



# **OHIO** **CANDIDATE** **REQUIREMENT GUIDE**



Updated 12/14/2020



# Candidate Requirement Guide

If you are considering running for office in Ohio, this guide can help you navigate the legal requirements to get your name on the ballot. This guide is only a brief summary and not a complete digest of laws.

Legislative or judicial action may change the information in this guide. For the most up-to-date information, visit the Ohio Secretary of State's website at <https://OhioSoS.gov>.

Refer to the sections below for the office you are seeking:

- [Municipal Offices \(other than judge or court clerk\)](#)
- [Municipal Court Judge](#)
- [Municipal Court Clerk](#)
- [Township Offices](#)
- [Board of Education](#)

Each of these sections contains information on the terms of office and the conditions candidates must meet, such as residency requirements, minimum or maximum ages, or other necessary qualifications, such as legal experience. Each office has different petition filing requirements, such as deadlines, forms, filing fees and locations, and number of signatures needed.

Within this guide:

- "U.S. Const." refers to the United States Constitution.
- "OH Const." refers to the Ohio Constitution ([www.OhioSoS.gov](http://www.OhioSoS.gov)).
- "R.C." refers to the Revised Code of Ohio. (Visit [codes.ohio.gov](http://codes.ohio.gov) for more.)
- "O.A.G." refers to an Opinion of the Ohio Attorney General ([www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov))



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# Municipal Corporations

## **Cities and Villages**

As used in Ohio law, the terms “municipal corporation” and “municipality” refer either to a city or a village. A municipal corporation’s classification as a city or village is based on its population as determined by the most recent decennial federal census or, alternatively, the number of registered electors at the most recent general election. Municipal corporations that, at the last federal census, had a population of 5,000 or more, or at the last general election had 5,000 registered electors, are classified as cities. All other municipal corporations are classified as villages. ([R.C. 703.01, R.C. 703.011](#)).

Although many of the elective offices of cities and villages share common names, those offices are governed by different statutes. A candidate should become familiar with the statutes that set forth the duties of, and eligibility requirements for, the specific office the candidate seeks.

Also, note that, for election purposes, the law distinguishes between villages with populations of fewer than 2,000, and those with populations between 2,000 and 4,999.

## **Municipal Limited Home Rule**

Ohio law allows municipal corporations to organize under one of four specific plans of government that provide a limited amount of home rule. These plans – the charter, commission, city manager, and federal plans – are provided for in [Article XVIII of the Ohio Constitution](#) and [Chapter 705 of the Revised Code of Ohio](#). A candidate seeking election to a municipal office governed by one of the home rule plans must be familiar with the constitutional and statutory provisions that set forth the duties of and eligibility requirements for that office.

## Municipal Offices (Other Than Judge or Court Clerk)

**Note:** The following provisions may not apply if a municipal corporation has adopted a charter or other form of limited home rule government. For more information about charter municipalities, contact your county board of elections or the law director/solicitor of the municipal corporation.

### **Terms of Office**

(unless a controlling home rule provision provides otherwise)

- **Mayor:** Four years, commencing January 1, 2022 ([OH Const. Art. XVIII §7; R.C. 733.02, R.C. 733.24](#)).
- **Member, Legislative Authority:**
  - **City:** Two years, commencing January 1, 2022 ([OH Const. Art. XVIII §7; R.C. 731.03](#)).
  - **Village:** Four years, no statutory beginning date—generally commencing January 1, 2022 ([OH Const. Art. XVIII §7; R.C. 731.09](#)).
- **President, Legislative Authority of a City:** Two or four years, commencing January 1, 2022 ([R.C. 733.09](#)).
- **City Director of Law:** Four years, commencing January 1, 2022 ([R.C. 733.49](#)).
- **City Auditor:** Four years, commencing January 1, 2022 ([R.C. 733.10](#)).
- **Treasurer:** Four years, commencing January 1, 2022 ([R.C. 733.42](#)).
- **Village Clerk:** Four years, commencing April 1, 2022 ([R.C. 733.26](#)).
- **Village Clerk-Treasurer:** Four years, commencing April 1, 2022 ([R.C. 733.261](#)).
- **Board of Trustees of Public Affairs:**
  - **Village:** Two or four years, no statutory beginning date—generally commencing January 1, 2022 ([R.C. 735.28](#)).



## Municipal Corporations: Villages with Less Than 2,000 Population

In a statutory village with a population of less than 2,000, all candidates are nominated by petition unless the village voters adopted provisions to hold partisan primary elections pursuant to [R.C. 3513.01](#).<sup>1</sup> If the village has not adopted partisan elections, all candidates are designated as nonpartisan candidates.

### Qualifications and Filing Information

- **Residency Requirements:**

- **Mayor:** One year in the village immediately preceding the election ([R.C. 733.24](#)).
- **Legislative authority – council:** One year in the village immediately preceding the election ([R.C. 731.12](#)).
- **All other offices:** Resident of the village ([R.C. 3.15](#), [R.C. 733.26](#), [R.C. 733.261](#), [R.C. 3513.05](#)).

- **Minimum Age:** 18 years, as of the date of the general election ([OH Const. Art. V §1](#), [Art. XV §4](#)).

- **Other:** Registered elector of the village ([OH Const. Art. V §1](#), [Art. XV §4](#); [R.C. 3.15](#), [R.C. 731.09](#), [R.C. 731.12](#), [R.C. 733.10](#), [R.C. 733.24](#), [R.C. 733.26](#), [R.C. 733.261](#), [R.C. 733.42](#)).

- **Petition Filing Deadline:** By 4 p.m. on August 4, 2021 (90 days before the general election) ([R.C. 3513.251](#)).

- **Petition Forms:**

- [Form 3-O: Nominating Petition - Nonpartisan Office - Municipalities](#) - **for individual candidates**
- [Form 3-MA: Nominating Petition - Village Office - \(Several Candidates\)](#) - **for a group of candidates**

*See page 23 for additional information on group petitions.*

- **Signature Requirement:** 10 valid signatures ([R.C. 3513.251](#)).

