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**128th General Assembly
Regular Session
2009-2010**

Am. Sub. S. B. No. 8

Senator Seitz

**Cosponsors: Senators Carey, Faber, Gibbs, Goodman, Niehaus, Patton,
Wagoner, Harris, Jones, Husted**

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A B I L L

To amend sections 3.02, 133.06, 133.18, 302.03, 1
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306.32, 306.321, 306.70, 306.71, 307.676, 307.677, 3
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6105.20, 6119.31, and 6119.32, to enact sections	46
125.042, 3501.012, 3503.191, 3505.184, 3511.021,	47
and 3511.14, and to repeal section 3509.022 of the	48
Revised Code to revise the Election Law.	49

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3.02, 133.06, 133.18, 302.03,	50
302.09, 303.11, 303.12, 303.25, 305.02, 305.31, 306.32, 306.321,	51
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5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 5705.2111, 80
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5743.021, 5743.024, 5743.026, 5748.02, 5748.04, 5748.08, 6105.18, 83
6105.20, 6119.31, and 6119.32 be amended and sections 125.042, 84

3501.012, 3503.191, 3505.184, 3511.021, and 3511.14 of the Revised 85
Code be enacted to read as follows: 86

Sec. 3.02. (A) When an elective office becomes vacant and is 87
filled by appointment, such appointee shall hold the office until 88
~~his~~ the appointee's successor is elected and qualified; and such 89
successor shall be elected for the unexpired term, at the first 90
general election for the office which is vacant that occurs more 91
than ~~forty~~ fifty-six days after the vacancy has occurred; provided 92
that when the unexpired term ends within one year immediately 93
following the date of such general election, an election to fill 94
such unexpired term shall not be held and the appointment shall be 95
for such unexpired term. 96

(B) When an elective office becomes vacant and is filled by 97
appointment, the appointing authority shall, immediately but no 98
later than seven days after making the appointment, certify it to 99
the board of elections and to the secretary of state. The board of 100
elections or, in the case of an appointment to a statewide office, 101
the secretary of state shall issue a certificate of appointment to 102
the appointee. Certificates of appointment shall be in such form 103
as the secretary of state shall prescribe. 104

(C) When an elected candidate fails to qualify for the office 105
to which ~~he~~ the candidate has been elected, the office shall be 106
filled as in the case of a vacancy. Until so filled, the incumbent 107
officer shall continue to hold office. This section does not 108
postpone the time for such election beyond that at which it would 109
have been held had no such vacancy occurred, or affect the 110
official term, or the time for the commencement thereof, of any 111
person elected to such office before the occurrence of such 112
vacancy. 113

Sec. 125.042. (A) The department of administrative services, 114

by rule adopted under Chapter 119. of the Revised Code, shall 115
establish a purchasing program through which the department enters 116
into purchase contracts for supplies used by boards of elections, 117
including any polling place supplies required under section 118
3501.30 of the Revised Code. A board of elections that opts to 119
participate in the purchasing program may purchase its supplies 120
through the contracts entered into by the department. 121

(B) Purchases that a board of elections makes under this 122
section are exempt from any competitive selection procedures 123
otherwise required by law. 124

Sec. 133.06. (A) A school district shall not incur, without a 125
vote of the electors, net indebtedness that exceeds an amount 126
equal to one-tenth of one per cent of its tax valuation, except as 127
provided in divisions (G) and (H) of this section and in division 128
(C) of section 3313.372 of the Revised Code, or as prescribed in 129
section 3318.052 or 3318.44 of the Revised Code, or as provided in 130
division (J) of this section. 131

(B) Except as provided in divisions (E), (F), and (I) of this 132
section, a school district shall not incur net indebtedness that 133
exceeds an amount equal to nine per cent of its tax valuation. 134

(C) A school district shall not submit to a vote of the 135
electors the question of the issuance of securities in an amount 136
that will make the district's net indebtedness after the issuance 137
of the securities exceed an amount equal to four per cent of its 138
tax valuation, unless the superintendent of public instruction, 139
acting under policies adopted by the state board of education, and 140
the tax commissioner, acting under written policies of the 141
commissioner, consent to the submission. A request for the 142
consents shall be made at least one hundred ~~five~~ twenty days prior 143
to the election at which the question is to be submitted. 144

The superintendent of public instruction shall certify to the 145

district the superintendent's and the tax commissioner's decisions 146
within thirty days after receipt of the request for consents. 147

If the electors do not approve the issuance of securities at 148
the election for which the superintendent of public instruction 149
and tax commissioner consented to the submission of the question, 150
the school district may submit the same question to the electors 151
on the date that the next special election may be held under 152
section 3501.01 of the Revised Code without submitting a new 153
request for consent. If the school district seeks to submit the 154
same question at any other subsequent election, the district shall 155
first submit a new request for consent in accordance with this 156
division. 157

(D) In calculating the net indebtedness of a school district, 158
none of the following shall be considered: 159

(1) Securities issued to acquire school buses and other 160
equipment used in transporting pupils or issued pursuant to 161
division (D) of section 133.10 of the Revised Code; 162

(2) Securities issued under division (F) of this section, 163
under section 133.301 of the Revised Code, and, to the extent in 164
excess of the limitation stated in division (B) of this section, 165
under division (E) of this section; 166

(3) Indebtedness resulting from the dissolution of a joint 167
vocational school district under section 3311.217 of the Revised 168
Code, evidenced by outstanding securities of that joint vocational 169
school district; 170

(4) Loans, evidenced by any securities, received under 171
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 172
Revised Code; 173

(5) Debt incurred under section 3313.374 of the Revised Code; 174

(6) Debt incurred pursuant to division (B)(5) of section 175

3313.37 of the Revised Code to acquire computers and related hardware;	176 177
(7) Debt incurred under section 3318.042 of the Revised Code.	178
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	179 180
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	181 182 183
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	184 185
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	186 187 188 189
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	190 191 192
(a) A history of and a projection of the growth of the student population;	193 194
(b) The history of and a projection of the growth of the tax valuation;	195 196
(c) The projected needs;	197
(d) The estimated cost of permanent improvements proposed to meet such projected needs.	198 199
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	200 201 202
(a) The district does not have available sufficient additional funds from state or federal sources to meet the	203 204

projected needs. 205

(b) The projection of the potential average growth of tax 206
valuation during the next five years, according to the information 207
certified to the superintendent and any other information the 208
superintendent obtains, indicates a likelihood of potential 209
average growth of tax valuation of the district during the next 210
five years of an average of not less than three per cent per year. 211
The findings and certification of the superintendent shall be 212
conclusive. 213

