

130th General Assembly
Regular Session
2013-2014

. B. No.

A B I L L

To amend sections 3501.01, 3513.052, 3513.10, 1
3513.261, 3515.01, 3515.011, 3515.03, and 3515.14, 2
to enact sections 3505.041, 3513.011, and 3513.081 3
and to repeal sections 3513.16 and 3513.28 of the 4
Revised Code to provide for judicial retention 5
elections. 6

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

Section 1. That sections 3501.01, 3513.052, 3513.10, 7
3513.261, 3515.01, 3515.011, 3515.03, and 3515.14 be amended and 8
sections 3505.041, 3513.011, and 3513.081 of the Revised Code be 9
enacted to read as follows: 10

Sec. 3501.01. As used in the sections of the Revised Code 11
relating to elections and political communications: 12

(A) "General election" means the election held on the first 13
Tuesday after the first Monday in each November. 14

(B) "Regular municipal election" means the election held on 15
the first Tuesday after the first Monday in November in each 16
odd-numbered year. 17

(C) "Regular state election" means the election held on the 18
first Tuesday after the first Monday in November in each 19
even-numbered year. 20

(D) "Special election" means any election other than those
elections defined in other divisions of this section. A special
election may be held only on the first Tuesday after the first
Monday in February, May, August, or November, or on the day
authorized by a particular municipal or county charter for the
holding of a primary election, except that in any year in which a
presidential primary election is held, no special election shall
be held in February or May, except as authorized by a municipal or
county charter, but may be held on the first Tuesday after the
first Monday in March.

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

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

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

(1) "Major political party" means any political party

organized under the laws of this state whose candidate for 53
governor or nominees for presidential electors received not less 54
than twenty per cent of the total vote cast for such office at the 55
most recent regular state election. 56

(2) "Minor political party" means any political party 57
organized under the laws of this state that meets either of the 58
following requirements: 59

(a) Except as otherwise provided in this division, the 60
political party's candidate for governor or nominees for 61
presidential electors received less than twenty per cent but not 62
less than three per cent of the total vote cast for such office at 63
the most recent regular state election. A political party that 64
meets the requirements of this division remains a political party 65
for a period of four years after meeting those requirements. 66

(b) The political party has filed with the secretary of 67
state, subsequent to its failure to meet the requirements of 68
division (F) (2) (a) of this section, a petition that meets the 69
requirements of section 3517.01 of the Revised Code. 70

A newly formed political party shall be known as a minor 71
political party until the time of the first election for governor 72
or president which occurs not less than twelve months subsequent 73
to the formation of such party, after which election the status of 74
such party shall be determined by the vote for the office of 75
governor or president. 76

(G) "Dominant party in a precinct" or "dominant political 77
party in a precinct" means that political party whose candidate 78
for election to the office of governor at the most recent regular 79
state election at which a governor was elected received more votes 80
than any other person received for election to that office in such 81
precinct at such election. 82

(H) "Candidate" means any qualified person certified in 83

accordance with the provisions of the Revised Code for placement 84
on the official ballot of a primary, general, or special election 85
to be held in this state, or any qualified person who claims to be 86
a write-in candidate, or who knowingly assents to being 87
represented as a write-in candidate by another at either a 88
primary, general, or special election to be held in this state. 89

(I) "Independent candidate" means any candidate who claims 90
not to be affiliated with a political party, and whose name has 91
been certified on the office-type ballot at a general or special 92
election through the filing of a statement of candidacy and 93
nominating petition, as prescribed in section 3513.257 of the 94
Revised Code. 95

(J) "Nonpartisan candidate" means any candidate whose name is 96
required, pursuant to section 3505.04 of the Revised Code, to be 97
listed on the nonpartisan ballot, including all candidates for 98
judicial office except those running in a retention election, for 99
member of any board of education, for municipal or township 100
offices in which primary elections are not held for nominating 101
candidates by political parties, and for offices of municipal 102
corporations having charters that provide for separate ballots for 103
elections for these offices. 104

(K) "Party candidate" means any candidate who claims to be a 105
member of a political party and who has been certified to appear 106
on the office-type ballot at a general or special election as the 107
nominee of a political party because the candidate has won the 108
primary election of the candidate's party for the public office 109
the candidate seeks, has been nominated under section 3517.012, or 110
is selected by party committee in accordance with section 3513.31 111
of the Revised Code. 112

(L) "Officer of a political party" includes, but is not 113
limited to, any member, elected or appointed, of a controlling 114
committee, whether representing the territory of the state, a 115

district therein, a county, township, a city, a ward, a precinct, 116
or other territory, of a major or minor political party. 117

(M) "Question or issue" means any question or issue certified 118
in accordance with the Revised Code for placement on an official 119
ballot at a general or special election to be held in this state. 120

(N) "Elector" or "qualified elector" means a person having 121
the qualifications provided by law to be entitled to vote. 122

(O) "Voter" means an elector who votes at an election. 123

(P) "Voting residence" means that place of residence of an 124
elector which shall determine the precinct in which the elector 125
may vote. 126

(Q) "Precinct" means a district within a county established 127
by the board of elections of such county within which all 128
qualified electors having a voting residence therein may vote at 129
the same polling place. 130

(R) "Polling place" means that place provided for each 131
precinct at which the electors having a voting residence in such 132
precinct may vote. 133

(S) "Board" or "board of elections" means the board of 134
elections appointed in a county pursuant to section 3501.06 of the 135
Revised Code. 136

(T) "Political subdivision" means a county, township, city, 137
village, or school district. 138

(U) "Election officer" or "election official" means any of 139
the following: 140

