

As Introduced

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H. B. No. 471

Representatives Creech, King

**Cosponsors: Representatives Cutrona, Barhorst, Bird, Click, Gross, Hall,
Johnson, Kick, Klopfenstein, Lear, Miller, M., Miller, K., Seitz, Wiggam, Williams**

A BILL

To amend sections 3513.041 and 3513.05 and to enact 1
section 3513.053 of the Revised Code to allow an 2
elector who is not a member of a political party 3
to protest a person's candidacy for that party's 4
nomination on certain grounds. 5

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

Section 1. That sections 3513.041 and 3513.05 be amended 6
and section 3513.053 of the Revised Code be enacted to read as 7
follows: 8

Sec. 3513.041. A write-in space shall be provided on the 9
ballot for every office, except in an election for which the 10
board of elections has received no valid declarations of intent 11
to be a write-in candidate under this section. Write-in votes 12
shall not be counted for any candidate who has not filed a 13
declaration of intent to be a write-in candidate pursuant to 14
this section. A qualified person who has filed a declaration of 15
intent may receive write-in votes at either a primary or general 16
election. Any candidate shall file a declaration of intent to be 17
a write-in candidate before four p.m. of the seventy-second day 18

preceding the election at which such candidacy is to be 19
considered. If the election is to be determined by electors of a 20
county or a district or subdivision within the county, such 21
declaration shall be filed with the board of elections of that 22
county. If the election is to be determined by electors of a 23
subdivision located in more than one county, such declaration 24
shall be filed with the board of elections of the county in 25
which the major portion of the population of such subdivision is 26
located. If the election is to be determined by electors of a 27
district comprised of more than one county but less than all of 28
the counties of the state, such declaration shall be filed with 29
the board of elections of the most populous county in such 30
district. Any candidate for an office to be voted upon by 31
electors throughout the entire state shall file a declaration of 32
intent to be a write-in candidate with the secretary of state 33
before four p.m. of the seventy-second day preceding the 34
election at which such candidacy is to be considered. In 35
addition, candidates for president and vice-president of the 36
United States shall also file with the secretary of state by 37
that seventy-second day a slate of presidential electors 38
sufficient in number to satisfy the requirements of the United 39
States constitution. 40

A board of elections shall not accept for filing the 41
declaration of intent to be a write-in candidate of a person 42
seeking to become a candidate if that person, for the same 43
election, has already filed a declaration of candidacy, a 44
declaration of intent to be a write-in candidate, or a 45
nominating petition, or has become a candidate through party 46
nomination at a primary election or by the filling of a vacancy 47
under section 3513.30 or 3513.31 of the Revised Code, for any 48
federal, state, or county office, if the declaration of intent 49

to be a write-in candidate is for a state or county office, or 50
for any municipal or township office, for member of a city, 51
local, or exempted village board of education, or for member of 52
a governing board of an educational service center, if the 53
declaration of intent to be a write-in candidate is for a 54
municipal or township office, or for member of a city, local, or 55
exempted village board of education, or for member of a 56
governing board of an educational service center. 57

No person shall file a declaration of intent to be a 58
write-in candidate for the office of governor unless the 59
declaration also shows the intent of another person to be a 60
write-in candidate for the office of lieutenant governor. No 61
person shall file a declaration of intent to be a write-in 62
candidate for the office of lieutenant governor unless the 63
declaration also shows the intent of another person to be a 64
write-in candidate for the office of governor. No person shall 65
file a declaration of intent to be a write-in candidate for the 66
office of governor or lieutenant governor if the person has 67
previously filed a declaration of intent to be a write-in 68
candidate to the office of governor or lieutenant governor at 69
the same primary or general election. A write-in vote for the 70
two candidates who file such a declaration shall be counted as a 71
vote for them as joint candidates for the offices of governor 72
and lieutenant governor. 73