(4) An approved special needs district may incur net 214
indebtedness by the issuance of securities in accordance with the 215
provisions of this chapter in an amount that does not exceed an 216
amount equal to the greater of the following: 217

(a) Nine per cent of the sum of its tax valuation plus an 218
amount that is the product of multiplying that tax valuation by 219
the percentage by which the tax valuation has increased over the 220
tax valuation on the first day of the sixtieth month preceding the 221
month in which its board determines to submit to the electors the 222
question of issuing the proposed securities; 223

(b) Nine per cent of the sum of its tax valuation plus an 224
amount that is the product of multiplying that tax valuation by 225
the percentage, determined by the superintendent of public 226
instruction, by which that tax valuation is projected to increase 227
during the next ten years. 228

(F) A school district may issue securities for emergency 229
purposes, in a principal amount that does not exceed an amount 230
equal to three per cent of its tax valuation, as provided in this 231
division. 232

(1) A board of education, by resolution, may declare an 233
emergency if it determines both of the following: 234

(a) School buildings or other necessary school facilities in 235

the district have been wholly or partially destroyed, or condemned 236
by a constituted public authority, or that such buildings or 237
facilities are partially constructed, or so constructed or planned 238
as to require additions and improvements to them before the 239
buildings or facilities are usable for their intended purpose, or 240
that corrections to permanent improvements are necessary to remove 241
or prevent health or safety hazards. 242

(b) Existing fiscal and net indebtedness limitations make 243
adequate replacement, additions, or improvements impossible. 244

(2) Upon the declaration of an emergency, the board of 245
education may, by resolution, submit to the electors of the 246
district pursuant to section 133.18 of the Revised Code the 247
question of issuing securities for the purpose of paying the cost, 248
in excess of any insurance or condemnation proceeds received by 249
the district, of permanent improvements to respond to the 250
emergency need. 251

(3) The procedures for the election shall be as provided in 252
section 133.18 of the Revised Code, except that: 253

(a) The form of the ballot shall describe the emergency 254
existing, refer to this division as the authority under which the 255
emergency is declared, and state that the amount of the proposed 256
securities exceeds the limitations prescribed by division (B) of 257
this section; 258

(b) The resolution required by division (B) of section 133.18 259
of the Revised Code shall be certified to the county auditor and 260
the board of elections at least ~~seventy-five~~ one hundred days 261
prior to the election; 262

(c) The county auditor shall advise and, not later than 263
~~sixty-five~~ ninety-five days before the election, confirm that 264
advice by certification to, the board of education of the 265
information required by division (C) of section 133.18 of the 266

Revised Code; 267

(d) The board of education shall then certify its resolution 268
and the information required by division (D) of section 133.18 of 269
the Revised Code to the board of elections not less than ~~sixty~~ 270
ninety days prior to the election. 271

(4) Notwithstanding division (B) of section 133.21 of the 272
Revised Code, the first principal payment of securities issued 273
under this division may be set at any date not later than sixty 274
months after the earliest possible principal payment otherwise 275
provided for in that division. 276

(G) The board of education may contract with an architect, 277
professional engineer, or other person experienced in the design 278
and implementation of energy conservation measures for an analysis 279
and recommendations pertaining to installations, modifications of 280
installations, or remodeling that would significantly reduce 281
energy consumption in buildings owned by the district. The report 282
shall include estimates of all costs of such installations, 283
modifications, or remodeling, including costs of design, 284
engineering, installation, maintenance, repairs, and debt service, 285
and estimates of the amounts by which energy consumption and 286
resultant operational and maintenance costs, as defined by the 287
Ohio school facilities commission, would be reduced. 288

If the board finds after receiving the report that the amount 289
of money the district would spend on such installations, 290
modifications, or remodeling is not likely to exceed the amount of 291
money it would save in energy and resultant operational and 292
maintenance costs over the ensuing fifteen years, the board may 293
submit to the commission a copy of its findings and a request for 294
approval to incur indebtedness to finance the making or 295
modification of installations or the remodeling of buildings for 296
the purpose of significantly reducing energy consumption. 297

If the commission determines that the board's findings are 298
reasonable, it shall approve the board's request. Upon receipt of 299
the commission's approval, the district may issue securities 300
without a vote of the electors in a principal amount not to exceed 301
nine-tenths of one per cent of its tax valuation for the purpose 302
of making such installations, modifications, or remodeling, but 303
the total net indebtedness of the district without a vote of the 304
electors incurred under this and all other sections of the Revised 305
Code, except section 3318.052 of the Revised Code, shall not 306
exceed one per cent of the district's tax valuation. 307

So long as any securities issued under division (G) of this 308
section remain outstanding, the board of education shall monitor 309
the energy consumption and resultant operational and maintenance 310
costs of buildings in which installations or modifications have 311
been made or remodeling has been done pursuant to division (G) of 312
this section and shall maintain and annually update a report 313
documenting the reductions in energy consumption and resultant 314
operational and maintenance cost savings attributable to such 315
installations, modifications, or remodeling. The report shall be 316
certified by an architect or engineer independent of any person 317
that provided goods or services to the board in connection with 318
the energy conservation measures that are the subject of the 319
report. The resultant operational and maintenance cost savings 320
shall be certified by the school district treasurer. The report 321
shall be made available to the commission upon request. 322

(H) With the consent of the superintendent of public 323
instruction, a school district may incur without a vote of the 324
electors net indebtedness that exceeds the amounts stated in 325
divisions (A) and (G) of this section for the purpose of paying 326
costs of permanent improvements, if and to the extent that both of 327
the following conditions are satisfied: 328

(1) The fiscal officer of the school district estimates that 329

receipts of the school district from payments made under or 330
pursuant to agreements entered into pursuant to section 725.02, 331
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 332
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 333
Code, or distributions under division (C) of section 5709.43 of 334
the Revised Code, or any combination thereof, are, after 335
accounting for any appropriate coverage requirements, sufficient 336
in time and amount, and are committed by the proceedings, to pay 337
the debt charges on the securities issued to evidence that 338
indebtedness and payable from those receipts, and the taxing 339
authority of the district confirms the fiscal officer's estimate, 340
which confirmation is approved by the superintendent of public 341
instruction; 342

(2) The fiscal officer of the school district certifies, and 343
the taxing authority of the district confirms, that the district, 344
at the time of the certification and confirmation, reasonably 345
expects to have sufficient revenue available for the purpose of 346
operating such permanent improvements for their intended purpose 347
upon acquisition or completion thereof, and the superintendent of 348
public instruction approves the taxing authority's confirmation. 349