(1) Secretary of state; 141

(2) Employees of the secretary of state serving the division 142
of elections in the capacity of attorney, administrative officer, 143
administrative assistant, elections administrator, office manager, 144
or clerical supervisor; 145

(3) Director of a board of elections;	146
(4) Deputy director of a board of elections;	147
(5) Member of a board of elections;	148
(6) Employees of a board of elections;	149
(7) Precinct election officials;	150
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	151 152
(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.	153 154 155 156 157 158 159
(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.	160 161 162 163
(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 and addiction services, the department of developmental	164 165 166 167 168 169 170 171 172 173 174 175

disabilities, the opportunities for Ohioans with disabilities 176
agency, and any other agency the secretary of state designates. 177
"Designated agency" does not include public high schools and 178
vocational schools, public libraries, or the office of a county 179
treasurer. 180

(Y) "National Voter Registration Act of 1993" means the 181
"National Voter Registration Act of 1993," 107 Stat. 77, 42 182
U.S.C.A. 1973gg. 183

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 184
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 185

(AA) "Photo identification" means a document that meets each 186
of the following requirements: 187

(1) It shows the name of the individual to whom it was 188
issued, which shall conform to the name in the poll list or 189
signature pollbook. 190

(2) It shows the current address of the individual to whom it 191
was issued, which shall conform to the address in the poll list or 192
signature pollbook, except for a driver's license or a state 193
identification card issued under section 4507.50 of the Revised 194
Code, which may show either the current or former address of the 195
individual to whom it was issued, regardless of whether that 196
address conforms to the address in the poll list or signature 197
pollbook. 198

(3) It shows a photograph of the individual to whom it was 199
issued. 200

(4) It includes an expiration date that has not passed. 201

(5) It was issued by the government of the United States or 202
this state. 203

(BB) "Retention election" means an election to determine 204
whether the incumbent of a judicial office who is serving a full 205

term shall be retained for another term. 206

Sec. 3505.041. Candidates for retention in a judicial office 207
shall be listed on the judicial retention ballot. The ballot shall 208
have printed across the top, and below the stub, "Official 209
Judicial Retention Ballot." State, district, county, and municipal 210
judicial offices shall be listed in that order. 211

Within the rectangular space within which the title of each 212
judicial office is printed on the ballot and immediately below the 213
title shall be printed the candidate's name; age as of the date of 214
the election; political preference, indicated by the words 215
"Political preference: (name of party or nonpartisan)"; 216
and total years of service as a judge, magistrate, or referee, 217
which may be nonconsecutive, rounded off to the nearest whole 218
number as of the date of commencement of the term of office. There 219
shall then follow: "Full term commencing (date)". There 220
shall then follow the question, "Shall (name of 221
candidate) be retained in office for (number of years of 222
applicable term) years? 223

..... yes 224

..... no" 225

If two or more candidates are on the ballot for a particular 226
court, the names on the ballot shall be preceded by the 227
instruction: "Judges seeking retention do NOT run against each 228
other. You may vote YES or NO for EACH CANDIDATE." 229

If the number of votes cast in favor of a candidate's 230
retention exceeds the number of votes cast against the candidate's 231
retention, the candidate shall continue in office until the 232
expiration of the term for which the candidate was retained. If 233
the number of votes cast in favor of a candidate's retention does 234
not exceed the number of votes cast against the candidate's 235

retention, the office to which the candidate sought election shall 236
be considered vacant on the date in the year following the 237
election on which the next full term of office begins. 238

Sec. 3513.011. Except for sections 3513.052, 3513.081, 239
3513.10, and 3513.261 of the Revised Code, this chapter does not 240
apply to retention elections for judicial office. 241

Sec. 3513.052. (A) No person shall seek nomination or 242
election to any of the following offices or positions at the same 243
election by filing a declaration of candidacy and petition, a 244
declaration of judicial retention candidacy, a declaration of 245
intent to be a write-in candidate, or a nominating petition, or by 246
becoming a candidate through party nomination in a primary 247
election, or by the filling of a vacancy under section 3513.30 or 248
3513.31 of the Revised Code: 249

(1) Two or more state offices; 250

(2) Two or more county offices; 251

(3) A state office and a county office; 252

(4) A federal office and a state or county office; 253

(5) Any combination of two or more municipal or township 254
offices, positions as a member of a city, local, or exempted 255
village board of education, or positions as a member of a 256
governing board of an educational service center. 257

(B) The secretary of state or a board of elections shall not 258
accept for filing a declaration of candidacy and petition, a 259
declaration of judicial retention candidacy, a declaration of 260
intent to be a write-in candidate, or a nominating petition of a 261
person seeking to become a candidate if that person, for the same 262
election, has already filed a declaration of candidacy, a 263
declaration of intent to be a write-in candidate, or a nominating 264

petition, or has become a candidate through party nomination at a 265
primary election or by the filling of a vacancy under section 266
3513.30 or 3513.31 of the Revised Code for: 267

(1) Any federal, state, or county office, if the declaration 268
of candidacy, a declaration of judicial retention candidacy, 269
declaration of intent to be a write-in candidate, or nominating 270
petition is for a state or county office; 271

(2) Any municipal or township office, or for member of a 272
city, local, or exempted village board of education, or for member 273
of a governing board of an educational service center, if the 274
declaration of candidacy, a declaration of judicial retention 275
candidacy, declaration of intent to be a write-in candidate, or 276
nominating petition is for a municipal or township office, or for 277
member of a city, local, or exempted village board of education, 278
or for member of a governing board of an educational service 279
center. 280

(C) (1) If the secretary of state determines, before the day 281
of the primary election, that a person is seeking nomination to 282
more than one office at that election in violation of division (A) 283
of this section, the secretary of state shall do one of the 284
following: 285

