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S.B. 260
136th General Assembly

Bill Analysis

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Version: As Introduced

Primary Sponsor: Sen. Reynolds

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SUMMARY

- Enacts the Voter Registration Modernization Act, which allows an elector to indicate a political party affiliation when registering to vote or updating the elector's registration, in addition to choosing a party affiliation at a primary by requesting the party's ballot as under current law.

Political party registration

- Specifies that an elector who is registered in Ohio before the bill takes effect keeps the elector's current party affiliation based on the elector's recent voting history, unless and until the elector chooses to change affiliation.
- Allows a new registrant or a currently registered elector who wishes to change affiliation to indicate a party affiliation on the person's voter registration or update form or to register as unaffiliated.
- Requires a voter registration acknowledgment notice to show the elector's current party affiliation, if any.
- Continues to make electors' party affiliations available to the public online through the Statewide Voter Registration Database.
- Adds information about party registration to the required contents of the Secretary of State's brochure about voter registration and to the disclosures that must be included when a voter registration activity is part of a public school program.

Primary election voting procedures

- Retains the current law that allows an elector to request the ballot of any political party at a primary election.

- Codifies a Secretary of State directive that the election officials may challenge an elector on the ground that the elector is not actually affiliated with a party only if they have personal knowledge of that fact.
- Continues to allow any elector to cast an issues-only ballot at a primary, and specifies that an elector who was affiliated with a party but casts an issues-only ballot is now considered unaffiliated.
- Clarifies that the absentee ballot request form for a primary must include an option to request an issues-only ballot, as the current form does.

Candidacy requirements

- Requires a candidate to be registered as affiliated with a party in order to appear on that party's primary ballot.
- Requires a person who signs or circulates a primary candidate's petition to be registered as affiliated with that party as of the time the petition is verified.
- Requires a person who files a protest against a primary candidate's candidacy to be registered as affiliated with that party.
- Requires an independent candidate to be registered as unaffiliated by the independent filing deadline in order to run as an independent candidate.
- Allows any elector to sign an independent candidate's nominating petition, as under current law.

Newly formed political parties

- Permits any elector to sign a party formation petition to allow a new political party to be recognized by the state, as under current law.
- Requires candidates of a newly formed political party who are to be nominated by petition to be registered as affiliated with the new party.
- Requires an elector to be either registered as affiliated with the new party or registered as unaffiliated in order to sign such a nominating petition.

Technical changes

- Reorganizes provisions of law regarding voter registration to consolidate repetitive language and eliminate obsolete provisions, without making substantive changes.

DETAILED ANALYSIS

The bill, called the Voter Registration Modernization Act, allows a person to indicate a party affiliation when registering to vote and allows an elector to change party affiliations between primary elections by updating the elector's voter registration. However, the bill retains provisions of Ohio law that allow a voter to change party affiliation on the day of a

primary by requesting a different party's ballot. (In other words, the bill does not create a "closed" primary system.)¹

Political party registration

Currently registered electors

An elector who is registered in Ohio before the bill takes effect keeps the elector's current party affiliation, based on the elector's most recent ballot cast at a primary held on or after May 3, 2022. If the elector most recently cast an issues-only ballot at a primary, the elector is considered unaffiliated.

The elector then has the option to change that affiliation at any time by submitting a voter registration update or by requesting a party's ballot at a primary. For example, an elector who changes parties between elections might wish to register as affiliated with the elector's new party to become eligible to sign or circulate a primary candidate's nominating petition.

Currently, an elector's affiliation is determined based solely on the party whose ballot the elector most recently cast at a primary election held during the current calendar year or the previous two calendar years. If the elector did not cast any party's primary ballot during that period, the elector is considered unaffiliated. The elector can change affiliation at the next primary, but there is no mechanism in existing law for an elector to change affiliation *between* primary elections.²

Affiliation by voter registration

For new registrants, and for currently registered electors who wish to change affiliation after the bill takes effect, the bill allows a person to indicate a party affiliation on the person's voter registration or "voter registration update form," a new catchall term the bill adds to the Revised Code for change of name, change of address, or change of party affiliation. The Secretary of State must add all of the following to Ohio's voter registration forms:

- A list of the political parties that are currently recognized in Ohio, along with checkboxes to select one;
- A space to write the name of a recognized party that is not listed on the form (for instance, a newly formed party);
- A box for the person to check to indicate that the person does not wish to be affiliated with any party;
- A notice that the person may choose only one recognized party and that the person is not required to choose any party.