The maximum maturity of securities issued under division (H) 350
of this section shall be the lesser of twenty years or the maximum 351
maturity calculated under section 133.20 of the Revised Code. 352

(I) A school district may incur net indebtedness by the 353
issuance of securities in accordance with the provisions of this 354
chapter in excess of the limit specified in division (B) or (C) of 355
this section when necessary to raise the school district portion 356
of the basic project cost and any additional funds necessary to 357
participate in a project under Chapter 3318. of the Revised Code, 358
including the cost of items designated by the Ohio school 359
facilities commission as required locally funded initiatives and 360
the cost for site acquisition. The school facilities commission 361

shall notify the superintendent of public instruction whenever a 362
school district will exceed either limit pursuant to this 363
division. 364

(J) A school district whose portion of the basic project cost 365
of its classroom facilities project under sections 3318.01 to 366
3318.20 of the Revised Code is greater than or equal to one 367
hundred million dollars may incur without a vote of the electors 368
net indebtedness in an amount up to two per cent of its tax 369
valuation through the issuance of general obligation securities in 370
order to generate all or part of the amount of its portion of the 371
basic project cost if the controlling board has approved the 372
school facilities commission's conditional approval of the project 373
under section 3318.04 of the Revised Code. The school district 374
board and the Ohio school facilities commission shall include the 375
dedication of the proceeds of such securities in the agreement 376
entered into under section 3318.08 of the Revised Code. No state 377
moneys shall be released for a project to which this section 378
applies until the proceeds of any bonds issued under this section 379
that are dedicated for the payment of the school district portion 380
of the project are first deposited into the school district's 381
project construction fund. 382

Sec. 133.18. (A) The taxing authority of a subdivision may by 383
legislation submit to the electors of the subdivision the question 384
of issuing any general obligation bonds, for one purpose, that the 385
subdivision has power or authority to issue. 386

(B) When the taxing authority of a subdivision desires or is 387
required by law to submit the question of a bond issue to the 388
electors, it shall pass legislation that does all of the 389
following: 390

(1) Declares the necessity and purpose of the bond issue; 391

(2) States the date of the authorized election at which the 392

question shall be submitted to the electors; 393

(3) States the amount, approximate date, estimated net 394
average rate of interest, and maximum number of years over which 395
the principal of the bonds may be paid; 396

(4) Declares the necessity of levying a tax outside the tax 397
limitation to pay the debt charges on the bonds and any 398
anticipatory securities. 399

The estimated net average interest rate shall be determined 400
by the taxing authority based on, among other factors, then 401
existing market conditions, and may reflect adjustments for any 402
anticipated direct payments expected to be received by the taxing 403
authority from the government of the United States relating to the 404
bonds and the effect of any federal tax credits anticipated to be 405
available to owners of all or a portion of the bonds. The 406
estimated net average rate of interest, and any statutory or 407
charter limit on interest rates that may then be in effect and 408
that is subsequently amended, shall not be a limitation on the 409
actual interest rate or rates on the securities when issued. 410

(C)(1) The taxing authority shall certify a copy of the 411
legislation passed under division (B) of this section to the 412
county auditor. The county auditor shall promptly calculate and 413
advise and, not later than ~~seventy-five~~ ninety days before the 414
election, confirm that advice by certification to, the taxing 415
authority the estimated average annual property tax levy, 416
expressed in cents or dollars and cents for each one hundred 417
dollars of tax valuation and in mills for each one dollar of tax 418
valuation, that the county auditor estimates to be required 419
throughout the stated maturity of the bonds to pay the debt 420
charges on the bonds. In calculating the estimated average annual 421
property tax levy for this purpose, the county auditor shall 422
assume that the bonds are issued in one series bearing interest 423
and maturing in substantially equal principal amounts in each year 424

over the maximum number of years over which the principal of the 425
bonds may be paid as stated in that legislation, and that the 426
amount of the tax valuation of the subdivision for the current 427
year remains the same throughout the maturity of the bonds, except 428
as otherwise provided in division (C)(2) of this section. If the 429
tax valuation for the current year is not determined, the county 430
auditor shall base the calculation on the estimated amount of the 431
tax valuation submitted by the county auditor to the county budget 432
commission. If the subdivision is located in more than one county, 433
the county auditor shall obtain the assistance of the county 434
auditors of the other counties, and those county auditors shall 435
provide assistance, in establishing the tax valuation of the 436
subdivision for purposes of certifying the estimated average 437
annual property tax levy. 438

(2) When considering the tangible personal property component 439
of the tax valuation of the subdivision, the county auditor shall 440
take into account the assessment percentages prescribed in section 441
5711.22 of the Revised Code. The tax commissioner may issue rules, 442
orders, or instructions directing how the assessment percentages 443
must be utilized. 444

(D) After receiving the county auditor's advice under 445
division (C) of this section, the taxing authority by legislation 446
may determine to proceed with submitting the question of the issue 447
of securities, and shall, not later than the ~~seventy-fifth~~ 448
ninetieth day before the day of the election, file the following 449
with the board of elections: 450

(1) Copies of the legislation provided for in divisions (B) 451
and (D) of this section; 452

(2) The amount of the estimated average annual property tax 453
levy, expressed in cents or dollars and cents for each one hundred 454
dollars of tax valuation and in mills for each one dollar of tax 455
valuation, as estimated and certified to the taxing authority by 456

the county auditor. 457

(E)(1) The board of elections shall prepare the ballots and 458
make other necessary arrangements for the submission of the 459
question to the electors of the subdivision. If the subdivision is 460
located in more than one county, the board shall inform the boards 461
of elections of the other counties of the filings with it, and 462
those other boards shall if appropriate make the other necessary 463
arrangements for the election in their counties. The election 464
shall be conducted, canvassed, and certified in the manner 465
provided in Title XXXV of the Revised Code. 466

(2) The election shall be held at the regular places for 467
voting in the subdivision. If the electors of only a part of a 468
precinct are qualified to vote at the election the board of 469
elections may assign the electors in that part to an adjoining 470
precinct, including an adjoining precinct in another county if the 471
board of elections of the other county consents to and approves 472
the assignment. Each elector so assigned shall be notified of that 473
fact prior to the election by notice mailed by the board of 474
elections, in such manner as it determines, prior to the election. 475

