

ORC Ann. 3513.261

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- [Page's Ohio Revised Code Annotated](#)
- [Title 35: Elections](#)
- [Chapter 3513: Primaries; Nominations](#)
- [Nominations by Petition](#)

§ 3513.261 Form of nominating petition and statement of candidacy; filing fee.

- A nominating petition may consist of one or more separate petition papers, each of which shall be substantially in the form prescribed in this section. If the petition consists of more than one separate petition paper, the statement of candidacy of the candidate or joint candidates named need be signed by the candidate or joint candidates on only one of such separate petition papers, but the statement of candidacy so signed shall be copied on each other separate petition paper before the signatures of electors are placed on it. Each nominating petition containing signatures of electors of more than one county shall consist of separate petition papers each of which shall contain signatures of electors of only one county; provided that petitions containing signatures of electors of more than one county shall not thereby be declared invalid. In case petitions containing signatures of electors of more than one county are filed, the board of elections shall determine the county from which the majority of the signatures came, and only signatures from this county shall be counted. Signatures from any other county shall be invalid.
- All signatures on nominating petitions shall be written in ink or indelible pencil.
- At the time of filing a nominating petition, the candidate designated in the nominating petition, and joint candidates for governor and lieutenant governor, shall pay to the election officials with whom it is filed the fees specified for the office under divisions (A) and (B) of [section 3513.10 of the Revised Code](#). The fees shall be disposed of by those election officials in the manner that is provided in [section 3513.10 of the Revised Code](#) for the disposition of other fees, and in no case shall a fee required under that section be returned to a candidate.
- Candidates or joint candidates whose names are written on the ballot, and who are elected, shall pay the same fees under [section 3513.10 of the Revised Code](#) that candidates who file nominating petitions pay. Payment of these fees shall be a condition precedent to the granting of their certificates of election.
- Each nominating petition shall contain a statement of candidacy that shall be signed by the candidate or joint candidates named in it or by an attorney in fact acting pursuant to [section 3501.382 of the Revised Code](#). Such statement of candidacy shall contain a declaration made under penalty of election falsification that the candidate desires to be a candidate for the office named in it, and that the candidate is an elector qualified to vote for the office the candidate seeks.
- The form of the nominating petition and statement of candidacy shall be substantially as follows:

STATEMENT OF CANDIDACY

I, (Name of candidate), the undersigned, hereby declare under penalty of election falsification that my voting residence is in Precinct of the (Township) or (Ward and City, or Village) in the

county of, Ohio; that my post-office address is (Street and Number, if any, or Rural Route and Number) of the (City, Village, or post office) of , Ohio; that I am a qualified elector in the precinct in which my voting residence is located. I hereby declare that I desire to be a candidate for election to the office of in the (State, District, County, City, Village, Township, or School District) for the (Full term or unexpired term ending) at the General Election to be held on the day of ,

I further declare that I am an elector qualified to vote for the office I seek. Dated this day of ,

(Signature of candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

I, , hereby constitute the persons named below a committee to represent me:

Name Residence

NOMINATING PETITION

We, the undersigned, qualified electors of the state of Ohio, whose voting residence is in the County, City, Village, Ward, Township or Precinct set opposite our names, hereby nominate as a candidate for election to the office of in the (State, District, County, City, Village, Township, or School District) for the (Full term or unexpired term ending) to be voted for at the general election next hereafter to be held, and certify that this person is, in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signature	Street Address or R.F.D. (Must use address on file with the board of elections)	City, Village or Township	Ward	Precinct	County	Date of Signing
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, declares under penalty of election falsification that such person is a qualified elector of the state of Ohio and resides at the address appearing below such person's signature hereto; that such person is the circulator of the foregoing petition paper containing signatures; that such person witnessed the affixing of every signature; that all signers were to the best of such person's knowledge and belief qualified to sign; and that every signature is to the best of such

person's knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to [section 3501.382 of the Revised Code](#).

(Signature of circulator)

(Address of circulator's permanent residence in this state)

(If petition is for a statewide candidate, the name and address of person employing circulator to circulate petition, if any)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."

