



Ohio Legislative Service Commission

Bill Analysis

Lynda J. Jacobsen

Am. H.B. 318

129th General Assembly
(As Passed by the House)

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

BILL SUMMARY

- Changes the date of the presidential primary election in each presidential election year from the first Tuesday after the first Monday in March to the first Tuesday after the first Monday in May.
- Eliminates the current law provision that permits a special election to be conducted on the first Tuesday after the first Monday in March in the year in which a presidential primary election is held.
- Specifies that individuals who have already filed nominating papers for the 2012 primary election prior to the bill's effective date are to be deemed to have filed those papers for the May 8, 2012, primary election.
- Specifies that a candidate who files for a district whose boundary changes after filing is to be deemed a candidate in the new district that comprises the largest portion of the territory of the district for which the candidate originally filed.
- Permits an individual who files twice to become a candidate for the same office for the 2012 primary election to appear on the ballot, and specifies that a person files twice for the same office if the person files for two different congressional districts.
- Declares that it is the purpose of these provisions to ensure that persons who otherwise would be qualified candidates for the 2012 primary election, and who have properly filed the necessary paperwork to become candidates for that election, are not inadvertently disqualified due to changes in the filing deadline for that election.

CONTENT AND OPERATION

Presidential primary election dates

The bill moves the date of presidential primary elections from the first Tuesday after the first Monday in March to the first Tuesday after the first Monday in May, bringing the timing of presidential primary elections in line with other primary elections conducted in Ohio.

Under current law, primary elections are conducted on different dates, depending upon whether candidates for nomination for the offices of President and Vice-president of the United States are to be nominated at the election. Presidential primary elections are currently held on the first Tuesday after the first Monday in March. All other primary elections are held on the first Tuesday after the first Monday in May.¹

Special elections conducted on the date of a presidential primary election

Because the bill eliminates March primary elections, the bill also eliminates special elections conducted in March. Generally, special elections may be held on the first Tuesday after the first Monday in February, May, August, or November. However, in a year in which a presidential primary election is held, a special election may not be held in February or May, but may be held on the first Tuesday after the first Monday in March. Because the bill eliminates March presidential primary elections, the bill also eliminates the associated March special election. Thus, under the bill, special elections in presidential election years may be held in February, May, August, or November, at the same time as special elections may be held in other years.²

Special provisions for the 2012 primary election only

Individuals who file for office prior to the December 7, filing deadline

Notwithstanding any Revised Code provision to the contrary, the bill specifies that any person who files the required paperwork to become a candidate for nomination at the March 6, 2012, primary election is to be deemed to have filed those papers for nomination to the same office for the primary election scheduled to be held, under the bill, on May 8, 2012. If the district boundaries for the office for which the candidate is seeking nomination change after those papers were filed, the candidate must be deemed to have filed the necessary paperwork to become a candidate in the

¹ R.C. 3501.01, 3513.12, and 3513.262.

² R.C. 511.27, 1545.21, and 3501.01.

new district that comprises the largest portion of the territory of the district for which the candidate originally filed nominating papers.³

Individuals who file for office based on the new filing deadline

Additionally, a person who wishes to seek nomination at the primary election scheduled to be held on May 8, 2012, under the bill, may file the appropriate candidacy paperwork for that election not later than 90 days prior to the day of that election.⁴

Individuals who file twice for the same office

If a person files the applicable paperwork to become a candidate for nomination at the 2012 primary election prior to the filing deadline for that election as it exists before the bill takes effect and files again to become a candidate for nomination at that election for the same office prior to the new filing deadline for the May 8, 2012, primary election, the bill declares that the person is not disqualified as a candidate. If the person otherwise qualifies as a candidate, the person must be placed on the ballot for nomination for that office at that election.

A person who files to become a candidate for nomination for the office of Congressional representative at the 2012 primary election prior to the bill's effective date and who files to become a candidate for a different Congressional district for the same election after that effective date must be deemed to have filed to become a candidate for nomination to the same office. If the person otherwise qualifies to become a candidate, the person's name must be placed on the ballot for the Congressional district for which the person most recently filed nominating papers.⁵

Purpose clause

The bill specifies that it is the purpose of these provisions to ensure that persons who otherwise would be qualified candidates for the 2012 primary election, and who have properly filed the necessary paperwork to become candidates for that election, are not inadvertently disqualified due to changes in the filing deadline for that election.⁶

³ Section 3(A).

⁴ Section 3(B).

⁵ Section 3(C).

⁶ Section 3(D).

COMMENT

Identical provisions to the Revised Code sections appearing in this bill were enacted in Am. Sub. H.B. 194 of the 129th General Assembly. However, that bill is the subject of a pending referendum petition and may not take effect prior to the 2012 presidential primary election. This bill enacts the same provisions as those enacted in H.B. 194, presenting the same Revised Code sections as current law. If both bills become effective, the identical provisions will be harmonized.

HISTORY

ACTION	DATE
Introduced	09-13-11
Reported, H. State Government and Elections	09-15-11
Passed House (63-29)	09-15-11

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