an office and who subsequently receives a certificate of nomination under section 3513.02, 3513.30, 3513.301, or 3513.312 of the Revised Code because the person's primary race is uncontested shall file the statement no later than the thirtieth day before the primary election at which the person's candidacy would have been voted on if the race had been contested.</u>	284 285 286 287 288 289 290 291
(c) A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office.	292 293 294

(d) A person who is appointed or employed after the
fifteenth day of May, other than a person described in division
(A) (4) (c) of this section, shall file an annual statement within
ninety days after appointment or employment.

(5) No person shall be required to file with the
appropriate ethics commission more than one statement or pay
more than one filing fee for any one calendar year.

(6) The appropriate ethics commission, for good cause, may
extend for a reasonable time the deadline for filing a statement
under this section.

(7) A statement filed under this section is subject to
public inspection at locations designated by the appropriate
ethics commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative
ethics committee, and the board of commissioners on grievances
and discipline of the supreme court, using the rule-making
procedures of Chapter 119. of the Revised Code, may require any
class of public officials or employees under its jurisdiction
and not specifically excluded by this section whose positions
involve a substantial and material exercise of administrative
discretion in the formulation of public policy, expenditure of
public funds, enforcement of laws and rules of the state or a
county or city, or the execution of other public trusts, to file
an annual statement under division (A) of this section. The
appropriate ethics commission shall send the public officials or
employees written notice of the requirement not less than thirty
days before the applicable filing deadline unless the public
official or employee is appointed after that date, in which case
the notice shall be sent within thirty days after appointment,
and the filing shall be made not later than ninety days after

appointment. 325

Disclosure statements filed under this division with the 326
Ohio ethics commission by members of boards, commissions, or 327
bureaus of the state for which no compensation is received other 328
than reasonable and necessary expenses shall be kept 329
confidential. Disclosure statements filed with the Ohio ethics 330
commission under division (A) of this section by business 331
managers, treasurers, and superintendents of city, local, 332
exempted village, joint vocational, or cooperative education 333
school districts or educational service centers shall be kept 334
confidential, except that any person conducting an audit of any 335
such school district or educational service center pursuant to 336
section 115.56 or Chapter 117. of the Revised Code may examine 337
the disclosure statement of any business manager, treasurer, or 338
superintendent of that school district or educational service 339
center. Disclosure statements filed with the Ohio ethics 340
commission under division (A) of this section by the individuals 341
set forth in division (B) (2) of section 187.03 of the Revised 342
Code shall be kept confidential. The Ohio ethics commission 343
shall examine each disclosure statement required to be kept 344
confidential to determine whether a potential conflict of 345
interest exists for the person who filed the disclosure 346
statement. A potential conflict of interest exists if the 347
private interests of the person, as indicated by the person's 348
disclosure statement, might interfere with the public interests 349
the person is required to serve in the exercise of the person's 350
authority and duties in the person's office or position of 351
employment. If the commission determines that a potential 352
conflict of interest exists, it shall notify the person who 353
filed the disclosure statement and shall make the portions of 354
the disclosure statement that indicate a potential conflict of 355

interest subject to public inspection in the same manner as is 356
provided for other disclosure statements. Any portion of the 357
disclosure statement that the commission determines does not 358
indicate a potential conflict of interest shall be kept 359
confidential by the commission and shall not be made subject to 360
public inspection, except as is necessary for the enforcement of 361
Chapters 102. and 2921. of the Revised Code and except as 362
otherwise provided in this division. 363

(C) No person shall knowingly fail to file, on or before 364
the applicable filing deadline established under this section, a 365
statement that is required by this section. 366

(D) No person shall knowingly file a false statement that 367
is required to be filed under this section. 368

(E) (1) Except as provided in divisions (E) (2) and (3) of 369
this section, the statement required by division (A) or (B) of 370
this section shall be accompanied by a filing fee of sixty 371
dollars. 372

(2) The statement required by division (A) of this section 373
shall be accompanied by the following filing fee to be paid by 374
the person who is elected or appointed to, or is a candidate 375
for, any of the following offices: 376