- The secretary of state shall prescribe a form of nominating petition for a group of candidates for the office of member of a board of education, township office, and offices of municipal corporations of under two thousand population.
- The secretary of state shall prescribe a form of statement of candidacy and nominating petition, which shall be substantially similar to the form of statement of candidacy and nominating petition set forth in this section, that will be suitable for joint candidates for the offices of governor and lieutenant governor.
- If such petition nominates a candidate whose election is to be determined by the electors of a county or a district or subdivision within the county, it shall be filed with the board of such county. If the petition nominates a candidate whose election is to be determined by the voters of a subdivision located in more than one county, it shall be filed with the board of the county in which the major portion of the population of such subdivision is located.
- If the petition nominates a candidate whose election is to be determined by the electors of a district comprised of more than one county but less than all of the counties of the state, it shall be filed with the board of elections of the most populous county in such district. If the petition nominates a candidate whose election is to be determined by the electors of the state at large, it shall be filed with the secretary of state.
- The secretary of state or a board of elections shall not accept for filing a nominating petition of a person seeking to become a candidate if that person, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a nominating petition, or has become a candidate through party nomination at a primary election or by the filling of a vacancy under [section 3513.30](#) or [3513.31 of the Revised Code](#) for any federal, state, or county office, if the nominating petition is for a state or county office, or for any municipal or township office, for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center, if the nominating petition is for a municipal or township office, or for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center.

History

125 v 713(784); 126 v 205(221); 127 v 741 (Eff 1-1-58); 130 v 833 (Eff 1-1-64); 134 v S 460 (Eff 3-23-72); 135 v H 662 (Eff 9-27-74); 137 v S 115 (Eff 3-10-78); 143 v H 7 (Eff 9-15-89); 143 v H 36 (Eff 1-1-90); [146 v S 9](#) (Eff 8-24-95); [148 v H 495](#) (Eff 5-9-2000); [149 v H 5](#) (Eff 8-28-2001); [149 v H 445](#). Eff 12-23-2002; 150 v H 1, § 1, eff. 3-31-05; [151 v H 66](#), § 101.01, eff. 9-29-05; [151 v H 3](#), § 1, eff. 5-2-06.

▼ Annotations

Notes

Amendment Notes

[151 v H 3](#), effective May 2, 2006, except amendments permitting and authorizing an attorney in fact to sign election documents on behalf of a disabled voter, effective June 1, 2006, confirmed the amendment by [151 v H 66](#); twice inserted “or by an attorney in fact acting pursuant to [section 3501.382 of the Revised Code](#)”; and added “of circulator’s permanent residence in this state” to the end of the “Address” entry of the form.

[151 v H 66](#), effective September 29, 2005, inserted “federal” in the final paragraph and made related changes.

Notes to Decisions

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The board of elections abuses its discretion in rejecting a candidate’s nominating petitions where the only omission was the day of the month upon which he signed them prior to their circulation among electors: [State ex rel. Yacobozzi v. Lorain County Bd. of Elections](#), 27 Ohio App. 3d 280, 500 N.E.2d 905, 1985 Ohio App. LEXIS 10342 (Ohio Ct. App., Lorain County 1985).

[↑ Circulators](#)

Petition is not in compliance with [R.C. 3513.261](#) where the circulator is neither a de facto nor a de jure elector: [State ex rel. Schmelzer v. Board of Elections](#), 2 Ohio St. 3d 1, 440 N.E.2d 801, 1982 Ohio LEXIS 742 (Ohio 1982).

[↑ City charter](#)

A municipal charter may provide for group nominating petitions for purely local officers: [State ex rel. Haffey v. Miller](#), 4 Ohio St. 2d 29, 33 Ohio Op. 2d 270, 211 N.E.2d 830, 1965 Ohio LEXIS 416 (Ohio 1965).

Committee

Appointment of a committee to represent a candidate under [R.C. 3513.261](#) is not mandatory: [State ex rel. Phillips v. Lorain County Bd. of Elections](#), 62 Ohio St. 3d 214, 581 N.E.2d 513, 1991 Ohio LEXIS 3142 (Ohio 1991).

Although [R.C. 3513.261](#) requires that a candidate for office name a committee to represent him on his nominating petitions, [R.C. 3513.261](#) does not require that a committee of five be named on the petitions: [State ex rel. Taylor v. Franklin County Bd. of Elections](#), 66 Ohio App. 2d 102, 20 Ohio Op. 3d 225, 421 N.E.2d 162, 1979 Ohio App. LEXIS 8497 (Ohio Ct. App., Franklin County 1979), disapproved, [State ex rel. Phillips v. Lorain County Bd. of Elections](#), 62 Ohio St. 3d 214, 581 N.E.2d 513, 1991 Ohio LEXIS 3142 (Ohio 1991).

