



Ohio Legislative Service Commission

Final Analysis

Lynda J. Jacobsen

Sub. H.B. 318

129th General Assembly
(As Passed by the General Assembly)

Reps. Blessing, Amstutz, Anielski, Baker, Beck, Blair, Bubp, Buchy, Combs, Grossman, Hackett, Hayes, Henne, Hill, Hollington, Huffman, Maag, McClain, Newbold, Pelanda, Roegner, Ruhl, Sears, Slaby, Sprague, Stautberg, Stebelton, Terhar, Thompson, Uecker, Wachtmann, Young, Batchelder

Sen. Coley

Effective date: January 20, 2012; Section 4 effective October 21, 2011

ACT SUMMARY

- Permits any candidate for President who has raised at least \$5,000 in at least 20 states (with a maximum of \$250 per contributor counting toward the threshold) to file a declaration of candidacy to become a candidate in Ohio's presidential primary election.
- Establishes two separate primary elections in 2012, with all offices affected by Congressional district lines, including the office of President, to be nominated on June 12, 2012.
- Establishes a process, and applicable deadlines, for persons who wish to become candidates in the June 12, 2012, primary election.
- Generally requires the June primary election to be conducted in the same manner as other primary elections are conducted, except that only specified candidates may appear on the ballot at that election.
- Deems null and void any petitions filed prior to the act's effective date for candidates for those offices that will be voted upon at the June primary election.
- Eliminates the August special election and instead permits a political subdivision or taxing authority to conduct a special election on the day of the June primary election.

- Specifies the General Assembly's intention that individuals who file on or before December 7, 2011, to become candidates for the offices that will be voted upon at the June primary election must file in the 16-district Congressional plan that was previously enacted.
- Makes an appropriation.

CONTENT AND OPERATION

Becoming a presidential candidate

The act revises one of the existing processes for becoming a candidate for the office of President of the United States. Instead of permitting anyone who qualifies to receive matching funds under federal law to file a declaration of candidacy for President, the act permits any candidate for President who has raised at least \$5,000 for the primary election in each of 20 states from individuals (with a maximum of \$250 per contributor counting toward the threshold) to file a declaration of candidacy for the presidential primary election. The declaration of candidacy must be accompanied by a reasonable accounting proving eligibility and a statement from the candidate's registered principal campaign committee treasurer certifying that the candidate has met the contribution requirements.¹

2012 primary elections

March and June primary elections in 2012

The act specifies that, in the year 2012, primary elections will be conducted as follows:

- On March 6, 2012, a primary election will be conducted for the purpose of nominating candidates for all offices that are scheduled for election in 2012, except candidates for the offices of President and Vice-President of the United States, candidates for the office of member of the United States House of Representatives, candidates for at-large delegate and alternate to the national convention of a major political party, and candidates for district delegate and alternate to the national convention of a major political party.
- On June 12, 2012, a primary election will be conducted for the purpose of nominating candidates for the offices of President and Vice-President of

¹ R.C. 3513.121.

the United States, candidates for the office of member of the United States House of Representatives, candidates for at-large delegate and alternate to the national convention of a major political party, and candidates for district delegate and alternate to the national convention of a major political party.²

Qualification of candidates for the ballot

To be eligible to appear on the ballot as a candidate for nomination at either election, a person must fulfill the applicable requirements to become a candidate not later than 4 p.m. on the 90th day prior to the day of the applicable election, in the manner specified under the Election Law. To be eligible to receive votes as a write-in candidate at either election, a person must file the declaration of intent to be a write-in candidate not later than 4 p.m. on the 72nd day prior to the day of the applicable election, in the manner specified under the Election Law.³

Conduct of June primary election

The primary election held on June 12, 2012, must be conducted in the manner provided under the Election Law for other primary elections, except that only the names of candidates for nomination for the offices of President and Vice-President of the United States and candidates for the office of member of the United States House of Representatives must appear on the ballot at that election, and the names of candidates for at-large delegate and alternate to the national convention of a major political party and candidates for district delegate and alternate to the national convention of a major political party may appear on the ballot at that election.⁴

Prior petitions for June 12, 2012 election deemed null and void

The act specifies that any declaration of candidacy and petition or declaration of intent to be a write-in candidate that is filed by an individual seeking nomination for the office of President or Vice-President of the United States, member of the United States House of Representatives, at-large delegate and alternate to the national convention of a major political party, or district delegate and alternate to the national convention of a major political party that is filed for the 2012 primary election before the act's effective date is null and void.⁵

² Section 3(A) of the act.

³ Section 3(A) of the act.

⁴ Section 3(B)(1) of the act.

⁵ Section 3(B)(2) of the act.

Elimination of August 2012 special election; June special election

In 2012, the act prohibits a special election from being held on the first Tuesday after the first Monday in August. The act permits, however, a political subdivision or taxing authority to hold a special election on the day of the June 12, 2012, primary election.

A political subdivision or taxing authority that wishes to hold a special election on the day of the June 12, 2012, primary election must, not later than 90 days before the day of that election, follow the procedures established under the applicable provisions of the Revised Code for placing the question or issue on the ballot at a special election. Upon proper notification of such a special election, the applicable board of elections must hold a special election in the appropriate precincts on the day of the June 12, 2012, primary election.⁶

Intent statement

Because the act will not take effect before the December 7, 2011, candidate filing deadline for the March 2012 primary election, the act specifies that it is the intent of the General Assembly to allow any individual filing to be a candidate for nomination for the office of member of the United States House of Representatives to file on or before 4 p.m. on December 7, 2011, based on the 16-district Congressional map enacted.

It is also the intent of the General Assembly, according to the act, to allow any individual filing to become a candidate for nomination for the office of President or Vice-President of the United States, any individual or group of individuals filing as a candidate or candidates, respectively, for at-large delegate and alternate to the national convention of a major political party, and any individual or group of individuals filing as a candidate or candidates, respectively, for district delegate and alternate to the national convention of a major political party to file on or before 4 p.m. on December 7, 2011, based on the 16-district Congressional map enacted.

Finally, the act states that it is the intent of the General Assembly to allow any individual filing to be a write-in candidate for nomination for the office of President or Vice-President of the United States or the office of member of the United States House of Representatives to file, on or before 4 p.m. on December 24, 2011, based on the 16-district Congressional map enacted.⁷

⁶ Section 3(C) of the act.

⁷ Section 5 of the act.

HISTORY

ACTION	DATE
Introduced	09-13-11
Reported, H. State Government and Elections	09-15-11
Passed House (63-29)	09-15-11
Reported, S. Government Oversight and Reform	10-20-11
Passed Senate (20-10)	10-20-11
House concurred in Senate amendments (55-37)	10-21-11

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