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Bill Analysis
Legislative Service Commission

H.B. 462

124th General Assembly

(As Introduced)

(excluding appropriations, fund transfers, and similar provisions)

Rep. Cates

BILL SUMMARY

- Changes the date of the 2002 primary election for nomination for the office of member of the House of Representatives of the Congress of the United States and for election as a member of the state central committee of a political party to the first Tuesday after the first Monday in August (August 6, 2002).
- Changes certain deadlines with respect to the primary election for nomination for the office of member of the House of Representatives of the Congress of the United States and for election as a member of the state central committee of a political party.
- Retains the first Tuesday after the first Monday in May, 2002 (May 7, 2002) as the primary election day for candidates for all other offices.
- Permits board of elections to change precinct boundaries if necessitated by impending changes in Congressional districts.
- Specifies that any person elected to a county central committee of a political party in the May 2002 primary election who properly declared candidacy for a precinct need not be a resident of that precinct if its boundaries are affected by impending changes in Congressional districts.
- Makes an appropriation.
- Declares an emergency.

CONTENT AND OPERATION

Changing the date of the 2002 primary election for certain offices

The Elections Law requires a primary election to 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. In years in which a presidential primary election is held, all primary elections must be held on the first Tuesday after the first Monday in March, except as otherwise authorized by a municipal or county charter. (Secs. 3501.01 and 3513.01.) Special elections may only be held 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 presidential election years, however, no special election may be held in February or May, except as authorized by a municipal or county charter, but may be held on the first Tuesday after the first Monday in March. (Sec. 3501.01.)

Notwithstanding these provisions of the Elections Law specifying the dates for holding primary elections, the bill requires that in 2002 the primary election for nomination for the office of member of the House of Representatives of the Congress of the United States and for election as a member of the state central committee of a political party be held on the first Tuesday after the first Monday in August (Section 1). But, except as otherwise specified in the bill, the first Tuesday after the first Monday in May still must be considered the day of the primary election for the purpose of determining any deadline in the Revised Code that refers to any of the following (Section 2):

- (1) The primary election, or words to that effect;
- (2) A special election held on the day of the primary election, or words to that effect;
- (3) The first Tuesday after the first Monday in May, or words to that effect;
- (4) An election that can be identified by the statutory context as a primary election.

For candidates for nomination or election to all offices other than member of the House of Representatives of the Congress of the United States and member of a state central committee of a political party, the primary election will be held on the first Tuesday after the first Monday in May, 2002 (Section 2).

Deadlines for candidates for nomination for Congressional representative and election as a state central committee member

Filing declarations of candidacy and petitions

The Elections Law generally requires a person desiring to become a candidate for a party nomination or for election to an office or position to be voted on at a primary election to file a declaration of candidacy and petition and pay the required filing fee, if any, by 4:00 p.m. of the 75th day before the day of the primary election (sec. 3513.05).

For the primary election held in 2002, the bill requires any person desiring to become a candidate (1) for nomination for the office of member of the House of Representatives of the Congress of the United States, or (2) for election as a member of the state central committee of a political party to file a declaration of candidacy and petition and pay the required fees, if any, not later than 4:00 p.m. on May 23, 2002, which is the 75th day prior to the primary election for those offices. The declaration of candidacy and petition and all part-petitions must be filed at the same time as one instrument. (Section 3(A).)

Inspection of petition papers and protests

The Elections Law generally requires the petition papers accompanying declarations of candidacy to be open to public inspection until 4:00 p.m. of the 70th day before the day of the primary election. Each board of elections, not later than the 68th day before the primary election, then must examine and determine the validity or invalidity of the signatures on the petition papers. (Sec. 3513.05.)

Protests against the candidacy of a person filing a declaration for party nomination or for election to an office or position may be filed by any qualified elector who is a member of the same political party as the candidate and who is eligible to vote at the primary election for the candidate whose declaration of candidacy the elector objects to, or by the controlling committee of that political party. Protests must be in writing and must generally be filed not later than 4:00 p.m. of the 64th day before a primary election. (Sec. 3513.05.)

The bill applies these existing timelines to the August 6, 2002, primary election for nomination for the office of member of the House of Representatives of the Congress of the United States and for election as a member of the state central committee of a political party. Petition papers accompanying the declarations of candidacy for those offices must be open to public inspection until 4:00 p.m. on May 28, 2002. Each board of elections must examine and determine the validity or invalidity of the signatures on those petition papers not later than

4:00 p.m. on May 30, 2002. Finally, protests must be in writing and must be filed not later than 4:00 p.m. on June 3, 2002. (Section 3(B).)

Certification of ballot forms and language

The Elections Law generally requires the Secretary of State, on the 60th day before a primary election, to certify to each board of elections the form of the official ballots to be used at that election, together with the names of candidates to be printed on those ballots, whose nomination or election is to be determined by electors throughout the state and who filed valid declarations of candidacy and petitions. On the 60th day before a primary election, the board of elections of the most populous county in a Congressional or other district comprised of more than one county must certify to the board of elections of each county in the district the names of candidates to be printed on the official ballots to be used at the primary election, whose nomination or election is to be determined only by electors within that district and who filed valid declarations of candidacy and petitions. (Sec. 3513.05.)

The bill generally applies these existing timelines to the August 6, 2002, primary election for nomination for the office of member of the House of Representatives of the Congress of the United States and for election as a member of the state central committee of a political party. The Secretary of State must certify the form of the portion of the ballot for nomination for the office of member of the House of Representatives of the Congress of the United States and for election as a member of the state central committee of a political party as soon as practicable after June 7, 2002. Similarly, the board of elections of the most populous county within a Congressional district comprised of more than one county must certify to the other boards of elections in the district the names of candidates for those offices as soon as practicable after June 7, 2002. (Section 3(B).)

