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S.B. 92
135th General Assembly

Bill Analysis

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Version: As Passed by the Senate

Primary Sponsors: Sens. McColley and Gavarone

S. Ben Fogle, Attorney

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.
- Requires a special election to be held on August 8, 2023, for the sole purpose of submitting to the electors a constitutional amendment proposed by the General Assembly.
- Appropriates \$20 million to the Secretary of State in FY 2023 to pay the cost of conducting the August 2023 special election.
- States that the bill's provisions concerning the August 2023 special election take effect immediately.

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.

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:

- To hold a special election scheduled by the Governor to fill a vacancy in the U.S. House of Representatives;¹
- To hold a special primary election scheduled by the Governor to nominate party candidates for a congressional special election scheduled as above;²
- 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.³

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.⁴

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.⁵

August 2023 special election

The bill also requires a special election to be held on August 8, 2023, for the purpose of submitting to the voters a constitutional amendment proposed by the General Assembly. (The ballot issue itself must be separately authorized by a joint resolution.) No other office, question, or issue may appear on the ballot at the election. The bill appropriates \$20 million to the Secretary of State in FY 2023 to pay the cost of conducting the special election in accordance with the bill.⁶

The bill states that its provisions concerning the August 2023 special election take effect immediately because an appropriation for current expenses, along with any section of law whose implementation depends upon an appropriation for current expenses that is contained in the same act, are exempt from the referendum.⁷

¹ R.C. 3521.03, not in the bill.

² R.C. 3513.32, not in the bill.

³ R.C. 3513.301 and 3513.312, not in the bill.

⁴ R.C. 3501.022.

⁵ R.C. 3501.17(F), 3513.301(C), 3513.312(C), and 3521.03, not in the bill.

⁶ Sections 3, 4, 5, and 6 of the bill.

⁷ Section 7 of the bill. See also R.C. 1.471, not in the bill, and Ohio Constitution, Article II, Section 1d.

HISTORY

Action	Date
Introduced	03-22-23
Reported, S. General Gov't	04-19-23
Passed Senate (25-8)	04-19-23