		377
For state office, except member of the		378
state board of education	\$95	379
For office of member of general assembly	\$40	380
For county office	\$60	381
For city office	\$35	382
For office of member of the state board		383
of education	\$35	384
For office of member of a city, local,		385

exempted village, or cooperative	386
education board of	387
education or educational service	388
center governing board	\$30 389
For position of business manager,	390
treasurer, or superintendent of a	391
city, local, exempted village, joint	392
vocational, or cooperative education	393
school district or	394
educational service center	\$30 395
(3) No judge of a court of record or candidate for judge	396
of a court of record, and no referee or magistrate serving a	397
court of record, shall be required to pay the fee required under	398
division (E) (1) or (2) or (F) of this section.	399
(4) For any public official who is appointed to a	400
nonelective office of the state and for any employee who holds a	401
nonelective position in a public agency of the state, the state	402
agency that is the primary employer of the state official or	403
employee shall pay the fee required under division (E) (1) or (F)	404
of this section.	405
(F) If a statement required to be filed under this section	406
is not filed by the date on which it is required to be filed,	407
the appropriate ethics commission shall assess the person	408
required to file the statement a late filing fee of ten dollars	409
for each day the statement is not filed, except that the total	410
amount of the late filing fee shall not exceed two hundred fifty	411
dollars.	412
(G) (1) The appropriate ethics commission other than the	413
Ohio ethics commission and the joint legislative ethics	414
committee shall deposit all fees it receives under divisions (E)	415

and (F) of this section into the general revenue fund of the 416
state. 417

(2) The Ohio ethics commission shall deposit all receipts, 418
including, but not limited to, fees it receives under divisions 419
(E) and (F) of this section, investigative or other fees, costs, 420
or other funds it receives as a result of court orders, and all 421
moneys it receives from settlements under division (G) of 422
section 102.06 of the Revised Code, into the Ohio ethics 423
commission fund, which is hereby created in the state treasury. 424
All moneys credited to the fund shall be used solely for 425
expenses related to the operation and statutory functions of the 426
commission. 427

(3) The joint legislative ethics committee shall deposit 428
all receipts it receives from the payment of financial 429
disclosure statement filing fees under divisions (E) and (F) of 430
this section into the joint legislative ethics committee 431
investigative fund. 432

(H) Division (A) of this section does not apply to a 433
person elected or appointed to the office of precinct, ward, or 434
district committee member under Chapter 3517. of the Revised 435
Code; a presidential elector; a delegate to a national 436
convention; village or township officials and employees; any 437
physician or psychiatrist who is paid a salary or wage in 438
accordance with schedule C of section 124.15 or schedule E-2 of 439
section 124.152 of the Revised Code and whose primary duties do 440
not require the exercise of administrative discretion; or any 441
member of a board, commission, or bureau of any county or city 442
who receives less than one thousand dollars per year for serving 443
in that position. 444

Sec. 3513.02. (A)(1) ~~If, in any odd-numbered year, no~~ 445

~~valid declaration of candidacy~~ person is filed for nomination 446
~~certified~~ as a candidate for the nomination of a political party 447
for ~~election to any of the offices~~ an office to be voted for at 448
~~the a~~ general election ~~to be held in such year~~, or if the number 449
of persons ~~filing such declarations of candidacy for nominations~~ 450
~~certified~~ as candidates for the nomination of ~~one that~~ political 451
party for ~~election to such offices~~ that office does not exceed, 452
as to any such office, the number of candidates ~~which such that~~ 453
political party is entitled to nominate as its candidates for 454
~~election to such that~~ office, then no primary election shall be 455
held for the purpose of nominating party candidates of ~~such that~~ 456
party for ~~election to offices to be voted for at such general~~ 457
~~election and no primary ballots shall be provided for such party~~ 458
that office. If, however, the only office for which there are 459
more ~~valid declarations of candidacy filed~~ certified candidates 460
than the number to be nominated by a political party, is the 461
office of councilperson in a ward, a primary election shall be 462
held for ~~such that~~ party for that office only in the ward or 463
wards in which there is a contest, and only the names of the 464
candidates for the office of councilperson in ~~such that~~ ward 465
shall appear on the primary ballot of ~~such that~~ political party. 466

