

## **Chapter 13: POLITICAL PARTIES**

### **Directive 2016-26**

#### **Section 1.01 Party Affiliation**

##### **PRIMARY ELECTION**

Primary election voters determine who will be nominated as candidates for political parties to compete for particular offices at the general election. Primary election voters also elect members of the controlling committees of political parties, and delegates and alternates to the conventions of political parties.<sup>1</sup> Some issues also might be on the ballot at a primary election.

For purposes of Ohio election law, an individual affiliates with a political party by voting in that party's primary election. An individual does not register a political party preference when they register to vote. If a voter does not want to affiliate with a political party, then the voter may vote for issues only if any issues were certified to the ballot in that voter's precinct.

If an elector votes in a party's primary election, the elector's voting history will reflect the fact that the elector voted in that party's primary election.

##### **DETERMINING PARTY AFFILIATION**

An elector is considered to be a member of a political party if they voted in that party's primary election within the preceding two calendar years, or if they did not vote in any other party's primary election within the preceding two calendar years.<sup>2</sup> Each board of elections must enter voting history and update party affiliation following each primary election. For additional information on determining party affiliation (see [Chapter 3 Voter Registration of this manual](#)).

---

<sup>1</sup> [R.C. 3501.01\(E\)\(1\)-\(2\)](#).

<sup>2</sup> [R.C. 3513.0517](#).



## ELECTED OFFICIAL MAY CHANGE PARTY AFFILIATION

A person who holds an elective office for which candidates are nominated at a party's primary election may be a candidate for a different political party's primary election if the person completes and files the appropriate declaration, Secretary of State [Form 10-Y](#).<sup>3</sup> The person's declaration must:

- Be filed not later than 4:00 p.m. of the 30th day before a declaration of candidacy and petition is required to be filed under section [3513.05](#) of the Revised Code;
- Be filed with the same official with whom the person filing the declaration of intent is required to file a declaration of candidacy and petition; and
- Indicate the political party whose nomination in the primary election the person seeks.<sup>4</sup>

No person who files a declaration, [Form 10-Y](#), can file another such declaration for a period of 10 years after the declaration is filed.

## Section 1.02 Major v. Minor Political Parties

Political parties in Ohio are either major political parties or minor political parties.<sup>5</sup>

### MAJOR PARTIES

A **major** political party is a political party organized under the laws of the state whose candidate for governor or nominees for presidential electors received not less than 20 percent of the total vote cast at the most recent regular state election.<sup>6</sup> There are two major political parties in Ohio – the Democratic and Republican Parties.

### MINOR PARTIES

A **minor** political party is a political party organized under the laws of the state as a result of one of the following:

- The minor party's candidate for governor or its nominees for presidential electors received less than 20 percent but not less than 3 percent of the total vote cast at the most recent regular state election; or

A group of voters filed a party formation petition with the Secretary of State that satisfied the requirements of [Revised Code 3517.01](#).<sup>7</sup>

---

<sup>3</sup> [R.C. 3513.19\(C\)](#); The individual must use Secretary of State [Form 10-Y](#).

<sup>4</sup> [R.C. 3513.19\(C\)](#).

<sup>5</sup> Am. Sub. S.B., No. 193 eliminated an "immediate political party."

<sup>6</sup> [R.C. 3501.01\(F\)\(1\)](#).

<sup>7</sup> [R.C. 3501.01\(F\)\(2\)](#).



## Section 1.03 Minor Political Parties

### ESTABLISHING A MINOR POLITICAL PARTY

#### 1. Percentage of Total Vote

The law provides a mechanism for a group to achieve minor political party status by fielding a candidate for governor or nominees for presidential electors and receiving a requisite number of votes:

- In 2014, a political party whose candidate for governor received less than 20 percent but not less than 2 percent of the total vote cast for that office at the 2014 general election remains a minor political party for a period of four years after meeting these requirements.<sup>8</sup>
- In 2016 and after, a political party whose candidate for governor or nominees for presidential electors receive less than 20 percent but not less than 3 percent of the total vote cast for such office at the most recent regular state election will remain a minor party for four years after meeting these requirements.<sup>9</sup>

#### 2. Petition Process

The law also provides a mechanism for groups to become minor political parties by petition. To become a minor party by petition, a group must file a party formation petition with the Secretary of State.

