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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 458\*  
134<sup>th</sup> General Assembly

## Bill Analysis

[Click here for H.B. 458's Fiscal Note](#)

**Version:** As Reported by House Ways and Means

**Primary Sponsor:** Rep. Hall

Abby McMahon, Attorney

### SUMMARY

- Limits the option for a political subdivision or taxing authority to hold a special election in August to only when a political subdivision or taxing authority is under a fiscal emergency or the special election is 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 the Revised Code does not allow to be placed on the ballot by a political subdivision or taxing authority at a special election in August.
- Permits a political subdivision, for the sole purpose of submitting to the electors the question of whether to adopt a charter, to hold an August special election in the year 2022.

### DETAILED ANALYSIS

#### Limitation of August special elections generally

The bill limits when a political subdivision or taxing authority may hold a special election in August. Under the bill, a political subdivision or taxing authority may only hold a special election on the first Tuesday after the first Monday in August if either of the following are met:

- The political subdivision or taxing authority that is a school district is under a fiscal emergency, as determined by the Auditor of State, at the time the appropriate board of elections certifies the office, question, or issue for placement on the ballot for that special election.

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\* This analysis was prepared before the report of the House Ways and Means Committee appeared in the House Journal. Note that the legislative history may be incomplete.

- The political subdivision's or taxing authority's territory is entirely located within a congressional district for which a special election to nominate or elect a candidate for the U.S. House of Representatives is being held on the first Tuesday after the first Monday in August.

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.<sup>1</sup>

### **Fiscal emergency exception**

The bill permits a political subdivision or school district that is under a fiscal emergency, as determined by the Auditor of State, at the time the appropriate board of elections certifies the office, question, or issue for placement on the ballot for that special election to hold a special election in August. Under continuing law, the Auditor of State can determine, either by initiation of the Auditor of State or upon written request by the Governor, county budget commission, mayor of a municipal corporation, the presiding officer of a legislative authority of a municipal corporation, the board of county commissioners, or the board of township trustees, that a political subdivision is under a fiscal emergency.<sup>2</sup> Similarly, the Auditor of State can determine, either by initiation of the Auditor of State or upon written request by the Governor, Superintendent of Public Instruction, or a majority of the members of the board of education of a school, that a school district is under a fiscal emergency.<sup>3</sup>

The bill specifies that, for a special election held in August under the above described exception, the deadlines to place an office, question, or issue on the ballot are the same as the deadlines specified to do so on the day of a primary or general election. Additionally, as is required by continuing law, the bill specifies that a political subdivision or school district that holds a special election in August is responsible for the entire cost of that special election.<sup>4</sup>

### **Special election to nominate or elect a candidate for the U.S. House of Representatives exception**

The bill permits a political subdivision or taxing authority, whose territory is entirely located within a congressional district for which a special election to nominate or elect a candidate for the U.S. House of Representatives is being held on the first Tuesday after the first Monday in August, to also hold a special election on that same day.

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<sup>1</sup> R.C. 323.17, 3501.01(D), and 3505.19(A).

<sup>2</sup> R.C. 118.03 and 118.04, not in the bill.

<sup>3</sup> R.C. 3316.03, not in the bill.

<sup>4</sup> R.C. 3505.19(B) and (C); See also R.C. 3501.17(D), not in the bill.

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 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.

Additionally, the bill specifies that the option to hold a special election in August at the same time as a special election to nominate or elect a candidate for the U.S. House of Representatives does not apply to an office, question, or issue that the Revised Code does not allow to be placed on the ballot by a political subdivision or taxing authority at a special election in August.<sup>5</sup>

## August 2022 special election

The bill permits a political subdivision, for the sole purpose of submitting to the electors the question of whether to adopt a charter, to hold a special election on the first Tuesday after the first Monday in August in the year 2022.<sup>6</sup>

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## HISTORY

Action	Date
Introduced	10-19-21
Reported, H. Ways & Means	---

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<sup>5</sup> R.C. 3521.04, with conforming changes in R.C. 3513.301, 3513.312, and 3521.03.

<sup>6</sup> Section 3 of the bill.