

2012 Ohio Candidate Requirement Guide

My vote

My Right • My Responsibility

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Dear Prospective Ohio Candidate:

Thank you for taking the initiative to become active in the democratic process as a candidate.

Running for office can be overwhelming at times. Important laws and requirements that govern the electoral process may seem difficult to grasp at first, but you have taken a big step in choosing to become a candidate, so we wanted to make information related to running for public office as available as possible. We hope that the 2012 Candidate Requirement Guide will serve as a helpful resource to you.



This guide as well as other important elections information is available online at www.OhioSecretaryofState.gov, including links to the text of the Ohio Revised Code and pertinent filing forms. Additionally, you may contact our Elections Division at (614) 466-2585 or your county board of elections for further information.

Your decision to run for office sets an example for others that civic participation does not stop at the voting booth. As a candidate for public office you have the chance to learn more about your community and your neighbors. I encourage you to take advantage of this unique opportunity so that you are better able to represent their needs should you be elected.

I wish you well in your campaign and encourage you to contact our office with any questions or concerns as you embark on your journey.

Sincerely,

Jon Husted
Ohio Secretary of State

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General Requirements for 2012 Candidates

In 2012, 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. This guide is only a brief summary and should not be regarded as a complete digest of laws affecting candidates, legal advice, or a legally-binding document. Candidates are responsible for completing and filing a valid petition for the office sought, as well as for knowing the provisions of law pertaining to their candidacies. Legislative or judicial action can change the requirements summarized in this guide at any time.

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

PRESIDENT

See the Ohio Secretary of State's *2012 Presidential Candidate Guide* for information specific to this office.

U. S. SENATE

Term: Six years ([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 the 90th day before the primary election for party candidates, or by 4 p.m. 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: 1000 signatures
2. Minor party candidates: 500 signatures
3. Independent candidates: 5000 signatures

U.S. REPRESENTATIVE

Term: Two years ([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 the 90th day before the primary election for party candidates, or by 4 p.m. 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

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 registered elector, except when there is a new apportionment plan. In that case, a candidate has thirty days to change residence in order to be eligible for election.

[\(R.C. 3.15, OH Const Art II, §3, OH Const Art XV, §4, OH Const Art XI, §13\)](#)

Filing Deadline:

By 4 p.m. on December 7, 2011 (90 days before the primary election) for party candidates; or by 4 p.m. on March 5, 2012 (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:

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

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 8, 2012 (90 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

COMMISSIONERS, CORONER, ENGINEER, PROSECUTING ATTORNEY, RECORDER, SHERIFF, TREASURER

Term: Four years ([R.C. 305.01, 309.01, 311.01, 313.01, 315.01, 317.01, 319.01, 321.01](#))

Qualifications

Residency Requirement:

Sheriff: Must be a qualified elector who has resided in the county at least one year immediately prior to the applicable qualification date ([R.C. 311.01\(B\)\(1\)\(2\) and \(H\)](#))

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

Filing Deadline:

By 4 p.m. on December 7, 2011 (90 days before the primary election) for party candidates; or by 4 p.m. on March 5, 2012 (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, 3513.08, 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:

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

SPECIAL QUALIFICATIONS

Coroner:

Must be licensed to practice as a physician in Ohio for at least two years immediately preceding election or appointment as coroner ([R.C. 313.02](#))

County Engineer:

Must be a registered professional engineer and registered surveyor, licensed to practice in Ohio ([R.C. 315.02](#))

County Prosecuting Attorney:

Must be an attorney-at-law, licensed to practice in Ohio ([R.C. 309.02](#))

County Sheriff:

Please see [R.C. 311.01](#) for additional qualifications and requirements.

Judicial Candidates

SUPREME COURT 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](#)); Please note that, if Ohio electors approve a proposed constitutional amendment at the November 8, 2011 general election, the maximum age will increase from 70 years to 75 years.

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., or both. ([R.C. 2503.01](#))

Filing Deadline:

By 4 p.m. on December 7, 2011 (90 days before the primary election) for party candidates; or by 4 p.m. on March 5, 2012 (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 ([R.C. 3513.05](#), [3513.08](#), [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](#)); Please note that, if Ohio electors approve a proposed constitutional amendment at the November 8, 2011 general election, the maximum age will increase from 70 years to 75 years.