Nominating petition

[R.C. 3513.261](#) did not bar a candidate's campaign for municipal court judge, based on the candidate's second nominating petition, which was filed after the candidate withdrew the candidate's first petition for an insufficient number of valid signatures, because [R.C. 3513.052\(G\)](#) permitted the candidate to timely withdraw the candidate's first petition and to file the candidate's second petition notwithstanding [R.C. 3513.261](#). [State ex rel. Coble v. Lucas County Bd. of Elections](#), 2011 Ohio 4550, 130 Ohio St. 3d 132, 956 N.E.2d 282, 2011 Ohio LEXIS 2189 (Ohio 2011).

Defective nominating petition could not be cured by submitting an affidavit at a subsequent time. [R.C. 3513.052](#) does not prevent the application of [R.C. 3513.261](#) and [3513.05](#) to bar a second nominating petition for the same office at the same election after the first nominating petition has been ruled invalid: [State ex rel. Canales-Flores v. Lucas County Bd. of Elections](#), 2005 Ohio 5642, 108 Ohio St. 3d 129, 841 N.E.2d 757, 2005 Ohio LEXIS 2382 (Ohio 2005).

The entering by a notary public, through mistake or inadvertence, of a date in a jurat different from the date upon which such notary actually administered the oath is not a matter of such substance and materiality as to invalidate the entire nominating petition and result in the disqualification of the candidate named in that part-petition paper from becoming a candidate for the office which he seeks: [State ex rel. Cline v. Henderson](#), 4 Ohio St. 2d 7, 33 Ohio Op. 2d 41, 211 N.E.2d 54, 1965 Ohio LEXIS 407 (Ohio 1965).

Under the provisions of [R.C. 3513.261](#), where an independent candidate, prior to the circulation of his nominating petition, completely fills out the entire statement of candidacy down to the date of his signature, as well as the entire preamble of the petition, preceding the signatures of electors, and where, prior to filing such petition, the candidate signs the statement of candidacy and swears to the same before a person authorized to administer oaths, and such petition at the time of filing is complete in accord with the provisions of such statute, a board of elections is not authorized to reject the petition: [State ex rel. Leslie v. Duffy](#), 164 Ohio St. 178, 57 Ohio Op. 371, 129 N.E.2d 632, 1955 Ohio LEXIS 448 (Ohio 1955).

Prohibited candidates

[R.C. 3513.254](#) does not bar an unsuccessful candidate for municipal office in a primary election from filing a nominating petition to be a school board candidate at the succeeding general election: [State ex](#)

[rel. Brinda v. Lorain County Bd. of Elections, 2007 Ohio 5228, 115 Ohio St. 3d 299, 874 N.E.2d 1205, 2007 Ohio LEXIS 2399 \(Ohio 2007\).](#)

✚ Protest to petition

It was an abuse of discretion for a board of elections not to allow a protest with regard to petition papers for the nomination of a certain person for the office of mayor of a city, where such papers contained signatures not affixed in the presence of persons signing them as circulators, and it was a further abuse of discretion not to allow a protest in toto as to all signatures appearing on petition papers containing signatures in the same handwriting: [Simon v. Board of Elections, 20 Ohio Op. 2d 221, 177 N.E.2d 687, 87 Ohio Law Abs. 594, 1961 Ohio App. LEXIS 818 \(Ohio Ct. App., Cuyahoga County 1961\).](#)

✚ Qualifications of candidate

[R.C. 3513.261](#) requires that a candidate be qualified to vote for the office he or she seeks: [State ex rel. Markulin v. Ashtabula County Bd. of Elections, 1992 Ohio 84, 65 Ohio St. 3d 180, 602 N.E.2d 626, 1992 Ohio LEXIS 3114 \(Ohio 1992\).](#)

An elector who had been continuously registered for thirty days or more, but who had not been registered at her current address for thirty days or more when she signed and circulated her statement of candidacy and circulator's statement, was an elector qualified to vote for the office she sought when she signed the declaration of candidacy and was a "qualified elector" when she signed the circulator's statement: [State ex rel. Walsh v. Board of Elections, 1992 Ohio 99, 65 Ohio St. 3d 197, 602 N.E.2d 638, 1992 Ohio LEXIS 2899 \(Ohio 1992\).](#)

