



**Sub. H.B. 157**

123rd General Assembly

(As Reported by H. Technology & Elections)

**Reps. Cates, Bender, Buchy, Callender, Corbin, Coughlin, Evans, Goodman, Harris, Hood, Jacobson, Jolivette, Krebs, Jones, Logan, Maier, D. Miller, Mottley, Myers, Netzley, Olman, Opfer, Pringle, Roman, Schuck, Sullivan, DePiero**

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**BILL 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.
- Eliminates the requirement that a person desiring to become a member of the county central committee of a political party file a petition with the person's declaration of candidacy.

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**CONTENT AND OPERATION**

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

**Current law**

Under current 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 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. In years in which a presidential primary election is held, all primary elections must 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 may be held on the third Tuesday in March. (Sec. 3501.01(D).)

### **Changes proposed by the bill**

The bill 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 bill 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, as under current 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**

Under current law, 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 bill retains the deadlines set in current law 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**

#### **Current 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.



If a declaration of candidacy is one 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 proposed by the bill**

The bill eliminates the requirement that persons desiring to become candidates for member of the county central committee of a political party file a petition, but retains the requirement that those persons file a declaration of candidacy (secs. 3513.05 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

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