

2010 OHIO CANDIDATE REQUIREMENT GUIDE



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

Dear prospective Ohio candidate:

The strength of our democracy depends on the participation of our citizens. By becoming active in the democratic process, citizens empower themselves by choosing leaders who will best represent their interests. Civic participation does not stop at the voting booth. Citizens like you also choose to serve their national, state and local communities by running for elective office.

Initially, the prospect of being a candidate can be intimidating, considering the many important laws and regulations that govern the electoral process. This guide is designed to help you understand most of the laws and regulations involved when running for public office in Ohio. If you need further information, please contact our Elections Division at (614) 466-2585 or your county board of elections. Additionally, the online version of this guide, available at www.sos.state.oh.us, contains links to the text of the Ohio Revised Code cited throughout this guide.

As a candidate for public office, you are embarking on a journey that had been traveled by many before you and that will give you exceptional opportunities to learn more about your community and its citizens. Whether you win or lose, you measure your success in the quality of the journey along the way in seeking to serve your community and fellow citizens. We in the Secretary of State's office applaud your initiative and efforts and pledge to work to provide you with help in understanding the regulations aimed to ensure a fair process. Good luck!

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Brunner". The signature is fluid and cursive, with the first name being more prominent.

Jennifer Brunner

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TABLE OF CONTENTS

General Requirements for 2010 Candidates.....	3
Federal Offices.....	4
U.S. Senate	4
U.S. Representative.....	5
Statewide Executive Offices	6
Governor, Lieutenant Governor.....	6
Attorney General, Auditor of State, Secretary of State, Treasurer of State	7
Ohio General Assembly Candidates.....	8
State Senator, State Representative.....	8
State Board of Education Candidates	9
County Offices	9
Commissioner, Auditor	9
Judicial Candidates.....	10
Supreme Court Justice and Chief Justice	10
Court of Appeals Judge.....	11
Court of Common Pleas Judge	12
County Court Judge.....	13
Clerk of Courts.....	13
Political Party Committee Members.....	14
Major Political Party, State Central Committee Member.....	14
Major Political Party, County Central Committee Members	15
Minor Parties	15
Write-In Candidates	15
Political Party Affiliation of Candidates for Party Nomination	16
Independent Candidates.....	17
Restrictions on Filing for Multiple Offices.....	17
Petitions.....	18
Rules Governing Petitions	18
Protests.....	20
Unexpired Terms.....	22
Death or Withdrawal of Candidate.....	23
Observers.....	23
Recounts and Contests	25
Recounts	25
Contest of Election	25
Campaign Finance Report.....	26
Campaign Materials.....	26
Personal Financial Disclosure Statement.....	27
2010 Ohio Election Calendar (Abridged).....	29

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GENERAL REQUIREMENTS FOR 2010 CANDIDATES

In 2010, candidates in Ohio will run for federal, district and county offices. This guide has been compiled to provide candidates with the basic information necessary to file for office. However, this is only a brief summary and should not be regarded as a complete digest of laws affecting candidates, nor should it be regarded as legally binding. Candidates are responsible for completing and filing a valid petition for the office sought, as well as knowing the provisions of law pertaining to their candidacies that are summarized in this guide. Furthermore, legislative or judicial action can change the requirements summarized in this guide at any time.

For further information, please contact the Ohio Secretary of State's Elections Division at (614) 466-2585 or your county board of elections. If you need specific legal advice, then you should consult with an attorney of your choice.

Please note: As used in this guide, "R.C." refers to the Ohio Revised Code; "O.A.C." refers to Ohio Administrative Code; "U.S. Const" refers to the United States Constitution; and "OH Const" refers to the Ohio Constitution.

FEDERAL OFFICES

Candidates for federal office must comply with federal law. For more information, contact the Federal Elections Commission at (800) 424-9530 or at www.fec.gov.

U.S. Senate

Term:

Six years beginning January 3, 2011
(U.S. Const Art. I, §3, Am. XVII, Am. XX§1)

Qualifications**Residency Requirement:**

Must be an inhabitant of the state from which elected
(U.S. Const Art. I, §3)

Minimum Age:

30 years (U.S. Const Art. I, §3)

Other:

Must be a U.S. citizen for nine years prior to election
(U.S. Const Art. I, §3)

Filing Deadline:

By 4 p.m. on February 18, 2010, (75 days before the primary election) for party candidates, or by 4 p.m. on May 3, 2010, (one day before the primary election) for independent candidates (R.C. 3513.05, 3513.257)

Filing Fee:

\$150 (R.C. 3513.10(A) and (B))

Petition Form Numbers:

#2-C for party candidates
#3-D for independent candidates

Filed With:

Secretary of State's Elections Division - Columbus
(R.C. 3513.05, 3513.257, 3513.261)

Signature Requirements (R.C. 3513.05, 3513.257):

1. Major party candidates: 1,000 signatures
2. Minor party candidates: 500 signatures
3. Independent candidates: 5,000 signatures

U.S. Representative

Term:

Two years beginning January 3, 2011 (U.S. Const Art. I, §2)

Qualifications

Residency Requirement:

Must be an inhabitant of the state from which elected (U.S. Const Art. I, §2)

Minimum Age:

25 years (U.S. Const Art. I, §2)

Other:

Must be a U.S. citizen for seven years prior to election (U.S. Const Art. I, §2)

Filing Deadline:

By 4 p.m. on February 18, 2010, (75 days before the primary election) for party candidates, or by 4 p.m. on May 3, 2010, (one day before the primary election) for independent candidates (R.C. 3513.05, 3513.257)

Filing Fee:

\$85 (R.C. 3513.10(A) and (B))

Petition Form Numbers:

#2-E for party candidates

#3-F for independent candidates

Filed With:

