

As Introduced

135th General Assembly

Special Session

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S. B. No. 280

Senators Hicks-Hudson, Smith

Cosponsors: Senators Antonio, Craig, DeMora, Ingram, Sykes

A BILL

To amend sections 3505.01 and 3505.10 of the 1
Revised Code to modify the deadline for a 2
political party to certify its nominees for 3
President and Vice-President to the Secretary of 4
State. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3505.01 and 3505.10 of the 6
Revised Code be amended to read as follows: 7

Sec. 3505.01. (A) (1) Except as otherwise provided in 8
section 3519.08 of the Revised Code and in division (A) (4) of 9
this section, on the seventieth day before the day of the next 10
general election, the secretary of state shall certify to the 11
board of elections of each county the forms of the official 12
ballots to be used at that general election, together with the 13
names of the candidates to be printed on those ballots whose 14
candidacy is to be submitted to the electors of the entire 15
state. On the seventieth day before a special election to be 16
held on the day specified by division (E) of section 3501.01 of 17
the Revised Code for the holding of a primary election, 18

designated by the general assembly for the purpose of submitting 19
to the voters of the state constitutional amendments proposed by 20
the general assembly, the secretary of state shall certify to 21
the board of elections of each county the forms of the official 22
ballots to be used at that election. 23

(2) The board of the most populous county in each district 24
comprised of more than one county but less than all of the 25
counties of the state, in which there are candidates whose 26
candidacies are to be submitted to the electors of that 27
district, shall, on the seventieth day before the day of the 28
next general election, certify to the board of each county in 29
the district the names of those candidates to be printed on such 30
ballots. 31

(3) The board of a county in which the major portion of a 32
subdivision, located in more than one county, is located shall, 33
on the seventieth day before the day of the next general 34
election, certify to the board of each county in which other 35
portions of that subdivision are located the names of candidates 36
whose candidacies are to be submitted to the electors of that 37
subdivision, to be printed on such ballots. 38

(4) If a political party notifies the secretary of state 39
under section 3505.10 of the Revised Code that it will not 40
certify the names of its candidates for president and vice- 41
president not later than the ninetieth day before the day of the 42
general election, the secretary of state shall certify the forms 43
of the official ballots for the general election under division 44
(A) (1) of this section not later than the fifty-ninth day before 45
the day of the election. 46

(B) If, subsequently to the seventieth day before and 47
prior to the tenth day before the day of a general election, a 48

certificate is filed with the secretary of state to fill a 49
vacancy caused by the death of a candidate, the secretary of 50
state shall forthwith make a supplemental certification to the 51
board of each county amending and correcting the secretary of 52
state's original certification provided for in the first 53
paragraph of this section. If, within that time, such a 54
certificate is filed with the board of the most populous county 55
in a district comprised of more than one county but less than 56
all of the counties of the state, or with the board of a county 57
in which the major portion of the population of a subdivision, 58
located in more than one county, is located, the board with 59
which the certificate is filed shall forthwith make a 60
supplemental certification to the board of each county in the 61
district or to the board of each county in which other portions 62
of the subdivision are located, amending and correcting its 63
original certification provided for in division (A) (2) or (3) of 64
this section. If, at the time such supplemental certification is 65
received by a board, ballots carrying the name of the deceased 66
candidate have been printed, the board shall cause strips of 67
paper bearing the name of the candidate certified to fill the 68
vacancy to be printed and pasted on those ballots so as to cover 69
the name of the deceased candidate, except that in voting places 70
using marking devices, the board shall cause strips of paper 71
bearing the revised list of candidates for the office, after 72
certification of a candidate to fill the vacancy, to be printed 73
and pasted on the ballot cards so as to cover the names of 74
candidates shown prior to the new certification, before such 75
ballots are delivered to electors. 76