- **Filing Fee:** \$30 ([R.C. 3513.10](#), [R.C. 3513.251](#), [R.C. 3513.261](#)).

- **File with:** Appropriate county board of elections office ([R.C. 3513.251](#)).

**Note:** *If the village is located in more than one county, the petition is filed with the board of elections in the most populous county.*

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<sup>1</sup> If a village has adopted provisions to hold partisan primaries, please follow the requirements listed in Section II. Municipal Corporations, beginning on the next page, with the one exception that the declaration of candidacy and petition requires 10 valid signatures.

## Municipal Corporations: Villages with Population Over 2,000, but Less Than 5,000; Cities with Population or Registered Electors of 5,000 or More

Candidates for municipal office will be nominated by petition as nonpartisan candidates unless one or more of the following applies: The electors of the municipal corporation have petitioned to have partisan elections, previous municipal elections in that municipality were partisan, or a municipal charter provides otherwise.

Candidates for nonpartisan office who want their names printed on the ballot will file nominating petitions.

Candidates for offices nominated through a partisan primary who want their names printed on the ballot will file either a declaration of candidacy (party candidates) or nominating petition (independent candidates).

### Party and Independent Candidates

#### Qualifications and Filing Information

- **Residency Requirements:**
  - **Mayor - Village with population of 2,000 - 4,999:** One year in the village immediately preceding election ([R.C. 3.15](#), [R.C. 733.24](#)).
  - **Mayor - City:** Resident of the city ([R.C. 3.15](#)).
  - **President - City legislative authority:** Resident of the city ([R.C. 3.15](#)).
  - **Legislative authority:** One year in the village, city or ward immediately preceding election ([R.C. 3.15](#), [R.C. 731.02](#), [R.C. 731.12](#)).
  - **All other offices:** Resident of the city or village ([R.C. 3.15](#)).
- **Minimum Age:** 18 years, as of the date of the general election ([OH Const. Art. V §1, Art. XV §4](#)).
- **Other:**
  - **Registered elector of the city or village** ([OH Const. Art. V §1, Art. XV §4, R.C. 3.15, R.C. 731.02, R.C. 731.12, R.C. 733.09, R.C. 733.10, R.C. 733.24, R.C. 733.42, R.C. 733.49](#)).
  - **Director of law:** Must be an attorney admitted to practice in this state ([R.C. 733.50](#)).
- **Petition Filing Deadlines:**
  - By 4 p.m. on February 3, 2021 (90 days before the primary election); or
  - By 4 p.m. on May 3, 2021 (one day before the primary election) for independent candidates ([R.C. 3513.05, R.C. 3513.257](#)).

**Note:** *Party candidates whose petitions are certified will run in the primary election, unless the primary is eliminated under [R.C. 3513.02](#) (see "Elimination of Primary Election" on page 19).*

- **Filing Fee:** \$30 for village office; \$45 for city office ([R.C. 3513.10](#)).

- **Petition Forms:**

- [Form 2-I: Declaration of Candidacy - Party Primary - Elective Offices of Cities or Villages](#) - **for party candidates**
- [Form 3-N: Nominating Petition - Municipal Office - Use in Cities or any Villages with a Population of 2,000 or More](#) - **for independent candidates**

- **Signature Requirements:**

**All offices except ward council representative:**

- **Major party candidates:** 50 valid signatures ([R.C. 3513.05](#)).
- **Minor party candidates:** 25 valid signatures ([R.C. 3513.05](#)).
- **Independent candidates:** Based on number of votes cast in the municipal corporation in the last general election for governor ([R.C. 3513.257](#), [R.C. 3513.261](#)):

**Number of votes cast**

Fewer than 5,000

5,000 or more

**Number of signatures**

25, or a number equal to 5 percent of the vote (whichever is less)

1 percent of vote

**Ward council representative:**

- **Major party candidates:** 25 valid signatures ([R.C. 3513.05](#)).
- **Minor party candidates:** 13 valid signatures ([R.C. 3513.05](#)).
- **Independent candidates:** Based on number of votes cast in the ward in the last general election for governor ([R.C. 3513.257](#), [R.C. 3513.261](#)):

**Number of votes cast**

Fewer than 5,000

5,000 or more

**Number of signatures**

25, or a number equal to 5 percent of the vote (whichever is less)

1 percent of vote

- **Filed With:** Appropriate county board of elections office ([R.C. 3513.05](#)).

**Note:** *If the municipal corporation is located in more than one county, the petition is filed with the board of elections in the most populous county.*

## Nonpartisan Candidates

### Qualifications and Filing Information

- **Residency Requirement:**
  - **Mayor - Village with population of 2,000 - 4,999:** One year in the village immediately preceding election ([R.C. 3.15, R.C. 733.24](#)).
  - **Mayor - City:** Resident of the city ([R.C. 3.15](#)).
  - **Legislative authority:** One year in the village, city or ward immediately preceding election ([R.C. 3.15, R.C. 731.02, R.C. 731.12](#)).
  - **All other offices:** Resident of the city or village ([R.C. 3.15](#)).
- **Minimum Age:** 18 years, as of the date of the general election ([OH Const. Art. V §1, Art. XV §4](#)).
- **Other:**
  - **Registered elector of the city or village** ([OH Const. Art. V §1, Art. XV §4, R.C. 3.15, R.C. 731.02, R.C. 731.12, R.C. 733.09, R.C. 733.10, R.C. 733.24, R.C. 733.42, R.C. 733.49](#)).
  - **Director of law:** Must be an attorney admitted to practice in this state ([R.C. 733.50](#)).
- **Petition Filing Deadline:** By 4 p.m. on August 4, 2021 (90 days before the general election) ([R.C. 3513.251, R.C. 3513.261](#)).
- **Filing Fee:** \$30 for village office; \$45 for city office ([R.C. 3513.10, R.C. 3513.261](#)).
- **Petition Form:** [Form 3-O: Nominating Petition - Nonpartisan Office - Municipalities](#)
- **Signature Requirement:** 50 valid signatures ([R.C. 3513.251](#)).
- **Filed With:** Appropriate county board of elections office ([R.C. 3513.05](#)).

