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

## Bill Analysis

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**Version:** As Passed by the House

**Primary Sponsor:** Rep. Hall

Emily E. Wendel, Attorney

### SUMMARY

- Eliminates local special elections held in August, with certain exceptions.
- Allows a political subdivision or school district that is in a state of fiscal emergency to hold an August special election.
- Permits certain local offices, questions, or issues to be placed on the ballot on the same day as an August special election held to nominate or elect a member of the U.S. House of Representatives.
- Allows a political subdivision to hold a special election on August 2, 2022, to submit to the electors the question of whether to adopt a charter.

### DETAILED ANALYSIS

#### Limitation of August special elections

With three exceptions discussed below, the bill eliminates local special elections held in August. Existing law allows political subdivisions and other local taxing authorities to place offices, questions, and issues on the ballot on three days each year:

- At a special election held on the day of the primary election – typically in May, but in March in a presidential election year;
- At an August special election;
- At the general election in November.

A municipal or county charter also may authorize additional days for a special election.

Under continuing law, a political subdivision must pay a share of the cost of conducting any election at which it has an item on the ballot. Costs are shared among the entities placing items on the ballot, based on a statutory formula that varies based on the timing of the

election. However, if a political subdivision holds an August special election, the subdivision must pay the entire cost of the election.<sup>1</sup>

### **Fiscal emergency exception**

First, the bill permits a political subdivision or school district to hold a special election in August if the subdivision or district is in a state of fiscal emergency, as determined by the Auditor of State, at the time the board of elections certifies the office, question, or issue for placement on the ballot. Continuing law prescribes procedures for the Auditor to determine that a political subdivision or school district is in a state of fiscal emergency, either on the Auditor's own initiative or upon the request of certain other officials.<sup>2</sup>

Under the bill, the deadlines to place an office, question, or issue on the ballot at an August special election remain the same as the deadlines for other elections. And, under continuing law, the political subdivision or school district is responsible for paying the entire cost of an August special election.<sup>3</sup>

### **Special congressional election exception**

The bill also includes an exception for situations in which the Governor orders that an August special election be held at the state's expense to nominate or elect a member of the U.S. House of Representatives in order to fill a vacancy. In that case, a political subdivision or taxing authority whose territory is entirely located within the relevant congressional district may hold a special election on that day. However, this exception does not apply to certain questions and issues that, under continuing law, cannot be placed on the ballot in August – for example, a county sales tax levy to provide additional revenue for the county's general fund.

The deadlines to place an office, question, or issue on the ballot for the above described special election remain the same as the deadlines for other elections. 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.<sup>4</sup>

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<sup>1</sup> R.C. 323.17, 3501.01(D), and 3505.19(A). See also R.C. 3501.17, not in the bill.

<sup>2</sup> R.C. 118.03, 118.04, and 3316.03, not in the bill.

<sup>3</sup> R.C. 3505.19(B) and (C). See also R.C. 3501.17(D), not in the bill.

<sup>4</sup> R.C. 3521.04, with conforming changes in R.C. 3513.301, 3513.312, and 3521.03. See also R.C. 5739.026, not in the bill.

## August 2022 special election exception

Finally, 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 August 2, 2022.<sup>5</sup>

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### HISTORY

Action	Date
Introduced	10-19-21
Reported, H. Ways & Means	12-08-21
Passed House (68-22)	12-09-21

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<sup>5</sup> Section 3 of the bill.