Board of elections of the most populous county within the congressional district (R.C. 3513.05, 3513.257, 3513.261)

Signature Requirements (R.C. 3513.05, 3513.257):

1. Major party candidates: 50 signatures
2. Minor party candidates: 25 signatures
3. Independent candidates: Based on the number of votes cast in the congressional district in the last general election for governor:

Number of votes cast:

Fewer than 5,000

5,000 or more

Number of signatures:

25, or a number equal to

5 percent of the vote (whichever is less)

1 percent of vote

STATEWIDE EXECUTIVE OFFICES

Governor and Lieutenant Governor (Joint Candidates)

Candidates for governor and lieutenant governor run as joint candidates. They must circulate and file a joint petition. A petition for the office of governor, alone, or the office of lieutenant governor, alone, cannot be filed. (R.C. 3513.04, 3513.05, 3513.257)

Term:

Four years (OH Const. Art. III, §2)

Qualifications

Residency Requirement:

Must be a resident of the state and a qualified elector (OH Const. Art. V, §1, OH Const. Art. XV, §4)

Minimum Age:

18 years (OH Const. Art. V, §1, OH Const. Art. XV, §4)

Filing Deadlines:

By 4 p.m. on February 18, 2010 (75 days before the primary election) for party candidates; or by 4 p.m. on May 3, 2010 (one day before the primary election) for independent candidates (R.C. 3513.05, 3513.257)

Filing Fee:

\$150 (R.C. 3513.10(A), (B))

Petition Form Numbers:

#2-A for party candidates

#3-B for independent candidates

* #14 "Statement of Receiving or Providing Compensation for Circulating a State Candidate Petition"

***Note:** Any person who will receive compensation for supervising, managing, or otherwise organizing any effort to obtain signatures for a declaration of candidacy or nominating petition for a person seeking to become a candidate for a state executive office shall file Secretary of State Form 14 with the Elections Division of the Secretary of State before any signatures are obtained for the petition, or before the person is engaged to supervise, manage, or otherwise organize the effort to obtain signatures for the petition, whichever is later. (R.C. 3501.381)

Filed With:

Secretary of State's Elections Division - Columbus
(R.C. 3513.05, 3513.257, 3513.261)

Signature Requirements (R.C. 3513.05, 3513.257):

1. Major party candidates: 1,000 signatures
2. Minor party candidates: 500 signatures
3. Independent candidates: 5,000 signatures

**Attorney General, Auditor of State, Secretary of State,
Treasurer of State****Term:**

Four years (OH Const. Art. III, §2)

Qualifications**Residency Requirement:**

Must be a resident of the state and a qualified elector
(OH Const. Art. V §1, OH Const. Art. XV §4)

Minimum Age:

18 years (OH Const. Art. V, §1, OH Const. Art. XV, §4)

Filing Deadlines:

By 4 p.m. on February 18, 2010 (75 days before the primary election)
for party candidates; or by 4 p.m. on May 3, 2010 (one day before the
primary election) for independent candidates (R.C. 3513.05, 3513.257)

Filing Fee:

\$150 (R.C. 3513.10(A), (B))

Petition Form Numbers:

#2-B for party candidates

#3-C for independent candidates

*#14 "Statement of Receiving or Providing Compensation for
Circulating a State Candidate Petition"

***Note:** Any person who will receive compensation for supervising,
managing, or otherwise organizing any effort to obtain signatures for
a declaration of candidacy or nominating petition for a person seeking
to become a candidate for a state executive office shall file Secretary
of State Form 14 with the Elections Division of the Secretary of State
before any signatures are obtained for the petition, or before the
person is engaged to supervise, manage, or otherwise organize the
effort to obtain signatures for the petition, whichever is later.
(R.C. 3501.381)

Filed With:

Secretary of State's Elections Division - Columbus
(R.C. 3513.05, 3513.257, 3513.261)

Signature Requirements (R.C. 3513.05, 3513.257):

1. Major party candidates: 1,000 signatures
2. Minor party candidates: 500 signatures
3. Independent candidates: 5,000 signatures

OHIO GENERAL ASSEMBLY CANDIDATES

State Senator, State Representative

Terms:

Senator: Four years (OH Const Art. II, §2)

Representative: Two years (OH Const Art. II, §2)

Qualifications

Residency Requirement:

Must be a resident of the district, have resided in the district for one year immediately preceding the election and be a qualified elector (R.C. 3.15, OH Const Art II, §3, OH Const Art XV, §4)

Filing Deadline:

By 4 p.m. on February 18, 2010 (75 days before the primary election) for party candidates; or by 4 p.m. on May 3, 2010 (one day before the primary election) for independent candidates (R.C. 3513.05, 3513.257)

Filing Fee:

\$85 (R.C. 3513.10(A) and (B))

Petition Form Numbers:

#2-F for party candidates

#3-G for independent candidates

Filed With:

Board of elections of the most populous county within the district (R.C. 3513.05, 3513.257, 3513.261)

Signature Requirements (R.C. 3513.05, 3513.257):

1. Major party candidates: 50 signatures
2. Minor party candidates: 25 signatures
3. Independent candidates: Based on the number of votes cast in the district in the last general election for governor:

Number of votes cast:	Number of signatures:
Fewer than 5,000	25, or a number equal to 5 percent of the vote (whichever is less)
5,000 or more	1 percent of vote

STATE BOARD OF EDUCATION CANDIDATES

Term:

Four years (R.C. 3301.02)

Qualifications

Residency Requirement:

Must be a qualified elector residing in the district
(R.C. 3301.03, OH Const Art XV, §4)

Other:

Shall not, during the term of office, hold any other public position of trust or profit, or be an employee or officer of any public or private elementary or secondary school (R.C. 3301.03)

Filing Deadline:

By 4 p.m. on August 19, 2010 (75 days before the general election)
(R.C. 3513.259)