**Note:** *If the municipal corporation is located in more than one county, the petition is filed with the board of elections in the most populous county.*

# Municipal Court Judge

[R.C. 1901.07](#) prescribes the method for nominating candidates for municipal court judge based on the jurisdiction of the court and the applicability of municipal charter provisions. Candidates for municipal court judge should review closely [R.C. 1901.07](#) to determine particular filing requirements in their jurisdiction. All candidates for municipal court judge are nominated either by nominating petition or by primary election. If two or more judges of the same court are to be elected, each person filing a declaration of candidacy or a nominating petition as a candidate for election to the office of judge of the municipal court must indicate which office is being sought by stating when the term of office commences.

## **Term of Office**

- Six years; commencement dates vary ([R.C. 1901.07](#)).

## **Qualifications and Filing Information**

- **Maximum Age:** 70 years ([OH Const. Art. IV §6](#)).
- **Residency Requirement:** Resident of the territorial jurisdiction of the court ([R.C. 3.15](#), [R.C. 1901.06](#)).
- **Experience:** Six years admitted to, and engaged in, the practice of law in this state, or prior service as a judge of a court of record in the United States, or both ([R.C. 1901.06](#)).
- **Other:**
  - Registered elector in the territorial jurisdiction of the court ([R.C. 1901.06](#)).
  - Candidates for judge must designate the term of office on the declaration of candidacy or nominating petition if more than one office of that court is to be elected at the election. ([R.C. 3513.08](#), [R.C. 3513.28](#)).
- **Petition Filing Deadlines:**
  - By 4 p.m. on February 3, 2021 (90 days before the primary election) **for party candidates**; or
  - By 4 p.m. on May 3, 2021 (one day before the primary election) for **independent or nonpartisan candidates** ([R.C. 1901.07](#), [R.C. 3513.05](#), [R.C. 3513.257](#), [R.C. 3513.261](#)).
- **Filing Fee:** \$80 ([R.C. 3513.10](#), [R.C. 3513.261](#)).
- **Petition Forms:**
  - [Form 2-H: Declaration of Candidacy - Party Primary - Judge or Clerk of the Municipal Court - for party candidates](#)
  - [Form 3-I: Nominating Petition - Judge or Clerk of the Municipal Court - for independent and nonpartisan candidates](#)
- **Signature Requirements:**

**Note:** In certain charter municipal corporations, the petition, signature or filing requirements may differ. Please review the appropriate Revised Code or charter provisions for requirements specific to your court.

- **Major party candidates:** 50 valid signatures ([R.C. 1901.07, R.C. 3513.05](#)).
- **Minor party candidates:** 25 valid signatures ([R.C. 1901.07, R.C. 3513.05](#)).
- **Independent or nonpartisan candidates:** 50 valid signatures, unless otherwise provided in law ([R.C. 1901.07, R.C. 3513.05, R.C. 3513.257](#)).
- **By nominating petition only:** Municipal courts specified in [R.C. 1901.07\(C\)\(1\)-\(6\)](#): Akron, Cleveland, and Toledo municipal courts; and the Auglaize, Brown, Carroll, Clermont, Crawford, Franklin, Hamilton, Hocking, Jackson, Lawrence, Madison, Miami, Morrow, Paulding, Perry, Putnam, Sandusky, and Wayne county municipal courts.

***Note:** An individual who is interested in being a candidate for the Akron, Cleveland, or Toledo municipal court or the Franklin County municipal court are encouraged to review the municipality's charter for the appropriate filing deadline and any additional filing requirements.*

- **Filed With:** Appropriate county board of elections office ([R.C. 3513.05](#)).

***Note:** If the court is located in more than one county, the petition is filed with the board of elections in the most populous county unless otherwise provided for in law.*

# Municipal Court Clerk

Requirements for candidates for municipal court clerk are specified in [R.C. 1901.31](#). Generally, municipal court clerks are elected in municipal court jurisdictions with populations of 100,000 or more and appointed in jurisdictions with populations under 100,000, but there are numerous exceptions (e.g., Akron, Barberton, and Toledo municipal courts, and the Hamilton, Miami, Montgomery, Portage and Wayne county municipal courts).

Elected clerks are nominated and elected in the same manner provided for judges of the court. Please review the appropriate code sections for requirements specific to your court.

**Note:** *In certain charter municipal corporations, the petition, signature or filing requirements may differ.*

## **Term of Office**

- Six years, commencing January 1, 2022 ([R.C. 1901.31](#)).

## **Qualifications and Filing Information**

- **Residency Requirement:** Resident of the territorial jurisdiction of the court ([R.C. 3.15](#), [1901.06](#)).
- **Minimum Age:** 18 years, as of the date of the general election ([OH Const. Art. V §1](#), [Art. XV §4](#)).
- **Other:** Registered elector in the territorial jurisdiction of the court ([R.C. 1901.06](#), [R.C. 1901.31](#)).
- **Petition Filing Deadlines:**
  - By 4 p.m. on February 3, 2021 (90 days before the primary election) **for party candidates**; or
  - By 4 p.m. on May 3, 2021 (one day before the primary election) **for independent candidates** ([R.C. 1901.07](#), [R.C. 3513.05](#), [R.C. 3513.257](#), [R.C. 3513.261](#)).
- **Filing Fee:** \$80 ([R.C. 3513.10](#), [R.C. 3513.261](#)).
- **Petition Forms:**
  - [Form 2-H: Declaration of Candidacy - Party Primary - Judge or Clerk of the Municipal Court - for party candidates](#)
  - [Form 3-I: Nominating Petition - Judge or Clerk of the Municipal Court - for independent candidates](#)
- **Signature Requirements:**
  - **Major party candidates:** 50 valid signatures ([R.C. 1901.31](#), [R.C. 3513.05](#)).
  - **Minor party candidates:** 25 valid signatures ([R.C. 1901.31](#), [R.C. 3513.05](#)).
  - **Independent or nonpartisan candidates:** 50 valid signatures ([R.C. 1901.31](#), [R.C. 3513.05](#), [R.C. 3513.257](#)).
- **Filed With:** Appropriate county board of elections office ([R.C. 3513.05](#)).

