



S.B. 117

125th General Assembly
(As Introduced)

Sens. Randy Gardner, Jacobson

BILL SUMMARY

- Prohibits a board of elections from invalidating a petition form filed with the board that does not satisfy the requirements of law on the date the board distributes it.

CONTENT AND OPERATION

Current law

Under current law, all declarations of candidacy, nominating petitions, or other petitions presented to or filed with the Secretary of State or a board of elections are governed by specified rules in addition to other specific requirements prescribed by law for the particular type of petition. Among those specified rules are requirements that: (1) each signer be a qualified registered elector, (2) signatures be affixed in ink, (3) a date for the signing be provided along with the signer's address, (4) no person write any name other than his or her own, and (5) the circulator indicate the number of signers and sign a statement that he or she witnessed the affixing of every signature. In addition, all declarations of candidacy, nominating petitions, or other petitions must be accompanied by the following statement in boldface capital letters: "Whoever commits election falsification is guilty of a felony of the fifth degree." (Sec. 3501.38(A) to (E) and (J).)

Changes proposed by the bill

The bill provides that if (1) a board of elections distributes for use a petition form for a declaration of candidacy, nominating petition, declaration of intent to be a write-in candidate, or any question or issue petition that does not satisfy the requirements of law as of the date of that distribution and (2) that petition form is subsequently filed with the board, the board cannot invalidate the petition on the basis that the petition *form* does not satisfy the requirements of law as long as the petition is otherwise valid (sec. 3501.38(L)). (See **COMMENT.**)

COMMENT

It appears that the bill pertains to the use of outdated forms that no longer meet the requirements of current law. For example, an older petition form may contain different language about the penalty for election falsification. The bill would prohibit a board of elections from invalidating a petition on the basis of the outdated form as long as the petition is otherwise valid (e.g., meets the rules specified above for qualified registered electors signing a petition).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	08-07-03	p. 957

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