(3) The board of elections shall publish a notice of the 476
election, in one or more newspapers of general circulation in the 477
subdivision, at least once no later than ten days prior to the 478
election. The notice shall state all of the following: 479

(a) The principal amount of the proposed bond issue; 480

(b) The stated purpose for which the bonds are to be issued; 481

(c) The maximum number of years over which the principal of 482
the bonds may be paid; 483

(d) The estimated additional average annual property tax 484
levy, expressed in cents or dollars and cents for each one hundred 485
dollars of tax valuation and in mills for each one dollar of tax 486
valuation, to be levied outside the tax limitation, as estimated 487

and certified to the taxing authority by the county auditor; 488

(e) The first calendar year in which the tax is expected to 489
be due. 490

(F)(1) The form of the ballot to be used at the election 491
shall be substantially either of the following, as applicable: 492

(a) "Shall bonds be issued by the (name of 493
subdivision) for the purpose of (purpose of the bond 494
issue) in the principal amount of (principal amount of 495
the bond issue), to be repaid annually over a maximum period of 496
..... (the maximum number of years over which the principal 497
of the bonds may be paid) years, and an annual levy of property 498
taxes be made outside the (as applicable, "ten-mill" or 499
"...charter tax") limitation, estimated by the county auditor to 500
average over the repayment period of the bond issue 501
(number of mills) mills for each one dollar of tax valuation, 502
which amounts to (rate expressed in cents or dollars 503
and cents, such as "36 cents" or "\$1.41") for each one hundred 504
dollars of tax valuation, commencing in (first year the 505
tax will be levied), first due in calendar year (first 506
calendar year in which the tax shall be due), to pay the annual 507
debt charges on the bonds, and to pay debt charges on any notes 508
issued in anticipation of those bonds? 509

	For the bond issue
	Against the bond issue

510

511

512

513

(b) In the case of an election held pursuant to legislation 514
adopted under section 3375.43 or 3375.431 of the Revised Code: 515

"Shall bonds be issued for (name of library) for 516
the purpose of (purpose of the bond issue), in the 517
principal amount of (amount of the bond issue) by 518

..... (the name of the subdivision that is to issue the bonds 519
and levy the tax) as the issuer of the bonds, to be repaid 520
annually over a maximum period of (the maximum number 521
of years over which the principal of the bonds may be paid) years, 522
and an annual levy of property taxes be made outside the ten-mill 523
limitation, estimated by the county auditor to average over the 524
repayment period of the bond issue (number of mills) 525
mills for each one dollar of tax valuation, which amounts to 526
..... (rate expressed in cents or dollars and cents, such as 527
"36 cents" or "\$1.41") for each one hundred dollars of tax 528
valuation, commencing in (first year the tax will be 529
levied), first due in calendar year (first calendar 530
year in which the tax shall be due), to pay the annual debt 531
charges on the bonds, and to pay debt charges on any notes issued 532
in anticipation of those bonds? 533

	For the bond issue
	Against the bond issue

534

535

536

537

(2) The purpose for which the bonds are to be issued shall be 538
printed in the space indicated, in boldface type. 539

(G) The board of elections shall promptly certify the results 540
of the election to the tax commissioner, the county auditor of 541
each county in which any part of the subdivision is located, and 542
the fiscal officer of the subdivision. The election, including the 543
proceedings for and result of the election, is incontestable other 544
than in a contest filed under section 3515.09 of the Revised Code 545
in which the plaintiff prevails. 546

(H) If a majority of the electors voting upon the question 547
vote for it, the taxing authority of the subdivision may proceed 548
under sections 133.21 to 133.33 of the Revised Code with the 549

issuance of the securities and with the levy and collection of a 550
property tax outside the tax limitation during the period the 551
securities are outstanding sufficient in amount to pay the debt 552
charges on the securities, including debt charges on any 553
anticipatory securities required to be paid from that tax. If 554
legislation passed under section 133.22 or 133.23 of the Revised 555
Code authorizing those securities is filed with the county auditor 556
on or before the last day of November, the amount of the voted 557
property tax levy required to pay debt charges or estimated debt 558
charges on the securities payable in the following year shall if 559
requested by the taxing authority be included in the taxes levied 560
for collection in the following year under section 319.30 of the 561
Revised Code. 562

(I)(1) If, before any securities authorized at an election 563
under this section are issued, the net indebtedness of the 564
subdivision exceeds that applicable to that subdivision or those 565
securities, then and so long as that is the case none of the 566
securities may be issued. 567

(2) No securities authorized at an election under this 568
section may be initially issued after the first day of the sixth 569
January following the election, but this period of limitation 570
shall not run for any time during which any part of the permanent 571
improvement for which the securities have been authorized, or the 572
issuing or validity of any part of the securities issued or to be 573
issued, or the related proceedings, is involved or questioned 574
before a court or a commission or other tribunal, administrative 575
agency, or board. 576

(3) Securities representing a portion of the amount 577
authorized at an election that are issued within the applicable 578
limitation on net indebtedness are valid and in no manner affected 579
by the fact that the balance of the securities authorized cannot 580
be issued by reason of the net indebtedness limitation or lapse of 581

time. 582

(4) Nothing in this division (I) shall be interpreted or 583
applied to prevent the issuance of securities in an amount to fund 584
or refund anticipatory securities lawfully issued. 585

(5) The limitations of divisions (I)(1) and (2) of this 586
section do not apply to any securities authorized at an election 587
under this section if at least ten per cent of the principal 588
amount of the securities, including anticipatory securities, 589
authorized has theretofore been issued, or if the securities are 590
to be issued for the purpose of participating in any federally or 591
state-assisted program. 592

(6) The certificate of the fiscal officer of the subdivision 593
is conclusive proof of the facts referred to in this division. 594

Sec. 302.03. (A) The board of county commissioners of any 595
county may, by a two-thirds vote of the board, or shall, upon 596
petition by three per cent of the electors of the county as 597
determined by the number of votes cast therein for the office of 598
governor at the most recent gubernatorial election, by resolution, 599
cause the board of elections in the county to submit to the 600
electors of the county the question of adopting one of the 601
alternative forms of county government authorized by sections 602
302.01 to 302.24 of the Revised Code. The question shall be voted 603
upon at the next general election occurring not less than 604
~~seventy-five~~ ninety days after the certification of the resolution 605
to the board of elections. 606