Sec. 3505.10. (A) On the presidential ballot below the 77
stubs at the top of the face of the ballot shall be printed 78
"Official Presidential Ballot" centered between the side edges 79

of the ballot. Below "Official Presidential Ballot" shall be 80
printed a heavy line centered between the side edges of the 81
ballot. Below the line shall be printed "Instruction to Voters" 82
centered between the side edges of the ballot, and below those 83
words shall be printed the following instructions: 84

"(1) To vote for the candidates for president and vice- 85
president whose names are printed below, record your vote in the 86
manner provided next to the names of such candidates. That 87
recording of the vote will be counted as a vote for each of the 88
candidates for presidential elector whose names have been 89
certified to the secretary of state and who are members of the 90
same political party as the nominees for president and vice- 91
president. A recording of the vote for independent candidates 92
for president and vice-president shall be counted as a vote for 93
the presidential electors filed by such candidates with the 94
secretary of state. 95

(2) To vote for candidates for president and vice- 96
president in the blank space below, record your vote in the 97
manner provided and write the names of your choice for president 98
and vice-president under the respective headings provided for 99
those offices. Such write-in will be counted as a vote for the 100
candidates' presidential electors whose names have been properly 101
certified to the secretary of state. 102

(3) If you tear, soil, deface, or erroneously mark this 103
ballot, return it to the precinct election officers or, if you 104
cannot return it, notify the precinct election officers, and 105
obtain another ballot." 106

~~(B)~~ (B) (1) Below those instructions to the voter shall be 107
printed a single vertical column of enclosed rectangular spaces 108
equal in number to the number of presidential candidates plus 109

one additional space for write-in candidates. Each of those 110
rectangular spaces shall be enclosed by a heavy line along each 111
of its four sides, and such spaces shall be separated from each 112
other by one-half inch of open space. 113

In each of those enclosed rectangular spaces, except the 114
space provided for write-in candidates, shall be printed the 115
names of the candidates for president and vice-president 116
certified to the secretary of state or nominated in one of the 117
following manners: 118

~~(1)(a)~~ Nominated by the national convention of a 119
political party to which delegates and alternates were elected 120
in this state at the next preceding primary election. ~~A-~~ 121

(i) Except as otherwise provided in division (B)(1)(a)(ii) 122
of this section, a political party certifying candidates so 123
nominated shall certify the names of those candidates to the 124
secretary of state in writing on or before the ninetieth day 125
before the day of the general election. 126

(ii) If a political party's national convention will not 127
convene in time for the political party to certify the names of 128
the political party's candidates for president and vice- 129
president in accordance with division (B)(1)(a)(i) of this 130
section, then as soon as practicable but not later than the 131
ninetieth day before the day of the general election, the 132
political party shall notify the secretary of state of that fact 133
in writing. The political party then shall certify the names of 134
its nominated candidates for president and vice-president to the 135
secretary of state in writing not later than the sixtieth day 136
before the day of the general election or not later than the 137
third day after the close of its national convention, whichever 138
is earlier. 139

~~(2)~~ (b) Nominated by nominating petition in accordance 140
with section 3513.257 of the Revised Code. Such a petition shall 141
be filed on or before the ninetieth day before the day of the 142
general election to provide sufficient time to verify the 143
sufficiency and accuracy of signatures on it. 144

~~(3)~~ (c) Certified to the secretary of state for placement 145
on the presidential ballot by authorized officials of a minor 146
political party that has held a state or national convention for 147
the purpose of choosing those candidates or that may, without a 148
convention, certify those candidates in accordance with the 149
procedure authorized by its party rules. ~~The~~ 150

(i) Except as otherwise provided in division (B) (1) (c) (ii) 151
of this section, the officials shall certify the names of those 152
candidates to the secretary of state in writing on or before the 153
ninetieth day before the day of the general election. The 154
certification shall be accompanied by a designation of a 155
sufficient number of presidential electors to satisfy the 156
requirements of law. 157

