



Sub. S.B. 79

125th General Assembly
(As Passed by the General Assembly)

Sens. Stivers, Mumper, Miller

Reps. Setzer, Carano, Chandler, C. Evans, Cirelli, Domenick, Flowers, Key, Otterman, Price, Slaby, G. Smith, Wolpert

Effective date: *

ACT SUMMARY

- Permits school district boards of education and governing boards of educational service centers to adopt a nonpartisan primary election to nominate candidates for positions as members of those boards.
- Limits the holding of a primary election for nominating candidates to a school district or educational service center board to years in which the number of candidates for nomination is more than twice the number of available seats on the board at the general election.
- Specifies that a resolution adopting procedures for a primary election cannot be rescinded for at least five years.

CONTENT AND OPERATION

Primary elections for school district and educational service center boards

(R.C. 3513.256)

The act permits boards of education of school districts and governing boards of educational service centers (ESCs) to adopt, for the purpose of nominating candidates for those boards, procedures for a nonpartisan primary election.

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

Original school board election procedures

(R.C. 3513.254 and 3513.255)

Continuing law specifies the original manner in which members of city, local, and exempted village boards of education and governing boards of ESCs are nominated and elected. The name of each candidate must appear on the nonpartisan ballot, and candidates are nominated by petition. Nominating petitions for the candidates must be signed by a specified number of qualified electors of the school district, or, in the case of an ESC, by a specified number of electors who reside either in the school districts over which the ESC governing board has jurisdiction or in the subdistrict in which the candidate is running.¹ Nominating petitions must be filed with the board of elections no later than 4 p.m. of the 75th day before the day of the general election.

Changes made by the act

The act retains the original process described above for nominating and electing members of city, local, and exempted village boards of education and ESC governing boards. However, it also permits a school district or ESC to use a nonpartisan primary election under certain conditions to winnow the number of candidates for those boards.

Adoption of resolution authorizing nonpartisan primary election

(R.C. 3513.256(A) and (C))

Under the act, a school district board of education or ESC governing board may adopt, upon a three-fifths vote of its membership, a resolution establishing procedures for a nonpartisan primary election. These procedures must specify that:

- (1) The primary election will be held on the same day as the primary election for all other candidates for public office in that year;
- (2) Nominating petitions must be filed with the board of elections not later than 4 p.m. of the 75th day before the primary election;

¹ *The act removes an obsolete reference in R.C. 3513.254 to electing members to the governing board of an ESC containing a single school district. The Revised Code section cross-referenced in that regard (R.C. 3311.051) was repealed on July 1, 1997; subsequent to that repeal, all ESCs contain more than one school district. Thus, all ESC governing boards are elected pursuant to the procedure set forth in R.C. 3513.255 for ESCs containing more than one school district.*

(3) The primary election takes place only if the number of candidates for nomination for a seat on the district or ESC board, as verified by the board of elections, is more than twice the number of available seats on that board in the general election; and

(4) The number of candidates who advance from the primary election to the general election is equal to twice the number of available seats on the board in the general election.

If a school district board or ESC governing board adopts a resolution establishing procedures for a primary election, it must inform the appropriate board of elections. To apply for a particular election, the resolution must be adopted at least 120 days before the deadline set by the resolution to become a candidate for nomination at that election. The candidates nominated under the resolution's procedures must appear on the nonpartisan ballot at the general election. Unless the resolution is rescinded, it applies to all subsequent nominations for a position as a member of that board.

Rescission of resolution

(R.C. 3513.256(B) and (D))

A school district or ESC board may pass a resolution rescinding the use of a nonpartisan primary election, but it cannot do so until at least five years after passage of the resolution that originally adopted procedures for that election. A resolution to rescind authorization for a primary election must be approved by three-fifths of the board's members. In addition, the board of elections must be notified of the change.

The new resolution will not apply to a particular election unless it is adopted at least 120 days prior to the deadline to become a candidate for nomination at that election under the procedures the resolution is rescinding. The resolution would apply to all subsequent nominations for a position as a member of that board. Nothing in the act, however, prohibits a board that has rescinded a resolution from subsequently adopting another resolution authorizing the same or different procedure for a nonpartisan primary election.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-01-03	p. 310
Reported, S. Education	04-28-04	p. 1776
Passed Senate (32-1)	04-28-04	p. 1782
Reported, H. Education	05-26-04	p. 2000
Passed House (88-11)	05-26-04	pp. 2011-2012

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