(B) If, in any county, a resolution is adopted by the board 607
of county commissioners requiring that the question of choosing a 608
commission to frame a county charter be submitted to the electors 609
thereof prior to the resolution provided for in this section, the 610
proposition to adopt an alternative form of county government 611
provided in sections 302.01 to 302.24 of the Revised Code, shall 612

not be submitted in that county as long as the question of 613
choosing such commission or of adopting a charter framed by such 614
commission is pending therein. 615

(C) Any proposition for an alternative form of county 616
government shall specify the number of members of the board of 617
county commissioners, how many shall be elected at large, or how 618
many shall be elected by districts. 619

Sec. 302.09. When a vacancy occurs in the board of county 620
commissioners or in the office of county auditor, county 621
treasurer, prosecuting attorney, clerk of the court of common 622
pleas, sheriff, county recorder, county engineer, or coroner more 623
than ~~forty~~ fifty days before the next general election for state 624
and county officers, the vacancy shall be filled as provided for 625
in divisions (A) and (B) of section 305.02 of the Revised Code. 626

Sec. 303.11. If the zoning resolution is adopted by the board 627
of county commissioners, such board shall cause the question of 628
whether or not the proposed plan of zoning shall be put into 629
effect to be submitted to the electors residing in the 630
unincorporated area of the county included in the proposed plan of 631
zoning for their approval or rejection at the next primary or 632
general election, or a special election may be called for this 633
purpose. Such resolution shall be filed with the board of 634
elections not later than four p.m. on the ~~seventy-fifth~~ ninetieth 635
day before the day of the election. No zoning regulations shall be 636
put into effect in any township, unless a majority of the vote 637
cast on the issue in that township is in favor of the proposed 638
plan of zoning. Upon certification by the board of elections the 639
resolution shall take immediate effect in all townships which 640
voted approval, eliminating from the plan any township which did 641
not vote approval. 642

Within five working days after the resolution's effective date, the board of county commissioners shall file it, including text and maps, in the office of the county recorder. The board shall also file duplicates of the same documents with the regional or county planning commission, if one exists, within the same period.

The board shall file all resolutions, including text and maps, that are in effect on January 1, 1992, in the office of the county recorder within thirty working days after that date. The board shall also file duplicates of the same documents with the regional or county planning commission, if one exists, within the same period.

The failure to file a resolution, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the resolution and is not grounds for an appeal of any decision of the board of zoning appeals.

Sec. 303.12. (A)(1) Amendments to the zoning resolution may be initiated by motion of the county rural zoning commission, by the passage of a resolution by the board of county commissioners, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the county rural zoning commission. The board of county commissioners may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of county commissioners requires such a fee, it shall be required generally, for each application. The board of county commissioners, upon the passage of such a resolution, shall

certify it to the county rural zoning commission. 674

(2) Upon the adoption of a motion by the county rural zoning 675
commission, the certification of a resolution by the board of 676
county commissioners to the commission, or the filing of an 677
application by property owners or lessees as described in division 678
(A)(1) of this section with the commission, the commission shall 679
set a date for a public hearing, which date shall not be less than 680
twenty nor more than forty days from the date of adoption of such 681
a motion, the date of the certification of such a resolution, or 682
the date of the filing of such an application. Notice of the 683
hearing shall be given by the commission by one publication in one 684
or more newspapers of general circulation in each township 685
affected by the proposed amendment at least ten days before the 686
date of the hearing. 687

(B) If the proposed amendment intends to rezone or redistrict 688
ten or fewer parcels of land, as listed on the county auditor's 689
current tax list, written notice of the hearing shall be mailed by 690
the county rural zoning commission, by first class mail, at least 691
ten days before the date of the public hearing to all owners of 692
property within and contiguous to and directly across the street 693
from the area proposed to be rezoned or redistricted to the 694
addresses of those owners appearing on the county auditor's 695
current tax list. The failure of delivery of that notice shall not 696
invalidate any such amendment. 697

(C) If the proposed amendment intends to rezone or redistrict 698
ten or fewer parcels of land as listed on the county auditor's 699
current tax list, the published and mailed notices shall set forth 700
the time, date, and place of the public hearing and include all of 701
the following: 702

(1) The name of the county rural zoning commission that will 703
be conducting the hearing; 704

(2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution; 705
706

(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list; 707
708
709
710

(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property; 711
712
713

(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing; 714
715
716
717

(6) The name of the person responsible for giving notice of the public hearing by publication, by mail, or by both publication and mail; 718
719
720

(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of county commissioners for its action; 721
722
723

(8) Any other information requested by the commission. 724

(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following: 725
726
727
728
729

(1) The name of the county rural zoning commission that will be conducting the hearing on the proposed amendment; 730
731

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution; 732
733

(3) The time and place where the text and maps of the 734

proposed amendment will be available for examination for a period 735
of at least ten days prior to the hearing; 736

(4) The name of the person responsible for giving notice of 737
the hearing by publication; 738

(5) A statement that, after the conclusion of the hearing, 739
the matter will be submitted to the board of county commissioners 740
for its action; 741

(6) Any other information requested by the commission. 742

Hearings shall be held in the county court house or in a 743
public place designated by the commission. 744

(E) Within five days after the adoption of the motion 745
described in division (A) of this section, the certification of 746
the resolution described in division (A) of this section, or the 747
filing of the application described in division (A) of this 748
section, the county rural zoning commission shall transmit a copy 749
of it together with text and map pertaining to it to the county or 750
regional planning commission, if there is such a commission. 751

The county or regional planning commission shall recommend 752
the approval or denial of the proposed amendment or the approval 753
of some modification of it and shall submit its recommendation to 754
the county rural zoning commission. The recommendation shall be 755
considered at the public hearing held by the county rural zoning 756
commission on the proposed amendment. 757

The county rural zoning commission, within thirty days after 758
the hearing, shall recommend the approval or denial of the 759
proposed amendment, or the approval of some modification of it, 760
and shall submit that recommendation together with the motion, 761
application, or resolution involved, the text and map pertaining 762
to the proposed amendment, and the recommendation of the county or 763
regional planning commission on it to the board of county 764
commissioners. 765

The board of county commissioners, upon receipt of that 766
recommendation, shall set a time for a public hearing on the 767
proposed amendment, which date shall be not more than thirty days 768
from the date of the receipt of that recommendation. Notice of the 769
hearing shall be given by the board by one publication in one or 770
more newspapers of general circulation in the county, at least ten 771
days before the date of the hearing. 772

(F) If the proposed amendment intends to rezone or redistrict 773
ten or fewer parcels of land as listed on the county auditor's 774
current tax list, the published notice shall set forth the time, 775
date, and place of the public hearing and include all of the 776
following: 777

