



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 107
136th General Assembly

Bill Analysis

[Click here for S.B. 107's Fiscal Note](#)

Version: As Pending in Senate General Government (I_136_0630-2)

Primary Sponsor: Sen. Brenner

Emily E. Wendel, Attorney

SUMMARY

- Requires candidates for the office of member of the State Board of Education, member of a school district board of education, and member of the governing board of an educational service center to be nominated by primary election or, in the case of an independent candidate, by nominating petition.
- Requires candidates for those offices to appear on the general election ballot with a political party designation along with other partisan offices.
- Requires those offices to be treated as partisan offices under the Election Law for all other purposes, such as filling vacancies on the ballot.

DETAILED ANALYSIS

The bill requires candidates for the office of member of the State Board of Education, member of a school district board of education, and member of the governing board of an educational service center (ESC) to be nominated by primary election and to appear on the general election ballot with a political party designation. Currently, those candidates are nominated by petition and appear on the nonpartisan ballot with no party designation.

The bill's changes first apply with the next primary election held at least 120 days after the bill takes effect. In other words, if the bill takes effect after January 5, 2026 (120 days before the May 5 primary election and 30 days before the candidate filing deadline for that election), school board elections will continue to be nonpartisan until the elections held in 2028.¹

¹ Section 4 of the bill.

Nomination

Under the bill, a person who wishes to be an elected member of the State Board of Education or a member of a school district board or ESC governing board may appear on the ballot at the general election by one of the following methods, the same as currently applies to candidates for other partisan offices:

- Filing a declaration of candidacy and petition at least 90 days before the primary election and winning the primary;
- Filing an independent candidate nominating petition by the day before the primary election;
- Being appointed by a party central committee to fill a vacancy on the ballot after a previous candidate dies, withdraws, or is disqualified.

On the general election ballot, candidates who are nominated by a political party appear with the name of the party below the candidate's name, while independent candidates may choose between "nonparty candidate," "other-party candidate," or no designation. Continuing law also allows any candidate to file a declaration of intent to be a write-in candidate at a primary or general election, which requires a write-in space to appear on the ballot but does not include the write-in candidate's name or party designation.

In general, a candidate for member of the State Board of Education or a school district board or ESC governing board currently must file a nominating petition at least 90 days before the general election. The person then appears on the general election ballot with no party designation. Existing law also allows a school district board or ESC governing board instead to adopt a resolution ordering that candidates for the board be nominated by nonpartisan primary election and that the top vote-getters advance to the nonpartisan ballot at the general election. The bill eliminates both of these systems for nominating and electing candidates for the affected offices.²

Candidate petition requirements

As a result of the bill's changes to the nomination procedures, the bill also changes the number of petition signatures each candidate must gather in order to appear on the ballot and the deadline by which the candidate must submit the petition to the election officials. The following table summarizes these changes.

² R.C. 3311.053, 3513.04, 3513.05, 3513.052, and 3513.19 and repeal of R.C. 3513.254, 3513.255, 3513.256, and 3513.259. See also R.C. 3513.041, 3513.257, and 3513.31, not in the bill.

Office sought	Currently	Under the bill
State Board of Education	Signatures: 100 electors Deadline: 90 days before the general election	<p style="text-align: center;"><u>Primary candidate</u></p> Signatures: 50 electors of the party Deadline: 90 days before the primary election <hr/> <p style="text-align: center;"><u>Independent candidate</u></p> Signatures: A number of electors equal to 1% of the vote for Governor in the district at the most recent election for that office Deadline: The day before the primary election
ESC governing board	Signatures: 50 electors Deadline: 90 days before the general election	<p style="text-align: center;"><u>Primary candidate</u></p> Signatures: 50 electors of the party Deadline: 90 days before the primary election <hr/> <p style="text-align: center;"><u>Independent candidate</u></p> Signatures: <ul style="list-style-type: none"> ▪ If fewer than 5,000 electors in the district voted for Governor at the most recent election for that office, the lesser of the following: <ul style="list-style-type: none"> ▫ 25 electors; ▫ A number of electors equal to 5% of that vote. ▪ If 5,000 or more electors in the district voted for Governor at the most recent election for that office, a number of electors equal to 1% of that vote. Deadline: The day before the primary election
City school district board of education	Signatures, based on district population as determined based on the last federal census:	<p style="text-align: center;"><u>Primary candidate</u></p> Signatures, based on district population as determined based on the last federal census:

Office sought	Currently	Under the bill
	<ul style="list-style-type: none"> ▪ Population of less than 20,000: 25 electors ▪ Population between 20,000 and 49,999: 75 electors ▪ Population between 50,000 and 99,999: 150 electors ▪ Population of 100,000 or more: 300 electors <p>Deadline: 90 days before the general election</p>	<ul style="list-style-type: none"> ▪ Population of less than 20,000: 25 electors of the party ▪ Population of 20,000 or more: 50 electors of the party <p>Deadline: 90 days before the primary election</p> <hr/> <p style="text-align: center;"><u>Independent candidate</u></p> <p>Signatures:</p> <ul style="list-style-type: none"> ▪ If fewer than 5,000 electors in the district voted for Governor at the most recent election for that office, the lesser of the following: <ul style="list-style-type: none"> ▫ 25 electors; ▫ A number of electors equal to 5% of that vote. ▪ If 5,000 or more electors in the district voted for Governor at the most recent election for that office, a number of electors equal to 1% of that vote. <p>Deadline: The day before the primary election</p>
Local or exempted village school district board of education	<p>Signatures: 25 electors</p> <p>Deadline: 90 days before the general election</p>	<p style="text-align: center;"><u>Primary candidate</u></p> <p>Signatures: 25 electors</p> <p>Deadline: 90 days before the primary election</p> <hr/> <p style="text-align: center;"><u>Independent candidate</u></p> <p>Signatures:</p> <ul style="list-style-type: none"> ▪ If fewer than 5,000 electors in the district voted for Governor at the most recent election for that office, the lesser of the following: <ul style="list-style-type: none"> ▫ 25 electors;