(a) If each office or the district for each office for which 286
the person is seeking nomination is wholly within a single county 287
and none of those offices is a federal office, the secretary of 288
state shall notify the board of elections of that county. The 289
board then shall determine the date on which the person first 290
sought to become a candidate for each of those offices by filing a 291
declaration of candidacy or a declaration of intent to be a 292
write-in candidate or by the filling of a vacancy under section 293
3513.30 of the Revised Code. The board shall vote promptly to 294
disqualify that person as a candidate for each office for which 295
the person sought to become a candidate after the date on which 296

the person first sought to become a candidate for any of those 297
offices. If the board determines that the person sought to become 298
a candidate for more than one of those offices on the same date, 299
the board shall vote promptly to disqualify that person as a 300
candidate for each office that would be listed on the ballot below 301
the highest office for which that person seeks nomination, 302
according to the ballot order prescribed under section 3505.03 of 303
the Revised Code. 304

(b) If one or more of the offices for which the person is 305
seeking nomination is a state office or an office with a district 306
larger than a single county and none of the offices for which the 307
person is seeking nomination is a federal office, the secretary of 308
state shall determine the date on which the person first sought to 309
become a candidate for each of those offices by filing a 310
declaration of candidacy or a declaration of intent to be a 311
write-in candidate or by the filling of a vacancy under section 312
3513.30 of the Revised Code. The secretary of state shall order 313
the board of elections of each county in which the person is 314
seeking to appear on the ballot to disqualify that person as a 315
candidate for each office for which the person sought to become a 316
candidate after the date on which the person first sought to 317
become a candidate for any of those offices. If the secretary of 318
state determines that the person sought to become a candidate for 319
more than one of those offices on the same date, the secretary of 320
state shall order the board of elections of each county in which 321
the person is seeking to appear on the ballot to disqualify that 322
person as a candidate for each office that would be listed on the 323
ballot below the highest office for which that person seeks 324
nomination, according to the ballot order prescribed under section 325
3505.03 of the Revised Code. Each board of elections so notified 326
shall vote promptly to disqualify the person as a candidate in 327
accordance with the order of the secretary of state. 328

(c) If each office or the district for each office for which 329
the person is seeking nomination is wholly within a single county 330
and any of those offices is a federal office, the secretary of 331
state shall notify the board of elections of that county. The 332
board then shall vote promptly to disqualify that person as a 333
candidate for each office that is not a federal office. 334

(d) If one or more of the offices for which the person is 335
seeking nomination is a state office and any of the offices for 336
which the person is seeking nomination is a federal office, the 337
secretary of state shall order the board of elections of each 338
county in which the person is seeking to appear on the ballot to 339
disqualify that person as a candidate for each office that is not 340
a federal office. Each board of elections so notified shall vote 341
promptly to disqualify the person as a candidate in accordance 342
with the order of the secretary of state. 343

(2) If a board of elections determines, before the day of the 344
primary election, that a person is seeking nomination to more than 345
one office at that election in violation of division (A) of this 346
section, the board shall do one of the following: 347

(a) If each office or the district for each office for which 348
the person is seeking nomination is wholly within that county and 349
none of those offices is a federal office, the board shall 350
determine the date on which the person first sought to become a 351
candidate for each of those offices by filing a declaration of 352
candidacy or a declaration of intent to be a write-in candidate or 353
by the filling of a vacancy under section 3513.30 of the Revised 354
Code. The board shall vote promptly to disqualify that person as a 355
candidate for each office for which the person sought to become a 356
candidate after the date on which the person first sought to 357
become a candidate for any of those offices. If the board 358
determines that the person sought to become a candidate for more 359
than one of those offices on the same date, the board shall vote 360

promptly to disqualify that person as a candidate for each office 361
that would be listed on the ballot below the highest office for 362
which that person seeks nomination, according to the ballot order 363
prescribed under section 3505.03 of the Revised Code. 364

(b) If one or more of the offices for which the person is 365
seeking nomination is a state office or an office with a district 366
larger than a single county and none of the offices for which the 367
person is seeking nomination is a federal office, the board shall 368
notify the secretary of state. The secretary of state then shall 369
determine the date on which the person first sought to become a 370
candidate for each of those offices by filing a declaration of 371
candidacy or a declaration of intent to be a write-in candidate or 372
by the filling of a vacancy under section 3513.30 of the Revised 373
Code. The secretary of state shall order the board of elections of 374
each county in which the person is seeking to appear on the ballot 375
to disqualify that person as a candidate for each office for which 376
the person sought to become a candidate after the date on which 377
the person first sought to become a candidate for any of those 378
offices. If the secretary of state determines that the person 379
sought to become a candidate for more than one of those offices on 380
the same date, the secretary of state shall order the board of 381
elections of each county in which the person is seeking to appear 382
on the ballot to disqualify that person as a candidate for each 383
office that would be listed on the ballot below the highest office 384
for which that person seeks nomination, according to the ballot 385
order prescribed under section 3505.03 of the Revised Code. Each 386
board of elections so notified shall vote promptly to disqualify 387
the person as a candidate in accordance with the order of the 388
secretary of state. 389

(c) If each office or the district for each office for which 390
the person is seeking nomination is wholly within a single county 391
and any of those offices is a federal office, the board shall vote 392

promptly to disqualify that person as a candidate for each office 393
that is not a federal office. 394