The party formation petition must:

- Be signed by qualified electors equal to at least 1 percent of the total vote for governor or nominees for presidential electors at the most recent election for such office;
- Be signed by not fewer than 500 qualified electors from each of at least one-half of the congressional districts in the state;
- Declare the petitioners' intention of organizing a political party and of participating in the succeeding general election that occurs more than 125 days after the filing date;
- Designate a committee of not less than three nor more than five of the petitioners, who will represent the petitioners in all matters relating to the petition; and

---

<sup>8</sup> Am. Sub. S.B. No. 193, 130<sup>th</sup> General Assembly, Section 4 (2013).

<sup>9</sup> [R.C. 3501.01\(F\)\(2\)\(a\)](#).



- Name the prospective political party in the declaration. The name must not be similar to that of an existing party name.<sup>10</sup>

Upon filing the petition, the new political party comes into legal existence and is entitled to nominate candidates to appear on the ballot at the general election in odd or even-numbered years that occurs more than 125 days after the filing date.<sup>11</sup>

The Secretary of State must promptly transmit to each board of elections the separate petitions papers of that board's county.<sup>12</sup> Each board of elections must examine and determine the sufficiency of the signatures on the petition papers and return them to the Secretary of State not later than the 118th day before the general election. The petition papers must be submitted to the Secretary of State's office along with the board's certification of the validity or invalidity of the signatures on the petition.<sup>13</sup>

- A written protest against the petition may be filed with the Secretary of State by any qualified elector not later than the 114th day before the general election.<sup>14</sup>
- The Secretary of State must determine the sufficiency of the party formation petition and notify the committee designated in the petition of that determination not later than the 95th day before the general election.<sup>15</sup>

## NOMINATION OF CANDIDATES

Each candidate or pair of joint candidates wishing to appear on the general election ballot as the nominee or nominees of the party that filed the party formation petition shall file a nominating petition not later than 110 days before the general election and not earlier than the day the applicable party formation petition is filed.<sup>16</sup>

The nominating petition must both be on a form prescribed by the Secretary of State and include the name of the political party that submitted the party formation petition.<sup>17</sup> These nominating petition forms prescribed by the Secretary, [Forms 4-C through 4-G](#) are available on the [Secretary of State's website](#).

---

<sup>10</sup> [R.C. 3517.01\(A\)](#).

<sup>11</sup> [R.C. 3517.012\(A\)\(1\)](#), *Libertarian Party of Ohio*, Case No. 2:13-cv-953.

<sup>12</sup> [R.C. 3517.012\(A\)\(2\)\(a\)](#).

<sup>13</sup> [R.C. 3517.012\(A\)\(2\)\(b\)](#).

<sup>14</sup> The protest will be resolved in the same manner as specified under [R.C. 3501.39](#), [R.C. 3517.012\(A\)\(2\)\(c\)](#).

<sup>15</sup> [R.C. 3517.012\(A\)\(2\)\(d\)](#).

<sup>16</sup> [R.C. 3517.012\(B\)\(1\)](#).

<sup>17</sup> With the exception of the provisions of Revised Code [3505.03](#), [3505.08](#), [3506.11](#), [3513.31](#), [3513.311](#), and [3513.312](#), the provisions of the Revised Code concerning independent candidates who file nominating petitions apply to candidates who file nominating petitions under this Revised Code section. [R.C. 3517.012\(B\)\(1\)](#).



If the candidacy is to be submitted to electors throughout the entire state,<sup>18</sup> the nominating petition must be signed by at least 50 qualified electors who have not voted as a member of a different political party at any primary election within the current year or the immediately preceding two calendar years.<sup>19</sup> The nominating petition for a candidacy to be submitted to electors throughout the entire state must be filed with the Secretary of State's office.<sup>20</sup>

If the candidacy is to be submitted only to electors within a district, political subdivision, or portion thereof, the nominating petition must be signed by not less than five qualified electors who have not voted as a member of a different political party at any primary election within the current year or the immediately preceding two calendar years.<sup>21</sup> The nominating petition for offices to be voted on by electors within a district or political subdivision comprised of more than one county but less than all counties of the state must be filed with the most populous county's board of elections according to the last federal decennial census.<sup>22</sup> The nominating petition for offices to be voted on by electors within a county or district smaller than a county must be filed with the board of elections for that county.<sup>23</sup>