Filing Fee:

\$55 (R.C. 3513.10(A) and (B))

Petition Form Number:

#3-Z

Filed With:

Board of elections of the most populous county within the district
(R.C. 3513.259)

Signature Requirements:

100 signatures (R.C. 3513.259)

COUNTY OFFICES

Commissioner, Auditor

Term:

Four years (R.C. 305.01, 319.01)

Qualifications

Residency Requirement:

Must be a qualified elector of the county
(R.C. 3.15, OH Const Art. XV, §4)

Filing Deadline:

By 4 p.m. on February 18, 2010 (75 days before the primary election) for party candidates; or by 4 p.m. on May 3, 2010 (one day before the primary election) for independent candidates (R.C. 3513.05, 3513.257)

Filing Fee:

\$80 (R.C. 3513.10(A) and (B))

Petition Form Numbers:

#2-G for party candidates

#3-H for independent candidates

Filed With:

County board of elections (R.C. 3513.05, 3513.257, 3513.261)

Signature Requirements (R.C. 3513.05, 3513.257):

1. Major party candidates: 50 signatures

2. Minor party candidates: 25 signatures

3. Independent candidates: Based on the number of votes cast in the county in the last general election for governor:

Number of votes cast: Number of signatures:

Fewer than 5,000

25, or a number equal to

5 percent of the vote (whichever is less)

5,000 or more

1 percent of vote

JUDICIAL CANDIDATES

Supreme Court Justice and Chief Justice

Term:

Six years (OH Const Art. IV, §6, R.C. 2503.02, 2503.03)

Qualifications**Maximum Age:**

70 years (OH Const Art. IV, §6)

Residency Requirement:Must be a qualified elector residing in Ohio
(R.C. 2701.04, OH Const Art. XV, §4)**Other:**

Must be admitted to practice as an attorney in this state and have, for a total of at least six years preceding the commencement of the term, been engaged in the practice of law in Ohio or served as a judge of a court of record in any jurisdiction in the U.S. (R.C. 2503.01)

Filing Deadline:

By 4 p.m. on February 18, 2010, (75 days before the primary election) for party candidates; or by 4 p.m. on May 3, 2010, (one day before the primary election) for independent candidates (R.C. 3513.05, 3513.257)

Filing Fee:

\$150 (R.C. 3513.10(A) and (B))

Petition Form Numbers:

#2-D for party candidates

#3-E for independent candidates

Filed With:

Ohio Secretary of State's Election Division - Columbus (R.C. 3513.05, 3513.257, 3513.261)

Signature Requirements (R.C. 3513.05, 3513.257):

1. Major party candidates: 1,000 signatures
2. Minor party candidates: 500 signatures
3. Independent candidates: 5,000 signatures

Court of Appeals Judge

Term:

Six years (R.C. 2501.02)

Qualifications

Maximum Age:

70 years (OH Const Art. IV, §6)

Residency Requirement:

Must be a qualified elector residing in the district (R.C. 2701.04, OH Const Art. XV, §4)

Other:

Must be admitted to practice as an attorney in this state and have, for a total of at least six years preceding the commencement of the term, been engaged in the practice of law in Ohio or served as a judge of a court of record in any jurisdiction in the U.S. (R.C. 2501.02)

Filing Deadline:

By 4 p.m. on February 18, 2010, (75 days before the primary election) for party candidates; or by 4 p.m. on May 3, 2010, (one day before the primary election) for independent candidates (R.C. 3513.05, 3513.257)

Filing Fee:

\$80 (R.C. 3513.10(A) and (B))

Petition Form Numbers:

#2-FJ for party candidates

#3-G for independent candidates

Filed With:

Board of elections of the most populous county within the district (R.C. 3513.05, 3513.257, 3513.261)

Signature Requirements (R.C. 3513.05, 3513.257):

1. Major party candidates: 50 signatures of qualified electors who are members of the same political party as the candidate
2. Minor party candidates: 25 signatures
3. Independent candidates: Based on the number of votes cast in the district in the last general election for governor:

Number of votes cast:

Fewer than 5,000

5,000 or more

Number of Signatures:

25, or a number equal to

5 percent of the vote (whichever is less)

1 percent of vote

Court of Common Pleas Judge

Term:

Six years (R.C. 2301.01)

Qualifications

Maximum Age:

70 years (OH Const Art. IV, §6)

Residency Requirement:

Must be a qualified elector residing in the county (R.C. 2301.01, 2701.04, OH Const, Art. XV, §4)

Other:

Must be admitted to practice as an attorney in this state and have, for a total of at least six years preceding the commencement of the term, been engaged in the practice of law in Ohio or served as a judge of a court of record in any jurisdiction in the U.S. (R.C. 2301.01)

Filing Deadline:

By 4 p.m. on February 18, 2010, (75 days before the primary election) for party candidates; or by 4 p.m. on May 3, 2010, (one day before the primary election) for independent candidates (R.C. 3513.05, 3513.257)

Filing Fee:

\$80 (R.C. 3513.10(A) and (B))

Petition Form Numbers:

#2-GJ for party candidates

#3-H for independent candidates

Filed With:

County board of elections (R.C. 3513.05, 3513.257, 3513.261)

Signature Requirements (R.C. 3513.05, 3513.257):

1. Major party candidates: 50 signatures of qualified electors who are members of the same political party as the candidate
2. Minor party candidates: 25 signatures
3. Independent candidates: Based on the number of votes cast in the county in the last general election for governor:

<u>Number of votes cast:</u>	<u>Number of signatures:</u>
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Fewer than 5,000	25, or a number equal to
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	5 percent of the vote (whichever is less)
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5,000 or more	1 percent of vote
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County Court Judge

Term:

Six years (R.C. 1907.13)