(d) If one or more of the offices for which the person is 395
seeking nomination is a state office and any of the offices for 396
which the person is seeking nomination is a federal office, the 397
board shall notify the secretary of state. The secretary of state 398
then shall order the board of elections of each county in which 399
the person is seeking to appear on the ballot to disqualify that 400
person as a candidate for each office that is not a federal 401
office. Each board of elections so notified shall vote promptly to 402
disqualify the person as a candidate in accordance with the order 403
of the secretary of state. 404

(D) (1) If the secretary of state determines, after the day of 405
the primary election and before the day of the general election, 406
that a person is seeking election to more than one office at that 407
election in violation of division (A) of this section, the 408
secretary of state shall do one of the following: 409

(a) If each office or the district for each office for which 410
the person is seeking election is wholly within a single county 411
and none of those offices is a federal office, the secretary of 412
state shall notify the board of elections of that county. The 413
board then shall determine the offices for which the person seeks 414
to appear as a candidate on the ballot. The board shall vote 415
promptly to disqualify that person as a candidate for each office 416
that would be listed on the ballot below the highest office for 417
which that person seeks election, according to the ballot order 418
prescribed under section 3505.03 of the Revised Code. If the 419
person sought nomination at a primary election and has not yet 420
been issued a certificate of nomination, the board shall not issue 421
that certificate for that person for any office that would be 422
listed on the ballot below the highest office for which that 423
person seeks election, according to the ballot order prescribed 424

under section 3505.03 of the Revised Code.

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(b) If one or more of the offices for which the person is seeking election is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking election is a federal office, the secretary of state shall promptly investigate and determine the offices for which the person seeks to appear as a candidate on the ballot. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

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(c) If each office or the district for each office for which the person is seeking election is wholly within a single county and any of those offices is a federal office, the secretary of state shall notify the board of elections of that county. The board then shall vote promptly to disqualify that person as a candidate for each office that is not a federal office. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

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(d) If one or more of the offices for which the person is

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seeking election is a state office and any of the offices for 457
which the person is seeking election is a federal office, the 458
secretary of state shall order the board of elections of each 459
county in which the person is seeking to appear on the ballot to 460
disqualify that person as a candidate for each office that is not 461
a federal office. Each board of elections so notified shall vote 462
promptly to disqualify the person as a candidate in accordance 463
with the order of the secretary of state. If the person sought 464
nomination at a primary election and has not yet been issued a 465
certificate of nomination, the board shall not issue that 466
certificate for that person for any office that is not a federal 467
office. 468

(2) If a board of elections determines, after the day of the 469
primary election and before the day of the general election, that 470
a person is seeking election to more than one office at that 471
election in violation of division (A) of this section, the board 472
of elections shall do one of the following: 473

(a) If each office or the district for each office for which 474
the person is seeking election is wholly within that county and 475
none of those offices is a federal office, the board shall 476
determine the offices for which the person seeks to appear as a 477
candidate on the ballot. The board shall vote promptly to 478
disqualify that person as a candidate for each office that would 479
be listed on the ballot below the highest office for which that 480
person seeks election, according to the ballot order prescribed 481
under section 3505.03 of the Revised Code. If the person sought 482
nomination at a primary election and has not yet been issued a 483
certificate of nomination, the board shall not issue that 484
certificate for that person for any office that would be listed on 485
the ballot below the highest office for which that person seeks 486
election, according to the ballot order prescribed under section 487
3505.03 of the Revised Code. 488

(b) If one or more of the offices for which the person is seeking election is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking election is a federal office, the board shall notify the secretary of state. The secretary of state promptly shall investigate and determine the offices for which the person seeks to appear as a candidate on the ballot. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(c) If each office or the district for each office for which the person is seeking election is wholly within that county and any of those offices is a federal office, the board shall vote promptly to disqualify that person as a candidate for each office that is not a federal office. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

(d) If one or more of the offices for which the person is seeking election is a state office and any of the offices for which the person is seeking election is a federal office, the

board shall notify the secretary of state. The secretary of state 521
shall order the board of elections of each county in which the 522
person is seeking to appear on the ballot to disqualify that 523
person as a candidate for each office that is not a federal 524
office. Each board of elections so notified shall vote promptly to 525
disqualify the person as a candidate in accordance with the order 526
of the secretary of state. If the person sought nomination at a 527
primary election and has not yet been issued a certificate of 528
nomination, the board shall not issue that certificate for that 529
person for any office that is not a federal office. 530

(E) When a person is disqualified as a candidate under 531
division (C) or (D) of this section, on or before the seventieth 532
day before the day of the applicable election, the board of 533
elections shall remove the person's name from the ballot for any 534
office for which that person has been disqualified as a candidate 535
according to the directions of the secretary of state. When a 536
person is disqualified as a candidate under division (C) or (D) of 537
this section after the seventieth day before the day of the 538
applicable election, the board of elections shall not remove the 539
person's name from the ballot for any office for which that person 540
has been disqualified as a candidate. The board of elections shall 541
post a notice at each polling location on the day of the 542
applicable election, and shall enclose with each absent voter's 543
ballot given or mailed after the candidate is disqualified, a 544
notice that votes for the person for the office for which the 545
person has been disqualified as a candidate will be void and will 546
not be counted. If the name is not removed from the ballots before 547
the day of the election, the votes for the disqualified candidate 548
are void and shall not be counted. 549

(F) Any vacancy created by the disqualification of a person 550
as a candidate under division (C) or (D) of this section may be 551
filled in the manner provided for in sections 3513.30 and 3513.31 552

of the Revised Code. 553

(G) Nothing in this section or section 3513.04, 3513.041, 554
3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 555
3513.259, or 3513.261 of the Revised Code prohibits, and the 556
secretary of state or a board of elections shall not disqualify, a 557
person from being a candidate for an office, if that person timely 558
withdraws as a candidate for any offices specified in division (A) 559
of this section for which that person first sought to become a 560
candidate by filing a declaration of candidacy and petition, a 561
declaration of intent to be a write-in candidate, or a nominating 562
petition, by party nomination in a primary election, or by the 563
filling of a vacancy under section 3513.30 or 3513.31 of the 564
Revised Code. 565

