



# Ohio Legislative Service Commission

## Bill Analysis

Lynda J. Jacobsen

### **H.B. 318\***

129th General Assembly

(As Reported by H. State Government and Elections)

**Reps.** Blessing and O'Brien

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## **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.
- Declares an emergency.

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## **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

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\* This analysis was prepared before the report of the House State Government and Elections Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

March. All other primary elections are held on the first Tuesday after the first Monday in May.<sup>1</sup>

### **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.<sup>2</sup>

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### **COMMENT**

Identical provisions to those 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.

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### **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	09-13-11
Reported, H. State Government and Elections	---

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<sup>1</sup> R.C. 3501.01, 3513.12, and 3513.262.

<sup>2</sup> R.C. 511.27, 1545.21, and 3501.01.