Qualifications**Residency Requirement:**

Must be a qualified elector residing in the county court district (R.C. 1907.13, OH Const Art. XV, §4)

Other:

Must be admitted to practice as an attorney in this state and have, for a total of six years, been engaged in the practice of law in Ohio (R.C. 1907.13)

Filing Deadline:

By 4 p.m. on August 19, 2010 (75 days before the general election) (R.C. 1907.13)

Filing Fee:

\$80 (R.C. 3513.10 (A) and (B))

Petition Form Number:

#3-J

Filed With:

County board of elections (R.C. 3513.261)

Signature Requirements:

50, or a number not less than 1 percent of the number of votes cast in the county court district at the last general election for governor, whichever is less (R.C. 1907.13)

Clerk of Courts

Term:

Four years (R.C. 2303.01)

Qualifications**Residency Requirement:**

Must be a qualified elector residing in the county (R.C. 3.15, OH Const Art. XV, §4)

Filing Deadline:

By 4 p.m. on February 18, 2010, (75 days before the primary election) for party candidates; or by 4 p.m. on May 3, 2010, (one day before the primary election) for independent candidates (R.C. 3513.05, 3513.257)

Filing Fee:

\$80 (R.C. 3513.10 (A) and (B))

Petition Form Numbers:

- #2-G for party candidates
- #3-H for independent candidates

Filed With:

County board of elections (R.C. 3513.05, 3513.257, 3513.261)

Signature Requirements (R.C. 3513.05, 3513.257):

1. Major party candidates: 50 signatures
2. Minor party candidates: 25 signatures
3. Independent candidates: Based on the number of votes cast in the county in the last general election for governor:

Number of votes cast:	Number of signatures:
Fewer than 5,000	25, or a number equal to 5 percent of the vote (whichever is less)
5,000 or more	1 percent of vote

POLITICAL PARTY COMMITTEE MEMBERS

Major Political Party, State Central Committee Member

Term:

Two or four years, per party rules; currently, both major parties (Democratic and Republican) have two-year terms (R.C. 3517.03)

Qualifications**Residency Requirement:**

Must be a qualified elector residing in the district from which elected (R.C. 3517.02, OH Const Art. XV, §4)

Filing Deadline:

By 4 p.m. on February 18, 2010 (75 days before the primary election) (R.C. 3513.05)

Filing Fee:

None (R.C. 3513.10(C))

Petition Form Number:

#2-J

Filed With:

Board of elections of the most populous county in the state senate or state congressional district, as determined by outgoing party controlling committee. (For both major political parties, state central committee members are currently elected by state senatorial district.) (R.C. 3513.05, 3517.03)

Signature Requirements:

Five signatures (R.C. 3513.05)

Major Political Party, County Central Committee Member

Term:

Two or four years, per party rules (R.C. 3517.03)

Qualifications**Residency Requirement:**

Must be a qualified elector residing in the election precinct, city, ward or township from which elected, as determined by the outgoing committee (R.C. 3517.02, OH Const Art. XV, §4)

Filing Deadline:

By 4 p.m. on February 18, 2010 (75 days before the primary election) (R.C. 3513.05)

Filing Fee:

None

Petition Form Number:

#2-L or #2-M, per party determination

Filed With:

County board of elections (R.C. 3513.05, 3517.03)

Signature Requirements:

#2-L: Five signatures, per party determination (R.C. 3513.05)

#2-M: No signatures, per party determination (R.C. 3513.051)

Minor Parties

Please contact the Ohio Secretary of State's Elections Division at (614) 466-2585 for information on requirements.

WRITE-IN CANDIDATES

To be a write-in candidate, a person must file a Declaration of Intent to be a Write-In Candidate. Only write-in candidates who timely file a properly completed declaration of intent will have votes counted in the primary or general election for which the candidate filed. No person may file to be a write-in candidate for any non-federal office if for the same election that person already filed a declaration of candidacy or nominating petition, or if for the same election that person became a candidate by party nomination at a primary election or by filling vacancy on the ballot and did not timely withdraw the person's candidacy. (R.C. 3513.041)

Qualifications

A write-in candidate must meet all of the eligibility requirements of the office (see specific office for qualifications).

Form Number:

#13 – All offices except federal office and governor and lieutenant governor
#13-B – Office of governor and lieutenant governor
#13-C – U.S. Senator or U.S. Representative

Filing Fee:

A write-in candidate must pay the same filing fee as any other candidate for the office (R.C. 3513.10)

Filing Deadlines:

Primary election: 4 p.m. on March 3, 2010
(62 days before the May 4 primary election) (R.C. 3513.041)

General election: 4 p.m. on September 1, 2010
(62 days before the November 2 general election) (R.C. 3513.041)

Filed With:

Write-in candidates for statewide office must file their declaration of intent with the Secretary of State's Election Division – Columbus. All other offices: appropriate county board of elections. (See "Filed With" under the specific office discussed in this publication)

POLITICAL PARTY AFFILIATION OF CANDIDATES FOR PARTY NOMINATION

R.C. 3513.191(B) provides that, regardless of how the person voted in prior partisan primary elections, either of the following persons may be candidates for nomination of any political party at a party primary:

- A person who does not hold an elective office, or
- A person who holds an elective office other than one for which candidates are nominated at a party primary election.

Additionally, R.C. 3513.191(C) provides that a person who holds an elective office for which candidates are nominated at a party primary may become a candidate for a different political party if the person completes and files the Secretary of State's prescribed Form 10-Y (Declaration of Intent to Change Political Party Affiliation) by 4 p.m. on the 30th day before the filing deadline for declaration of candidacy and petition. However, the person may file a Form 10-Y only once during a 10-year period.

