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H.B. 458
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Hall

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SUMMARY

- Eliminates generally the option for a political subdivision or taxing authority to hold a special election in August, except when held at the same time as a special election to nominate or elect a candidate for the U.S. House of Representatives.
- Specifies that the option to hold a special election in August under the bill does not apply to an office, question, or issue that continuing law does not allow to be placed on the ballot by a political subdivision at a special election in August.

DETAILED ANALYSIS

The bill eliminates generally the option for a political subdivision or taxing authority to hold a special election in August, except when held at the same time as a special election to nominate or elect a candidate for the U.S. House of Representatives. Under continuing law, a special election can be held on the first Tuesday after the first Monday in May or November, unless it is a year in which a presidential primary election is held, in which case a special election cannot be held in May but can be held on the third Tuesday after the first Monday in March, or on a day authorized by a municipal or county charter to hold a special election.¹

Continuing law allows the Governor, when a vacancy occurs in the U.S. House of Representatives, to call a special election to nominate or elect a candidate for the U.S. House of Representatives. Under the bill, if a special election called by the Governor is held on the first Tuesday after the first Monday in August, a political subdivision or taxing authority whose territory is located entirely within the applicable congressional district may also hold a special election on that day for an office, question, or issue. The deadlines to place an office, question, or issue on the ballot for the above described special election are the same as the deadlines

¹ R.C. 323.17 and 3501.01(D).

specified to do so on the day of a primary or general election. If one or more political subdivisions or taxing authorities places an office, question, or issue on the ballot, the entire cost of the special election must be divided proportionally between the state and each political subdivision or taxing authority based upon a ratio determined by the number of offices, questions, or issues placed on the ballot in each precinct by the state and each political subdivision or taxing authority.²

Additionally, continuing law limits the authority of subdivisions to submit certain tax levy questions to voters at an August special election. These levies must instead be submitted at the November general or spring primary election. The bill explicitly disallows some of these levies from being submitted at an August special election if the Governor calls one for the purpose of resolving congressional vacancies.³ The bill's limitation applies to the renewal of a school district combined property tax and income tax levy, the renewal of a school district emergency property tax levy for current expenses, and a county sales tax levy (including general levies and special purpose levies and rate reallocations for sports facilities).⁴

HISTORY

Action	Date
Introduced	10-19-21

H0458-I-134/ts

² R.C. 3521.04, with conforming changes in R.C. 3513.301, 3513.312, and 3521.03.

³ R.C. 3521.04(D).

⁴ R.C. 5705.194, 5739.021, 5739.026, 5739.028, and 5748.09, not in the bill. The bill's limitation does not apply to other property tax levies prohibited under continuing law from being submitted to voters at an August special election. An amendment has been drafted to clarify that no tax not otherwise allowed under current law to be submitted at an August election are also not permitted to be submitted in an August election called under the bill.