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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Office

S.B. 53  
134<sup>th</sup> General Assembly

## Bill Analysis

[Click here for S.B. 53's Fiscal Note](#)

**Version:** As Passed by the Senate

**Primary Sponsor:** Sen. Manning

Ben Fogle, Attorney

### SUMMARY

- Allows a person who sought a political party's nomination to an office at a primary election to become a candidate for a local partisan office at the following general election by filling a vacancy on the ballot.

### DETAILED ANALYSIS

#### Exception to Sore Loser Law

The bill allows a person who sought a political party's nomination to an office at a primary election to become a candidate for a local partisan office at the following general election by filling a vacancy on the ballot. Continuing law prohibits such a person from becoming a candidate for a state or federal partisan office in that manner.

Under Ohio's existing Sore Loser Law, a person who appeared on the ballot or was a write-in candidate at a primary election is ineligible to become a candidate for any partisan office at the following general election by any means other than winning the primary. For instance, if a person was a primary candidate for county commissioner, the person could not then run for county commissioner or for any other partisan office at the general election by submitting a nominating petition as an independent candidate, being a write-in candidate, or filling a ballot vacancy. The bill removes that limitation with respect to filling ballot vacancies for local partisan offices, meaning an office that is not a state or federal office.<sup>1</sup>

#### Background on ballot vacancies

Between a primary election and the following general election, a ballot vacancy sometimes arises because a candidate dies, withdraws, or is disqualified. As long as the vacancy

<sup>1</sup> R.C. 3513.04.

occurs before a specified deadline, continuing law allows the candidate to be replaced on the ballot. The appropriate party central committee or a committee designated to represent an independent candidate, as applicable, may select the replacement. Additionally, if a party candidate who was to be unopposed at the general election dies, withdraws, or is disqualified, another major political party may select its own candidate to appear on the ballot if it wishes to field a candidate against the replacement candidate.<sup>2</sup>

Currently, a political party or committee that is filling a ballot vacancy cannot select a person who was a candidate at the previous primary election for that office or another office. The bill eliminates that restriction with respect to ballot vacancies for local offices, meaning that the party or committee could choose the former candidate's primary opponent, another unsuccessful primary candidate, or even a person who won the nomination for a different office but is willing to withdraw from that race in order to fill the ballot vacancy.<sup>3</sup>

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## HISTORY

Action	Date
Introduced	02-09-21
Reported, S. Local Gov't & Elections	01-26-22
Passed Senate (31-0)	02-09-22

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<sup>2</sup> R.C. 3513.31, not in the bill.

<sup>3</sup> R.C. 3513.04.