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., or both ([R.C. 2501.02](#))

Filing Deadline:

By 4 p.m. on December 7, 2011 (90 days before the primary election) for party candidates; or by 4 p.m. on March 5, 2012 (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, 3513.08, 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](#)); Please note that, if Ohio electors approve a proposed constitutional amendment at the November 8, 2011 general election, the maximum age will increase from 70 years to 75 years.

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., or both
([R.C. 2301.01](#))

Filing Deadline:

By 4 p.m. on December 7, 2011 (90 days before the primary election) for party candidates; or by 4 p.m. on March 5, 2012 (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](#), [3513.08](#), [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:

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

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 any jurisdiction in the United States, except that the six-year practice requirement does not apply to a county court judge who is holding office on July 2, 2010, and who subsequently is a candidate for that office. At least two of the years of practice that qualify a judge shall have been in this state. ([R.C. 1907.13](#))

Filing Deadline:

By 4 p.m. on August 8, 2012 (90 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 December 7, 2011 (90 days before the primary election) for party candidates; or by 4 p.m. on March 5, 2012 (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:

- 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

Political Party Committee Members

MAJOR POLITICAL PARTY, STATE CENTRAL COMMITTEE MEMBER

Term: Two or four years, per party rules. Currently, both major parties 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 December 7, 2011 (90 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 either each congressional district in the state or each senatorial district in the state, as the outgoing committee determines; currently the senatorial district in the state ([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:

Each member of a controlling committee must be a resident and qualified elector of the district, ward, or precinct that the member is elected to represent.

([R.C. 3517.02](#), [OH Const Art. XV, §4](#))

Filing Deadline:

By 4 p.m. on December 7, 2011 (90 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's Secretary of State's elections division at (614) 466-2585 for information on requirements.

Political Party Affiliation of Candidates for Party Nomination

A person may be a candidate for nomination of any political party at a primary election (regardless of party affiliation established by voting in a prior partisan primary) if either of the following apply:

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

However, a person holding 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 the primary election. The completed form [#10-Y](#) must be filed with the same elections official (e.g., Secretary of State, county board of elections) with which that the person is required to file his or her declaration of candidacy and petition.

A person may file such declaration of intent only once during a period of 10 years after first filing a first declaration of intent. [\(R.C. 3513.191\)](#)

Please see [R.C. 3513.04](#) and [3513.052](#) for further candidacy information.

Independent Candidates

An independent candidate must actually be unaffiliated or disaffiliated from any political party, and the required claim of unaffiliation by an independent candidate must be made in good faith for the candidate to be qualified to run as an independent candidate. *Morrison v. Colley*, 467 F.3d 503 (6th Cir. 2006).

At the time a prospective independent candidate (other than a judicial candidate) files his or 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.

Write-In Candidates

To be a write-in candidate, a person must file a declaration of intent to be a write-in candidate [\(form #13\)](#). Only write-in candidates who have filed a valid declaration of intent will have votes counted in the primary or general election. [\(R.C. 3513.041\)](#) A write-in candidate must meet all of the eligibility requirements of the office. (See specific office listed in this *Candidate Requirement Guide* for qualifications.)

Write-in candidates for statewide office must file their declaration of intent with the Secretary of State. All other write-in candidates must file with the appropriate county board of elections.

A declaration of intent to be a write-in candidate in the primary election must be filed not later than 4 p.m. on December 27, 2011 (the deadline carries over to Tuesday, December 27, because December 25 [72 days before the primary election] falls on a Sunday and December 26 is a holiday when the office of the Secretary of State and boards of elections are closed). A declaration of intent to be a write-in candidate in the general election must be filed not later than 4 p.m. on August 27, 2012 (the deadline carries over to Monday, August 27, because August 26 [72 days before the general election] falls on a Sunday when boards of elections are closed). [\(R.C. 3513.041\)](#)

A write-in candidate must pay the same filing fee as any other candidate for the office. For more information, please see specific "office filing fees" under the office in which you are interested. [\(R.C. 3513.10 \(A\) and \(B\)\)](#)

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. 3513.30](#) 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. Pursuant to [R.C. 3513.052\(G\)\(2\)](#), "timely withdraws" means either of the following:

1. 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, or

2. Withdrawing as a candidate before the applicable deadline for the filling of a vacancy under section [3513.30](#) or [3513.31](#) of the Revised Code, if the person is seeking to become a candidate for a subsequent office at the same election under either of those sections.

