

**As Passed by the Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Am. S. B. No. 347**

**Senator LaRose**

**Cosponsors: Senators Seitz, Thomas, Hackett, Bacon, Balderson, Beagle, Brown, Burke, Coley, Eklund, Faber, Gardner, Hite, Hottinger, Hughes, Jordan, Lehner, Manning, Obhof, Patton, Peterson, Sawyer, Tavares, Uecker, Yuko**

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**A BILL**

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

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

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

**Sec. 3513.02.** (A) (1) ~~If, in any odd numbered year, no~~ 8  
~~valid declaration of candidacy person is filed for nomination-~~ 9  
~~certified as a candidate for the nomination of a political party~~ 10  
~~for election to any of the offices an office to be voted for at~~ 11  
~~the a general election to be held in such year, or if the number~~ 12  
~~of persons filing such declarations of candidacy for nominations-~~ 13  
~~certified as candidates for the nomination of one that political~~ 14  
~~party for election to such offices that office does not exceed,~~ 15  
~~as to any such office, the number of candidates which such that~~ 16  
political party is entitled to nominate as its candidates for 17

~~election to such that~~ office, then no primary election shall be 18  
held for the purpose of nominating party candidates of ~~such that~~ 19  
party for ~~election to offices to be voted for at such general~~ 20  
~~election and no primary ballots shall be provided for such party~~ 21  
~~that office~~. If, however, the only office for which there are 22  
more ~~valid declarations of candidacy filed~~ certified candidates 23  
than the number to be nominated by a political party, is the 24  
office of councilperson in a ward, a primary election shall be 25  
held for ~~such that~~ party for that office only in the ward or 26  
wards in which there is a contest, and only the names of the 27  
candidates for the office of councilperson in ~~such that~~ ward 28  
shall appear on the primary ballot of ~~such that~~ political party. 29

~~The~~ (2) If the number of persons certified as candidates 30  
for the nomination of a political party for an office does not 31  
exceed the number of candidates the political party is entitled 32  
to nominate as its candidates for that office, then the election 33  
officials whose duty it would have been to ~~provide for and~~ 34  
~~conduct the holding of such primary election, declare the~~ 35  
~~results thereof, and issue~~ certificates of nomination to the 36  
persons entitled thereto ~~if such~~ nominated at the primary 37  
election ~~had been held~~ shall declare each of ~~such those~~ persons 38  
to be nominated as of the date of the ~~ninetieth~~ sixty-fifth day 39  
before the primary election, issue appropriate certificates of 40  
nomination to each of them, and certify their names to the 41  
proper election officials, in order that their names may be 42  
printed on the official ballots provided for use in the 43  
succeeding general election in the same manner as though ~~such~~ 44  
the primary election had been held and ~~such those~~ persons had 45  
been nominated at ~~such the~~ election. 46

(B) If the number of persons certified as candidates for 47  
the nomination of a political party for an office exceeds the 48

number of candidates the political party is entitled to nominate 49  
as its candidates for that office and one or more candidates 50  
die, withdraw, or are disqualified before the day of the primary 51  
election, such that the number of candidates no longer exceeds 52  
the number of candidates that the political party is entitled to 53  
nominate as its candidates for that office, and the vacancy or 54  
vacancies are not filled under division (F) of section 3513.052 55  
of the Revised Code, then all of the following apply: 56

(1) No primary election shall be held for the purpose of 57  
nominating party candidates of that party for that office. 58

(2) If the ballots for that election have already been 59  
prepared and a primary election is to be held for that party for 60  
the purpose of nominating or electing candidates for other 61  
offices, the board of elections shall not remove the names of 62  
candidates from the ballots. The board of elections shall post a 63  
notice at each polling place on the day of the election that no 64  
primary is being held for the purpose of nominating party 65  
candidates of that party for that office and that votes for 66  
those candidates will be void and will not be counted. The board 67  
also shall enclose a copy of that notice with each absent 68  
voter's ballot given or mailed after all but one candidate has 69  
died, withdrawn, or been disqualified. Any votes for those 70  
candidates are void and shall not be counted. 71

(3) The election officials whose duty it would have been 72  
to issue certificates of nomination to the persons nominated at 73  
the primary election shall declare the remaining candidate or 74  
candidates to be nominated as of the date of the primary 75  
election, issue appropriate certificates of nomination to each 76  
of them, and certify their names to the proper election 77  
officials, in order that their names may be printed on the 78

official ballots provided for use in the succeeding general 79  
election in the same manner as though the primary election had 80  
been held and those persons had been nominated at that election. 81

**Sec. 3513.30.** (A) (1) ~~If only one valid declaration of~~ 82  
~~candidacy is filed for nomination~~ the number of persons 83  
~~certified as a candidate~~ candidates for the nomination of a 84  
political party for an office does not exceed the number of 85  
candidates that political party is entitled to nominate as its 86  
candidates for that office and ~~that candidate dies one or more~~ 87  
candidates die, withdraw, or are disqualified prior to the tenth 88  
day before the primary election, both of the following may 89  
occur: 90

