



Jennifer Stump

## *Bill Analysis*

Legislative Service Commission

### **S.B. 79**

125th General Assembly  
(As Introduced)

**Sen. Stivers**

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#### **BILL SUMMARY**

- Permits school district boards of education and governing boards of educational service centers to adopt resolutions authorizing the use of an alternate nomination procedure for candidates for positions as members of those boards.
- Limits the optional alternate nomination procedure to the procedure specified in a municipal corporation's charter for nominating candidates for its legislative authority, and requires that the territory of that municipal corporation be located partially or wholly within the school district or the educational service center's territory.

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#### **CONTENT AND OPERATION**

##### **Existing law**

Existing law specifies the manner in which members of city, local, and exempted village boards of education and governing boards of educational service centers are to be 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 educational service center containing more than one school district, by a specified number of electors who reside either in the school districts over which the service center governing board has jurisdiction or in the subdistrict in which the candidate is running.<sup>1</sup> Nominating petitions must be filed with the board of elections

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<sup>1</sup> *The reference in section 3513.254 of the Revised Code to electing members to the governing board of an educational service center containing a single school district appears to be obsolete. The Revised Code section cross-referenced in that regard (sec. 3311.051) was repealed on July 1, 1997; subsequent to that repeal, it appears that all educational service centers contain more than one school district. Thus, all educational service center governing*

not later than 4p.m. of the 75th day before the day of the general election. (Secs. 3513.254 and 3513.255.)

A nominating petition may not be accepted for filing by a board of elections if it appears to contain more than three times the minimum number of required signatures. And the board cannot accept for filing a nominating petition if the person, for the same election, has already become a candidate by other means for a municipal or township office or for any other position as a member of a governing board of an educational service center or of a city, local, or exempted village board of education. (Secs. 3513.254 and 3513.255.)

When a nominating petition has been accepted for filing by a board of elections, it cannot be invalidated if, upon verification of the signatures, the board finds that the number of signatures exceeds three times the minimum number of required signatures. The board may discontinue verifying a nominating petition when the number of verified signatures equals that minimum number. (Secs. 3513.254 and 3513.255.)

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

The bill retains the previously described process for nominating and electing members of city, local, and exempted village boards of education and governing boards of educational service centers. But, it also establishes an alternate procedure by which those members may be nominated and elected (sec. 3513.256).

Under the alternate procedure, a board of education or governing board may adopt, by resolution, the procedures specified in the charter of a municipal corporation for nominating candidates for its legislative authority, if the municipal corporation is located partially or wholly within the school district or the territory of the educational service center. In order to apply for a particular election, the resolution must be adopted at least 90 days before the deadline to become a candidate for nomination at that election in accordance with the municipal corporation's charter. Any candidates nominated under this procedure must appear on the nonpartisan ballot. Unless the resolution is rescinded, it must apply to all subsequent nominations for a position as a member of that board. (Sec. 3513.256(A), (B), and (C).)

The board may pass a resolution rescinding the use of the alternate procedure. But such a resolution will not apply for a particular election if candidates have already been nominated for that election under the alternate procedure; the resolution to rescind would apply to all subsequent nominations for a position as a member of that board. Nothing in the bill, however, prohibits a board that has rescinded a resolution from

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*boards should be elected pursuant to the procedure set forth in section 3513.255 of the Revised Code for educational service centers containing more than one school district.*

subsequently adopting another resolution that adopts the relevant nominating procedures of the charter of the same or a different municipal corporation located partially or wholly within the school district or the territory of the educational service center. (Sec. 3513.256(B) and (D).)

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	05-01-03	p. 310

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