



# Jon Husted

## Ohio Secretary of State

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### **ADVISORY 2013-02**

June 21, 2013

To: All County Boards of Elections

Re: Sub. S.B. No. 47 and Am. S.B. No. 10 (130<sup>th</sup> General Assembly)

### **SUMMARY**

This Advisory alerts boards of elections to changes in the administration of elections resulting from the recent passage of two bills, Substitute Senate Bill Number 47 and Amended Senate Bill Number 10.

### **EXPLANATION**

Sub. S.B. No. 47 was signed by the Governor on March 22, 2013. The new law makes changes to several facets of election administration including candidate and issue petitions, candidate withdrawals, filling of vacancies, purchase of election supplies, and contract bidding thresholds. The law will take effect today.

Am. S.B. No. 10 was signed by the Governor on March 26, 2013 and clarifies election provisions related to polling places, including journalist access, accessibility guidelines, and time limits for occupying a voting compartment. The law will take effect on June 26, 2013.

Presented below is a summary of the new requirements in the two bills.

#### ***Petitions***

- The circulator of any petition must be at least 18 years of age.<sup>1</sup>
- The signer of any petition must be a registered elector residing in the election precinct in which the candidate or issue will appear on the ballot.<sup>2</sup>
- A signature on a nominating petition is not valid if it is dated more than one year before the date the petition was filed with the board of elections.<sup>3</sup>

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<sup>1</sup> RC 3503.06(C)(1)

<sup>2</sup> RC 3503.06(B)

<sup>3</sup> RC 3513.262, 3513.263

- No question or issue petition filed with the Secretary of State's Office or a county board of elections may be resubmitted after it is withdrawn from a public office or rejected because it did not contain a sufficient number of valid signatures.<sup>4</sup>

### *Statewide Issue Petitions*

- The Ohio Supreme Court has exclusive original jurisdiction in all challenges to initiative and referendum petitions.<sup>5</sup>
- Each part-petition filed by an issue committee must be marked with the name of the county in which it was circulated and a sequential number within that county's part-petitions. The issue committee must sort part-petitions by county prior to filing with the Secretary of State's Office.
- An issue committee must file an electronic copy of the petition and an index of the electronic copy, along with a summary of the number of part-petitions filed per county and the number of signatures on each part-petition.<sup>6</sup>
- County boards of elections must return verified part-petitions and the electronic copy of the part-petitions to the Secretary of State's Office not less than 110 days before the election, and the Secretary of State's Office must determine the sufficiency of signatures by the 105<sup>th</sup> day before the election.<sup>7</sup>
- If a petition is found to have an insufficient number of valid signatures, the issue committee is permitted 10 additional days from the date the Secretary of State's Office notifies the issue committee of the discrepancy to collect and to file supplemental signatures. (For more information about the supplemental signature requirements see Advisory 2013-03.)
- The Secretary of State's Office must prescribe a form for use with the submission of supplementary part-petitions by an issue group when the original petitions are found to have an insufficient number of valid signatures. The Secretary of State's Office must make the form available in paper and electronic form simultaneously when notifying the issue committee that the original petition filing lacked sufficient valid signatures. Boards of elections must provide a paper or electronic copy of the form upon request.<sup>8</sup>
- Each issue group's form will have unique identifier, and supplemental signatures may only be collected on that form in the 10 days after the Secretary of State's Office has notified the issue group of the lack of sufficient valid signatures.<sup>9</sup>

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<sup>4</sup> RC 3501.38(I)(2)(b)

<sup>5</sup> RC 3519.16(A)

<sup>6</sup> RC 3519.16(B)

<sup>7</sup> RC 3519.16(E)

<sup>8</sup> RC 3519.05(D) and 3519.16(F)

<sup>9</sup> RC 3519.16(F)

- The supplemental petition form is not considered a public record until the Secretary of State notifies the issue committee of any signature insufficiency and provides the issue group with its unique form.<sup>10</sup>
- County boards of elections have eight days from receipt of supplemental signatures to verify their sufficiency and return them to the Secretary of State's Office. The Secretary of State's Office must determine the sufficiency of supplemental signatures by the 65<sup>th</sup> day before the election.<sup>11</sup>

### ***Bid Threshold***

- The threshold at which boards of elections must accept competitive bids for contracts to print ballots and to furnish election supplies has increased from \$10,000 to \$25,000.<sup>12</sup>

### ***Bulk Purchase of Election Supplies***

- The Secretary of State is permitted to make bulk purchases of election supplies on behalf of participating local boards of elections. County boards of elections must file a written request for inclusion with the Secretary of State's Office and agree to make payments directly the vendor.<sup>13</sup>

### ***Filling of Vacancies***

- Several deadlines for the creation of unexpired term elections and filing deadlines for filling vacancies in elective offices have been adjusted from 56 days to 40 days to resolve conflict with the deadlines established in the Ohio Constitution.
- No person who unsuccessfully seeks nomination as a party candidate in a primary election by declaration of candidacy or declaration of intent to be a write-in candidate may become a candidate at the following general election by being appointed to a vacancy in party nomination.<sup>14</sup>

### ***Candidate Withdrawals***

- Boards of elections must remove from the ballot the name of any candidate who withdraws on or before the 70<sup>th</sup> day before either a primary or general election. Boards will not remove from the ballot the name of any candidate who withdraws after the 70<sup>th</sup> day before a primary or general election.<sup>15</sup>

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<sup>10</sup> RC 3519.05(D)

<sup>11</sup> RC 3519.16(F)

<sup>12</sup> RC 3501.301, 3505.13

<sup>13</sup> RC 3501.302

<sup>14</sup> RC 3513.04

<sup>15</sup> RC 3513.30(E)

### *Polling Places*

- Journalists have reasonable access to polling places during elections.<sup>16</sup>
- Entrances to polling locations must be level or must provide a nonskid ramp that meets the requirements of the *Americans with Disabilities Act of 1990*.<sup>17</sup>
- Nothing in provisional ballot or any other statutes undermines the sections of law permitting blind, disabled, or illiterate voters from receiving assistance in marking a ballot from two poll workers of different political parties.<sup>18</sup>
- The permissible time for a voter to occupy a voting compartment has been increased from five minutes to ten minutes. The ten-minute time limit for occupying a voting compartment does not apply to any voter requiring the use of a disabled-accessible voting machine.<sup>19</sup>
- At closing time on any day of in-person absentee voting, the in-person voting location must remain open until all voters in line at the time the location closes have cast an absentee ballot.<sup>20</sup>

If you have any questions concerning this Advisory, please contact the Secretary of State's elections counsel assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted

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<sup>16</sup> RC 3501.35(B)

<sup>17</sup> RC 3501.29

<sup>18</sup> RC 3505.181(F)

<sup>19</sup> RC 3505.23

<sup>20</sup> RC 3509.01(B)(3)