



Lynda J. Jacobsen

*Final Analysis*  
*Legislative Service Commission*

## **Sub. H.B. 157**

123rd General Assembly  
(As Passed by the General Assembly)

**Reps. Cates, Buchy, Callender, Corbin, Coughlin, Evans, Goodman, Harris, Jacobson, Jolivette, Krebs, Myers, Netzley, Olman, Roman, Schuck, O'Brien, Young**

**Sens. Watts, Blessing, Schafrath, Finan, Wachtmann**

**Effective date: \***

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### **ACT SUMMARY**

- Changes the date of the primary election held in presidential election years from the third Tuesday in March to the first Tuesday after the first Monday in March, and changes accordingly the date of special elections held on the day of that primary election.
- Allows the county central committee of a political party to determine that persons desiring to become candidates for election as a member of the county central committee of that party need not file a petition with their declaration of candidacy.

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### **CONTENT AND OPERATION**

#### **Primary, presidential primary, and special elections: definitions and when held**

##### **Background law**

Under continuing law, "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 must be held on the first

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held. "Presidential primary election" means a primary election at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties. Under former law, in years in which a presidential primary election was held, all primary elections were required to be held on the third Tuesday in March except as otherwise authorized by a municipal or county charter. Unless otherwise specified, presidential primary elections are included in statutory references to primary elections. (Sec. 3501.01(E).)

Under the Elections Law, a "special election" is any election other than a primary, presidential primary, general, regular municipal, or regular state election. In years in which a presidential primary is not held, special elections 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. In years in which a presidential primary is held, special elections may not be held in February or May except as authorized by a municipal or county charter, but could, under former law, be held on the third Tuesday in March. (Sec. 3501.01(D).)

#### **Changes made by the act**

The act changes the date of the presidential primary election from the third Tuesday in March to the first Tuesday after the first Monday in March (secs. 3501.01(E)(2), 3513.01(A), and 3513.12). The act retains the prohibition against allowing special elections to be held in February or May during a presidential primary election year, and authorizes them to be held on the first Tuesday after the first Monday in March of that year, or, under continuing law, on the day authorized by a particular municipal or county charter for the holding of a primary election (sec. 3501.01(D)).

#### **Deadlines tied to presidential primary elections**

A number of filing deadlines and other election-related deadlines are set earlier in a presidential primary election year than in other years. For example, a person seeking nomination as a candidate for a state or local office must file a declaration of candidacy and petition by the 60th day before the day of the presidential primary election, and by the 75th day before the day of a primary election in any other year (sec. 3513.05). The act does not affect these deadlines that apply only because the presidential primary occurs in March rather than in May.

**Candidate for member of the county central committee of a political party**

**Background "generally continuing" law**

The Elections Law requires *generally* that each person desiring to become a candidate for a party nomination or for election to an office or position to be voted for at a primary election must file a declaration of candidacy together with a petition containing a specified number of signatures of qualified electors who are members of the same political party as the person desiring to become a candidate or to be elected. If a declaration of candidacy is for election as a member of the state central committee or the county central committee of a political party, the petition must be signed by five qualified electors of the district, county, ward, township, or precinct within which electors may vote for the candidate. (Secs. 3513.05 and 3517.03.)

**Changes made by the act**

The act authorizes the county central committee of a political party in a particular county to determine that each person desiring to become a candidate for election as a member of the county central committee need not file a petition but is required to file a declaration of candidacy and to comply with all other statutory requirements. The county central committee is required to make its determination by 120 days prior to the next primary election at which candidates for member of the county central committee are elected. It may subsequently change that determination in a future year by 120 days prior to the next primary election at which those candidates are elected, thereby requiring those persons desiring to become candidates for election as a member of the county central committee to again file a petition with their declaration of candidacy. (Secs. 3513.05, 3513.051, and 3517.03.)

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**COMMENT**

The date for holding the presidential primary election was changed from the first Tuesday after the first Monday in May to the third Tuesday in March by Am. Sub. S.B. 150 of the 120th General Assembly, effective December 29, 1993.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-08-99	p. 171
Reported, H. Technology & Elections	03-30-99	p. 374
Passed House (58-39)	04-21-99	pp. 450-452
Reported, S. State & Local Gov't & Veterans Affairs	05-25-99	pp. 476-477
Passed Senate (21-12)	05-25-99	p. 481
Concurrence (58-39)	05-26-99	pp. 716-717

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