**Note:** *If the court is located in more than one county, the petition is filed with the board of elections in the most populous county unless otherwise provided for in law.*

## Township Offices

In 2021, there will be two trustees elected in each township to a full term. Candidates for township office are nominated by nominating petition as nonpartisan candidates, unless a majority of the voters of the township have adopted provisions to hold a primary election. ([R.C. 3513.01](#), [R.C. 3513.253](#)).

### **Term of Office**

- **Trustee:** Four years, commencing January 1, 2022 ([R.C. 505.01](#)).

### **Qualifications and Filing Information**

- **Residency Requirement:** Resident of the township ([R.C. 3.15](#)).
- **Minimum Age:** 18 years, as of the date of the general election ([OH Const. Art. V §1](#), [Art. XV §4](#)).
- **Other:** Registered elector of the township ([OH Const. Art. V §1](#), [Art. XV §4](#)).
- **Petition Filing Deadline:** By 4 p.m. on August 4, 2021 (90 days before the general election) ([R.C. 3513.253](#)).
- **Filing Fee:** \$30 ([R.C. 3513.10](#), [R.C. 3513.261](#)).
- **Petition Forms:**
  - [Form 3-R: Nominating Petition – Township Office](#) - **for individual candidates**
  - [Form 3-S: Nominating Petition - Township Offices \(Several Candidates\)](#) - **for group of candidates**

*See page 23 for additional information on group petitions.*

- **Signature Requirement:** 25 valid signatures ([R.C. 3513.253](#)).
- **Filed with:** Appropriate county board of elections office ([R.C. 3513.253](#)).



## Board of Education

The number of members of a board of education to be elected in 2021 differs in each school district. Nomination of candidates for board of education may be made by: Nominating petition ([R.C. 3513.254, R.C. 3513.255](#)) or, if approved by the board of education, by a nonpartisan primary election held on the same day as the primary election for nominating all other candidates for public office in that year. ([R.C. 3513.256](#)).

### **Term of Office**

- Four years, commencing January 1, 2022 ([R.C. 3313.09](#)).

### **Qualifications and Filing Information**

- **Residency Requirement:** Resident in the territory comprising the district ([R.C. 3.15, R.C. 3313.01](#)).
- **Minimum Age:** 18 years, as of the date of the general election ([OH Const. Art. V §1, Art. XV §4](#)).
- **Other:** Registered elector in the territory comprising the district ([R.C. 3313.01](#)).
- **Petition Filing Deadlines:**
  - **Nonpartisan Primary:** By 4 p.m. on February 3, 2021 (90 days before the primary election) ([R.C. 3513.256\(A\)](#)).
  - **No primary:** By 4 p.m. on August 4, 2021 (90 days before the general election) ([R.C. 3513.254, R.C. 3513.255](#)).
- **Filing Fee:** \$30 ([R.C. 3513.10, R.C. 3513.261](#)).
- **Petition Forms:** [See page 23 for additional information on group petitions.](#)

#### **City, local or exempted village board**

- [Form 3-T: Nominating Petition - Board of Education - City, Local or Exempted Village School District](#) - **for individual candidates**
- [Form 3-U: Nominating Petition - Board of Education - City, Local or Exempted Village School District \(Several Candidates\)](#) - **for group of candidates**
- [Form 3-V: Nominating Petition - Board of Education - Newly Formed Local School District](#) - **for newly formed local school board**

#### **Governing board of educational service center (ESC)**

- [Form 3-W: Nominating Petition - Board of Education - Educational Service Center](#) - **for individual candidates (at-large or district)**
- [Form 3-X: Nominating Petition - Board of Education - Educational Service Center - At-Large \(Several Candidates\)](#) - **for group of at-large candidates**
- [Form 3-Y: Nominating Petition - Board of Education - Educational Service Center - Newly Formed Governing Board](#) - **for newly formed ESC, individual candidates**
- [Form 3-YA: Nominating Petition - Newly Formed Governing Board of an Educational Service Center \(Several Candidates\)](#) - **for newly formed ESC, group of candidates**

- **Petition Forms:** [See page 23 for additional information on group petitions.](#)

### **Non-Partisan Primary**

- [Form 2-V: Declaration of Candidacy - Non-Partisan Primary - Member of the Board of Education - city, local, exempted village](#) - **for city, local, exempted village (individual candidates)**
- [Form 2-W: Declaration of Candidacy - Non-Partisan Primary - Member of the Governing Board of an Educational Service Center \(esc\)](#) - **for individual ESC candidate**
- [Form 2-X: Declaration of Candidacy - Non-Partisan Primary - Member of a Newly Formed Governing Board of an Educational Service Center \(esc\)](#) - **for newly formed ESC**

- **Signature Requirements:**

- **City:** based on the population of the school district ([R.C. 3513.254](#)):

<b><u>Population of city school district</u></b>	<b><u>Number of valid signatures required</u></b>
Fewer than 20,000	25
20,000 – 49,999	75
50,000 – 99,999	150
100,000 or more	300

- **Local school district:** 25 valid signatures ([R.C. 3513.254](#)).
- **Exempted Village:** 25 valid signatures ([R.C. 3513.254](#)).
- **ESC:** 50 valid signatures ([R.C. 3513.255](#)).

- **Filed With:** Appropriate county board of elections office ([R.C. 3513.254](#)):

**Non-ESC:** If the school district is in more than one county, the petition is filed in the most populous county of the school district.

**ESC:** If the ESC is in more than one county, the petition is filed with the board of elections of the county in which the ESC's central administrative offices are located. ([R.C. 3513.255](#)).

## Elimination of Primary Election

[Section 3513.02 of the Revised Code of Ohio](#) provides that a municipal partisan primary election shall not be conducted under certain circumstances.