~~The~~ (2) If the number of persons certified as candidates 467
for the nomination of a political party for an office does not 468
exceed the number of candidates the political party is entitled 469
to nominate as its candidates for that office, then the election 470
officials whose duty it would have been to ~~provide for and~~ 471
~~conduct the holding of such primary election, declare the~~ 472
~~results thereof, and issue~~ certificates of nomination to the 473
persons ~~entitled thereto if such~~ nominated at the primary 474
election ~~had been held~~ shall declare each of ~~such those~~ persons 475
to be nominated as of the date of the ~~ninetieth~~ sixty-fifth day 476

before the primary election, issue appropriate certificates of 477
nomination to each of them, and certify their names to the 478
proper election officials, in order that their names may be 479
printed on the official ballots provided for use in the 480
succeeding general election in the same manner as though ~~such~~ 481
the primary election had been held and ~~such~~ those persons had 482
been nominated at ~~such~~ the election. 483

(B) If the number of persons certified as candidates for 484
the nomination of a political party for an office exceeds the 485
number of candidates the political party is entitled to nominate 486
as its candidates for that office and one or more candidates 487
die, withdraw, or are disqualified before the day of the primary 488
election, such that the number of candidates no longer exceeds 489
the number of candidates that the political party is entitled to 490
nominate as its candidates for that office, and the vacancy or 491
vacancies are not filled under division (F) of section 3513.052 492
of the Revised Code, then all of the following apply: 493

(1) No primary election shall be held for the purpose of 494
nominating party candidates of that party for that office. 495

(2) If the ballots for that election have already been 496
prepared and primary election is to be held for that party for 497
the purpose of nominating or electing candidates for other 498
offices, the board of elections shall not remove the names of 499
the candidates from the ballots. The board of elections shall 500
post a notice at each polling place on the day of the election 501
that no primary is being held for the purpose of nominating 502
party candidates of that party for that office and that votes 503
for those candidates will be void and will not be counted. The 504
board also shall enclose a copy of that notice with each absent 505
voter's ballot given or mailed after all but one candidate has 506

died, withdrawn, or been disqualified. Any votes for those 507
candidates are void and shall not be counted. 508

(3) The election officials whose duty it would have been 509
to issue certificates of nomination to the persons nominated at 510
the primary election shall declare the remaining candidate or 511
candidates to be nominated as of the date of the primary 512
election, issue appropriate certificates of nomination to each 513
of them, and certify their names to the proper election 514
officials, in order that their names may be printed on the 515
official ballots provided for use in the succeeding general 516
election in the same manner as though the primary election had 517
been held and those persons had been nominated at that election. 518

Sec. 3513.30. (A) (1) ~~If only one valid declaration of~~ 519
~~candidacy is filed for nomination the number of persons~~ 520
~~certified as a candidate candidates for the nomination of a~~ 521
political party for an office does not exceed the number of 522
candidates that political party is entitled to nominate as its 523
candidates for that office and that candidate dies one or more 524
candidates die, withdraw, or are disqualified prior to the tenth 525
day before the primary election, both of the following may 526
occur: 527

(a) The political party whose candidate died, withdrew, or 528
was disqualified may fill the vacancy so created as provided in 529
division (A) (2) of this section. 530

(b) Any major political party other than the one whose 531
candidate died, withdrew, or was disqualified may select a 532
candidate as provided in division (A) (2) of this section under 533
either of the following circumstances: 534

(i) No person ~~has filed a valid declaration of candidacy~~ 535

~~for nomination is certified as that party's a candidate at the~~ 536
~~primary election for that party's nomination for that office.~~ 537

(ii) ~~Only one person has filed a valid declaration of~~ 538
~~candidacy for nomination. The number of persons certified as that~~ 539
~~party's candidate at the primary election candidates for that~~ 540
~~party's nomination for that office does not exceed the number of~~ 541
~~candidates that political party is entitled to nominate as its~~ 542
~~candidates for that office, that person has one or more~~ 543
~~candidates have~~ withdrawn, died, or been disqualified under 544
section 3513.052 of the Revised Code, and the vacancy or 545
vacancies so created ~~has~~ have not been filled. 546

(2) A vacancy may be filled under division (A) (1) (a) and a 547
selection may be made under division (A) (1) (b) of this section 548
by the appropriate committee of the political party in the same 549
manner as provided in divisions (A) to (E) of section 3513.31 of 550
the Revised Code for the filling of similar vacancies created by 551
withdrawals or disqualifications under section 3513.052 of the 552
Revised Code after the primary election, except that the 553
certification required under that section may not be filed with 554
the secretary of state, or with a board of the most populous 555
county of a district, or with the board of a county in which the 556
major portion of the population of a subdivision is located, 557
later than four p.m. of the tenth day before the day of such 558
primary election, or with any other board later than four p.m. 559
of the fifth day before the day of such primary election. 560