(ii) If a minor political party will not nominate its 158
candidates for president and vice-president in time for the 159
political party to certify the names of those candidates in 160
accordance with division (B) (1) (c) (i) of this section, then as 161
soon as practicable but not later than the ninetieth day before 162
the day of the general election, the political party shall 163
notify the secretary of state of that fact in writing. The 164
political party then shall certify the names of its nominated 165
candidates for president and vice-president to the secretary of 166
state in writing not later than the sixtieth day before the day 167
of the general election or not later than the third day after it 168
nominates its candidates, whichever is earlier. 169

(2) A political party may transmit a notice or certification to the secretary of state under division (B) (1) (a) or (c) of this section by any reasonably reliable method that, under the circumstances, will provide for the secretary of state to receive it by the applicable deadline, including by any of the following methods:

(a) Hand delivery;

(b) Certified, express, or ordinary mail delivery by the United States postal service;

(c) Commercial carrier service;

(d) Facsimile transmission;

(e) Electronic mail.

(3) The names of candidates for electors of president and vice-president shall not be placed on the ballot, but shall be certified to the secretary of state as required by sections 3513.11 and 3513.257 of the Revised Code. A vote for any candidates for president and vice-president shall be a vote for the electors of those candidates whose names have been certified to the secretary of state.

(C) The arrangement of the printing in each of the enclosed rectangular spaces shall be substantially as follows: Near the top and centered within the rectangular space shall be printed "For President" in ten-point boldface upper and lower case type. Below "For President" shall be printed the name of the candidate for president in twelve-point boldface upper case type. Below the name of the candidate for president shall be printed the name of the political party by which that candidate for president was nominated in eight-point lightface upper and lower case type. Below the name of such political party shall be

printed "For Vice-President" in ten-point boldface upper and 199
lower case type. Below "For Vice-President" shall be printed the 200
name of the candidate for vice-president in twelve-point 201
boldface upper case type. Below the name of the candidate for 202
vice-president shall be printed the name of the political party 203
by which that candidate for vice-president was nominated in 204
eight-point lightface upper and lower case type. Except for 205
candidates nominated by petition under section 3517.012 of the 206
Revised Code, no political identification or name of any 207
political party shall be printed below the names of presidential 208
and vice-presidential candidates nominated by petition. 209

The rectangular spaces on the ballot described in this 210
section shall be rotated and printed as provided in section 211
3505.03 of the Revised Code. 212

Section 2. That existing sections 3505.01 and 3505.10 of 213
the Revised Code are hereby repealed. 214

Section 3. The amendments to section 3505.10 of the 215
Revised Code by this act first apply on January 1, 2025. 216

Section 4. (A) Notwithstanding any provision of the 217
Revised Code to the contrary, for purposes of the 2024 general 218
election, a major political party shall certify to the Secretary 219
of State in writing the names of its candidates for president 220
and vice-president nominated by its national convention pursuant 221
to section 3505.10 of the Revised Code not later than the 222
effective date of this section. The political party may transmit 223
the certification to the Secretary of State by any reasonably 224
reliable method that, under the circumstances, will provide for 225
the Secretary of State to receive it by the deadline, including 226
by any of the following methods: 227

(1) Hand delivery;	228
(2) Certified, express, or ordinary mail delivery by the United States Postal Service;	229 230
(3) Commercial carrier service;	231
(4) Facsimile transmission;	232
(5) Electronic mail.	233
(B) For purposes of this section, "major political party" has the same meaning as in section 3501.01 of the Revised Code.	234 235
Section 5. Section 4 of this act is intended to apply retroactively to certifications of candidates required to be made under section 3505.10 of the Revised Code and to the certification of the forms of the official ballots under section 3505.01 of the Revised Code for purposes of the 2024 general election. Section 4 of this act is remedial in nature because it prevents a major political party's candidates for President and Vice-President from being inadvertently excluded from the ballot at the 2024 general election.	236 237 238 239 240 241 242 243 244