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H.B. 299
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps Lorenz and Deeter

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SUMMARY

- Requires a circulator of a statewide initiative petition to be licensed by the Secretary of State.

DETAILED ANALYSIS

License to circulate a statewide petition

The bill requires a person who circulates a statewide initiative petition to hold a valid circulator license issued by the Secretary of State (SOS).

A “statewide initiative petition” is defined as “an initiative petition for the submission of a proposed law or constitutional amendment to the electors of the state, including any supplementary petition for additional signatures to such an initiative petition.”¹

Application process

A person may apply to the SOS, on a form prescribed by the SOS, for a circulator license. The form must require the applicant’s name, date of birth, and current residence address; that the applicant sign affirming the truth of the statements, and that the form be notarized within a year before it is submitted to the SOS. A person may renew or update the license in the same manner.

Within ten business days of receiving a valid application, the SOS must issue a circulator license to the applicant, which has a unique license number and is valid for two years.

The SOS must deny a person a circulator license, or revoke an existing license, if the SOS determines that the person is not qualified to circulate a statewide initiative petition.²

¹ R.C. 3501.01(EE).

² R.C. 3519.11(A) through (E).

Continuing law requires a person to be an Ohio resident and at least 18 to circulate any petition, other than a nominating petition for presidential electors (for which a person is required to be 18, but not required to be a resident).³

SOS registry

The SOS must maintain a registry of current and previous licensed circulators and make it available to the boards of elections for purposes of verifying part-petitions. The registry must include each person's name, circulator license number, and the issue date and expiration date of the person's license.

The completed applications themselves, however, are not considered public records.⁴

Petition requirements

The bill requires circulators, on circulator statements for statewide initiative petitions, to write the circulator license number, in a space near the bottom, unless it is a referendum petition (a petition presented to the public to decide whether to hold an election to reject a law passed by the General Assembly).⁵

If a circulator of an initiative or referendum that is a statewide initiative petition does not hold a valid circulator license, the petition is not considered properly verified, and the signatures are thrown out.⁶

The bill's requirements only apply to petitions signed after the bill's effective date.⁷

First Amendment considerations

The U.S. Supreme Court has recognized a First Amendment right to circulate election petitions as a form of core political speech, and has held that any law burdening that right is subject to "exacting scrutiny." To overcome exacting scrutiny, a law must be narrowly tailored to achieve a compelling governmental interest.⁸ If challenged, a court might examine whether the licensing requirement is a restraint of protected speech.⁹

³ R.C. 3503.06(C).

⁴ R.C. 3519.11(F) and (G).

⁵ R.C. 3501.08(E)(1) and 3519.05.

⁶ R.C. 3519.06(C).

⁷ Section 3 of the bill.

⁸ For discussion of exacting scrutiny, see *Americans for Prosperity Foundation v. Bonta*, 594 U.S. 595 (2021).

⁹ *Independence Institute v. Gessler*, 869 F. Supp. 2d 1289, 1309 (D. Colo. 2012). See also *Project Vote v. Blackwell*, 455 F. Supp. 2d 694 (N.D. Ohio 2006), overturning an Ohio law requiring compensated voter registration workers to register with the SOS and complete a training program.

HISTORY

Action	Date
Introduced	05-20-25