The restriction on candidates in R.C. 3513.191 does not apply to candidates seeking political party nomination at the primary election for a minor political party for four calendar years from the date of party formation under R.C. 3517.013. Thus, any registered elector may seek political party nomination as a candidate of a minor political party in 2010, regardless of the elector's prior political affiliation.

See also R.C. 3513.04 and R.C. 3513.052 for provisions that govern and/or restrict candidacies.

INDEPENDENT CANDIDATES

Secretary of State Advisory No. 2007-05 advises of the effect on independent candidates of the decision of the United States Court of Appeals for the Sixth Circuit in the case of *Morrison v. Colley*, 467 F.3d 503 (6th Cir. 2006). An independent candidate must actually be unaffiliated or disaffiliated from any political party, and the required claim of being unaffiliated by an independent candidate must be made in good faith for the candidate to be qualified to run as an “independent” candidate. (For example, if an independent candidate votes in a party primary election during the time of his or her candidacy, the candidate is not actually unaffiliated, and the candidate’s claim of independence was either not made in good faith or is no longer current. Similarly, if an independent candidate was on a political party’s central or executive committee at the time he or she filed as an independent candidate, or becomes such a committee member at any time during his or her independent candidacy, the candidate is not actually unaffiliated, and the candidate’s claim of independence was either not made in good faith or is no longer current.)

At the time a prospective independent candidate, other than a judicial candidate, files his/her nominating petition, the candidate may request to have the designation “nonparty candidate” or “other party candidate” printed underneath the candidate’s name on the ballot. However, the designation “independent” may not appear on the ballot. No ballot designation will appear under an independent candidate’s name if no request is received. Such request must be given to the office at which the nominating petition was filed. (R.C. 3505.03, 3513.257)

Please see specific office listed in this Candidate Requirement Guide for qualifications, signature requirements and filing deadlines.

RESTRICTIONS ON FILING FOR MULTIPLE OFFICES

No person shall seek nomination or election to any of the following offices or positions at the same election by filing a declaration of candidacy and petition, declaration of intent to be a write-in candidate, or a nominating petition, or by becoming a candidate through a party nomination in a primary election, or by filling of a vacancy under R.C. 3512.30 or 3513.31:

1. Two or more state offices;
2. Two or more county offices;
3. A state office and a county office;

4. A federal and a state or county office; or
5. Any combination of two or more municipal or township offices, positions as a member of a city, local, or exempted village board of education, or position as a member of a governing board of an educational service center.

The only exception to this prohibition is if a person “timely withdraws” his or her candidacy. A timely withdrawal is “withdrawing as a candidate before the applicable deadline for filing a declaration of candidacy, declaration of intent to be a write-in candidate, or nominating petition for the subsequent office for which the person is seeking to become a candidate at the same election.” (R.C. 3513.052(G))

Therefore, if a prospective candidate withdraws his or her candidacy prior to the relevant filing deadline or before the county board of elections acts to disqualify the person’s candidacy, the person may re-file as a candidate for the same office or any other office.

A candidate may only withdraw his or her candidacy; a candidate may not withdraw the forms used to initiate his or her candidacy.

PETITIONS

County boards of elections will provide a candidate with a sufficient number of petition forms; although they are not required to do so. Candidates are permitted to make copies of the forms in the manner they were provided.

RULES GOVERNING PETITIONS

The “Statement of Candidacy” portion of each petition paper must be completely filled out and signed by the candidate(s) before being circulated. (R.C. 3513.07, 3513.261)

Candidates for county commissioner or judge must designate the term of office on the declaration of candidacy or nominating petition if more than one office is to be elected at the election. (R.C. 3513.08, 3513.28)

Only qualified electors may sign a petition. An elector’s qualifications are determined as of the date the petition is filed. (R.C. 3501.38 (A))

Each signature must be an original signature of an elector or the elector’s duly appointed attorney in fact acting pursuant to R.C. 3501.382, written in ink. “Signature” means that person’s written, cursive-style legal mark written in that person’s own hand. (R.C. 3501.38 (B), 3501.382, 3501.011)

Each signature must be personally affixed by a registered elector who is qualified to vote on the candidacy or by the elector's duly appointed attorney in fact who is acting pursuant to R.C. 3501.382. The elector's name also may be printed underneath or next to the elector's signature. (R.C. 3501.38)

Each signer's residence address and the date of signing must be placed on the petition after the elector's signature. (R.C. 3501.38 (C))

Petitions for a candidate for party nomination must be signed and circulated by persons who are members of the same political party as the candidate. (R.C. 3513.05)

Special Note Regarding Petition Circulators:

On October 29, 2008, a federal court held that Ohio's requirement that circulators of candidate petitions be registered to vote in Ohio was unconstitutional. However, the court did not rule on the requirement that the circulator of a declaration of candidacy for party nomination be a member of or affiliated with the same political party as the candidate named in the declaration of candidacy. A circulator is considered to be a member of a political party if the elector voted in the primary election of only that party within the preceding two calendar years, or did not vote in any other party's primary election within the preceding two calendar years. ((R.C. 3513.05, seventh paragraph) *Nader v. Blackwell*, 545 F.3d 459 (C.A.6 2008))

A candidate may circulate his or her own petition, but cannot sign his or her own petition as an elector. For the purpose of circulating his or her own petition, a candidate is exempted from the party affiliation requirements described above. (R.C. 3513.191(C)(4))

A circulator may not sign the same petition paper that he or she is circulating. However, an otherwise eligible circulator may sign a petition paper being circulated for the same candidate by a different circulator.

After circulating the petition, the circulator must sign a statement and provide a complete residence address on each petition paper, under penalty of election falsification:

- Indicating the number of signatures contained on the petition;
- That the circulator witnessed the affixing of each signature on the petition;
- That all signers, to the best of the circulator's knowledge and belief, were qualified to sign; and
- That each signature is, to the best of the circulator's knowledge and belief, the signature of the person whose signature it purports to be.