Withdrawal as a candidate

The Elections Law generally permits any person filing a declaration of candidacy to withdraw as a candidate at any time prior to the primary election or, if the election is a presidential primary election, to withdraw as a candidate at any time prior to the 50th day before that election (sec. 3513.30). If only one person has filed a valid declaration of candidacy for nomination as candidate for the office of member of the House of Representatives of the Congress of the United States and that person withdraws before the primary election, a special election must generally be held to nominate the party's candidate (sec. 3513.301).

Due to the bill's changing of the primary election date for nomination for the office of member of the House of Representatives of the Congress of the

United States, the August 6, 2002 primary election is the last opportunity to conduct a special election to nominate a party's candidate for Congress under the circumstance described above. Thus, if the sole candidate for nomination for that office withdraws as a candidate immediately prior to the primary election, it would not be possible for another candidate to file for that party's nomination at a special election prior to the November 2002 general election. Therefore, the bill notwithstanding the described statutory provisions regarding the replacement of a candidate for party nomination for the office of member of the House of Representatives of the Congress of the United States. Instead, the bill provides that such a candidate and a candidate for election as a member of the state central committee of a political party may withdraw at any time prior to 4:00 p.m. of June 2, 2002. (Section 3(C).) Those candidates also may withdraw after nomination in the primary election under continuing Elections Law candidate withdrawal provisions (sec. 3513.31--unchanged by the bill).

Applicable Congressional and state central committee district boundaries

The bill specifies that (1) the districts from which candidates for nomination for the office of member of the House of Representatives of the Congress of the United States and for election as a member of the state central committee of a political party are nominated for or elected from on August 6, 2002, and (2) the districts from which members of the House of Representatives of the Congress of the United States must be elected on November 5, 2002, are the districts described in the act passed by the 124th General Assembly establishing Congressional district boundaries (Section 3(A)).

Materials referring to May 7, 2002, as the primary election date

If any board of elections has election materials printed (1) that refer to May 7, 2002, as the date on which the 2002 primary election for nomination for the office of member of the House of Representatives of the Congress of the United States or for election as a member of a state central committee of a political party is to occur (2) and that the board would use if that primary election were held on that date, the bill permits the board to use those materials at the August 6, 2002 primary election (Section 4).

Other primary election deadlines

The bill specifies that August 6, 2002, must be considered the day of the primary election for the purpose of determining the following with respect to nominations for the office of member of the House of Representatives of the Congress of the United States and election as a member of a state central committee of a political party (Section 5(A)):

- The days on which the board of elections in each county must keep its offices, or one or more of its branch registration offices, open for additional hours;
- The deadline by which all acts must be performed regarding the filing of campaign finance statements for a primary election;
- The time period during which complaints filed with the Ohio Elections Commission prior to the primary election must receive an expedited hearing;
- The deadlines for appointing challengers and witnesses to polling places and for filing associated notices, certificates, and petitions;
- The deadlines by which all acts must be performed when a candidate dies prior to the primary election;
- The deadline by which independent candidates for the office of member of the House of Representatives of the Congress of the United States must file statements of candidacy and nominating petitions.

The bill also specifies that August 6, 2002, must be considered the day of the primary election for the purpose of determining any deadline established in the Revised Code that occurs after the day of the primary election for nomination for the office of member of the House of Representatives of the Congress of the United States or for election as a member of a state central committee of a political party and that is dependent upon the date on which that election is held (Section 5(B)).

Changing precinct boundaries

The Elections Law generally permits a board of elections to divide a political subdivision within its jurisdiction into precincts, and to establish, define, divide, rearrange, and combine the precincts and change the location of the polling place for each precinct when necessary to maintain the requirements as to the number of voters in a precinct and to provide for the convenience of voters and the proper conduct of elections. However, no change in the number of precincts or in precinct boundaries may be made during the 25 days immediately preceding a primary election, or between the first day of January and the day on which county central committee members of a political party are elected. (Sec. 3501.18.)

The bill permits a board of elections of a county divided by the Congressional district boundaries established by the act passed by the 124th General Assembly establishing those boundaries to divide, alter, rearrange, or

combine precincts in the county as necessitated by its division by that act, without reference to existing law's time restrictions on when precinct boundary changes may be made. Precinct boundary changes may be made only as necessary to conform precincts to the new Congressional districts. Any board of elections that divides, alters, rearranges, or combines precincts under the bill must determine the new precinct boundaries in accordance with geographical units used by the United States Department of Commerce, Bureau of the Census. (Section 6(A).)

Residency requirements for county central committee members

The Elections Law generally requires a member of the controlling committee of a major or intermediate political party to be a resident and qualified elector of the district, ward, or precinct that the member is elected to represent. The members of controlling committees of minor political parties are determined in accordance with party rules. (Sec. 3517.02.) The bill specifies that, notwithstanding the residency provisions of existing law or any rules of a political party to the contrary, a candidate for the office of member of the county central committee of a political party need not be a resident of the precinct from which the candidate is elected, if all of the following apply (Section 6(B)):

- The candidate is elected from a precinct that is divided, altered, rearranged, or combined as a result of changes in Congressional districts as prescribed by the act passed by the 124th General Assembly establishing Congressional district boundaries.
- The candidate filed a valid declaration of candidacy and petition not later than the deadline required for the primary election.
- The candidate is elected to that office at the primary election in May 2002.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-02-02	p. 1183

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