(a) The political party whose candidate died, withdrew, or 91  
was disqualified may fill the vacancy so created as provided in 92  
division (A) (2) of this section. 93

(b) Any major political party other than the one whose 94  
candidate died, withdrew, or was disqualified may select a 95  
candidate as provided in division (A) (2) of this section under 96  
either of the following circumstances: 97

(i) No person ~~has filed a valid declaration of candidacy~~ 98  
~~for nomination~~ is certified as that party's a candidate at the 99  
primary election for that party's nomination for that office. 100

(ii) ~~Only one person has filed a valid declaration of~~ 101  
~~candidacy for nomination~~ The number of persons certified as that 102  
party's candidate at the primary election candidates for that 103  
party's nomination for that office does not exceed the number of 104  
candidates that political party is entitled to nominate as its 105  
candidates for that office, that person has one or more 106  
candidates have withdrawn, died, or been disqualified under 107

section 3513.052 of the Revised Code, and the vacancy or 108  
vacancies so created ~~has~~ have not been filled. 109

(2) A vacancy may be filled under division (A) (1) (a) and a 110  
selection may be made under division (A) (1) (b) of this section 111  
by the appropriate committee of the political party in the same 112  
manner as provided in divisions (A) to (E) of section 3513.31 of 113  
the Revised Code for the filling of similar vacancies created by 114  
withdrawals or disqualifications under section 3513.052 of the 115  
Revised Code after the primary election, except that the 116  
certification required under that section may not be filed with 117  
the secretary of state, or with a board of the most populous 118  
county of a district, or with the board of a county in which the 119  
major portion of the population of a subdivision is located, 120  
later than four p.m. of the tenth day before the day of such 121  
primary election, or with any other board later than four p.m. 122  
of the fifth day before the day of such primary election. 123

(3) ~~If only one valid declaration of candidacy is filed~~ 124  
~~for nomination the number of persons certified as a candidate~~ 125  
~~candidates for the nomination of a political party for an office~~ 126  
~~does not exceed the number of candidates that political party is~~ 127  
~~entitled to nominate as its candidates for that office and that~~ 128  
~~candidate dies~~ one or more candidates die, withdraw, or are 129  
disqualified on or after the tenth day before the day of the 130  
primary election, ~~that each such~~ candidate is considered to have 131  
received the nomination of that candidate's political party at 132  
that primary election, and, for purposes of filling the vacancy 133  
so created, that candidate's death, withdrawal, or 134  
disqualification shall be treated as if ~~that candidate died~~ it 135  
occurred on the day after the day of the primary election. 136

(B) Any ~~person filing a declaration of candidacy~~ candidate 137

for the nomination of a political party for an office may 138  
withdraw as such candidate at any time prior to the primary 139  
election. The withdrawal shall be effected and the statement of 140  
withdrawal shall be filed in accordance with the procedures 141  
prescribed in division (D) of this section for the withdrawal of 142  
persons nominated in a primary election or by nominating 143  
petition. 144

(C) A person who is the first choice for president of the 145  
United States by a candidate for delegate or alternate to a 146  
national convention of a political party may withdraw consent 147  
for the selection of the person as such first choice no later 148  
than four p.m. of the fortieth day before the day of the 149  
presidential primary election. Withdrawal of consent shall be 150  
for the entire slate of candidates for delegates and alternates 151  
who named such person as their presidential first choice and 152  
shall constitute withdrawal from the primary election by such 153  
delegates and alternates. The withdrawal shall be made in 154  
writing and delivered to the secretary of state. If the 155  
withdrawal is delivered to the secretary of state on or before 156  
the seventieth day before the day of the primary election, the 157  
boards of elections shall remove both the name of the withdrawn 158  
first choice and the names of such withdrawn candidates from the 159  
ballots according to the directions of the secretary of state. 160  
If the withdrawal is delivered to the secretary of state after 161  
the seventieth day before the day of the primary election, the 162  
board of elections shall not remove the name of the withdrawn 163  
first choice and the names of the withdrawn candidates from the 164  
ballots. The board of elections shall post a notice at each 165  
polling location on the day of the primary election, and shall 166  
enclose with each absent voter's ballot given or mailed after 167  
the candidate withdraws, a notice that votes for the withdrawn 168

first choice or the withdrawn candidates will be void and will 169  
not be counted. If such names are not removed from all ballots 170  
before the day of the election, the votes for the withdrawn 171  
first choice or the withdrawn candidates are void and shall not 172  
be counted. 173

(D) Any person nominated in a primary election or by 174  
nominating petition as a candidate for election at the next 175  
general election may withdraw as such candidate at any time 176  
prior to the general election. Such withdrawal may be effected 177  
by the filing of a written statement by such candidate 178  
announcing the candidate's withdrawal and requesting that the 179  
candidate's name not be printed on the ballots. If such 180  
candidate's declaration of candidacy or nominating petition was 181  
filed with the secretary of state, the candidate's statement of 182  
withdrawal shall be addressed to and filed with the secretary of 183  
state. If such candidate's declaration of candidacy or 184  
nominating petition was filed with a board of elections, the 185  
candidate's statement of withdrawal shall be addressed to and 186  
filed with such board. 187