✚ Signing by candidate

Writ of mandamus was denied because the candidate did not show that the secretary of state and the board abused their discretion in according less weight to his explanatory evidence than to the competing evidence because his explanation was inconsistent. He did not assert any specific date that he signed the petition paper in his briefs. [State ex rel. Simonetti v. Summit Cty. Bd. of Elections, 2017-Ohio-8115, 2017 Ohio LEXIS 2035 \(Ohio 2017\).](#)

Where relator failed to timely file his petition containing at least one originally signed and notarized statement of candidacy the board of elections is not under a clear legal duty to place his name on the ballot: [State ex rel. Hawkins v. Board of Elections, 28 Ohio St. 2d 4,6., 57 Ohio Op. 2d 63, 274 N.E.2d 563 \(1971\).](#)

It is now required under the provisions of this section that a written declaration of candidacy be signed by the candidate, and the prior sections requiring the written acceptance were repealed: [State ex rel. Troy v. Board of Elections, 170 Ohio St. 17,18., 9 Ohio Op. 2d 336, 161 N.E.2d 777 \(1959\).](#)

✚ Substantial compliance

Candidate did not substantially comply with the statute because the signature on the fourth petition paper was dated after the electors signed. Because the requirement that a candidate sign the statement of candidacy on the petition paper before the nominating petition is circulated advances two public interests: it guarantees adequate notice of the candidate's identity to electors and ensures that the petition will not be used for a candidacy other than the one intended by the signers, the interests do not relate merely to the "form" of a nominating petition but go to its very substance. [State ex rel. Simonetti v. Summit Cty. Bd. of Elections, 2017-Ohio-8115, 2017 Ohio LEXIS 2035 \(Ohio 2017\).](#)

[R.C. 3513.261](#) requires only substantial compliance with the form of the nominating petition and statement of candidacy: [State ex rel. Phillips v. Lorain County Bd. of Elections, 2001 Ohio 1627, 93 Ohio St. 3d 535, 757 N.E.2d 319, 2001 Ohio LEXIS 2756 \(Ohio 2001\)](#).

[R.C. 3513.261](#) requires only substantial compliance with the form of the statement of candidacy: [State ex rel. Osborn v. Fairfield County Bd. of Elections, 65 Ohio St. 3d 194, 602 N.E.2d 636, 1992 Ohio LEXIS 2893 \(Ohio 1992\)](#).

Finding of substantial compliance with [R.C. 3513.261](#): [State ex rel. Maurer v. Franklin County Bd. of Elections, 33 Ohio St. 3d 53, 514 N.E.2d 709, 1987 Ohio LEXIS 409 \(Ohio 1987\)](#).

Opinion Notes

ATTORNEY GENERAL OPINIONS

Pursuant to [R.C. 3513.05](#) and [3513.261](#), a board of elections may not certify as valid the petition of a candidate for county office who does not reside in the county in which he seeks office: [1984 Ohio Op. Att'y Gen. No. 025 \(1984\)](#).

Under [R.C. 3513.05](#) and [3513.261](#), an individual who files a petition to run for county office must be a resident of the county. There is, however, no general requirement that a person elected to county office must retain residence in the county that he was elected to serve: [1988 Ohio Op. Att'y Gen. No. 057 \(1988\)](#).

A nominating petition filed pursuant to [R.C. 1907.05.1](#) (now 1907.13) and this section is void where it states that the candidate is seeking election at the general election in November to a full term as county court judge and there is no full term for which an election could be held at that time. A favorable vote cast by the electors for such candidate for a full term as judge of the county court is ineffective; such favorable vote can not be construed to be an election of the candidate for an unexpired term where the question presented on the ballot was election for a full term: 1965 1965 Ohio Op. Att'y Gen. No. 7.

Research References & Practice Aids

Cross-References to Related Sections

Clerk of courts; nominating petitions, [RC § 1901.31](#).

Election falsification, [RC § 3599.36](#).

Election to unexpired term of judge, [RC § 1901.10](#).

Form of declaration of candidacy; petition for candidate, [RC § 3513.07](#).

Independent candidates desiring to fill unexpired term of office; filing deadline, [RC § 3513.31](#).

Qualifications of judges; terms; nominations; elections, [RC § 1907.13](#).

Statements of candidacy and nominating petitions for independent candidates, [RC § 3513.257](#).

Term of office of municipal court judge; nomination, [RC § 1901.07](#).

Ohio Administrative Code

Secretary of state—

Payment of filing fee by candidate. [OAC 111-5-01](#).