If a circulator knowingly permits an unqualified person to sign a petition paper or permits a person to write a name other than the person's own on a petition paper (except for an attorney in fact under R.C. 3501.382), that petition paper is invalid; otherwise, the signature of a person not qualified to sign shall be rejected, but shall not invalidate the other valid signatures on the paper. (R.C. 3501.38 (E) and (F))

Once a petition has been filed in a public office, it cannot be changed, supplemented or, in the case of a candidate's petition, withdrawn. Certain initiative and referendum petitions may be withdrawn in accordance with law. (R.C. 3501.38 (I))

The original petition with the candidate's original signature must be filed at the same time as all part-petitions are filed. (R.C. 3501.38 (K))

Each petition paper shall be circulated by one person only, and shall contain signatures of qualified electors of one county only. When petitions are circulated in a district that contains more than one county, separate petition papers must be circulated in each county. (R.C. 3501.38, 3513.05, 3513.07, 3513.261)

No petition shall be filed with more than three times the minimum number of required signatures. (R.C. 3513.05, 3513.257)

All petitions must contain the following statement in boldface capital letters: "WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE." (R.C. 3501.38(J), 3599.36)

All petitions remain open for public inspection, under reasonable regulations, at the board of elections in which they were filed. (R.C. 3513.05, 3513.262)

PROTESTS

GENERALLY

Protests against the candidacy of any person must be in writing, must set forth with specificity the legal ground(s) for the protest, and must be filed with the board of elections with which the candidate filed his/her declaration of candidacy, nominating petition or declaration of intent to be a write-in candidate. (R.C. 3513.041, 3513.05, 3513.262, 3513.263)

After a valid protest is filed, the board of elections will set a time and place for a public hearing and give notice to both the person whose candidacy is being protested and the protester. (R.C. 3513.05, 3513.262, 3513.263)

Both the protestor and the protested candidate, or their respective legal counsel, will have the opportunity to address the board at the hearing.

PARTISAN PRIMARY CANDIDACY

Protests against a candidate in a partisan primary may be made by the controlling committee of that party, or by any qualified elector who is a member of the same party as the candidate and who is eligible to vote for the candidate whose petition is the subject of the protest. (R.C. 3513.041, 3513.05, 3517.014, 3517.015)

The deadline to file a protest against any candidate who filed a declaration of candidacy and nominating petition for the May 4 partisan primary is 4 p.m. on March 1, 2010 (64th day before the primary election). (R.C. 3513.05)

The deadline to protest a write-in candidacy for the May 4 primary is 4 p.m. on March 8, 2010 (57th day before the primary election). (R.C. 3513.041)

INDEPENDENT CANDIDACY

Protests against an independent candidate may be made by any qualified voter who is eligible to vote for the candidate whose petition is the subject of the protest. The deadline to file a protest against any candidate who filed a nominating petition as an independent candidate is 4 p.m. on July 30, 2010. (R.C. 3513.262)

NONPARTISAN CANDIDACY

Any elector eligible to vote on the candidacy of a candidate for nonpartisan office may protest that candidacy. The protest filing deadline is 4 p.m. on August 30, 2010 (64th day before the general election). (R.C. 3513.263)

WRITE-IN CANDIDACY - GENERAL ELECTION

Any elector eligible to vote on the candidacy of a write-in candidate may protest that candidacy. The protest filing deadline is 4 p.m. on September 7, 2010 (57th day before the general election is September 6, but the deadline carries over to Tuesday, September 7 because of the Labor Day holiday). (R.C. 3513.041)

UNEXPIRED TERMS

GENERALLY

Vacancies may occur in public elective offices due to an officeholder's death, resignation, removal, or failure to satisfy the legal requirements to take or remain in office. Some vacancies in public elective office will be filled for the remainder of the unexpired term by appointment; others will be filled by appointment only until a successor is elected for the remainder of the term.

The general statutory provisions governing elections for the remainder of unexpired terms ("unexpired term elections") are set forth in R.C. 3.02(A), which states:

When an elective office becomes vacant and is filled by appointment, such appointee shall hold the office until his successor is elected and qualified; and such successor shall be elected for the unexpired term, at the first general election for the office which is vacant that occurs more than forty days after the vacancy has occurred; provided that when the unexpired term ends within one year immediately following the date of such general election, an election to fill such unexpired term shall not be held and the appointment shall be for such unexpired term.

Unexpired term – partisan office. Several statutes govern candidacies for unexpired term elections. R.C. 3513.31 is a general statute that always should be consulted in connection with an unexpired term election for an office that, under Ohio law, is subject to party primaries. R.C. 3513.31(I) provides how and when party nominees are selected for unexpired term elections for such offices, while R.C. 3513.31(J) describes how persons become independent candidates for those unexpired term elections.

Petition must include term-ending date. Ohio law requires each person filing a declaration of candidacy or a nominating petition as a candidate for the unexpired term of any office shall designate the date on which that unexpired term will end. (R.C. 3513.08, 3513.28) Failure to provide the correct term-ending date on the petition will result in the petition being invalidated.

DEATH OR WITHDRAWAL OF CANDIDATE

An individual's candidacy may cease to exist due to the individual's death or decision to withdraw from the election.

A candidate may withdraw his or her candidacy at any time prior to the primary or general election by filing a written statement of withdrawal with the appropriate board of elections. (R.C. 3513.30)

If a candidate dies, the candidate's party organization, committee or family should notify the appropriate county board of elections of the death.

The law provides various procedures for the replacement of a candidate who dies or withdraws during the election cycle. The procedures to be followed will be dictated by the specific facts surrounding the vacancy on the ballot (e.g., the office involved, why the vacancy occurred, the time remaining before the election, and so forth). Two statutes generally governing vacancies on the ballot are R.C. 3513.30 (death of candidate before a primary election, withdrawal of candidacy before or after a primary election) and R.C. 3513.31 (filling vacancies in party, independent and nonpartisan nominations).