Therefore, a candidate who timely withdraws that person's candidacy prior to board action on his or her nominating petition and prior to the filing deadline may file a new petition for a same or different office in the same election as the withdrawn petition. (*State ex rel. Coble v. Lucas County Board of Elections, Slip Opinion No. 2011-Ohio-4550*)

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

Petitions

County boards of election will provide at least one copy of a candidate petition form upon request. Candidates are permitted to make copies of the forms in the manner they were provided.

Petitions contain three separate sections:

1. The Statement of Candidacy,
2. The Nominating Petition, and
3. The Circulator's Statement.

Rules Governing Petitions

1. The "Statement of Candidacy" portion of each petition must be completely filled out and signed by the candidate(s) before being circulated. ([R.C. 3513.07](#), [3513.09](#), [3513.261](#))
2. Only qualified electors may sign the nominating section of a petition. An elector's qualifications are determined as of the date the petition is filed. ([R.C. 3501.38\(A\)](#)) An "elector" is a person having the qualifications provided by law to vote. In order for a person to be a qualified elector to vote, the person must be a U.S. citizen, 18 years old or older, a resident of the relevant county or precinct for 30 days, and registered to vote at least 30 days immediately prior to the date of the election at which he or she wishes to vote. ([R.C. 3503.01](#))
3. Each signature, written in ink, must be an original signature of an elector or the elector's duly appointed attorney-in-fact who is acting pursuant to [R.C. 3501.382](#). "Signature" is statutorily defined as a person's written, cursive-style legal mark written in his or her own hand unless the elector does not use a cursive-style mark during the course of his or her regular business or legal affairs. ([R.C. 3501.38 \(B\)](#), [3501.011](#))

4. Each signer's residence address and the date of signing must be placed on the petition after his or her signature. Address must include street and number if in a municipal corporation or the rural route number, post office address, or township if outside of a municipal corporation. [\(R.C. 3501.38 \(C\)\)](#)
5. Petitions for a candidate for party nomination must be signed and circulated by qualified electors who are members of the same political party as the candidate. [\(R.C. 3513.07\)](#) An elector is considered to be a member of a political party if he or she voted in the primary election of that party within the preceding two calendar years, or if he or she did not vote in any other party's primary election within the preceding two calendar years. [\(R.C. 3513.05, 7th paragraph\)](#)

Note: A person convicted of a felony on or after May 2, 2006 is eligible to circulate a candidate petition or recall, initiative, or referendum petition only if: 1) the person has served his or her entire prison term and has not been placed under any post-release control sanctions; 2) the person has been granted a final release by the Adult Parole Authority pursuant to [R.C. 2967.16\(A\)](#) or [R.C. 2967.16\(B\)](#), or the person has completed the period of a community control sanction or combination of community control sanctions that was imposed by the sentencing court. [\(R.C. 2961.01\(B\); 2967.17\(B\); Ohio Attorney General Opinion No. 2010-02\)](#)

6. A candidate may circulate his or her own petition, although he or she may not 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; a circulator may, however, sign a petition paper being circulated for the same candidacy by a different circulator.
7. After circulating the petition, the circulator must sign a statement, under penalty of election falsification indicating the following:
 - For all petitions:
 - a. The number of signatures contained on the petition;
 - b. That the circulator witnessed the affixing of each signature on the petition;
 - c. That all signers, to the best of the circulator's belief and knowledge, were qualified to sign; and
 - d. 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.
 - For a statewide candidate, statewide initiative, or statewide referendum only:
 - a. Circulator must complete all above requirements. In addition, circulator must identify the circulator's name, address of permanent residence, and name and address of person employing the circulator to circulate the petition, if any.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 the petition paper, 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 petition paper.
[\(R.C. 3501.38 \(E\) and \(F\)\)](#)

