

As Introduced

**135th General Assembly
Regular Session
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S. B. No. 55

Senator DeMora

Cosponsors: Senators Antonio, Craig, Smith, Hicks-Hudson, Sykes, Ingram

A BILL

To amend section 3501.01 of the Revised Code to
require a presidential primary election to be
held on the first Tuesday after the first Monday
in May. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3501.01 of the Revised Code be
amended to read as follows: 5
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Sec. 3501.01. As used in the sections of the Revised Code
relating to elections and political communications: 7
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(A) "General election" means the election held on the
first Tuesday after the first Monday in each November. 9
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(B) "Regular municipal election" means the election held
on the first Tuesday after the first Monday in November in each
odd-numbered year. 11
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(C) "Regular state election" means the election held on
the first Tuesday after the first Monday in November in each
even-numbered year. 14
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(D) "Special election" means any election other than those 17

elections defined in other divisions of this section. A special 18
election may be held only on the first Tuesday after the first 19
Monday in May or November, on the first Tuesday after the first 20
Monday in August in accordance with section 3501.022 of the 21
Revised Code, or on the day authorized by a particular municipal 22
or county charter for the holding of a primary election, ~~except~~ 23
~~that in any year in which a presidential primary election is~~ 24
~~held, no special election shall be held in May, except as~~ 25
~~authorized by a municipal or county charter, but may be held on~~ 26
~~the third Tuesday after the first Monday in March.~~ 27

(E) (1) "Primary" or "primary election" means an election 28
held for the purpose of nominating persons as candidates of 29
political parties for election to offices, and for the purpose 30
of electing persons as members of the controlling committees of 31
political parties and as delegates and alternates to the 32
conventions of political parties. Primary elections shall be 33
held on the first Tuesday after the first Monday in May of each 34
year ~~except in years in which a presidential primary election is~~ 35
~~held.~~ 36

(2) "Presidential primary election" means a primary 37
election as defined by division (E) (1) of this section at which 38
an election is held for the purpose of choosing delegates and 39
alternates to the national conventions of the major political 40
parties pursuant to section 3513.12 of the Revised Code. Unless 41
otherwise specified, presidential primary elections are included 42
in references to primary elections. ~~In years in which a~~ 43
~~presidential primary election is held, all primary elections~~ 44
~~shall be held on the third Tuesday after the first Monday in~~ 45
~~March except as otherwise authorized by a municipal or county~~ 46
~~charter.~~ 47

(F) "Political party" means any group of voters meeting 48
the requirements set forth in section 3517.01 of the Revised 49
Code for the formation and existence of a political party. 50

(1) "Major political party" means any political party 51
organized under the laws of this state whose candidate for 52
governor or nominees for presidential electors received not less 53
than twenty per cent of the total vote cast for such office at 54
the most recent regular state election. 55

(2) "Minor political party" means any political party 56
organized under the laws of this state that meets either of the 57
following requirements: 58

(a) Except as otherwise provided in this division, the 59
political party's candidate for governor or nominees for 60
presidential electors received less than twenty per cent but not 61
less than three per cent of the total vote cast for such office 62
at the most recent regular state election. A political party 63
that meets the requirements of this division remains a political 64
party for a period of four years after meeting those 65
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 72
governor or president which occurs not less than twelve months 73
subsequent to the formation of such party, after which election 74
the status of such party shall be determined by the vote for the 75
office of governor or president. 76

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

(H) "Candidate" means any qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held in this state.