(3) ~~If only one valid declaration of candidacy is filed~~ 561
~~for nomination the number of persons certified as a candidate~~ 562
~~candidates for the nomination of a political party for an office~~ 563
~~does not exceed the number of candidates that political party is~~ 564
entitled to nominate as its candidates for that office and that 565

~~candidate dies~~ one or more candidates die, withdraw, or are 566
disqualified on or after the tenth day before the day of the 567
primary election, ~~that each such~~ candidate is considered to have 568
received the nomination of that candidate's political party at 569
that primary election, and, for purposes of filling the vacancy 570
so created, that candidate's death, withdrawal, or 571
disqualification shall be treated as if ~~that candidate died~~ it 572
occurred on the day after the day of the primary election. 573

(B) Any ~~person filing a declaration of candidacy~~ candidate 574
for the nomination of a political party for an office may 575
withdraw as such candidate at any time prior to the primary 576
election. The withdrawal shall be effected and the statement of 577
withdrawal shall be filed in accordance with the procedures 578
prescribed in division (D) of this section for the withdrawal of 579
persons nominated in a primary election or by nominating 580
petition. 581

(C) A person who is the first choice for president of the 582
United States by a candidate for delegate or alternate to a 583
national convention of a political party may withdraw consent 584
for the selection of the person as such first choice no later 585
than four p.m. of the fortieth day before the day of the 586
presidential primary election. Withdrawal of consent shall be 587
for the entire slate of candidates for delegates and alternates 588
who named such person as their presidential first choice and 589
shall constitute withdrawal from the primary election by such 590
delegates and alternates. The withdrawal shall be made in 591
writing and delivered to the secretary of state. If the 592
withdrawal is delivered to the secretary of state on or before 593
the seventieth day before the day of the primary election, the 594
boards of elections shall remove both the name of the withdrawn 595
first choice and the names of such withdrawn candidates from the 596

ballots according to the directions of the secretary of state. 597
If the withdrawal is delivered to the secretary of state after 598
the seventieth day before the day of the primary election, the 599
board of elections shall not remove the name of the withdrawn 600
first choice and the names of the withdrawn candidates from the 601
ballots. The board of elections shall post a notice at each 602
polling location on the day of the primary election, and shall 603
enclose with each absent voter's ballot given or mailed after 604
the candidate withdraws, a notice that votes for the withdrawn 605
first choice or the withdrawn candidates will be void and will 606
not be counted. If such names are not removed from all ballots 607
before the day of the election, the votes for the withdrawn 608
first choice or the withdrawn candidates are void and shall not 609
be counted. 610

(D) Any person nominated in a primary election or by 611
nominating petition as a candidate for election at the next 612
general election may withdraw as such candidate at any time 613
prior to the general election. Such withdrawal may be effected 614
by the filing of a written statement by such candidate 615
announcing the candidate's withdrawal and requesting that the 616
candidate's name not be printed on the ballots. If such 617
candidate's declaration of candidacy or nominating petition was 618
filed with the secretary of state, the candidate's statement of 619
withdrawal shall be addressed to and filed with the secretary of 620
state. If such candidate's declaration of candidacy or 621
nominating petition was filed with a board of elections, the 622
candidate's statement of withdrawal shall be addressed to and 623
filed with such board. 624

(E) When a person withdraws under division (B) or (D) of 625
this section on or before the seventieth day before the day of 626
the primary election or the general election, the board of 627

elections shall remove the name of the withdrawn candidate from 628
the ballots according to the directions of the secretary of 629
state. When a person withdraws under division (B) or (D) of this 630
section after the seventieth day before the day of the primary 631
election or the general election, the board of elections shall 632
not remove the name of the withdrawn candidate from the ballots. 633
The board of elections shall post a notice at each polling place 634
on the day of the election, and shall enclose with each absent 635
voter's ballot given or mailed after the candidate withdraws, a 636
notice that votes for the withdrawn candidate will be void and 637
will not be counted. If the name is not removed from all ballots 638
before the day of the election, the votes for the withdrawn 639
candidate are void and shall not be counted. 640