No primary election will be conducted for a particular political party in an odd-numbered year if, in accordance with [R.C. 3513.02](#), the following occurs:

- No valid declaration of candidacy is filed by a candidate of a political party for election to any of the offices to be voted for at the general election in that year; or
- Not more than one party declaration of candidacy is filed for each office to be voted upon at the general election.

However, if the only office for which there is a primary contest is that of ward council member, a primary election will be held for that party only in the ward in which there is a contest, and only the names of the candidates for that ward office will appear on the party's ballot. ([R.C. 3513.02](#)).

## Minor Parties

Prospective candidates of a recognized minor party should follow the signature requirements and filing deadlines listed for minor party candidates in this Guide below the office being sought.

## Write-In Candidates

Any person wanting to be a write-in candidate must file a declaration of intent to be a write-in candidate. Only write-in candidates who have filed a valid declaration of intent will have votes counted in the election for which the candidate filed. ([R.C. 3513.041](#)).

A write-in candidate must meet all of the qualifications of the office being sought. (Please review the qualifications above for the specific office being sought.)

- **Filing Deadlines:**

- **Write-In for Primary Election:** By 4 p.m. on February 22, 2021\* (72 days before the primary election) ([R.C. 3513.041](#)).
- **Write-In for General Election:** By 4 p.m. on August 23, 2021\* (72 days before the general election) ([R.C. 3513.041](#)).

***\*Note:** The filing deadlines fall on a day when the county boards of elections are closed. Therefore, the deadline is extended to the next succeeding day when the appropriate office is open for regular business hours. ([R.C. 1.14](#)).*

- **Filing Fee:** A write-in candidate must pay the same filing fee as any other candidate for the office. Please review the filing fee information above for the specific office being sought. ([R.C. 3513.10](#)).
- **Form Number:** [Form 13: Declaration of Intent be a Write-in Candidate \(all offices except U.S. president / vice president, & Gov / Lt Gov\)](#) - **all offices**
- **Filed With:** A write-in candidate must file their declaration of intent to be a write-in candidate form with the appropriate county board of elections. Please review the "Filed With" section for the specific office being sought. ([R.C. 3513.05](#)).

***Note:** In order to advance from a primary election ballot to a general election ballot, Ohio law requires a write-in candidate for party nomination in a contest where only write-in candidates filed to receive at least as many votes as the number of petition signatures that would have been required for the person's name to be printed on the primary ballot. ([R.C. 3513.23\(B\)](#); [R.C. 3513.05](#)).*

## Political Party Affiliation of Candidates for Party Nomination

A person may be a candidate for nomination of any political party at a primary election (regardless of party affiliation established by voting in a prior partisan primary) if either of the following apply:

- The person does not hold elective office, or
- The person holds an elective office for which candidates are not nominated at a primary election.

However, a person holding an elective office for which candidates are nominated at a party primary may become a candidate for a different political party if the person completes and files the Secretary of State's prescribed [Form 10-Y](#), Declaration of Intent to Change Political Party Affiliation, **by 4 p.m. on the 30<sup>th</sup> day before the filing deadline for the primary election**. The completed [Form 10-Y](#) must be filed with the same office (e.g., Secretary of State, county board of elections) with which the person is required to file the declaration of candidacy and petition.

A person may file such declaration of intent only once during a period of 10 years after first filing a declaration of intent. ([R.C. 3513.191](#)).

Please see [R.C. 3513.04](#) and [R.C. 3513.052](#) for further candidacy information.

## Independent Candidates

An independent candidate must actually be unaffiliated from any political party, and the required claim of being unaffiliated must be made in good faith in order for the candidate to be qualified to run as an independent candidate. *Morrison v. Colley*, 467 F.3d 503 (6th Cir. 2006); *Jolivette v. Husted*, 694 F.3d 760 (6th Cir. 2012); *State ex rel. Davis v. Summit County Board of Elections*, 137 Ohio St.3d 222 (2013); *State ex rel. Morris v. Stark County Board of Elections*, 143 Ohio St.3d 507 (2015).

At the time a prospective independent candidate (other than a candidate for judicial office) files their nominating petition, the candidate may request to have the designation "nonparty candidate" or "other party candidate" printed underneath the candidate's name on the ballot. The designation "independent" may not appear on the ballot. Such request must be given to the office at which the nominating petition was filed. ([R.C. 3505.03](#), [R.C. 3513.257](#)).

Please review the information regarding office qualifications, signature requirements, and filing deadlines for the specific office being sought. More information about independent candidates may also be found in [Advisory 2007-05](#).

## Restrictions on Filing for Multiple Offices

No person shall seek nomination or election to any of the following offices or positions at the same election by filing a declaration of candidacy and petition, Declaration of Intent to be a Write-In Candidate, or a nominating petition; by becoming a candidate through a party nomination in a primary election; or by filling of a vacancy under [R.C. 3513.30](#) or [R.C. 3513.31](#):

1. Two or more state offices;
2. Two or more county offices;
3. A state office and a county office;
4. A federal and a state or county office; or
5. Any combination of two or more municipal or township offices, positions as a member of a city, local, or exempted village board of education, or position as a member of a governing board of an educational service center. ([R.C. 3513.052](#)).

The only exception to this prohibition is if a person “timely withdraws” their candidacy. A candidate who timely withdraws their candidacy prior to board action on their petition and prior to the filing deadline may file a new petition for the same or a different office in the same election as the withdrawn petition. (*State ex rel. Coble v. Lucas County Board of Elections, et al.*, 130 Ohio St.3d 132 (2011)).

Pursuant to [R.C. 3513.052\(H\)\(2\)](#), “timely withdraws” means either of the following:

1. Withdrawing as a candidate before the applicable filing deadline for filing a declaration of candidacy, Declaration of Intent to be a Write-In Candidate, or nominating petition for the subsequent office for which the person is seeking to become a candidate at the same election, or
2. Withdrawing as a candidate before the applicable deadline for the filling of a vacancy under sections [R.C. 3513.30](#) or [R.C. 3513.31](#) of the Revised Code, if the person is seeking to become a candidate for a subsequent office at the same election under either of those sections.