(H) As used in this section: 566

(1) "State office" means the offices of governor, lieutenant 567
governor, secretary of state, auditor of state, treasurer of 568
state, attorney general, member of the state board of education, 569
member of the general assembly, chief justice of the supreme 570
court, and justice of the supreme court. 571

(2) "Timely withdraws" means either of the following: 572

(a) Withdrawing as a candidate before the applicable deadline 573
for filing a declaration of candidacy, declaration of intent to be 574
a write-in candidate, or nominating petition for the subsequent 575
office for which the person is seeking to become a candidate at 576
the same election; 577

(b) Withdrawing as a candidate before the applicable deadline 578
for the filling of a vacancy under section 3513.30 or 3513.31 of 579
the Revised Code, if the person is seeking to become a candidate 580
for a subsequent office at the same election under either of those 581
sections. 582

Sec. 3513.081. (A) Each person who is serving a full term in 583
the office of chief justice or justice of the supreme court or 584
judge of a court of appeals, court of common pleas, probate court, 585
or another court established by law and who intends to seek 586
reelection at a retention election shall file a declaration of 587
judicial retention candidacy for the office, signed by the person, 588
not later than four p.m. of the one hundred twentieth day before 589
the day of the primary election for other offices. If the person 590
is the chief justice or a justice of the supreme court, the person 591
shall file the declaration with the secretary of state. If the 592
declaration of judicial retention candidacy is of one that is to 593
be submitted only to electors within a county, or within a 594
district or subdivision or part thereof smaller than a county, the 595
person shall file the declaration with the board of elections of 596
the county. If the declaration of judicial retention candidacy is 597
of one that is to be submitted only to electors of a district or 598
subdivision or part thereof that is situated in more than one 599
county, the person shall file the declaration with the board of 600
elections of the county within which the major portion of the 601
population thereof, as ascertained by the most recent federal 602
census, is located. 603

(B) If two or more judges of the same court are to be elected 604
at any one election, a person who files a declaration of judicial 605
retention candidacy, in addition to designating in the declaration 606
the office the person seeks to retain, shall designate the term of 607
that office by stating in the declaration the following: "Full 608
term commencing (date)". 609

(C) A declaration of judicial retention candidacy shall 610
include the candidate's political preference in three or fewer 611
words as the candidate wishes the preference to appear on the 612
ballot. The preference may be for a political party or 613
"nonpartisan." The declaration shall also state the total number 614

of years the candidate has served as a judge, magistrate, or 615
referee in any court of law and the age of the candidate as of the 616
date of the election. 617

(D) A declaration of judicial retention candidacy may be 618
filed only by an incumbent judge who is serving a full term of 619
office and is seeking retention in the judicial office currently 620
held by the judge. 621

(E) A declaration of judicial retention candidacy filed under 622
this section shall not be accompanied by a petition. The secretary 623
of state shall prescribe the form of the declaration. 624

(F) If the secretary of state or a board of elections 625
receives a valid declaration of judicial retention candidacy from 626
a judicial officeholder under division (A) of this section, the 627
secretary of state or board of elections shall not accept a 628
declaration of candidacy, nominating petition, or declaration of 629
intent to be a write-in candidate from any other person for that 630
office at that election, and the election shall be conducted as a 631
judicial retention election. If no such declaration of judicial 632
retention candidacy is filed, nominations and elections shall be 633
conducted as required nonretention elections for the office. 634

Sec. 3513.10. (A) At the time of filing a declaration of 635
candidacy for nomination or retention for any office, or a 636
declaration of intent to be a write-in candidate, each candidate, 637
except joint candidates for governor and lieutenant governor, 638
shall pay a fee as follows: 639

For statewide office	\$100	640
For court of appeals judge	\$ 50	641
For court of common pleas judge	\$ 50	642
For county court judge	\$ 50	643
For municipal court judge	\$ 50	644
For district office, including member		645

of the United States house of		646
representatives and member of the		647
general assembly	\$ 50	648
For county office	\$ 50	649
For city office	\$ 20	650
For village office	\$ 10	651
For township office	\$ 10	652
For member of state board of education	\$ 20	653
For member of local, city, or		654
exempted village board of education		655
or educational service center		656
governing board	\$ 10	657

At the time of filing a declaration of candidacy or a
declaration of intent to be a write-in candidate for the offices
of governor and lieutenant governor, the joint candidates shall
jointly pay to the secretary of state a fee of one hundred
dollars.

(B) (1) At the same time the fee required under division (A)
of this section is paid, each candidate shall pay an additional
fee as follows:

For the joint candidates for governor		666
and lieutenant governor	\$ 50	667
For statewide office	\$ 50	668
For district office, including member		669
of the United States house of		670
representatives and member of the		671
general assembly	\$ 35	672
For member of state board of education	\$ 35	673
For court of appeals judge	\$ 30	674
For court of common pleas judge	\$ 30	675
For county court judge	\$ 30	676
For municipal court judge	\$ 30	677

For county office	\$ 30	678
For city office	\$ 25	679
For village office	\$ 20	680
For township office	\$ 20	681
For member of local, city,		682
or exempted village board of education		683
or educational service center		684
governing board	\$ 20	685

(2) Whoever seeks to propose a ballot question or issue to be submitted to the electors shall pay the following fee at the time the petition proposing the question or issue is filed:

(a) If the question or issue is to be submitted to the electors throughout the entire state, twenty-five dollars;

(b) If the question or issue is to be submitted to the electors of a county or of a district that consists of all or part of two or more counties but less than the entire state, fifteen dollars;

(c) If the question or issue is to be submitted to the electors of a city, twelve dollars and fifty cents;

(d) If the question or issue is to be submitted to the electors of a village, a township, a local, city, county, or exempted village school district, a precinct, or another district consisting of less than an entire county, ten dollars.