OBSERVERS

GENERALLY

Any political party that is supporting candidates on the ballot, a group of five or more candidates, or a ballot issue committee recognized by the board of elections pursuant to law as supporting or opposing a ballot issue may appoint one observer to each active polling location, including each precinct or the board of elections office on election day, and to the board of elections office or any other site designated by the board for voting before Election Day. Every observer must be a qualified elector. An observer appointed to a board of elections office also may observe in any precinct in the county. (Directive 2008-97)

An observer appointed to a precinct serves from the time the polling place opens until after the ballots in that precinct have been processed. An observer appointed to the board of elections office serves from the time the polls open until the ballots are counted or otherwise processed on election night. (R.C. 3501.21, 3506.13)

Observers may be designated to be present at the official canvass of votes. (R.C. 3505.32)

APPOINTMENT

Notice to the board of elections: All observers must be appointed in writing using forms prescribed by the Secretary of State. The names and addresses of the appointees, and the precinct or board of elections office at which they will serve, must be provided using a properly completed and signed "Notice of Appointment" or "Amendment of Appointment of Observers", which must be filed with the board of elections of the appropriate county by 4 p.m. on the 11th day before the election.

Amendment of Notice: Any amendment to the originally filed Notice of Appointment must be filed with the appropriate board of elections by the close of regular business hours the day before the election.

CERTIFICATES OF APPOINTMENT

Appointments by a Political Party

The chair and secretary of a party controlling committee that timely filed Form #214 must sign and issue a completed certificate of appointment to each observer (Form #215), who files the certificate with election officials at the appropriate precinct or board of elections, respectively.

Appointments by a Group of Five or More Candidates

The five or more candidates who timely filed Form #216 must sign and issue a completed certificate of appointment to each observer (Form #217), who files the certificate with election officials at the appropriate precinct or board of elections, respectively.

Appointments by a Recognized Ballot Issue Committee

First, a committee supporting or opposing an issue on the ballot must file with the board of elections Form #218 by 4 p.m. of the 20th day before the election, asking to be recognized as the committee entitled to appoint observers to the count at the election. Then, a recognized ballot issue committee timely files a completed Form #219 and issues a properly completed certificate of appointment (Form #220) to each observer to the count who files the certificate with election officials at the appropriate precinct or board of elections, respectively.

RESTRICTIONS

No uniformed peace officer; state highway patrol trooper; member of any fire departments; the armed services or the organized militia; no person wearing any other uniform; and no person carrying a firearm or other deadly weapon shall serve as an observer. A candidate may not serve as an observer unless the candidate also is a member of the party controlling committee and has been appointed by the party.

Observers must sign an oath administered by a judge of elections.

Observers cannot be compensated by a county, city, village or township. (R.C. 3505.21)

RECOUNTS AND CONTESTS

RECOUNTS

Mandatory. State law requires election officials to conduct a recount if the difference between the declared winning and losing candidates, or winning and losing local question or issue after the official canvass is equal to or less than a margin of one-half of 1 percent of the total vote for that office, question or issue. The cost of conducting the recount is publicly funded, and no deposit is required. (R.C. 3515.011)

If the official canvass of a candidate race results in a tie, the board of elections first must break the tie by lot, then declare the winning and losing candidates and order the recount. A ballot issue that receives an equal number of votes for and against automatically fails, because the issue failed to receive a majority of the votes cast.

Requested. If the difference between the declared winning and losing candidates, or winning and losing local question or issue, is greater than one-half of 1 percent of the total vote for that office, question or issue, a losing candidate or, in the case of a ballot issue, a group of five or more qualified electors who voted on a question or issue that was on the ballot, may request a recount. In order for the recount to be conducted, the candidate or group must file a written application for the recount of the votes cast in any or all of the precincts where that candidacy or issue appeared on the ballot.

The application must:

- Be filed with the board of elections within five days after the board certifies the election results,
- List the precinct(s) to be recounted; and
- Be accompanied by a \$50 fee in currency, bank money order, bank cashier's check, or certified check for each precinct listed in the application.

The county board of elections determines the date, time and manner of the recount and gives notice of the recount to the appropriate people or entities. (R.C. 3515.01, 3515.011, 3515.02, 3515.03, 3515.07, 3515.071)

CONTEST OF ELECTION

A contest of elections is a judicial proceeding that may be brought by a declared defeated candidate, or by 25 voters who voted for or against the candidate or for or against the issue being contested. The contester must prove that there was some flaw, fraud or error in the way the election was conducted and that, but for such flaw, fraud or error, the result of the election would have been different.

The contestee must file the court action (described in R.C. 3515.09 as a "petition," but it is not an elections petition, and thus is not available from election officials) with the appropriate court within 15 days after the election has been certified or, if a recount is conducted, within 10 days after the recount is certified. The contest procedures are set forth in R.C. 3515.08 - 3515.16.

CAMPAIGN FINANCE REPORT

Each candidate will receive materials from the board of elections pertaining to campaign finance compliance and reporting at the time petitions of candidacy are filed.

A "Designation of Treasurer" (DOT) (Form #30-D) must be filed prior to the receipt or expenditure of any contributions, including personal funds spent by the candidate used to further the campaign (except for payment of the candidate's filing fee from the candidate's personal funds). (R.C. 3517.10)

Filing the DOT also allows the candidate to disclose the name of his/her campaign committee and treasurer along with the office sought and date of election.

Campaign committees must disclose all campaign finance information. When a candidate appears on a ballot, both pre- and post-election disclosure reports may be required. In non-election years, a campaign committee is subject to filing a semiannual report in July to disclose activity through June 30 of that year as well as an annual report due in January to disclose activity through December 31 of the previous year.