A candidate may withdraw only their candidacy. Once filed, a candidate may not withdraw the petition or other forms used to initiate the candidacy.

Candidates may also review [Chapter 12](#) of the Ohio Election Official Manual for information about candidacies and/or consult with private legal counsel.

## Petitions

County boards of election will provide at least one copy of a candidate petition form upon request. Candidates may make additional copies of the form as it is provided by the county board of elections.

Once the candidate has completed filling out and signing the petition, this signed part-petition may be copied prior to obtaining any elector signatures on the part-petitions. However, this original signed part-petition must be filed with the other part-petitions at the office of the appropriate filing entity. ([R.C. 3513.09](#), [R.C. 3513.261](#)).

### Group Petitions

Ohio law provides for a “group petition” to be used by candidates nominated only by nominating petition for the following offices: member of a board of education, township office, and offices of villages with under 2,000 population. ([R.C. 3513.261](#)).

If a group of candidates for one of these offices wants to jointly circulate and file a single petition, they may do so by using the appropriate form:

- [Form 3-S: Nominating Petition - Township Offices \(Several Candidates\)](#) - **township office**
- [Form 3-MA: Nominating Petition - Village Office - \(Several Candidates\)](#) - **offices in villages with under 2,000 population**
- [Form 3-U: Nominating Petition - Board of Education - City, Local or Exempted Village School District \(Several Candidates\)](#) - **city, local, or exempted village board of education**
- [Form 3-X: Nominating Petition - Board of Education - Educational Service Center - At-Large \(Several Candidates\)](#) - **at-large members of education service center**
- [Form 3-Y: Nominating Petition - Board of Education - Educational Service Center - Newly Formed Governing Board](#) - **members of newly formed educational service center**

Each of the candidates named in the group petition must sign the “Statement of Candidacy,” and each must pay a separate filing fee. All signatures affixed to the petition are credited to each candidate named on the petition. ([R.C. 3513.10](#), [R.C. 3513.261](#)).

## Rules Governing Petitions

Below is an overview of the rules governing petitions. For additional information on rules governing petitions, please see [Chapter 11](#) of the Ohio Election Official Manual.

1. The Declaration or Statement of Candidacy portion of each petition paper must be completely filled out and signed by the candidate(s) before being circulated. ([R.C. 3513.07](#), [R.C. 3513.09](#), [R.C. 3513.261](#)).
2. Candidates must designate the correct term commencing date on the declaration of candidacy or nominating petition, if more than one seat of that office is to be elected at the election. ([R.C. 3513.08](#), [R.C. 3513.28](#)).
3. Only qualified electors who are eligible to vote on the candidacy may sign a petition. An elector's qualifications are determined as of the date the petition is filed. ([R.C. 3501.38\(A\)](#)).
4. Each signature, written in ink, must be an original signature of an elector or the elector's duly appointed attorney-in-fact who is acting pursuant to R.C. 3501.382. Generally, signing or affixing a signature to petition requires a person's written, cursive-style legal mark written in that person's own hand unless the elector does not use a cursive-style mark during the course of their regular business or legal affairs. However, a voter with a disability may personally affix their signature through the use of a reasonable accommodation, including the use of assistive technology or an augmentative device such as a signature stamp. ([R.C. 3501.011](#), [R.C. 3501.382\(F\)](#) and related [O.A.G. 2015-012](#)).
5. Each signer's residence address and the date of signing must be placed on the petition after the elector's signature. The voting address written on the petition must be the address appearing in the registration records of the board of elections. ([R.C. 3501.38 \(C\)](#)).
6. Petitions for a candidate for party nomination must be signed and circulated by persons who are members of the same political party as the candidate. ([R.C. 3513.07](#)). An elector is considered to be a member of a political party if they voted in the primary election of that party within the preceding two calendar years, or if they did not vote in any other party's primary election within the preceding two calendar years. ([R.C. 3513.05, 7th ¶](#)).
7. A candidate may circulate their own petition, although they may not sign their own petition as an elector. For purposes of circulating their own petition, a candidate is exempt from the party affiliation requirements described in point number 6 of this section. ([R.C. 3513.191\(C\)\(4\)](#)). A circulator may not sign the same petition paper that they are circulating. A circulator who is not a candidate may, however, sign a petition paper being circulated for the same candidacy by a different circulator.
8. A circulator must be at least 18 years of age. ([R.C. 3503.06\(C\)](#)). (The Ohio residency requirement is not currently in place based on the preliminary injunction in *Citizens in Charge v. Husted*, Case: 2:13-CV-00935 (S.D. Ohio 11/13/13); See also, *Citizens in Charge v. Husted*, 810 F. 3d 437 (6th Cir 2016)).