¹ Section 4 of the bill.

² R.C. 3503.071(A)(2), 3513.05, and 3513.19(A)(3).

If a person leaves the party affiliation section of the form blank, then the person's previous affiliation status is retained. That is, if the person is currently unaffiliated and does not complete the affiliation section of the form, the person remains unaffiliated. If the person *is* currently affiliated with a party and does not complete the affiliation section of the form, the person remains affiliated with the person's current party.

The new party affiliation fields must appear on all types of voter registration forms, including the online form. But, the bill does not add those fields to the provisional ballot affirmation form, which operates as a voter registration form if the provisional voter is not registered under the voter's current information. (Including those fields on the provisional ballot envelope for a general election would result in ballots being identifiable by party affiliation before the board of elections determines whether they should be counted.)³

Acknowledgment notices

Under the bill, when a board of elections processes a voter registration or update, the acknowledgment notice the board sends to the elector must include the elector's party affiliation, if any.⁴

Public records

The bill requires that an elector's current party affiliation, if any, appear in the online version of the Statewide Voter Registration Database that is available to the public. Currently, an elector's party affiliation is available to the public through that same database as part of the elector's voting history.⁵

Voter information

The bill requires the Secretary of State's information brochure about voter registration to include information about the manner in which a person may establish or change the person's political party affiliation.

Additionally, the bill requires that, if a voter registration activity is part of a public high school or vocational school program, the district board of education must notify students that registering as affiliated with a party, or registering and remaining unaffiliated, will not affect or be a condition of receiving a particular grade in or credit for a school course or class, participating in a curricular or extracurricular activity, receiving a benefit or privilege, or participating in a program or activity otherwise available to other students. This is the same as the notice that currently must be given to students regarding their decision to register or decline to register to vote as part of a school program.⁶

³ R.C. 3503.071, 3503.14, 3503.20, and 3503.23 and conforming changes in R.C. 3503.09, 3503.10, 3503.11, 3503.15, 3503.16, and 3503.19. See also R.C. 3505.182, not in the bill.

⁴ R.C. 3503.19(C).

⁵ R.C. 3503.15(G) and 3503.153.

⁶ R.C. 3503.10(G)(4) and 3503.28.

Primary election voting procedures

Party voters

The bill retains the current law that allows an elector to request the ballot of any political party at a primary election. If the elector is registered as affiliated with another party, the election officials may challenge the elector on the ground that the elector is not actually affiliated with that party. The bill codifies a current Secretary of State directive that the election officials may bring such a challenge only if they have personal knowledge that the elector does not desire to be affiliated with the new party or does not support the principles of the new party.

Under continuing law, upon being challenged, the elector may sign a statement under penalty of election falsification that the elector desires to be affiliated with and supports the principles of the party whose ballot the elector has requested. After signing the statement, the elector may cast a regular ballot for that party. If the elector refuses to sign the statement, the elector instead must cast a provisional ballot.⁷

Issues-only voters

Under continuing law, any elector may choose to vote only on the questions or issues appearing on the ballot at a special election held on the day of a primary election. The bill specifies that if an elector is registered as affiliated with a party but casts an issues-only ballot, the elector is now considered unaffiliated. Additionally, the bill clarifies that the absentee ballot request form for a primary election must include an option to request an issues-only ballot. (The form currently prescribed by the Secretary of State includes this option, but it is not mentioned in the statute.)⁸

Candidacy requirements

Party candidates

The bill also requires a candidate to be registered as affiliated with a party by the time the candidate files to run for office in order to appear on the party's primary ballot. Current law generally does not require a candidate to be affiliated with a political party, based on the candidate's primary voting history, in order to appear on the ballot at that party's primary election. A candidate may vote in party A's primary and then, two years later, seek party B's nomination for an office. No procedure currently exists to declare a change of party affiliation between primary elections.

⁷ R.C. 3513.18 and 3513.19; repeal of R.C. 3513.20; and conforming changes in R.C. 3505.181. See also Ohio Secretary of State, [Precinct Election Official Training Manual \(PDF\)](#), p. 46 (April 3, 2023), available at ohiosos.gov under "Elections & Voting," "Elections Officials," "Election Officials' Resources."