(C) No fee shall be required of candidates filing for the office of delegate or alternate to the national convention of political parties, member of the state central committee of a political party, or member of the county central committee of a political party.

(D) All fees required under division (A) of this section immediately shall be paid by the officer receiving them into the state treasury to the credit of the general revenue fund, in the

case of fees received by the secretary of state, and into the 709
county treasury to the credit of the county general fund, in the 710
case of fees received by a board of elections. 711

(E) The officer who receives a fee required under division 712
(B) of this section immediately shall pay the fee to the credit of 713
the Ohio elections commission fund created by division (I) of 714
section 3517.152 of the Revised Code. 715

(F) (1) In no case shall a fee paid under this section be 716
returned to a candidate. 717

(2) Whenever a section of law refers to a filing fee to be 718
paid by a candidate or by a committee proposing a ballot question 719
or issue to be submitted to the electors, that fee includes the 720
fees required under divisions (A) and (B) of this section. 721

(G) As used in divisions (A) and (B) of this section, 722
"statewide office" means the office of secretary of state, auditor 723
of state, treasurer of state, attorney general, justice and chief 724
justice of the supreme court, and member of the United States 725
senate. 726

Sec. 3513.261. A nominating petition may consist of one or 727
more separate petition papers, each of which shall be 728
substantially in the form prescribed in this section. If the 729
petition consists of more than one separate petition paper, the 730
statement of candidacy of the candidate or joint candidates named 731
need be signed by the candidate or joint candidates on only one of 732
such separate petition papers, but the statement of candidacy so 733
signed shall be copied on each other separate petition paper 734
before the signatures of electors are placed on it. Each 735
nominating petition containing signatures of electors of more than 736
one county shall consist of separate petition papers each of which 737
shall contain signatures of electors of only one county; provided 738
that petitions containing signatures of electors of more than one 739

county shall not thereby be declared invalid. In case petitions 740
containing signatures of electors of more than one county are 741
filed, the board of elections shall determine the county from 742
which the majority of the signatures came, and only signatures 743
from this county shall be counted. Signatures from any other 744
county shall be invalid. 745

All signatures on nominating petitions shall be written in 746
ink or indelible pencil. 747

At the time of filing a nominating petition, the candidate 748
designated in the nominating petition, and joint candidates for 749
governor and lieutenant governor, shall pay to the election 750
officials with whom it is filed the fees specified for the office 751
under divisions (A) and (B) of section 3513.10 of the Revised 752
Code. The fees shall be disposed of by those election officials in 753
the manner that is provided in section 3513.10 of the Revised Code 754
for the disposition of other fees, and in no case shall a fee 755
required under that section be returned to a candidate. 756

Candidates or joint candidates whose names are written on the 757
ballot, and who are elected, shall pay the same fees under section 758
3513.10 of the Revised Code that candidates who file nominating 759
petitions pay. Payment of these fees shall be a condition 760
precedent to the granting of their certificates of election. 761

Each nominating petition shall contain a statement of 762
candidacy that shall be signed by the candidate or joint 763
candidates named in it or by an attorney in fact acting pursuant 764
to section 3501.382 of the Revised Code. Such statement of 765
candidacy shall contain a declaration made under penalty of 766
election falsification that the candidate desires to be a 767
candidate for the office named in it, and that the candidate is an 768
elector qualified to vote for the office the candidate seeks. 769

The form of the nominating petition and statement of 770

candidacy shall be substantially as follows: 771

"STATEMENT OF CANDIDACY 772

I, (Name of candidate), 773
the undersigned, hereby declare under penalty of election 774
falsification that my voting residence is in 775
..... Precinct of the (Township) or 776
(Ward and City, or Village) in the county of Ohio; 777
that my post-office address is 778
(Street and Number, if any, or Rural Route and Number) of the 779
..... (City, Village, or post office) of 780
....., Ohio; and that I am a qualified elector in 781
the precinct in which my voting residence is located. I hereby 782
declare that I desire to be a candidate for election to the office 783
of in the (State, 784
District, County, City, Village, Township, or School District) for 785
the (Full term or unexpired 786
term ending) at the General Election to be held 787
on the day of 788

I further declare that I am an elector qualified to vote for 789
the office I seek. Dated this day of 790
..... 791
(Signature of candidate) 792

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 793
OF THE FIFTH DEGREE. 794

I,, hereby constitute the 795
persons named below a committee to represent me: 796
Name Residence 797
..... 798
..... 799
..... 800
..... 801

..... 802

NOMINATING PETITION 803

We, the undersigned, qualified electors of the state of Ohio, 804
whose voting residence is in the County, City, Village, Ward, 805
Township or Precinct set opposite our names, hereby nominate 806
..... as a candidate for election to the office of 807
..... in the 808
(State, District, County, City, Village, Township, or School 809
District) for the (Full term or unexpired term 810
ending) to be voted for at the general 811
election next hereafter to be held, and certify that this person 812
is, in our opinion, well qualified to perform the duties of the 813
office or position to which the person desires to be elected. 814