Office sought	Currently	Under the bill
		<ul style="list-style-type: none"> ▫ A number of electors equal to 5% of that vote. ▪ If 5,000 or more electors in the district voted for Governor at the most recent election for that office, a number of electors equal to 1% of that vote. <p>Deadline: The day before the primary election</p>

Ballot order

Under the bill, candidates for the State Board of Education, a school district board, or an ESC governing board must appear on the office type ballot along with other partisan candidates, instead of on the nonpartisan ballot. Offices must appear on the ballots in the following order:³

Official Office Type Ballot

- Governor and Lieutenant Governor
- Attorney General
- Auditor of State
- Secretary of State
- Treasurer of State
- Chief Justice of the Supreme Court
- Justice of the Supreme Court
- U.S. Senator
- U.S. Representative
- State Senator
- State Representative
- Court of Appeals Judge
- Member of the State Board of Education

³ R.C. 3501.01, 3505.03, and 3505.04.

-
- Member of a school district board or ESC governing board
 - County Commissioner
 - County Auditor
 - County Prosecutor
 - Clerk of the Court of Common Pleas
 - Sheriff
 - County Recorder
 - County Treasurer
 - County Engineer
 - County Coroner
-

Official Nonpartisan Ballot

- ~~Member of the State Board of Education~~
 - Common Pleas Judge
 - Municipal offices
 - Township offices
 - ~~Member of a school district board or ESC governing board~~
-

Filling vacancies

Ballot vacancy at primary election

If the sole candidate for a party's nomination to a seat on the State Board of Education, a district school board, or an ESC governing board dies prior to the tenth day before a primary election, the bill allows that person to be replaced on the ballot, similar to any other partisan candidate under continuing law. That is, if a candidate was running unopposed for a party's nomination, and the candidate dies before the primary, the appropriate party controlling committee may appoint a new candidate to seek the party's nomination. Additionally, if that deceased candidate also would not have faced a major party opponent at the general election because no one sought the other party's nomination, and that other party now wishes to field a candidate against the replacement, that party may appoint a candidate to appear on the party's primary ballot for that office.

Currently, in jurisdictions that use a nonpartisan primary to nominate candidates for those offices, if a candidate dies before the primary, there is no mechanism to replace the person on the ballot.⁴

Ballot vacancy at general election

The bill also changes the procedure for filling a ballot vacancy if a candidate for the State Board of Education or a district school board or ESC governing board dies, withdraws, or is disqualified before the general election. Under the bill, such a vacancy is to be filled in the same manner as for other partisan candidate vacancies: the appropriate party central committee selects a new candidate.

Under continuing law, if the former candidate was nominated by petition as an independent or nonpartisan candidate, a committee of five people designated in the nominating petition selects a new candidate. This procedure no longer applies to candidates for the affected offices under the bill.⁵

Vacancy in office – unchanged

The bill retains the current procedures for filling vacancies in the office of member of the State Board of Education or a school district board or ESC governing board member. State Board of Education vacancies are filled by appointment by the Governor with the advice and consent of the Senate. School district board and ESC governing board vacancies generally are filled by a vote of the remaining board members.⁶

Other procedures related to candidate party affiliation

Application of the Sore Loser Law

Because the bill changes the offices of member of the State Board of Education, a district school board, or an ESC governing board to partisan offices, the bill prohibits a person who was a primary candidate for any partisan office from becoming a candidate for one of those newly partisan offices at the following general election by any means other than winning the primary. This restriction applies to other partisan offices under continuing law and is designed to prevent an unsuccessful primary candidate from circumventing the party's primary and still running for a partisan office at the following general election.

For example, if a candidate for the State Board of Education lost a party primary, withdrew, or was disqualified, the person then would be prohibited from running for any partisan office at the general election as a write-in candidate or by filling a ballot vacancy. And, if a candidate for a partisan office was unsuccessful in winning the primary, the person could not

⁴ Repeal of R.C. 3513.256. See also R.C. 3513.30, not in the bill.

⁵ R.C. 3501.01. See also R.C. 3513.261 and 3513.31, not in the bill.

⁶ R.C. 3301.06 and 3313.11, not in the bill.

then run for State Board of Education at the general election as a write-in candidate or by filling a ballot vacancy.⁷

Election observers

The bill generally eliminates the ability of a candidate for the State Board of Education, a school district board, or an ESC governing board to have the candidate's own observer present at the official canvass of the election returns (the final, official count of the election results). Continuing law allows an independent or nonpartisan candidate to do so, but individual party nominees are not permitted to appoint their own observers at that stage. Instead, the party's county executive committee may have an observer.

Under continuing law, unchanged by the bill, any political party and any group of five or more candidates (partisan or nonpartisan) may appoint an observer to be present at each voting location during in-person voting.⁸

HISTORY

Action	Date
Introduced	02-18-25

ANSB0107PSC-136/sb

⁷ R.C. 3513.04.

⁸ R.C. 3505.21 and 3505.32, not in the bill.