Sec. 3513.301. (A) Notwithstanding section 3513.30 of the 641
Revised Code and except as otherwise provided in division (B) (2) 642
of this section, if only one person has filed a valid 643
declaration of candidacy for nomination as the candidate of a 644
political party for the office of representative to congress and 645
that person withdraws as a candidate or dies at any time before 646
the primary election, a special election shall be held under 647
division (B) (1) of this section as soon as reasonably 648
practicable to nominate the following: 649

(1) That party's candidate for congress; 650

(2) The candidate for congress of any other major 651
political party under either of the following circumstances: 652

(a) No person has filed a valid declaration of candidacy 653
for nomination as that party's candidate at the primary 654
election. 655

(b) Only one person has filed a valid declaration of 656

candidacy for nomination as that party's candidate at the 657
primary election, that person has withdrawn or died, and the 658
vacancy so created has not been filled. 659

~~(B) The~~ (1) Except as otherwise provided in division (B) 660
(2) of this section, the boards of elections of all the counties 661
contained in whole or in part within the congressional district 662
for which a special election is being held under this section 663
shall, ~~as soon as reasonably practicable,~~ conduct the special 664
election on a date designated by the secretary of state and give 665
notice of the time and places of holding the election as 666
provided in section 3501.03 of the Revised Code. The election 667
shall be held and conducted and returns of it made as in the 668
case of a primary election, except that the secretary of state 669
shall designate the deadline to file a declaration of candidacy 670
or a declaration of intent to be a write-in candidate for the 671
election. 672

(2) If, for each nomination to be made at the special 673
election to be held under division (B)(1) of this section, only 674
one person has filed a valid declaration of candidacy or no 675
person has filed a valid declaration of candidacy, then no 676
special election shall be held. If no special election is held, 677
then for each nomination for which only one person has filed a 678
valid declaration of candidacy, the board of elections of the 679
most populous county of the congressional district shall certify 680
the person's name to the secretary of state, the secretary of 681
state shall issue a certificate of nomination to the person, and 682
the person's name shall appear on the ballot as that party's 683
candidate at the general election. 684

(C) The state shall pay all costs of any special election 685
held under this section. 686

Sec. 3513.312. (A) Notwithstanding section 3513.31 of the 687
Revised Code, if a person nominated in a primary election or 688
nominated by petition under section 3517.012 of the Revised Code 689
as a party candidate for the office of representative to 690
congress for election at the next general election withdraws as 691
such candidate prior to the ninetieth day before the day of such 692
general election, or dies prior to the ninetieth day before the 693
day of such general election, the vacancy in the party 694
nomination so created shall be filled ~~by a special election held~~ 695
in accordance with division (B) (1) of this section as soon as 696
reasonably practicable. 697

~~(B) The~~ (1) Except as otherwise provided in division (B) 698
(2) of this section, the boards of elections of all the counties 699
contained in whole or in part within the congressional district 700
in which a vacancy occurs as described in division (A) of this 701
section shall, ~~as soon as reasonably practicable,~~ conduct the 702
special election on a date designated by the secretary of state 703
and give notice of the time and places of holding such election 704
as provided in section 3501.03 of the Revised Code. Such 705
election shall be held and conducted and returns thereof made as 706
in the case of a primary election, except that the secretary of 707
state shall designate the deadline to file a declaration of 708
candidacy or a declaration of intent to be a write-in candidate 709
for the election. 710

(2) If only one person has filed a valid declaration of 711
candidacy for the special election to be held under division (B) 712
(1) of this section, or if no person has filed a valid 713
declaration of candidacy, then no special election shall be 714
held. If one person has filed a valid declaration of candidacy, 715
the board of elections of the most populous county of the 716
congressional district shall certify the person's name to the 717

secretary of state, the secretary of state shall issue a 718
certificate of nomination to the person, and the person's name 719
shall appear on the ballot as that party's candidate at the 720
general election. 721

(C) The state shall pay all costs of any special election 722
held pursuant to this section. 723

Section 2. That existing sections 102.02, 3513.02, 724
3513.30, 3513.301, and 3513.312 of the Revised Code are hereby 725
repealed. 726