The secretary of state shall not accept for filing the 74
declaration of intent to be a write-in candidate of a person for 75
the office of governor unless the declaration also shows the 76
intent of another person to be a write-in candidate for the 77
office of lieutenant governor, shall not accept for filing the 78
declaration of intent to be a write-in candidate of a person for 79
the office of lieutenant governor unless the declaration also 80

shows the intent of another person to be a write-in candidate 81
for the office of governor, and shall not accept for filing the 82
declaration of intent to be a write-in candidate of a person to 83
the office of governor or lieutenant governor if that person, 84
for the same election, has already filed a declaration of 85
candidacy, a declaration of intent to be a write-in candidate, 86
or a nominating petition, or has become a candidate through 87
party nomination at a primary election or by the filling of a 88
vacancy under section 3513.30 or 3513.31 of the Revised Code, 89
for any other state office or any federal or county office. 90

~~Protests~~ Except as otherwise provided in section 3513.053 91
of the Revised Code, protests against the candidacy of any 92
person filing a declaration of intent to be a write-in candidate 93
may be filed by any qualified elector who is eligible to vote in 94
the election at which the candidacy is to be considered. The 95
protest shall be in writing and shall be filed not later than 96
four p.m. of the sixty-seventh day before the day of the 97
election. The protest shall be filed with the board of elections 98
with which the declaration of intent to be a write-in candidate 99
was filed. Upon the filing of the protest, the board with which 100
it is filed shall promptly fix the time for hearing it and shall 101
proceed in regard to the hearing in the same manner as for 102
hearings set for protests filed under section 3513.05 of the 103
Revised Code. At the time fixed, the board shall hear the 104
protest and determine the validity or invalidity of the 105
declaration of intent to be a write-in candidate. If the board 106
finds that the candidate is not an elector of the state, 107
district, county, or political subdivision in which the 108
candidate seeks election to office or has not fully complied 109
with the requirements of Title XXXV of the Revised Code in 110
regard to the candidate's candidacy, the candidate's declaration 111

of intent to be a write-in candidate shall be determined to be 112
invalid and shall be rejected; otherwise, it shall be determined 113
to be valid. The determination of the board is final. 114

The secretary of state shall prescribe the form of the 115
declaration of intent to be a write-in candidate. 116

Sec. 3513.05. Each person desiring to become a candidate 117
for a party nomination at a primary election or for election to 118
an office or position to be voted for at a primary election, 119
except persons desiring to become joint candidates for the 120
offices of governor and lieutenant governor and except as 121
otherwise provided in section 3513.051 of the Revised Code, 122
shall, not later than four p.m. of the ninetieth day before the 123
day of the primary election, file a declaration of candidacy and 124
petition and pay the fees required under divisions (A) and (B) 125
of section 3513.10 of the Revised Code. The declaration of 126
candidacy and all separate petition papers shall be filed at the 127
same time as one instrument. When the offices are to be voted 128
for at a primary election, persons desiring to become joint 129
candidates for the offices of governor and lieutenant governor 130
shall, not later than four p.m. of the ninetieth day before the 131
day of the primary election, comply with section 3513.04 of the 132
Revised Code. The prospective joint candidates' declaration of 133
candidacy and all separate petition papers of candidacies shall 134
be filed at the same time as one instrument. The secretary of 135
state or a board of elections shall not accept for filing a 136
declaration of candidacy and petition of a person seeking to 137
become a candidate if that person, for the same election, has 138
already filed a declaration of candidacy or a declaration of 139
intent to be a write-in candidate, or has become a candidate by 140
the filling of a vacancy under section 3513.30 of the Revised 141
Code for any federal, state, or county office, if the 142

declaration of candidacy is for a state or county office, or for 143
any municipal or township office, if the declaration of 144
candidacy is for a municipal or township office. 145

If the declaration of candidacy declares a candidacy which 146
is to be submitted to electors throughout the entire state, the 147
petition, including a petition for joint candidates for the 148
offices of governor and lieutenant governor, shall be signed by 149
at least one thousand qualified electors who are members of the 150
same political party as the candidate or joint candidates, and 151
the declaration of candidacy and petition shall be filed with 152
the secretary of state; provided that the secretary of state 153
shall not accept or file any such petition appearing on its face 154
to contain signatures of more than three thousand electors. 155

Except as otherwise provided in this paragraph, if the 156
declaration of candidacy is of one that is to be submitted only 157
to electors within a district, political subdivision, or portion 158
thereof, the petition shall be signed by not less than fifty 159
qualified electors who are members of the same political party 160
as the political party of which the candidate is a member. If 161
the declaration of candidacy is for party nomination as a 162
candidate for member of the legislative authority of a municipal 163
corporation elected by ward, the petition shall be signed by not 164
less than twenty-five qualified electors who are members of the 165
political party of which the candidate is a member. 166