(E) When a person withdraws under division (B) or (D) of 188  
this section on or before the seventieth day before the day of 189  
the primary election or the general election, the board of 190  
elections shall remove the name of the withdrawn candidate from 191  
the ballots according to the directions of the secretary of 192  
state. When a person withdraws under division (B) or (D) of this 193  
section after the seventieth day before the day of the primary 194  
election or the general election, the board of elections shall 195  
not remove the name of the withdrawn candidate from the ballots. 196  
The board of elections shall post a notice at each polling place 197  
on the day of the election, and shall enclose with each absent 198  
voter's ballot given or mailed after the candidate withdraws, a 199

notice that votes for the withdrawn candidate will be void and 200  
will not be counted. If the name is not removed from all ballots 201  
before the day of the election, the votes for the withdrawn 202  
candidate are void and shall not be counted. 203

**Sec. 3513.301.** (A) Notwithstanding section 3513.30 of the 204  
Revised Code and except as otherwise provided in division (B) (2) 205  
of this section, if only one person has filed a valid 206  
declaration of candidacy for nomination as the candidate of a 207  
political party for the office of representative to congress and 208  
that person withdraws as a candidate or dies at any time before 209  
the primary election, a special election shall be held under 210  
division (B) (1) of this section as soon as reasonably 211  
practicable to nominate the following: 212

(1) That party's candidate for congress; 213

(2) The candidate for congress of any other major 214  
political party under either of the following circumstances: 215

(a) No person has filed a valid declaration of candidacy 216  
for nomination as that party's candidate at the primary 217  
election. 218

(b) Only one person has filed a valid declaration of 219  
candidacy for nomination as that party's candidate at the 220  
primary election, that person has withdrawn or died, and the 221  
vacancy so created has not been filled. 222

~~(B) The~~ (1) Except as otherwise provided in division (B) 223  
(2) of this section, the boards of elections of all the counties 224  
contained in whole or in part within the congressional district 225  
for which a special election is being held under this section 226  
shall, ~~as soon as reasonably practicable,~~ conduct the special 227  
election on a date designated by the secretary of state and give 228



notice of the time and places of holding the election as 229  
provided in section 3501.03 of the Revised Code. The election 230  
shall be held and conducted and returns of it made as in the 231  
case of a primary election, except that the secretary of state 232  
shall designate the deadline to file a declaration of candidacy 233  
or a declaration of intent to be a write-in candidate for the 234  
election. 235

(2) If, for each nomination to be made at the special 236  
election to be held under division (B) (1) of this section, only 237  
one person has filed a valid declaration of candidacy or no 238  
person has filed a valid declaration of candidacy, then no 239  
special election shall be held. If no special election is held, 240  
then for each nomination for which only one person has filed a 241  
valid declaration of candidacy, the board of elections of the 242  
most populous county of the congressional district shall certify 243  
the person's name to the secretary of state, the secretary of 244  
state shall issue a certificate of nomination to the person, and 245  
the person's name shall appear on the ballot as that party's 246  
candidate at the general election. 247

(C) The state shall pay all costs of any special election 248  
held under this section. 249

**Sec. 3513.312.** (A) Notwithstanding section 3513.31 of the 250  
Revised Code, if a person nominated in a primary election or 251  
nominated by petition under section 3517.012 of the Revised Code 252  
as a party candidate for the office of representative to 253  
congress for election at the next general election withdraws as 254  
such candidate prior to the ninetieth day before the day of such 255  
general election, or dies prior to the ninetieth day before the 256  
day of such general election, the vacancy in the party 257  
nomination so created shall be filled ~~by a special election held~~ 258

in accordance with division (B) (1) of this section as soon as 259  
reasonably practicable. 260

~~(B) The~~ (1) Except as otherwise provided in division (B) 261  
(2) of this section, the boards of elections of all the counties 262  
contained in whole or in part within the congressional district 263  
in which a vacancy occurs as described in division (A) of this 264  
section shall, ~~as soon as reasonably practicable,~~ conduct the 265  
special election on a date designated by the secretary of state 266  
and give notice of the time and places of holding such election 267  
as provided in section 3501.03 of the Revised Code. Such 268  
election shall be held and conducted and returns thereof made as 269  
in the case of a primary election, except that the secretary of 270  
state shall designate the deadline to file a declaration of 271  
candidacy or a declaration of intent to be a write-in candidate 272  
for the election. 273

(2) If only one person has filed a valid declaration of 274  
candidacy for the special election to be held under division (B) 275  
(1) of this section, or if no person has filed a valid 276  
declaration of candidacy, then no special election shall be 277  
held. If one person has filed a valid declaration of candidacy, 278  
the board of elections of the most populous county of the 279  
congressional district shall certify the person's name to the 280  
secretary of state, the secretary of state shall issue a 281  
certificate of nomination to the person, and the person's name 282  
shall appear on the ballot as that party's candidate at the 283  
general election. 284

(C) The state shall pay all costs of any special election 285  
held pursuant to this section. 286

**Section 2.** That existing sections 3513.02, 3513.30, 287  
3513.301, and 3513.312 of the Revised Code are hereby repealed. 288