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H.B. 471
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Creech and King

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SUMMARY

- Allows any elector who is eligible to vote for an office at the general election to file a protest against a primary candidate for that office on certain grounds.

DETAILED ANALYSIS

The bill allows any elector who is eligible to vote for an office at the general election to file a protest against a primary candidate for that office on certain grounds. Currently, only (1) an elector who is affiliated with the same political party as a primary candidate and is eligible to vote for the candidate or (2) the party's controlling committee may challenge a primary candidate for any reason.

Under the bill, any elector who is eligible to vote for an office at the general election, regardless of party affiliation, may challenge a primary candidate for that office on the ground that, if elected to the office, the candidate would be ineligible to hold the office because the candidate:

- Is not a U.S. citizen;
- Would not have attained the minimum age to hold the office;
- Would exceed an applicable term limit or age limit;
- Would be ineligible to hold the office by reason of a criminal conviction;
- Is already a candidate for another public office; or
- Was required to include a former name on the candidate's filing and did not do so.

Under continuing law, only a member of a primary candidate's political party who is eligible to vote for the candidate or the party's controlling committee may challenge the candidate on any other ground, such as that the candidate:

- Did not correctly fill out the candidate’s filings, collect enough valid signatures, or meet the filing deadline;
- Is not a resident of Ohio or of the relevant political subdivision;
- Lacks a professional qualification to hold the office, such as for a judicial office; or
- Is in violation of the law that limits candidates’ ability to switch political parties.

Continuing law requires any protest to be filed in writing with the election officials by 4:00 pm on the 74th day before the primary election (the 67th day for a write-in candidate). The election officials must hold a hearing to determine the validity or invalidity of the person’s candidacy and required filings. If the election officials find that the candidate is not qualified to hold the office or has not fully complied with the applicable filing requirements, they must reject the candidate’s filing.¹

Under continuing law, an independent or nonpartisan candidate or a candidate of a newly formed political party may be challenged by any elector who is eligible to vote for the office, on any available ground.²

HISTORY

Action	Date
Introduced	04-08-24

ANHB0471IN-135/ts

¹ R.C. 3513.053 and conforming changes in R.C. 3513.041 and 3513.05. See also R.C. 3513.052, 3513.191, and 3513.271, not in the bill, and Ohio Constitution, Article II, Sections 2 to 5 and Article XV, Section 4.

² R.C. 3513.262 and 3517.012, not in the bill.