9. After circulating the petition, the circulator must sign a statement, under penalty of election falsification, indicating the following:
  - a. The number of signatures contained on the petition;
  - b. That the circulator witnessed the affixing of each signature on the petition;
  - c. That all signers, to the best of the circulator's knowledge and belief, were qualified to sign;
  - d. That each signature is, to the best of the circulator's knowledge and belief, the signature of the person whose signature it purports to be; and
  - e. On the circulator's statement for a declaration of candidacy or nominating petition for a person seeking to become a statewide candidate, the circulator's name, the address of the circulator's permanent residence, and the name and address of the person employing the circulator to circulate the petition, if any.
10. If a circulator knowingly permits an unqualified person to sign a petition paper or permits a person to write a name other than the person's own on the petition paper, that petition paper is invalid; otherwise, the signature of a person not qualified to sign shall be rejected but shall not invalidate the other valid signatures on the petition paper. ([R.C. 3501.38\(F\)](#)).
11. Once a candidate's petition has been filed with the appropriate election official, it cannot be changed, supplemented, or returned to the candidate. ([R.C. 3501.38\(I\)](#)).
12. If the candidate's petition consists of more than one part-petition, the candidate may sign the declaration of candidacy on only one of such separate petition papers, but the signed declaration of candidacy must be copied on each other part-petition before the signature of electors are placed on it. The original petition with the candidate's original signature must be filed at the same time as all other part-petitions. ([R.C. 3501.38\(K\)](#), [R.C. 3513.09](#)).
13. Each petition paper shall be circulated by one person only and shall contain signatures of qualified electors of one county only. When petitions are circulated in a district that contains more than one county, separate petition papers must be circulated in each county. ([R.C. 3501.38](#), [R.C. 3513.05](#), [R.C. 3513.07](#), [R.C. 3513.261](#)).
14. No petition shall be accepted if it contains more than three times the minimum number of required signatures. ([R.C. 3513.05](#), [R.C. 3513.257](#), [R.C. 3513.259](#)). Or, in the case of a petition for county court judge, no nominating petition shall be accepted for filing or filed if it appears on its face to contain more than twice the minimum number of required signatures. ([R.C. 1907.13](#)).
15. All petitions must contain the following statement in boldface capital letters: "**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.**" ([R.C. 3501.38\(J\)](#), [R.C. 3599.36](#)).
16. Note: The penalties for a fifth degree felony conviction are six to 12 months in prison and/or a fine of \$2,500.
17. All petitions remain open for public inspection, under reasonable regulations, at the office of the county board of elections with which they were filed. ([R.C. 3513.05](#), [R.C. 3513.262](#)).

18. A signature on a nominating petition of a prospective independent candidate or nonpartisan candidate is not valid if it is dated more than one year before the date the petition was filed. ([R.C. 3513.262](#)).

## Protests

Protests against the candidacy of any person must be in writing, must set forth with specificity the legal ground(s) for the protest, and must be filed with the board of elections where the candidate filed their declaration of candidacy, nominating petition, or Declaration of Intent to be a Write-In Candidate. If the candidate filed with the Office of the Secretary of State, the protest must be filed with the Secretary of State. ([R.C. 3513.041](#), [R.C. 3513.05](#), [R.C. 3513.262](#), [R.C. 3513.263](#)).

After a valid protest is filed, the board of elections or, if applicable, the Secretary of State, must set a time and place for hearing the protest and give notice to both the person whose candidacy is being protested and the protestor. Both the protestor and the protested candidate, or their respective legal counsel, will have the opportunity to address the board or Secretary of State's hearing officer at the hearing. ([R.C. 3513.041](#), [R.C. 3513.05](#), [R.C. 3513.262](#), [R.C. 3513.263](#)).

## Partisan Primary Election

### Party Candidate

#### **Protest against a party candidate who filed a declaration of candidacy for the primary election:**

Protests against a candidate who has filed a declaration of candidacy and petition in a partisan primary may be made by the controlling committee of that party, or by any qualified elector who is a member of the same party as the candidate and who is eligible to vote for the candidate whose petition is the subject of the protest. ([R.C. 3513.05](#)).

The deadline to file a protest against any party candidate who filed a declaration of candidacy for the primary election is 4 p.m. February 19, 2021, or 74 days before the primary election. ([R.C. 3513.05](#)).

### Write-in Candidate

**Protest against a party candidate who filed a Declaration of Intent to Be a Write-In Candidate at the primary election:** Any elector eligible to vote on the candidacy of a write-in candidate may protest that candidacy.

The deadline to file a protest against a write-in candidate for the primary is 4 p.m. on February 26, 2021 (67 days before the primary election). ([R.C. 3513.041](#)).

## General Election

### Independent Candidate

**Protest against an independent candidate who filed a nominating petition:** Protest may be made by any qualified elector who is eligible to vote for the candidate whose petition is the subject of the protest. The deadline to file a protest against any candidate who filed a nominating petition as an independent candidate is 4 p.m. on July 30, 2021. ([R.C. 3513.262](#)).

## Nonpartisan Candidate

**Protest against a nonpartisan candidate who filed a nominating petition:** Any elector eligible to vote on the nonpartisan office may protest a candidacy. The deadline to file a protest against any candidate who filed a nominating petition as a nonpartisan candidate is 4 p.m. on August 20, 2021, or 74 days before the general election. ([R.C. 3513.263](#)).

## Write-in Candidate

**Protest against a candidate who filed a Declaration of Intent to Be a Write-In Candidate for the general election:** Any elector eligible to vote on the candidacy of the write-in candidate may protest that candidacy.

The deadline to file a protest against a candidate who filed a Declaration of Intent to Be a Write-In Candidate for the general election is 4 p.m. on August 27, 2021, or 67 days before the general election. ([R.C. 3513.041](#)).

## Unexpired Term Elections (Vacancy in Office)

Several statutes govern candidacies for unexpired term elections. [R.C. 3513.31](#) is the general statute that must be consulted in connection with an unexpired term election for an office that, under Ohio law, is subject to party primaries. [R.C. 3513.31\(I\)](#) provides how and when party nominees are selected for unexpired term elections for such offices, while [R.C. 3513.31\(J\)](#) describes how persons become independent candidates for those unexpired term elections.

Candidates seeking nomination or election to an office for the balance of an unexpired term must include the unexpired term ending date on the petition. Ohio law requires each person filing a declaration of candidacy or nominating petition as a candidate for the remainder of an unexpired term to designate the date on which that unexpired term will end. ([R.C. 3513.08](#), [R.C. 3513.28](#)). Failure to provide the correct term ending date on the petition will result in the petition being invalidated.

## Death or Withdrawal of Candidate

An individual's candidacy may cease to exist due to the individual's death or decision to withdraw from the election. If a candidate withdraws from an election, they must file a signed statement of withdrawal with the office where the original candidate petition was filed (county board of elections office or the Secretary of State's office).

If a candidate dies, the candidate's party organization, committee, or family should promptly notify the county board of elections or Secretary of State's office where the original candidate petition was filed of the candidate's death.

## Primary Election

A candidate may withdraw their candidacy at any time before the primary election by filing a written statement with the county board of elections or Secretary of State's office where the original candidate petition was filed. ([R.C. 3513.30\(B\)](#)).