(1) The name of the board of county commissioners that will 778
be conducting the hearing; 779

(2) A statement indicating that the motion, application, or 780
resolution is an amendment to the zoning resolution; 781

(3) A list of the addresses of all properties to be rezoned 782
or redistricted by the proposed amendment and of the names of 783
owners of those properties, as they appear on the county auditor's 784
current tax list; 785

(4) The present zoning classification of property named in 786
the proposed amendment and the proposed zoning classification of 787
that property; 788

(5) The time and place where the motion, application, or 789
resolution proposing to amend the zoning resolution will be 790
available for examination for a period of at least ten days prior 791
to the hearing; 792

(6) The name of the person responsible for giving notice of 793
the hearing by publication, by mail, or by both publication and 794
mail; 795

(7) Any other information requested by the board.	796
(G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	797 798 799 800 801
(1) The name of the board of county commissioners that will be conducting the hearing on the proposed amendment;	802 803
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	804 805
(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;	806 807 808
(4) The name of the person responsible for giving notice of the hearing by publication;	809 810
(5) Any other information requested by the board.	811
(H) Within twenty days after its public hearing, the board of county commissioners shall either adopt or deny the recommendation of the county rural zoning commission or adopt some modification of it. If the board denies or modifies the commission's recommendation, a majority vote of the board shall be required.	812 813 814 815 816
The proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of county commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected,	817 818 819 820 821 822 823 824 825

requesting the board to submit the amendment to the electors of 826
that area for approval or rejection at a special election to be 827
held on the day of the next primary or general election occurring 828
at least ninety days after the petition is submitted. Each part of 829
this petition shall contain the number and the full and correct 830
title, if any, of the zoning amendment resolution, motion, or 831
application, furnishing the name by which the amendment is known 832
and a brief summary of its contents. In addition to meeting the 833
requirements of this section, each petition shall be governed by 834
the rules specified in section 3501.38 of the Revised Code. 835

The form of a petition calling for a zoning referendum and 836
the statement of the circulator shall be substantially as follows: 837

"PETITION FOR ZONING REFERENDUM 838

(if the proposal is identified by a particular name or number, or 839
both, these should be inserted here) 840

A proposal to amend the zoning map of the unincorporated area 841
of Township, County, Ohio, 842
adopted (date) (followed by brief summary of 843
the proposal). 844

To the Board of County Commissioners of 845
County, Ohio: 846

We, the undersigned, being electors residing in the 847
unincorporated area of Township, included within 848
the County Zoning Plan, equal to not less than 849
eight per cent of the total vote cast for all candidates for 850
governor in the area at the preceding general election at which a 851
governor was elected, request the Board of County Commissioners to 852
submit this amendment of the zoning resolution to the electors of 853
..... Township residing within the unincorporated area of 854
the township included in the County Zoning 855
Resolution, for approval or rejection at a special election to be 856

held on the day of the next primary or general election to be held 857
on(date)....., pursuant to section 303.12 of the 858
Revised Code. 859

Street Address Date of 860
Signature or R.F.D. Township Precinct County Signing 861
..... 862
..... 863

STATEMENT OF CIRCULATOR 864

I,(name of circulator)....., 865
declare under penalty of election falsification that I am an 866
elector of the state of Ohio and reside at the address appearing 867
below my signature; that I am the circulator of the foregoing part 868
petition containing(number)..... signatures; that I have 869
witnessed the affixing of every signature; that all signers were 870
to the best of my knowledge and belief qualified to sign; and that 871
every signature is to the best of my knowledge and belief the 872
signature of the person whose signature it purports to be or of an 873
attorney in fact acting pursuant to section 3501.382 of the 874
Revised Code. 875

..... 876
(Signature of circulator) 877
..... 878
(Address of circulator's permanent 879
residence in this state) 880
..... 881
(City, village, or township, 882
and zip code) 883

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 884
OF THE FIFTH DEGREE." 885

No amendment for which such a referendum vote has been 886
requested shall be put into effect unless a majority of the vote 887
cast on the issue is in favor of the amendment. Upon certification 888

by the board of elections that the amendment has been approved by 889
the voters, it shall take immediate effect. 890

Within five working days after an amendment's effective date, 891
the board of county commissioners shall file the text and maps of 892
the amendment in the office of the county recorder and with the 893
regional or county planning commission, if one exists. 894

The failure to file any amendment, or any text and maps, or 895
duplicates of any of these documents, with the office of the 896
county recorder or the county or regional planning commission as 897
required by this section does not invalidate the amendment and is 898
not grounds for an appeal of any decision of the board of zoning 899
appeals. 900

Sec. 303.25. In any township in which there is in force a 901
plan of county zoning, the plan may be repealed by the board of 902
county commissioners, as to such township, in the following 903
manner: 904

(A) The board may adopt a resolution upon its own initiative. 905

(B) The board shall adopt a resolution, if there is presented 906
to it a petition, similar in all relevant aspects to that 907
prescribed in section 303.12 of the Revised Code, signed by a 908
number of qualified voters residing in the unincorporated area of 909
such township included in the zoning plan equal to not less than 910
eight per cent of the total vote cast for all candidates for 911
governor in such area at the most recent general election at which 912
a governor was elected, requesting the question of whether or not 913
the plan of zoning in effect in such township shall be repealed, 914
to be submitted to the electors residing in the unincorporated 915
area of the township included in the zoning plan at a special 916
election to be held on the day of the next primary or general 917
election. The resolution adopted by the board of county 918
commissioners to cause such question to be submitted to the 919

electors shall be certified to the board of elections not later 920
than ~~seventy-five~~ ninety days prior to the day of election at 921
which the question is to be voted upon. In the event a majority of 922
the vote cast on such question in the township is in favor of 923
repeal of zoning, then such regulations shall no longer be of any 924
effect. Not more than one such election shall be held in any two 925
calendar years. 926

Sec. 305.02. (A) If a vacancy in the office of county 927
commissioner, prosecuting attorney, county auditor, county 928
treasurer, clerk of the court of common pleas, sheriff, county 929
recorder, county engineer, or coroner occurs more than ~~forty~~ fifty 930
days before the next general election for state and county 931
officers, a successor shall be elected at such election for the 932
unexpired term unless such term expires within one year 933
immediately following the date of such general election. 934

In either event, the vacancy shall be filled as provided in 935
this section and the appointee shall hold ~~his~~ office until a 936
successor is elected and qualified. 937