All forms necessary for filing campaign finance reports are available at the Secretary of State's web site at www.sos.state.oh.us.

CAMPAIGN MATERIALS

Campaign materials issued by a candidate's campaign committee must state "paid for by" followed by the name of the committee and the residence or business address of the candidate, chairperson, treasurer or secretary of the campaign committee and must be located in a conspicuous place, unless the information is contained within the communication. If more than one piece of printed matter is mailed as a single packet, the disclaimer requirement is considered to be met if one of the pieces of printed matter contains the disclaimer. (R.C. 3517.20)

Exemptions to the disclaimer requirement have been granted by rule (O.A.C. 111-5-19) of the Secretary of State for specified articles.

Specific exemptions for articles not exempted by rule may be requested by sending a written request to the Office of the Secretary of State, Campaign Finance Division, P.O. Box 2828, Columbus, OH 43216. The request must include the requestor's name, address and telephone number, and a full description of the item for which the exemption is requested, including the item's measurements and material.

In accordance with R.C. 3513.33, each candidate will receive, at the time of filing a declaration of candidacy, nominating petition or declaration of intent to be a write-in candidate, a copy of R.C. 3517.21, which prohibits certain unfair political campaign activities.

PERSONAL FINANCIAL DISCLOSURE STATEMENT

Any individual who becomes a candidate for or holds a state, county or city elected office, or the position of school board member in a school district with more than 12,000 students average daily membership, is required to file a personal financial disclosure statement. All public officials and candidates for elected office file statements with the Ohio Ethics Commission, except members of and candidates for the General Assembly (who file with the Joint Legislative Ethics Committee) and judges (who file with the Board of Commissioners on Grievances and Discipline of the Supreme Court).

FILING DEADLINES

The filing deadlines for personal financial disclosure statements are prior to any election. Therefore, a candidate is required to file the statement, regardless of whether he/she won the election, and regardless of how much he/she spent on the campaign.

The filing deadline for candidates whose names are printed on the ballot is 30 days prior to the earliest election in which their candidacy is to be voted upon. Thus, the filing deadline for a candidate whose name will be printed on the May 4, 2010, primary ballot is April 5, 2010 (because the 30th day before the primary election falls on a Sunday, the filing deadline carries over to the following Monday).

The deadline for write-in candidates is 20 days prior to the earliest election in which their candidacy is to be voted upon. Consequently, the filing deadline for a write-in candidate in the May 4, 2010, primary is April 14, 2010.

Also, all persons who are appointed to fill a vacancy for an unexpired term in an elected office for which financial disclosure is required must file within 15 days after they are sworn into office.

Individuals who fail to file the required statement are subject to criminal penalties, and those who file after the appropriate filing deadline incur a late filing fee.

The Ohio Ethics Commission provides blank financial disclosure statements to county boards of elections for distribution to candidates for, and persons appointed to fill an unexpired term of, elected office (members of and candidates for the General Assembly file statements provided by the Joint Legislative Ethics Commission). Persons are required to acknowledge receipt of the statement in writing. A copy of a blank statement can also be found on the Commission's Web site at: www.ethics.ohio.gov. If further information is needed, view the Commission's Web site or contact the commission at (614) 466-7090.

2010 OHIO ELECTIONS CALENDAR

(Abridged)

Jan. 4

Last day for local option petitioners to send street listing to Div. of Liquor Control (45 days before primary election petition filing deadline)

***Jan. 4**

Deadline for voter registration for Feb. 2 Special Election (30 days before the election)

Feb. 2

Special Elections may be held

Feb. 18

Declarations of Candidacy for partisan candidates must be filed by 4 p.m. (75 days before the primary)

Local questions and issues must be certified to or filed with the board by 4 p.m. (75 days before primary)

Mar. 3

Write-in candidates for primary election must file Declaration of Intent by 4 p.m. (62 days before the primary)

Mar. 30

Primary election absentee ballots must be ready (35 days before the primary)

***Apr. 5**

Deadline for voter registration for primary election (30 days before the primary)

Apr. 22

Pre-primary election campaign finance reports must be filed by 4 p.m. (12 days before the primary)

May 3

Nominating petitions for independent candidates must be filed by 4 p.m. (day before the primary)

May 4

Primary Election

May 15

Boards may begin official canvass (11 days after the primary)

May 20

Local questions and issues must be certified to the board by 4 p.m. for Aug. 3 special election (75 days before the special)

June 11

Post-primary election campaign finance reports must be filed by 4 p.m.
(38 days after the primary)

***July 6**

Deadline for voter registration for Aug. 3 Special Election
(30 days before the election)

July 6

Last day for local option petitioners to send street listing to Div. of Liquor Control (45 days before general election petition filing deadline)

Aug. 3

Special Election may be held

Aug. 19

Candidates' nominating petitions for non-partisan races must be filed by 4 p.m. (75 days before the general)

Local questions and issues must be certified to or filed with board by 4 p.m. (75 days before the general)

Sept. 1

Write-in candidates for general election must file Declaration of Intent by 4 p.m. (62 days before the general)

Sept. 28

General election absentee ballots must be ready
(35 days before the general)

***Oct. 4**

Deadline for voter registration for general election
(30 days before the general)

Oct. 21

Pre-general election campaign finance reports must be filed by 4 p.m.
(12 days before the general)

Nov. 2

General Election

Nov. 13

Boards may begin official canvass (11 days after the general)

Dec. 10

Post-general election campaign finance reports must be filed by 4 p.m.
(38 days after the general)

*In some instances, the statutory deadline falls on a day when the offices of the Secretary of State and boards of elections are closed. In those instances, the deadlines are extended to the next day when the offices are open for regular business hours.



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