815

Street 816

Address 817

or R.F.D. 818

(Must use 819

address on City, 820

file with Village 821

the board of or Date of 822

Signature elections) Township Ward Precinct County Signing 823

824

..... 825

..... 826

..... 827

....., declares under penalty of election 828
falsification that such person is a qualified elector of the state 829
of Ohio and resides at the address appearing below such person's 830
signature hereto; that such person is the circulator of the 831
foregoing petition paper containing signatures; 832
that such person witnessed the affixing of every signature; that 833
all signers were to the best of such person's knowledge and belief 834

qualified to sign; and that every signature is to the best of such 835
person's knowledge and belief the signature of the person whose 836
signature it purports to be or of an attorney in fact acting 837
pursuant to section 3501.382 of the Revised Code. 838

..... 839

(Signature of circulator) 840

..... 841

(Address of circulator's 842

permanent residence 843

in this state) 844

..... 845

(If petition is for a statewide 846

candidate, the name and address 847

of person employing circulator 848

to circulate petition, if any) 849

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 850
OF THE FIFTH DEGREE." 851

The secretary of state shall prescribe a form of nominating 852
petition for a group of candidates for the office of member of a 853
board of education, township office, and offices of municipal 854
corporations of under two thousand population. 855

The secretary of state shall prescribe a form of statement of 856
candidacy and nominating petition, which shall be substantially 857
similar to the form of statement of candidacy and nominating 858
petition set forth in this section, that will be suitable for 859
joint candidates for the offices of governor and lieutenant 860
governor. 861

If such petition nominates a candidate whose election is to 862
be determined by the electors of a county or a district or 863
subdivision within the county, it shall be filed with the board of 864
such county. If the petition nominates a candidate whose election 865
is to be determined by the voters of a subdivision located in more 866

than one county, it shall be filed with the board of the county in 867
which the major portion of the population of such subdivision is 868
located. 869

If the petition nominates a candidate whose election is to be 870
determined by the electors of a district comprised of more than 871
one county but less than all of the counties of the state, it 872
shall be filed with the board of elections of the most populous 873
county in such district. If the petition nominates a candidate 874
whose election is to be determined by the electors of the state at 875
large, it shall be filed with the secretary of state. 876

The secretary of state or a board of elections shall not 877
accept for filing a nominating petition or a declaration of 878
judicial retention candidacy of a person seeking to become a 879
candidate if that person, for the same election, has already filed 880
a declaration of candidacy, or a declaration of judicial retention 881
candidacy, a declaration of intent to be a write-in candidate, or 882
a nominating petition, or has become a candidate through party 883
nomination at a primary election or by the filling of a vacancy 884
under section 3513.30 or 3513.31 of the Revised Code for any 885
federal, state, or county office, if the nominating petition or 886
declaration of judicial retention candidacy is for a state or 887
county office, or for any municipal or township office, for member 888
of a city, local, or exempted village board of education, or for 889
member of a governing board of an educational service center, if 890
the nominating petition or declaration of judicial retention 891
candidacy is for a municipal or township office, or for member of 892
a city, local, or exempted village board of education, or for 893
member of a governing board of an educational service center. 894

Sec. 3515.01. Any person for whom votes were cast in a 895
primary election for nomination as a candidate for election to an 896
office who was not declared nominated may file with the board of 897

elections of a county a written application for a recount of the 898
votes cast at such primary election in any precinct in such county 899
for all persons for whom votes were cast in such precinct for such 900
nomination. 901

Any person who was a candidate at a general, special, or 902
primary election for election to an office or ~~position~~ position who 903
was not declared elected may file with the board of a county a 904
written application for a recount of the votes cast at such 905
election in any precinct in such county for all candidates for 906
election to such office or position or, in the case of a judicial 907
retention election, the votes cast for and against retention. 908

Any group of five or more qualified electors may file with 909
the board of a county a written application for a recount of the 910
votes cast at an election in any precinct in such county upon any 911
question or issue, provided that the members of such group shall 912
state in such application either that they voted "Yes" or in favor 913
of such question or issue and that such question or issue was 914
declared defeated or rejected, or that they voted "No" or against 915
such question or issue and that such question or issue was 916
declared carried or adopted. Such group of electors shall, in such 917
application, designate one of the members of the group as ~~chairman~~ 918
chairperson, and shall indicate therein the voting residence of 919
each member of such group. In all such applications the person 920
designated as ~~chairman~~ chairperson is the applicant for the 921
purposes of sections 3515.01 to 3515.07 of the Revised Code, and 922
all notices required by section 3515.03 of the Revised Code to be 923
given to an applicant for a recount shall be given to such person. 924

In the recount of absentee ballots that are tallied by county 925
instead of by precinct, as provided in section 3509.06 of the 926
Revised Code, the county shall be considered a separate precinct 927
for purposes of recounting such absentee ballots. 928

Sec. 3515.011. If the number of votes cast in any county or 929
municipal election for the declared winning nominee, candidate, 930
question, or issue does not exceed the number of votes cast for 931
the declared defeated nominee, candidate, question, or issue or, 932
in the case of a judicial retention election, the number of votes 933
cast against the candidate by a margin of one-half of one per cent 934
or more of the total vote, the appropriate board of elections 935
shall order a recount which shall be conducted as provided in 936
sections 3515.04 and 3515.05 of the Revised Code. 937

If the number of votes cast in any district election for the 938
declared winning nominee, candidate, question, or issue does not 939
exceed the number of votes cast for the declared defeated nominee, 940
candidate, question, or issue or, in the case of a judicial 941
retention election, the number of votes cast against the candidate 942
by a margin of one-half of one per cent or more of the total vote, 943
the secretary of state shall order a recount which shall be 944
conducted as provided in sections 3515.04 and 3515.05 of the 945
Revised Code. 946

