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## SECRETARY OF STATE

- Eliminates the ability to conduct special elections in February.
- Requires a political subdivision that submits an item for placement on the ballot at a special election to prepay 65% of the estimated cost of the election.
- Creates the Absent Voter's Ballot Application Mailing Fund, which the Secretary of State must use to pay the cost of printing and mailing unsolicited applications for absent voter's ballots if funds have been appropriated for that mailing.
- Eliminates the Information Systems Fund and redirects certain revenues of that Fund to the credit of the Corporate and Uniform Commercial Code Filing Fund.
- Requires the name of a domestic or foreign limited liability partnership to be distinguishable from other registered business entities and trade names in the Secretary of State's records.

### **Times for holding special elections**

(R.C. 3501.01, 5705.194, and 5739.026)

The act reduces the number of times per year that a political subdivision or taxing district may place an election on the ballot by eliminating special elections in February. Under the act, special elections may appear on the ballot only on the day of a primary or general election (in May or November of most years) or in August. In presidential election years, those elections may be conducted in March, rather than in May, to coincide with the presidential primary election.

Under prior law, political subdivisions and specified taxing districts could place issues, such as proposed tax levies or bond issues, on the ballot up to four times a year. However, in presidential election years, special elections could not be held in February or May.

### **Prepayment of special election costs**

(R.C. 3501.17)

#### **Overview**

Under the act, a political subdivision must prepay 65% of the estimated amount of its share of the cost of a special election before the election, instead of paying its



entire share after the election. Continuing law requires the political subdivisions that place items on the ballot at a special election to pay the cost of holding the election. Those costs include, for example, the compensation of precinct election officials, the cost of operating polling places, and the cost of printing and delivering ballots and other election supplies.

### **Cost estimate**

The act specifies that for each special election, a board of elections must prepare an estimate of the cost for preparing for and conducting an election on one question or issue, one nomination for office, or one election to office in each precinct in the county at that special election, and must divide that cost by the number of registered voters in the county. The board of elections must file the estimate with the board of county commissioners and the Secretary of State not less than 15 business days before the deadline to submit a question or issue for placement on the ballot at that election.

When a political subdivision seeks to submit an item for placement on the ballot at a special election, the act requires the board of elections to provide the political subdivision with the estimated cost of preparing for and conducting the election. The estimate must be calculated either by multiplying the number of registered voters in the political subdivision by the estimated cost per voter for the election or by multiplying the cost per precinct by the number of precincts in the political subdivision.

### **Prepayment**

Under the act, a political subdivision that places an item on the ballot at a special election must pay 65% of the estimated cost of the election not less than ten business days after the deadline for submitting a question or issue for placement on the ballot at that election. The payment must be made to the county elections revenue fund. Continuing law allows a board of county commissioners to establish such a fund for the purpose of accumulating revenue withheld by or paid to the county for the payment of election expenses.

### **Post-election payment**

The act requires the board of elections, not later than 60 days after the date of a special election, to provide to each political subdivision the true and accurate cost for the question or issue, nomination for office, or election to office that the subdivision submitted to the voters on the special election ballots.

If the board of elections determines that a political subdivision prepaid less than the actual cost of the election, the political subdivision must remit the balance of the cost of the election to the county elections revenue fund within 30 days after being notified of the final cost. If the board of elections determines that a political subdivision prepaid



more than the actual cost of the election, the board of elections must promptly notify the board of county commissioners of that difference. The board of county commissioners then must remit the amount of the overpayment from the county elections revenue fund to the political subdivision within 30 days after receiving that notification.

### **Absent Voter's Ballot Application Mailing Fund**

(R.C. 111.31)

The act creates the Absent Voter's Ballot Application Mailing Fund, which the Secretary of State must use to pay the cost of printing and mailing unsolicited applications for absent voter's ballots if the General Assembly has appropriated funds for that mailing. The fund consists of moneys transferred to it by the Controlling Board upon the request of the Secretary of State. Under the act, the Controlling Board must transfer any unused moneys in the fund to the proper appropriation item.

Continuing law permits the Secretary of State to mail unsolicited applications for absent voter's ballots to individuals only for a general election and only if the General Assembly has made an appropriation for that particular mailing.<sup>157</sup>

### **Elimination of Information Systems Fund**

(R.C. 111.181 (repealed) and 1309.528)

The act eliminates the Information Systems Fund used by the Secretary of State's office for information technology-related expenses. The act redirects revenues from fees charged to customers for special database requests formerly received into the Information Systems Fund to the Corporate and Uniform Commercial Code Filing Fund.

### **Limited liability partnership name**

(R.C. 1776.82)

Continuing law permits a partnership to become a limited liability partnership by filing a statement of qualification with the Secretary of State that includes the name of the partnership, along with other specified information.<sup>158</sup> The act requires the name of a domestic or foreign limited liability partnership to be distinguishable from all of the following in the Secretary of State's records:

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<sup>157</sup> R.C. 3501.05, not in the act.

<sup>158</sup> R.C. 1776.81, not in the act.



- The name of any foreign or domestic (1) limited liability partnership, (2) limited liability company, or (3) limited partnership registered with the Secretary of State;
- The name of any foreign or domestic corporation formed or registered pursuant to Ohio's Corporation Law;
- Any trade name the exclusive right to which is registered with the Secretary of State at the time in question.