Each board of elections must examine and determine the sufficiency of the signatures not later than the 105th day before the general election.<sup>24</sup> A written protest may be filed not later than the 100th day before the general election.<sup>25</sup>

The Secretary of State or the board of elections, as applicable, must determine whether the nominating petition is sufficient and notify the candidate and the committee designated in the party formation petition of that determination not later than the 95th day before the general election.<sup>26</sup>

The committee for a party that has submitted a sufficient party formation petition, must, not later than the 75th day before the general election, certify to the Secretary of State a slate of candidates consisting of candidates or joint candidates who submitted sufficient nominating petitions. The names of the candidates or joint candidates certified by the political party slate will appear on the ballot at the general election as the party's nominees for those offices.<sup>27</sup>

---

<sup>18</sup> This includes petitions for joint candidates for the offices of governor and lieutenant governor. [R.C.3517.012\(B\)\(2\)\(a\)](#).

<sup>19</sup> [R.C. 3517.012\(B\)\(2\)\(a\)](#).

<sup>20</sup> [R.C. 3513.257\(C\)](#).

<sup>21</sup> [R.C. 3517.012\(B\)\(2\)\(b\)](#).

<sup>22</sup> [R.C. 3513.257\(C\)](#).

<sup>23</sup> Id.

<sup>24</sup> [R.C. 3517.012\(B\)\(3\)\(a\)](#).

<sup>25</sup> The protest must be filed in the same manner as specified in [R.C. 3513.263](#), [R.C. 3517.012\(B\)\(3\)\(b\)](#).

<sup>26</sup> [R.C. 3517.012\(B\)\(3\)\(c\)](#).

<sup>27</sup> [R.C. 3517.012\(C\)\(1\)](#).



If a candidate's nominating petition is insufficient or if the committee does not certify the candidate's name on the certified slate, the candidate will not appear on the ballot in the general election.<sup>28</sup>

The slate certifying the candidates must:

- Be on a form prescribed by the Secretary of State (the minor political party slate of certified candidates form, [Form 4-B](#), is available on [Secretary of State's website](#));
- Be signed by all of the individuals on the committee designated in the party formation petition; and
- Not include more than one candidate for any public office or more than one set of joint candidates for the offices of governor and lieutenant governor.<sup>29</sup>

If a party formation petition is insufficient, no candidate will appear on the ballot in the general election as that political party's nominee, regardless of whether any candidate's nominating petition is sufficient.<sup>30</sup>

## PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES OF RECOGNIZED PARTY

A recognized minor party must certify the names of its nominees for the offices of president and vice president to the Secretary of State no later than 90 days before the date of the general election for those offices. The certification must be accompanied by a list of the names of 18 presidential electors who will represent the party and candidates in the Electoral College, should the candidates win the general election.

## PARTICIPATION IN NEW POLITICAL PARTY'S PRIMARY ELECTION

At the first primary election held by a newly formed political party, any qualified elector who desires to vote the new party primary ballot must be allowed to vote the new party primary ballot regardless of prior political party affiliation.<sup>31</sup>

---

<sup>28</sup> [R.C. 3517.012\(C\)\(2\)](#).

<sup>29</sup> [R.C. 3517.012\(C\)\(1\)](#).

<sup>30</sup> [R.C. 3517.012\(C\)\(3\)](#).

<sup>31</sup> [R.C. 3517.016](#).



## CONTROLLING COMMITTEE OF A MINOR POLITICAL PARTY

All members of controlling committees of a minor political party are determined in accordance with party rules. The party must file a list of its controlling committee members and other party officials with the Secretary of State's office within 30 days of their election or appointment.<sup>32</sup>

A minor political party may elect controlling committees at a primary election in the even-numbered year by filing a plan for party organization with the Secretary of State's office on or before the 90th day before the day of the primary election. The plan must specify which offices are to be elected and provide the procedure for qualification of candidates for those offices. Candidates to be elected pursuant to the plan must be designated and qualified on or before the ninetieth day before the day of the election. Such parties may, in lieu of electing a controlling committee or other officials, choose such committee or other officials in accordance with party rules. Each such party must file the names and addresses of members of its controlling committee and party officers with the Secretary of State's office.<sup>33</sup>