(B) If a vacancy occurs from any cause in any of the offices 938
named in division (A) of this section, the county central 939
committee of the political party with which the last occupant of 940
the office was affiliated shall appoint a person to hold the 941
office and to perform the duties thereof until a successor is 942
elected and has qualified, except that if such vacancy occurs 943
because of the death, resignation, or inability to take the office 944
of an officer-elect whose term has not yet begun, an appointment 945
to take such office at the beginning of the term shall be made by 946
the central committee of the political party with which such 947
officer-elect was affiliated. 948

(C) Not less than five nor more than forty-five days after a 949
vacancy occurs, the county central committee shall meet for the 950

purpose of making an appointment under this section. Not less than 951
four days before the date of such meeting the ~~chairman~~ chairperson 952
or secretary of such central committee shall send by first class 953
mail to every member of such central committee a written notice 954
which shall state the time and place of such meeting and the 955
purpose thereof. A majority of the members of the central 956
committee present at such meeting may make the appointment. 957

(D) If the last occupant of the office or the officer-elect 958
was elected as an independent candidate, the board of county 959
commissioners shall make such appointment at the time when the 960
vacancy occurs, except where the vacancy is in the office of 961
county commissioner, in which case the prosecuting attorney and 962
the remaining commissioners or a majority of them shall make the 963
appointment. 964

(E) Appointments made under this section shall be certified 965
by the appointing county central committee or by the board of 966
county commissioners to the county board of elections and to the 967
secretary of state, and the persons so appointed and certified 968
shall be entitled to all remuneration provided by law for the 969
offices to which they are appointed. 970

(F) The board of county commissioners may appoint a person to 971
hold any of the offices named in division (A) of this section as 972
an acting officer and to perform the duties thereof between the 973
occurrence of the vacancy and the time when the officer appointed 974
by the central committee qualifies and takes the office. 975

(G) A person appointed prosecuting attorney or assistant 976
prosecuting attorney shall give bond and take the oath of office 977
prescribed by section 309.03 of the Revised Code for the 978
prosecuting attorney. 979

Sec. 305.31. The procedure for submitting to a referendum a 980
resolution adopted by a board of county commissioners under 981

division (H) of section 307.695 of the Revised Code that is not 982
submitted to the electors of the county for their approval or 983
disapproval; any resolution adopted by a board of county 984
commissioners pursuant to division (D)(1) of section 307.697, 985
section 322.02, 322.06, or 324.02, sections 1515.22 and 1515.24, 986
division (B)(1) of section 4301.421, section 4504.02, 5739.021, or 987
5739.026, division (A)(6) of section 5739.09, section 5741.021 or 988
5741.023, or division (C)(1) of section 5743.024 of the Revised 989
Code; or a rule adopted pursuant to section 307.79 of the Revised 990
Code shall be as prescribed by this section. 991

Except as otherwise provided in this paragraph, when a 992
petition, signed by ten per cent of the number of electors who 993
voted for governor at the most recent general election for the 994
office of governor in the county, is filed with the county auditor 995
within thirty days after the date the resolution is passed or rule 996
is adopted by the board of county commissioners, or is filed 997
within forty-five days after the resolution is passed, in the case 998
of a resolution adopted pursuant to section 5739.021 of the 999
Revised Code that is passed within one year after a resolution 1000
adopted pursuant to that section has been rejected or repealed by 1001
the electors, requesting that the resolution be submitted to the 1002
electors of the county for their approval or rejection, the county 1003
auditor shall, after ten days following the filing of the 1004
petition, and not later than four p.m. of the ~~seventy-fifth~~ 1005
ninetieth day before the day of election, transmit a certified 1006
copy of the text of the resolution or rule to the board of 1007
elections. In the case of a petition requesting that a resolution 1008
adopted under division (D)(1) of section 307.697, division (B)(1) 1009
of section 4301.421, or division (C)(1) of section 5743.024 of the 1010
Revised Code be submitted to electors for their approval or 1011
rejection, the petition shall be signed by seven per cent of the 1012
number of electors who voted for governor at the most recent 1013
election for the office of governor in the county. The county 1014

auditor shall transmit the petition to the board together with the certified copy of the resolution or rule. The board shall examine all signatures on the petition to determine the number of electors of the county who signed the petition. The board shall return the petition to the auditor within ten days after receiving it, together with a statement attesting to the number of such electors who signed the petition. The board shall submit the resolution or rule to the electors of the county, for their approval or rejection, at the succeeding general election held in the county in any year, or on the day of the succeeding primary election held in the county in even-numbered years, occurring subsequent to ~~seventy-five~~ ninety days after the auditor certifies the sufficiency and validity of the petition to the board of elections.

No resolution shall go into effect until approved by the majority of those voting upon it. However, a rule shall take effect and remain in effect unless and until a majority of the electors voting on the question of repeal approve the repeal. Sections 305.31 to 305.41 of the Revised Code do not prevent a county, after the passage of any resolution or adoption of any rule, from proceeding at once to give any notice or make any publication required by the resolution or rule.

The board of county commissioners shall make available to any person, upon request, a certified copy of any resolution or rule subject to the procedure for submitting a referendum under sections 305.31 to 305.42 of the Revised Code beginning on the date the resolution or rule is adopted by the board. The board may charge a fee for the cost of copying the resolution or rule.

As used in this section, "certified copy" means a copy containing a written statement attesting that it is a true and exact reproduction of the original resolution or rule.

Sec. 306.32. Any county, or any two or more counties, 1046
municipal corporations, or townships, or any combination of these, 1047
may create a regional transit authority by the adoption of a 1048
resolution or ordinance by the board of county commissioners of 1049
each county, the legislative authority of each municipal 1050
corporation, and the board of township trustees of each township 1051
which is to create or to join in the creation of the regional 1052
transit authority. The resolution or ordinance shall state: 1053

(A) The necessity for the creation of a regional transit 1054
authority; 1055

(B) The counties, municipal corporations, or townships which 1056
are to create or to join in the creation of the regional transit 1057
authority; 1058

(C) The official name by which the regional transit authority 1059
shall be known; 1060

(D) The place in which the principal office of the regional 1061
transit authority will be located or the manner in which it may be 1062
selected; 1063

(E) The number, term, and compensation, or method for 1064
establishing compensation, of the members of the board of trustees 1065
of the regional transit authority. Compensation shall not exceed 1066
fifty dollars for each board and committee meeting attended by a 1067
member, except that if compensation is provided annually it shall 1068
not exceed six thousand dollars for the president of the board or 1069
four thousand eight hundred dollars for each other board member. 1070