## General Election

A candidate nominated in a primary election may withdraw their candidacy at any time before the general election by filing a written statement with the county board of elections or Secretary of State's office where the original candidate petition was filed. ([R.C. 3513.30\(D\)](#)).

If a candidate nominated in a primary election dies prior to the general election, the candidate's party organization, committee, or family should promptly notify the appropriate board of elections of the candidate's death.

The law provides procedures for the replacement of a candidate who dies or withdraws during the election cycle. The proper procedures are dictated by the specific facts surrounding the vacancy on the ballot (e.g., the office involved, when the vacancy occurred, why the vacancy occurred, the time remaining before the election, etc.). The two statutes that generally govern vacancies on the ballot are [R.C. 3513.30](#) and [R.C. 3513.31](#).

## Vacancies in Municipal Offices (Other Than Judge and Clerk of Courts)

### Villages

Vacancies in elective office of villages that have adopted a limited form of home rule will be filled as provided by the applicable home-rule provisions.

In all statutory (non-home rule) villages, the office of mayor is the only office requiring an election to fill an unexpired term, and then only if the following two conditions exist:

- The vacancy occurs more than 40 days before the next regular municipal election, and
- The unexpired term will end more than one year after that election.

Vacancies in other statutory village offices are filled by an appointment for the entire unexpired term. ([R.C. 731.43](#), [R.C. 733.25](#), [R.C. 733.31](#)).

### Cities

In all cities operating under a charter or other plan of limited home-rule government, the applicable provisions of the charter or home-rule plan will control the filling of vacancies.

In statutory (non-home rule) cities, vacancies in municipal offices for mayor, director of law, auditor, treasurer, and president of council, are filled by an election for the unexpired term if the following two conditions exist:

- The vacancy occurs more than 40 days before the next regular municipal election, and
- The unexpired term will end more than one year after that election.

Vacancies in other offices are filled by an appointment for the remainder of the unexpired term. ([R.C. 731.43](#), [R.C. 733.08](#), [R.C. 733.31](#)).

# Vacancies in Municipal Court; Townships; and Boards of Education

## Judge

Except where otherwise provided by charter, a vacancy in the office of a municipal judgeship that does not appear on this year's ballot and that occurs after the 100<sup>th</sup> day before the date of the primary election, and prior to the 40th day before the November 2, 2021 election, shall be filled by an election for the unexpired term. ([R.C. 3.02](#), [R.C. 1901.10](#)).

## Clerk

A vacancy in the office of an elected municipal court clerk is filled according to [R.C. 1901.31](#).

## Township Offices

A vacancy occurring in a township elective office that does not appear on the ballot in 2021 shall be filled by an election for the unexpired term if the vacancy occurs prior to the 40th day before the November 2, 2021 general election. ([R.C. 503.24](#)).

## Boards of Education

Each person selected to fill a vacancy on a board of education shall hold office for the shorter of the following periods:

- Until the completion of the unexpired term, or
- Until the first day of January immediately following the next regular board of education election taking place more than 90 days after a person is selected to fill the vacancy.

If, prior to the 90th day (August 4, 2021) before the general election, a person is appointed to a board of education term expiring on December 31, 2023, an election for the remainder of the unexpired term shall be held on November 2, 2021. ([R.C. 3313.11](#)).

## Education and Training Requirements

Many offices have education and training requirements that must be satisfied in order for a person to qualify as a candidate for the office, or in order for a person to qualify to hold the office. The Secretary of State's office cannot advise candidates or officials on what education and training requirements are required to obtain or hold an elective office.

Candidates should contact the office they seek to hold to receive additional information on education or training requirements.

## Campaign Finance Reporting

At the time petitions of candidacy are filed, each candidate should receive materials about campaign finance compliance and reporting.

Additional information regarding campaign finance rules, reporting requirements, and filing deadlines may be found on the [Ohio Secretary of State's website](#).

## Securing your Campaign

The Department of Homeland Security ("DHS") and Federal Bureau of Investigation ("FBI") provide valuable resources to help mitigate the risk of cyber influence in elections. Every campaign committee should review the DHS [Campaign Checklist](#) and the FBI's [Protected Voices](#) video series to learn valuable tools for how to reduce risk and how to respond to incidents.

State and local campaign staff should report suspicious activity to their local FBI field office (Cincinnati: 513.421.4310 or Cleveland: 216.522.1400) and the Department of Homeland Security's National Cybersecurity and Communications Integration Center at 888.282.0870 or [NCCICCustomerService@hq.dhs.gov](mailto:NCCICCustomerService@hq.dhs.gov).

For additional resources, the Harvard Kennedy School's Belfer Center for Science and International Affairs has published a [Campaign Playbook](#), as well as campaign handouts for [campaign staff](#) and [family members of the candidate](#).

## Personal Financial Disclosure Statement

Any individual who becomes a candidate for or holds a state, county or city elected office, or the position of school board member in a school district with more than 12,000 students average daily membership, is required to file a personal financial disclosure statement. All public officials and candidates for elected office must file statements with the Ohio Ethics Commission, except members of and candidates for the General Assembly, who file with the Joint Legislative Ethics Committee, and judges and judicial candidates, who file with the Board of Commissioners on Grievances and Discipline of the Supreme Court.

For further information on the filing requirements and deadlines or to find a copy of a blank personal financial disclosure statement, visit the Ohio Ethics Commission's website at: [www.ethics.ohio.gov](http://www.ethics.ohio.gov). For further information, please contact the Ohio Ethics Commission at 614.466.7090.

Candidates for the Ohio General Assembly may obtain additional information by contacting the Joint Legislative Ethics Committee at: 614.728.5100 or <http://www.jlec-olig.state.oh.us>.

Judicial candidates can find information at: <https://www.bpc.ohio.gov/financial-disclosure-statements> or by calling the office of the Board of Professional Conduct at 614.387.9370.

## 2021 Ohio Elections Calendar

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## **Elections**

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