## BYLAWS OF MINOR POLITICAL PARTIES

Each political party must file with the Secretary of State's office a copy of its constitution and bylaws, if any, within 30 days of adoption or amendment.<sup>34</sup>

### Section 1.04 Major Political Parties

## CONTROLLING COMMITTEE OF A MAJOR POLITICAL PARTY

The controlling committees of each major political party must be:

- A state central committee consisting of two members, one a man and one a woman, representing either each congressional district in the state or each senatorial district in the state, as the outgoing committee determines;
- A county central committee consisting of one member from each election precinct in the county, or of one member from each ward in each city and from each township in the county, as the outgoing committee determines; and

---

<sup>32</sup> [R.C. 3517.02.](#)

<sup>33</sup> [R.C. 3517.03.](#)

<sup>34</sup> [R.C. 3517.02.](#)



- Such district, city, township, or other committees as the rules of the party provide.<sup>35</sup>

Currently, state central committees of both major political parties are elected by state senatorial district.

All the members of such committees must be members of the party and must be elected for terms of either two or four years, as determined by party rules, by direct vote at the primary held in an even-numbered year.<sup>36</sup> Currently, committee members of the Republican political party serve two-year terms, and members of the Democratic party serve four-year terms.

Each major party controlling committee must elect an executive committee that has the powers granted to it by the party controlling committee, and provided to it by law. When a judicial, senatorial, or congressional district is comprised of more than one county, the chairperson and secretary of the county central committee from each county in that district shall constitute the judicial, senatorial, or congressional committee of the district. When a judicial, senatorial, or congressional district is included within a county, the county central committee shall constitute the judicial, senatorial, or congressional committee of the district.<sup>37</sup>

## COUNTY CENTRAL COMMITTEE MAY DETERMINE NO NEED FOR PETITION.

The county central committee of a political party in a particular county may determine, not later than 120 days prior to the next primary election at which candidates for member of the county central committee are elected, that each person desiring to become a candidate for election as a member of the county central committee of that party in that county shall file a declaration of candidacy but is not required to file a petition. If the county central committee of a political party so determines, each person desiring to become a candidate for election as a member of the county central committee of that party in that county is not required to file a petition as required by that section but must comply with all other applicable requirements of that section.

If the county central committee of a political party in a particular county has determined pursuant to division (A) of this section that each person desiring to become a candidate for election as a member of the county central committee of that party in that county is not required to file a petition, the county central committee of that political party in that county may subsequently determine that each person desiring to become a candidate for election as a member of the county central committee of that party in that county

---

<sup>35</sup> [R.C. 3517.03.](#)

<sup>36</sup> [R.C. 3517.03.](#)

<sup>37</sup> [R.C. 3517.03.](#)



must file a petition. The county central committee must make that determination not later than 120 days prior to the next primary election at which candidates for member of the county central committee are elected. After the committee makes that determination, each person desiring to become a candidate for election as a member of the county central committee of that party in that county must file the petition and must meet all other applicable requirements of that section.

Secretary of State [Form 2-L](#) is the petition form for candidates for county central committee that must use a petition, and Secretary of State [Form 2-M](#) is the form for candidates for county central committee who do not need a petition.

## WRITE-IN CANDIDATES

Special rules govern write-in candidacies for party controlling committees:

- A board of elections may not accept declarations of intent to be a write-in candidate for state central committee of a political party. If no valid declaration of candidacy was filed for the position, the office does not appear on the ballot.<sup>38</sup>
- However, a board of elections may accept valid declarations of intent to be a write-in candidate for county central committee of a political party even if no valid declarations of candidacy were filed for the position. In such cases, the board shall provide a write-in space on the ballot.<sup>39</sup>

## ELECTED AND NOT NOMINATED

### 1. 17-year-old Voter

It is important to remember that state and county central committee members are elected and not nominated at the Primary Election.

Accordingly, voters who are 17 years old as of the primary election are not permitted to vote for the following:

- State Party Central Committee;
- County Party Central Committee; and
- Questions and Issues.

In presidential primary elections, a 17-year-old voter is permitted to vote for presidential delegates.<sup>40</sup>

---

<sup>38</sup> [R.C. 3513.14](#).

<sup>39</sup> [OAG 70-011](#).