No such petition, except the petition for a candidacy that 167
is to be submitted to electors throughout the entire state, 168
shall be accepted for filing if it appears to contain on its 169
face signatures of more than three times the minimum number of 170
signatures. When a petition of a candidate has been accepted for 171
filing by a board of elections, the petition shall not be deemed 172

invalid if, upon verification of signatures contained in the 173
petition, the board of elections finds the number of signatures 174
accepted exceeds three times the minimum number of signatures 175
required. A board of elections may discontinue verifying 176
signatures on petitions when the number of verified signatures 177
equals the minimum required number of qualified signatures. 178

If the declaration of candidacy declares a candidacy for 179
party nomination or for election as a candidate of a minor 180
party, the minimum number of signatures on such petition is one- 181
half the minimum number provided in this section, except that, 182
when the candidacy is one for election as a member of the state 183
central committee or the county central committee of a political 184
party, the minimum number shall be the same for a minor party as 185
for a major party. 186

If a declaration of candidacy is one for election as a 187
member of the state central committee or the county central 188
committee of a political party, the petition shall be signed by 189
five qualified electors of the district, county, ward, township, 190
or precinct within which electors may vote for such candidate. 191
The electors signing such petition shall be members of the same 192
political party as the political party of which the candidate is 193
a member. 194

For purposes of signing or circulating a petition of 195
candidacy for party nomination or election, an elector is 196
considered to be a member of a political party if the elector 197
voted in that party's primary election within the preceding two 198
calendar years, or if the elector did not vote in any other 199
party's primary election within the preceding two calendar 200
years. 201

If the declaration of candidacy is of one that is to be 202

submitted only to electors within a county, or within a district 203
or subdivision or part thereof smaller than a county, the 204
petition shall be filed with the board of elections of the 205
county. If the declaration of candidacy is of one that is to be 206
submitted only to electors of a district or subdivision or part 207
thereof that is situated in more than one county, the petition 208
shall be filed with the board of elections of the county within 209
which the major portion of the population thereof, as 210
ascertained by the next preceding federal census, is located. 211

A petition shall consist of separate petition papers, each 212
of which shall contain signatures of electors of only one 213
county. Petitions or separate petition papers containing 214
signatures of electors of more than one county shall not thereby 215
be declared invalid. In case petitions or separate petition 216
papers containing signatures of electors of more than one county 217
are filed, the board shall determine the county from which the 218
majority of signatures came, and only signatures from such 219
county shall be counted. Signatures from any other county shall 220
be invalid. 221

Each separate petition paper shall be circulated by one 222
person only, who shall be the candidate or a joint candidate or 223
a member of the same political party as the candidate or joint 224
candidates, and each separate petition paper shall be governed 225
by the rules set forth in section 3501.38 of the Revised Code. 226

The secretary of state shall promptly transmit to each 227
board such separate petition papers of each petition 228
accompanying a declaration of candidacy filed with the secretary 229
of state as purport to contain signatures of electors of the 230
county of such board. The board of the most populous county of a 231
district shall promptly transmit to each board within such 232

district such separate petition papers of each petition 233
accompanying a declaration of candidacy filed with it as purport 234
to contain signatures of electors of the county of each such 235
board. The board of a county within which the major portion of 236
the population of a subdivision, situated in more than one 237
county, is located, shall promptly transmit to the board of each 238
other county within which a portion of such subdivision is 239
located such separate petition papers of each petition 240
accompanying a declaration of candidacy filed with it as purport 241
to contain signatures of electors of the portion of such 242
subdivision in the county of each such board. 243

