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S.B. 92
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sens. McColley and Gavarone

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SUMMARY

- Expands the circumstances under which a special election may be held in August.
- Allows the General Assembly to place a proposed constitutional amendment on the ballot at an August special election, if authorized by a joint resolution.
- Allows a special election in August to hold a congressional special election or special primary election as contemplated under continuing law.
- Appropriates \$20 million to the Secretary of State in FY 2023 to pay the cost of conducting a special election on August 8, 2023.

DETAILED ANALYSIS

August special elections, generally

The bill expands the circumstances under which a special election may be held on the first Tuesday after the first Monday in August. Currently, only a political subdivision that is under a fiscal emergency may place an office, question, or issue on the ballot in August.¹

Under the bill, the General Assembly may place a proposed constitutional amendment on the ballot at an August special election, if authorized by a joint resolution under procedures prescribed by the Ohio Constitution.

Additionally, the bill allows a special election in August for any of the following purposes related to congressional elections:

¹ The General Assembly eliminated most August special elections in H.B. 458 of the 134th General Assembly, which takes effect April 7, 2023. For the sake of simplicity, this analysis refers to that law as current law.

- To hold a special election scheduled by the Governor to fill a vacancy in the U.S. House of Representatives;²
- To hold a special primary election scheduled by the Governor to nominate party candidates for a congressional special election scheduled as above;³
- To hold a special primary election scheduled by the Secretary of State to nominate party candidates for the U.S. House of Representatives when a party's nominee or presumptive nominee dies or withdraws before the general election.⁴

Existing law already appears to allow the Governor and the Secretary of State to schedule special elections for those purposes on days that are not designated as election days. The bill explicitly permits them to do so in August.⁵

Continuing law requires the state to pay the entire cost of a special election held for a statewide ballot issue or for a congressional special election or special primary election, if no other offices, questions, or issues are on the ballot at the election.⁶

Appropriation for August 2023

The bill appropriates \$20 million to the Secretary of State in FY 2023 to pay the cost of conducting a special election on August 8, 2023, in accordance with the bill. (Any issue or office to appear on the ballot at that election would be separately authorized by a joint resolution proposing a constitutional amendment or by the Governor for the purpose of a congressional special election.)⁷

HISTORY

Action	Date
Introduced	03-22-23

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² R.C. 3521.03, not in the bill.

³ R.C. 3513.32, not in the bill.

⁴ R.C. 3513.301 and 3513.312, not in the bill.

⁵ R.C. 3501.022.

⁶ R.C. 3501.17(F), 3513.301(C), 3513.312(C), and 3521.03, not in the bill.

⁷ Sections 3, 4, and 5 of the bill.