8. Once a petition has been filed, 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\(I\)\)](#)
 9. 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\(K\), 3513.09\)](#)
 10. 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. [\(R.C. 3501.38, 3513.05, 3513.07, 3513.261\)](#)
 11. No petition may contain more than three times the minimum number of required signatures. [\(R.C. 3513.05, 3513.257, 3513.259\)](#)
 12. 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\)](#)
- Note: The penalties for a fifth degree felony are 6 to 12 months in prison and/or a fine of \$2500.**
13. All petitions remain open for public inspection, under reasonable regulations, at the board of elections at 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 where the candidate filed his/her declaration of candidacy, nominating petition, or declaration of intent to be a write-in candidate. If the candidate filed with the office of the Secretary of State, the protest must be filed with the Secretary of State. [\(R.C. 3513.041, 3513.05, 3513.262, 3513.263\)](#)

After a valid protest is filed, the board of elections or, if applicable, the Secretary of State, must set a time and place for hearing the protest and give notice to both the person whose candidacy is being protested and the protestor. Both the protestor and the protested candidate, or their respective legal counsel, will have the opportunity to address the board or Secretary of State hearing officer at the hearing. [\(R.C. 3513.041, 3513.05, 3513.262, 3513.263\)](#)

PARTISAN PRIMARY CANDIDACY

Protests against any 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. [\(R.C. 3513.05\)](#)

The deadline to file a protest against any party candidate who filed a declaration of candidacy for the primary is 4 p.m., 74 days before the primary election. [\(R.C. 3513.05\)](#)

WRITE-IN CANDIDACY – PARTISAN PRIMARY

Any elector eligible to vote on the candidacy of a write-in candidate may protest that candidacy. The deadline to file a protest against a write-in candidacy for the March 6 primary is 4 p.m. on December 30, 2011 (67 days before the primary election). [\(R.C. 3513.041\)](#)

INDEPENDENT CANDIDACY

Protests against an independent candidate may be made by any qualified elector 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 June 1, 2012. [\(R.C. 3513.262\)](#)

NONPARTISAN CANDIDACY

Any elector eligible to vote on the candidacy of a candidate for nonpartisan office may protest that candidacy. The deadline to file a protest against any candidate who filed a nominating petition as a nonpartisan candidate is 4 p.m. on August 24, 2012 (74 days 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 deadline to file a protest against any candidate who filed a declaration of intent to be a write-in candidate is 4 p.m. on August 31, 2012 (67 days before the general election). [\(R.C. 3513.041\)](#)

Unexpired Term Elections

Several statutes govern candidacies for unexpired term elections. [R.C. 3513.31](#) is the 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 nominating petition as a candidate for the remainder of an unexpired term to 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. The signed statement of withdrawal must be filed with the election office where the original candidate petition filing was filed.

PRIMARY ELECTION

A presidential candidate may withdraw his or her candidacy by filing a written statement not later than 4 p.m., 40 days before the primary election. ([R.C. 3513.30\(C\)](#)). A candidate, other than a presidential primary candidate, may withdraw his or her candidacy by filing a written statement any time before the primary election. ([R.C. 3513.30\(B\)](#))

GENERAL ELECTION

A candidate may withdraw his or her candidacy by filing a written statement at any time before the general election. ([R.C. 3513.30\(D\)](#))

If a candidate dies, the candidate's party organization, committee, or family should promptly notify the appropriate board of elections of the candidate's 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, etc.) The two statutes that generally govern 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 or a group of five or more candidates may appoint one observer, who is a qualified elector, to any precinct within the county or to the board of elections office. An observer appointed to a board of elections office also may observe in any precinct in the county. ([R.C. 3505.21](#))

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 may serve from the time the polls open until all ballots are counted or otherwise processed. ([R.C. 3505.21, 3506.13](#))

Observers may also 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 observers, and the precinct or board of elections 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. ([R.C. 3505.21](#))

Amendment of Notice: Any amendment to the originally filed Notice of Appointment must be filed with the appropriate board of elections by 4 p.m. of the day before the election. ([R.C. 3505.21](#))

CERTIFICATES OF APPOINTMENT

1. Appointments by a Political Party

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

2. 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 ([form #217](#)) to each observer, who in turn must file the certificate with election officials at the appropriate precinct or board of elections.