<sup>40</sup> *Schwerdtfeger v. Husted*, Franklin C.P. No. 16 CV 002346 (March 11, 2016).



## 2. Candidate Affiliated with Party

A candidate for member of a major party's state or county central committee must not have voted in a different political party's primary in the current year or immediately preceding two calendar years. [R.C. 3513.191](#) provides as follows:

(A) No person shall be a candidate for nomination or election at a party primary if the person voted as a member of a different political party at any primary election within the current year and the immediately preceding two calendar years.

Because central committee members are elected, rather than nominated, at the primary election, the exceptions contained [R.C. 3513.191\(B\)](#) do not apply.

## ORGANIZATIONAL MEETINGS OF MAJOR POLITICAL PARTIES

### 1. Requirement

Ohio law requires members-elect of major political party county central committees to hold an organizational meeting not earlier than six days or later than 15 days after a county board of elections certifies the results of the election, including results of any recounts conducted in a county central committee race.

### 2. Notice<sup>41</sup>

The county central committee's secretary must provide written notice by mail to each member-elect to inform them of the time and place of the organizational meeting. The county central committee must provide a copy of the notice of the organizational meeting to the county board of elections at least five days before the organizational meeting, which shall publicly post the notice.

### 3. Roster<sup>42</sup>

Ohio law requires each county political party file with its county board of elections and with the Secretary of State the names and addresses of each member and officer of the county central and executive committees. The roster need not be in any particular form so long as the required information (i.e., name and address), designations (e.g., district represented), and titles (e.g., chairman, secretary, etc.) are included.

---

<sup>41</sup> [R.C. 3517.04.](#)

<sup>42</sup> [R.C. 3517.06.](#)



## PARTY CONSTITUTION AND BY-LAWS<sup>43</sup>

Ohio law requires each political party to file with the Secretary of State's office a copy of its constitution and by-laws, if any, within 30 days after adoption or amendment.

## FILLING VACANCIES IN CONTROLLING COMMITTEE

In case of vacancies caused by death, resignation, failure to elect, or removal from the precinct, ward, township, or district from which a member of the committee was chosen, the controlling committee or, if authorized, the executive committee shall fill the vacancy for the unexpired term by a majority vote of the members of such committee.<sup>44</sup>

In the event that a county central or executive committee fills a vacancy in membership any time after its organizational meeting, Ohio law requires that the committee promptly report to the board of elections and to the Secretary of State the names and addresses of any new member appointed to fill such vacancies.<sup>45</sup>

## FILLING VACANCIES IN ELECTIVE OFFICE

Various provisions of the United States Constitution, Ohio Constitution, Ohio Revised Code, and home rule charters set forth procedures for filling a vacancy in a particular office by appointment, either for the remainder of the term or until an election is held to select someone to serve for the remainder of the unexpired term. A county party central committee is charged with filling a vacancy in some county and city elective offices.

When a vacancy occurs in a county office, the board's director provides notice to the central committee of the political party with which the outgoing office holder is affiliated of the party's right to make an appointment to fill the vacancy. The Board may use Secretary of State [Form 292](#), Certification by Director of Board of Elections as to Political Party Affiliation of the Last Occupant of a County Office, to do so.

---

<sup>43</sup> [R.C. 3517.02.](#)

<sup>44</sup> [R.C. 3517.05.](#)

<sup>45</sup> [R.C. 3517.06.](#)



Generally, it is the duty of the entity entitled to appoint a person to a vacancy in office to determine what legal provisions apply to the appointment and to take the appropriate action. A county party central committee charged with filling a vacancy in elective office might want to consult with its legal counsel (i.e., legal counsel for its party organization) regarding its process for filling the vacancy. It is important to note that, in filling a vacancy in public elective office, a county party central committee may be acting as a public body, and its conduct of the meeting may be subject to Ohio's Sunshine Laws.<sup>46</sup>

When an elective office is filled by appointment, the appointing authority must immediately, but no later than seven days after making the appointment, certify it both to the board of elections and the Secretary of State. The Secretary of State has prescribed a form, Certification by Party Central Committee to Fill a Vacancy in County Office or City Office ([Form 291](#)) that the appropriate committee of a political party may use to give notice to election officials that a vacancy in city or county office has filled by appointment.

---

<sup>46</sup> [1980 OAG No. 083](#).