If the number of votes cast in any statewide election for the 947
declared winning nominee, candidate, question, or issue or, in the 948
case of a judicial retention election, the number of votes cast 949
against the candidate does not exceed the number of votes cast for 950
the declared defeated nominee, candidate, question, or issue by a 951
margin of one-fourth of one per cent or more of the total vote, 952
the secretary of state shall order a recount which shall be 953
conducted as provided in sections 3515.04 and 3515.05 of the 954
Revised Code. 955

Sec. 3515.03. Each application for recount shall separately 956
list each precinct as to which a recount of the votes is 957
requested, and the person filing the application shall, at the 958
same time, deposit with the board of elections fifty dollars in 959

currency, bank money order, bank cashier's check, or certified 960
check for each precinct so listed as security for the payment of 961
charges for making the recount applied for, which charges shall be 962
fixed by the board as provided in section 3515.07 of the Revised 963
Code. 964

Upon the filing of an application, or upon declaration by the 965
board or secretary of state that the number of votes cast in any 966
election for the declared winning nominee, candidate, question, or 967
issue does not exceed the number of votes cast for the defeated 968
nominee, candidate, question, or issue or, in the case of a 969
judicial retention election, the number of votes cast against the 970
candidate, by the margins set forth in section 3515.011 of the 971
Revised Code, the board shall promptly fix the time, method, and 972
the place at which the recount will be made, which time shall be 973
not later than ten days after the day upon which such application 974
is filed or such declaration is made. If the recount involves a 975
candidate for election to an office comprising more than one 976
county, the director of the board shall promptly mail notice of 977
the time and place for such recount to the board of the most 978
populous county of the district. If the contest involves a state 979
office, the director shall promptly notify the secretary of state 980
of the filing for such recount. 981

The director of the board shall mail notice of the time and 982
place so fixed to any applicant and to each person for whom votes 983
were cast for such nomination or election. Such notice shall be 984
mailed by certified mail not later than the fifth day before the 985
day fixed for the commencement of the recount. Persons entitled to 986
have such notice mailed to them may waive their right to have it 987
mailed by filing with the director a written waiver to that 988
effect. Each person entitled to receive such notice may attend and 989
observe the recount and may have any person whom the candidate 990
designates attend and observe the recount. At any time after a 991

winning nominee or candidate is declared but before the time for a 992
recount pursuant to section 3515.011 of the Revised Code 993
commences, the declared losing nominee or candidate may file with 994
the board a written request to stop the recount from commencing. 995
In the case of more than one declared losing candidate or nominee, 996
each of whom is entitled to a recount pursuant to section 3515.011 997
of the Revised Code, each such declared losing candidate or 998
nominee must file with the board such written request to stop the 999
recount from commencing. The board shall grant such request and 1000
shall not commence the recount. 1001

In the case of a recount of votes cast upon a question or 1002
issue, any group of five or more qualified electors, who voted 1003
upon such question or issue and whose votes were in opposition to 1004
the votes of the members of the group of electors who applied for 1005
the recount, or for whom the recount was required by section 1006
3515.011 of the Revised Code, may file with the board a written 1007
statement to that effect, shall designate in it one of their 1008
number as chairperson of such group, may appoint an attorney at 1009
law as their legal counsel, and may request that the persons so 1010
designated be permitted to attend and observe the recount. 1011
Thereupon, the persons so designated may attend and observe the 1012
recount. 1013

Sec. 3515.14. Upon completion of the trial of a contest of 1014
election, the court shall pronounce judgment as to which candidate 1015
was nominated or elected or whether the judicial retention 1016
candidate or the issue was approved or rejected by the voters; 1017
except that in the case of the contest of election of a member of 1018
the general assembly such judgment shall not be pronounced by the 1019
court but a transcript of all testimony taken and all evidence 1020
adduced in such contest shall be filed with the clerk or ~~executive~~ 1021
~~secretary~~ chief administrative officer of the branch of the 1022
legislative body to which the contestee was declared elected, 1023

which shall determine the election and qualification of its own 1024
members. 1025

Any person declared nominated or elected by the court shall 1026
be entitled to ~~his~~ a certificate of nomination or election. A 1027
certified copy of the order of such court constitutes such 1028
certificate. If the judgment is against the contestee or incumbent 1029
and ~~he~~ the contestee or incumbent has already received a 1030
certificate of nomination or election, the judgment of the court 1031
shall work a cancellation of such certificate. 1032

If the court decides that the election resulted in a tie 1033
vote, such decision shall be certified to the board of elections 1034
having jurisdiction and said board shall publicly determine by lot 1035
which of such persons shall be declared elected. If the court 1036
finds that no person was elected, the judgment shall be that the 1037
election be set aside. 1038

Section 2. That existing sections 3501.01, 3513.052, 3513.10, 1039
3513.261, 3515.01, 3515.011, 3515.03, and 3515.14 and sections 1040
3513.16 and 3513.28 of the Revised Code are hereby repealed. 1041
1042

Section 3. Sections 1 and 2 of this act take effect January 1043
1, 2015. 1044

Section 4. Section 3501.01 of the Revised Code is presented 1045
in this act as a composite of the section as amended by Am. Sub. 1046
H.B. 59, Am. Sub. S.B. 109, and Am. Sub. S.B. 193 all of the 130th 1047
General Assembly. The General Assembly, applying the principle 1048
stated in division (B) of section 1.52 of the Revised Code that 1049
amendments are to be harmonized if reasonably capable of 1050
simultaneous operation, finds that the composite is the resulting 1051
version of the section in effect prior to the effective date of 1052
the section as presented in this act. 1053