All petition papers so transmitted to a board and all 244
petitions accompanying declarations of candidacy filed with a 245
board shall, under proper regulations, be open to public 246
inspection until four p.m. of the eightieth day before the day 247
of the next primary election. Each board shall, not later than 248
the seventy-eighth day before the day of that primary election, 249
examine and determine the validity or invalidity of the 250
signatures on the petition papers so transmitted to or filed 251
with it and shall return to the secretary of state all petition 252
papers transmitted to it by the secretary of state, together 253
with its certification of its determination as to the validity 254
or invalidity of signatures thereon, and shall return to each 255
other board all petition papers transmitted to it by such board, 256
together with its certification of its determination as to the 257
validity or invalidity of the signatures thereon. All other 258
matters affecting the validity or invalidity of such petition 259
papers shall be determined by the secretary of state or the 260
board with whom such petition papers were filed. 261

Protests—Except as otherwise provided in section 3513.053 262
of the Revised Code, protests against the candidacy of any 263

person filing a declaration of candidacy for party nomination or 264
for election to an office or position, as provided in this 265
section, may be filed by any qualified elector who is a member 266
of the same political party as the candidate and who is eligible 267
to vote at the primary election for the candidate whose 268
declaration of candidacy the elector objects to, or by the 269
controlling committee of that political party. The protest shall 270
be in writing, and shall be filed not later than four p.m. of 271
the seventy-fourth day before the day of the primary election. 272
The protest shall be filed with the election officials with whom 273
the declaration of candidacy and petition was filed. Upon the 274
filing of the protest, the election officials with whom it is 275
filed shall promptly fix the time for hearing it, and shall 276
forthwith mail notice of the filing of the protest and the time 277
fixed for hearing to the person whose candidacy is so protested. 278
They shall also forthwith mail notice of the time fixed for such 279
hearing to the person who filed the protest. At the time fixed, 280
such election officials shall hear the protest and determine the 281
validity or invalidity of the declaration of candidacy and 282
petition. If they find that such candidate is not an elector of 283
the state, district, county, or political subdivision in which 284
the candidate seeks a party nomination or election to an office 285
or position, or has not fully complied with this chapter, the 286
candidate's declaration of candidacy and petition shall be 287
determined to be invalid and shall be rejected; otherwise, it 288
shall be determined to be valid. That determination shall be 289
final. 290

A protest against the candidacy of any persons filing a 291
declaration of candidacy for joint party nomination to the 292
offices of governor and lieutenant governor shall be filed, 293
heard, and determined in the same manner as a protest against 294

the candidacy of any person filing a declaration of candidacy 295
singly. 296

The secretary of state shall, on the seventieth day before 297
the day of a primary election, certify to each board in the 298
state the forms of the official ballots to be used at the 299
primary election, together with the names of the candidates to 300
be printed on the ballots whose nomination or election is to be 301
determined by electors throughout the entire state and who filed 302
valid declarations of candidacy and petitions. 303

The board of the most populous county in a district 304
comprised of more than one county but less than all of the 305
counties of the state shall, on the seventieth day before the 306
day of a primary election, certify to the board of each county 307
in the district the names of the candidates to be printed on the 308
official ballots to be used at the primary election, whose 309
nomination or election is to be determined only by electors 310
within the district and who filed valid declarations of 311
candidacy and petitions. 312

The board of a county within which the major portion of 313
the population of a subdivision smaller than the county and 314
situated in more than one county is located shall, on the 315
seventieth day before the day of a primary election, certify to 316
the board of each county in which a portion of that subdivision 317
is located the names of the candidates to be printed on the 318
official ballots to be used at the primary election, whose 319
nomination or election is to be determined only by electors 320
within that subdivision and who filed valid declarations of 321
candidacy and petitions. 322

Sec. 3513.053. Notwithstanding any provision of section 323
3513.041 or 3513.05 of the Revised Code to the contrary, any 324

elector who is eligible to vote at the general election for an 325
office may file a protest under those sections against a 326
person's candidacy for a political party's nomination for the 327
office on the ground that, if elected to the office, the person 328
would be ineligible to hold the office for any of the following 329
reasons: 330

(A) The person is not a United States citizen. 331

(B) The person would not have attained the minimum age to 332
hold the office. 333

(C) The person would exceed an applicable term limit or 334
age limit. 335

(D) The person would be ineligible to hold the office by 336
reason of a criminal conviction. 337

(E) The person is in violation of section 3513.052 or 338
3513.271 of the Revised Code. 339

Section 2. That existing sections 3513.041 and 3513.05 of 340
the Revised Code are hereby repealed. 341