RESTRICTIONS

No uniformed peace officer, uniformed state highway patrol trooper, uniformed member of any fire department, uniformed member of 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 is also a member of the party controlling committee.

Observers must take an oath, as set forth in the last paragraph of [R.C. 3505.21](#) administered by a judge of elections. Observers cannot be compensated by a county, city, village or township. ([R.C. 3505.21](#))

Recounts

MANDATORY OR AUTOMATIC RECOUNTS

State law requires election officials to conduct a recount if, after the official canvass, the difference between the declared winning and losing candidates, or the difference between the winning and losing local question or issue, is equal to or less than a margin of:

- One-half of 1 percent of the total vote for that office, or issue in a township, municipal, district or county election; or
- One-fourth of one percent of the total vote for that office, or issue in a statewide election.

The cost of conducting an automatic recount is publicly funded, and no deposit is required.

[\(R.C. 3515.011, 3515.071\)](#)

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.

[\(R.C. 3505.33, R.C. 3513.22\)](#). 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.

PERMISSIVE OR REQUESTED RECOUNT

If a recount is not mandatory, a defeated candidate or, in the case of a ballot issue, a group of five or more qualified electors who declare that they voted “for” an issue that was defeated or “against” an issue that passed, may request a recount in some or all of the election precincts. In order for the recount to be conducted, the candidate or group must file a written application for a recount of votes cast, specifying which precincts or all of the precincts where the election for that candidacy or issue appeared on the ballot.

The application must be filed within five (5) days after the board of elections certifies the official canvass of the election results, at the appropriate location:

- For elections within the county: the county board of elections;
- For multi-county district elections: the board of elections of the most populous county; and
- For a statewide race or issue: the Secretary of State.

The application must also list each precinct to be recounted and be accompanied by a \$55 deposit (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 individuals or entities.

[\(R.C. 3515.01, 3515.011, 3515.02, 3515.03, 3515.07\)](#)

Contest of Election

A contest of elections is a civil action brought in a judicial proceeding by a declared defeated candidate, or by 25 voters who voted for or against a candidate or the issue being contested. ([R.C. 3515.08](#))

The contest procedures are set forth in [R.C. 3515.08 - 3515.16](#). The contester files the court action described in [R.C. 3515.09](#) as a "petition" 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. It is important to note that this is not an elections petition or form, and thus is not available from election officials. To prevail in an election contest action, the defeated candidate or group must prove that one or more election irregularities occurred and that the irregularity or irregularities affected enough votes to change or make uncertain the results of the election.

Ohio election contest procedures do not apply to the nomination or election of any person to federal office. ([R.C. 3515.08](#))

Campaign Finance Reporting

At the time petitions of candidacy are filed, each candidate should receive materials from the board of elections about campaign finance reporting and compliance. In general, federal law governs campaign finance and campaign practices in federal elections. However, to the extent Ohio campaign practices are not preempted by federal law, Ohio law may apply to federal candidates. Such determinations must be made on a case-by-case basis. Questions regarding federal law may be answered by the Federal Election Commission.

Under state law, a Designation of Treasurer ([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](#))

Campaign Literature

Campaign literature issued by a candidate's campaign committee must contain language, "paid for by" followed by the name and address of the campaign committee and the appropriate officer of the committee, identified by name and title. The identification or disclaimer may use reasonable abbreviations for common terms such as treasurer or committee. This information must be located in a conspicuous place, unless it 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 of the Secretary of State (O.A.C. 111-5-19) for specified articles. Specific exemptions for articles not exempted by rule may be requested by sending a written request to: Office of the Ohio Secretary of State, Elections & 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](#), at the time of filing a declaration of candidacy, nominating petition or declaration of intent to be a write-in candidate, each candidate must receive 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 must 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 and judicial candidates, 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 March 6, 2012 Primary ballot is February 6, 2012 (the deadline carries over to Monday, February 6, because February 5 [30 days before the primary] falls on a Sunday).

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 for the March 6, 2012 primary election is February 15, 2012.

Additionally, 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. For further information or to find a copy of a blank statement visit the Ohio Ethics Commission's website at: www.ethics.ohio.gov. If further information is needed, please

Jon Husted

Ohio Secretary of State



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