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

(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judge of a municipal court, county court, or court of common pleas, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to

appear on the office-type ballot at a general or special 107
election as the nominee of a political party because the 108
candidate has won the primary election of the candidate's party 109
for the public office the candidate seeks, has been nominated 110
under section 3517.012, or is selected by party committee in 111
accordance with section 3513.31 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 116
precinct, or other territory, of a major or minor political 117
party. 118

(M) "Question or issue" means any question or issue 119
certified in accordance with the Revised Code for placement on 120
an official ballot at a general or special election to be held 121
in this state. 122

(N) "Elector" or "qualified elector" means a person having 123
the qualifications provided by law to be entitled to vote. 124

(O) "Voter" means an elector who votes at an election. 125

(P) "Voting residence" means that place of residence of an 126
elector which shall determine the precinct in which the elector 127
may vote. 128

(Q) "Precinct" means a district within a county 129
established by the board of elections of such county within 130
which all qualified electors having a voting residence therein 131
may vote at the same polling place. 132

(R) "Polling place" means that place provided for each 133
precinct at which the electors having a voting residence in such 134
precinct may vote. 135

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.	136 137 138
(T) "Political subdivision" means a county, township, city, village, or school district.	139 140
(U) "Election officer" or "election official" means any of the following:	141 142
(1) Secretary of state;	143
(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;	144 145 146 147
(3) Director of a board of elections;	148
(4) Deputy director of a board of elections;	149
(5) Member of a board of elections;	150
(6) Employees of a board of elections;	151
(7) Precinct election officials;	152
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	153 154
(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.	155 156 157 158 159 160 161
(W) "Confirmation notice" means a notice sent by a board	162

of elections, on a form prescribed by the secretary of state, to 163
a registered elector to confirm the registered elector's current 164
address. 165

(X) "Designated agency" means an office or agency in the 166
state that provides public assistance or that provides state- 167
funded programs primarily engaged in providing services to 168
persons with disabilities and that is required by the National 169
Voter Registration Act of 1993 to implement a program designed 170
and administered by the secretary of state for registering 171
voters, or any other public or government office or agency that 172
implements a program designed and administered by the secretary 173
of state for registering voters, including the department of job 174
and family services, the program administered under section 175
3701.132 of the Revised Code by the department of health, the 176
department of mental health and addiction services, the 177
department of developmental disabilities, the opportunities for 178
Ohioans with disabilities agency, and any other agency the 179
secretary of state designates. "Designated agency" does not 180
include public high schools and vocational schools, public 181
libraries, or the office of a county treasurer. 182

(Y) "National Voter Registration Act of 1993" means the 183
"National Voter Registration Act of 1993," 107 Stat. 77, 42 184
U.S.C.A. 1973gg. 185

(Z) "Voting Rights Act of 1965" means the "Voting Rights 186
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 187

(AA) (1) "Photo identification" means one of the following 188
documents that includes the individual's name and photograph and 189
is not expired: 190

(a) An Ohio driver's license, state identification card, 191

or interim identification form issued by the registrar of motor vehicles or a deputy registrar under Chapter 4506. or 4507. of the Revised Code;	192 193 194
(b) A United States passport or passport card;	195
(c) A United States military identification card, Ohio national guard identification card, or United States department of veterans affairs identification card.	196 197 198
(2) A "copy" of an individual's photo identification means images of both the front and back of a document described in division (AA) (1) of this section, except that if the document is a United States passport, a copy of the photo identification means an image of the passport's identification page that includes the individual's name, photograph, and other identifying information and the passport's expiration date.	199 200 201 202 203 204 205
(BB) "Driver's license" means a license or permit issued by the registrar or a deputy registrar under Chapter 4506. or 4507. of the Revised Code that authorizes an individual to drive. "Driver's license" includes a driver's license, commercial driver's license, probationary license, restricted license, motorcycle operator's license, or temporary instruction permit identification card. "Driver's license" does not include a nonrenewable license issued under section 4507.09 of the Revised Code.	206 207 208 209 210 211 212 213 214
(CC) "State identification card" means a card issued by the registrar or a deputy registrar under sections 4507.50 to 4507.52 of the Revised Code.	215 216 217
(DD) "Interim identification form" means the document issued by the registrar or a deputy registrar to an applicant for a driver's license or state identification card that	218 219 220

contains all of the information otherwise found on the license	221
or card and that an applicant may use as a form of	222
identification until the physical license or card arrives in the	223
mail.	224
Section 2. That existing section 3501.01 of the Revised	225
Code is hereby repealed.	226