⁸ R.C. 3503.071, 3509.03, and 3513.18(B) and Ohio Secretary of State, [Form 11-A \(PDF\)](#), available at ohiosos.gov under "Elections & Voting," "Elections Officials," "Forms & Petitions."

A continuing law exception exists for a current officeholder who was nominated for the person's office by one party and later wishes to run for another party's nomination – for example, a person who was elected to the House of Representatives as party A's candidate in 2022, and wishes to run for reelection in 2024 as a candidate for party B. The law allows the person to change affiliation in that manner only once every ten years. (Under continuing law, this restriction does not apply to a candidate who becomes a member of a newly recognized political party.) The bill retains the ten-year restriction and also requires the candidate to register as affiliated with the candidate's new party by 4:00 p.m. on the 30th day before the filing deadline for the declaration of candidacy and petition. Under continuing law, the candidate also must submit a declaration of intent by that same deadline.

The bill also retains a provision of law that specifies that, if a candidate who appears on a party's ballot at a primary election and wins the nomination votes in another party's primary at that same election, the candidate must forfeit the nomination.⁹

Petition signers and circulators

The bill requires a person who signs or circulates a primary candidate's petition to be registered as affiliated with that party as of the time the petition is verified.

Under current law, a person must be affiliated with a party in order to sign or circulate a primary candidate's petition, based on the party whose primary ballot the person most recently cast during the current and last two calendar years. An exception exists to allow a candidate who is changing parties to circulate the candidate's own petition.¹⁰

Protests against party candidates

Similarly, the bill requires an elector who files a protest against a primary candidate's candidacy to be registered as affiliated with that party. Under existing law, the elector must have voted that party's ballot at the most recent primary election in the current year or the previous two calendar years.¹¹

Independent candidates

Under the bill, an independent candidate must be registered as unaffiliated in order to appear on the ballot as an independent.

Current law requires that an independent candidate "claim not to be affiliated" with a political party but does not provide a way for the candidate to officially disaffiliate with the candidate's former party. The Ohio Supreme Court has ruled that an independent candidate can be disqualified if the candidate votes in a party primary after filing a nominating petition. This requirement remains in place under the bill.

⁹ R.C. 3501.01(K), 3513.041, 3513.07, 3513.191, and 3517.013. See also R.C. 3513.192, not in the bill.

¹⁰ R.C. 3513.05 and 3513.07.

¹¹ R.C. 3513.05.

Under continuing law, any elector may sign an independent candidate's nominating petition, regardless of party affiliation.¹²

Newly formed political parties

Continuing law allows any elector, regardless of party affiliation, to sign a party formation petition to allow a new political party to be recognized by the state and to have its candidates appear on the ballot with the party's label.

For the first general election after a new party is formed, the party nominates candidates by petition instead of at a primary election. The bill requires those candidates to register as affiliated with the new party. And, the bill requires an elector to be either registered as affiliated with the new party or registered as unaffiliated in order to sign a nominating petition for a candidate who seeks the new party's nomination. Currently, a signer must not have voted at a different party's primary during the current year or the past two calendar years. That is, the bill allows a person who was recently affiliated with another party to change the person's affiliation in order to sign a new party candidate's nominating petition.¹³

Technical changes

The bill reorganizes, but does not substantively change, provisions of law in two Revised Code sections regarding voter registration update forms in order to consolidate repetitive language.¹⁴ The bill also eliminates an obsolete provision of law that required the Secretary of State to launch Ohio's online voter registration system by January 1, 2017.¹⁵

HISTORY

Action	Date
Introduced	09-16-25

ANSB0260IN-136/ar

¹² R.C. 3501.01(I) and 3513.257. See also *State ex rel. Cunnane v. LaRose*, 2022-Ohio-2875 (2022).

¹³ R.C. 3513.191(A), 3517.012, and 3517.013. See also R.C. 3517.01(A)(1), not in the bill.

¹⁴ R.C. 3503.16 and 3503.19 and cross-reference changes in R.C. 3509.02, 3509.04, 3509.08, and 3599.12.

¹⁵ R.C. 3503.20(E).