(F) The manner in which vacancies on the board of trustees of 1071
the regional transit authority shall be filled; 1072

(G) The manner and to what extent the expenses of the 1073
regional transit authority shall be apportioned among the 1074
counties, municipal corporations, and townships creating it; 1075

(H) The purposes, including the kinds of transit facilities, 1076
for which the regional transit authority is organized. 1077

The regional transit authority provided for in the resolution 1078
or ordinance shall be deemed to be created upon the adoption of 1079
the resolution or ordinance by the board of county commissioners 1080
of each county, the legislative authority of each municipal 1081
corporation, and the board of township trustees of each township 1082
enumerated in the resolution or ordinance. 1083

The resolution or ordinance creating a regional transit 1084
authority may be amended to include additional counties, municipal 1085
corporations, or townships or for any other purpose, by the 1086
adoption of the amendment by the board of county commissioners of 1087
each county, the legislative authority of each municipal 1088
corporation, and the board of township trustees of each township 1089
which has created or joined or proposes to join the regional 1090
transit authority. 1091

After each county, municipal corporation, and township which 1092
has created or joined or proposes to join the regional transit 1093
authority has adopted its resolution or ordinance approving 1094
inclusion of additional counties, municipal corporations, or 1095
townships in the regional transit authority, a copy of each 1096
resolution or ordinance shall be filed with the clerk of the board 1097
of the county commissioners of each county, the clerk of the 1098
legislative authority of each municipal corporation, and the 1099
fiscal officer of the board of trustees of each township proposed 1100
to be included in the regional transit authority. The inclusion is 1101
effective when all such filing has been completed, unless the 1102
regional transit authority to which territory is to be added has 1103
authority to levy an ad valorem tax on property, or a sales tax, 1104
within its territorial boundaries, in which event the inclusion 1105
shall become effective on the sixtieth day after the last such 1106
filing is accomplished, unless, prior to the expiration of the 1107

sixty-day period, qualified electors residing in the area proposed 1108
to be added to the regional transit authority, equal in number to 1109
at least ten per cent of the qualified electors from the area who 1110
voted for governor at the last gubernatorial election, file a 1111
petition of referendum against the inclusion. Any petition of 1112
referendum filed under this section shall be filed at the office 1113
of the secretary of the board of trustees of the regional transit 1114
authority. The person presenting the petition shall be given a 1115
receipt containing on it the time of the day, the date, and the 1116
purpose of the petition. The secretary of the board of trustees of 1117
the regional transit authority shall cause the appropriate board 1118
or boards of elections to check the sufficiency of signatures on 1119
any petition of referendum filed under this section and, if found 1120
to be sufficient, shall present the petition to the board of 1121
trustees at a meeting of said board which occurs not later than 1122
thirty days following the filing of said petition. Upon 1123
presentation to the board of trustees of a petition of referendum 1124
against the proposed inclusion, the board of trustees shall 1125
promptly certify the proposal to the board or boards of elections 1126
for the purpose of having the proposal placed on the ballot at the 1127
next general or primary election which occurs not less than 1128
~~seventy-five~~ ninety days after the date of the meeting of said 1129
board, or at a special election, the date of which shall be 1130
specified in the certification, which date shall be not less than 1131
~~seventy-five~~ ninety days after the date of such meeting of the 1132
board. Signatures on a petition of referendum may be withdrawn up 1133
to and including the meeting of the board of trustees certifying 1134
the proposal to the appropriate board or boards of elections. If 1135
territory of more than one county, municipal corporation, or 1136
township is to be added to the regional transit authority, the 1137
electors of the territories of the counties, municipal 1138
corporations, or townships which are to be added shall vote as a 1139
district, and the majority affirmative vote shall be determined by 1140

the vote cast in the district as a whole. Upon certification of a
proposal to the appropriate board or boards of elections pursuant
to this section, the board or boards of election shall make the
necessary arrangements for the submission of the question to the
electors of the territory to be added to the regional transit
authority qualified to vote on the question, and the election
shall be held, canvassed, and certified in the manner provided for
the submission of tax levies under section 5705.191 of the Revised
Code, except that the question appearing on the ballot shall read:

"Shall the territory within the
(Name or names of political subdivisions to be joined) be added to
..... (Name) regional transit
authority?" and shall a(n) (here insert type of tax or
taxes) at a rate of taxation not to exceed (here insert
maximum tax rate or rates) be levied for all transit purposes?"

If the question is approved by at least a majority of the
electors voting on the question, the joinder is immediately
effective, and the regional transit authority may extend the levy
of the tax against all the taxable property within the territory
which has been added. If the question is approved at a general
election or at a special election occurring prior to the general
election but after the fifteenth day of July, the regional transit
authority may amend its budget and resolution adopted pursuant to
section 5705.34 of the Revised Code, and the levy shall be placed
on the current tax list and duplicate and collected as other taxes
are collected from all taxable property within the territorial
boundaries of the regional transit authority, including the
territory within each political subdivision added as a result of
the election.

The territorial boundaries of a regional transit authority
shall be coextensive with the territorial boundaries of the
counties, municipal corporations, and townships included within

the regional transit authority, provided that the same area may be 1173
included in more than one regional transit authority so long as 1174
the regional transit authorities are not organized for purposes as 1175
provided for in the resolutions or ordinances creating the same, 1176
and any amendments to them, relating to the same kinds of transit 1177
facilities; and provided further, that if a regional transit 1178
authority includes only a portion of an entire county, a regional 1179
transit authority for the same purposes may be created in the 1180
remaining portion of the same county by resolution of the board of 1181
county commissioners acting alone or in conjunction with municipal 1182
corporations and townships as provided in this section. 1183

No regional transit authority shall be organized after 1184
January 1, 1975, to include any area already included in a 1185
regional transit authority, except that any regional transit 1186
authority organized after June 29, 1974, and having territorial 1187
boundaries entirely within a single county shall, upon adoption by 1188
the board of county commissioners of the county of a resolution 1189
creating a regional transit authority including within its 1190
territorial jurisdiction the existing regional transit authority 1191
and for purposes including the purposes for which the existing 1192
regional transit authority was created, be dissolved and its 1193
territory included in such new regional transit authority. Any 1194
resolution creating such a new regional transit authority shall 1195
make adequate provision for satisfaction of the obligations of the 1196
dissolved regional transit authority. 1197

Sec. 306.321. The resolution or ordinance creating a regional 1198
transit authority may be amended to include additional counties, 1199
municipal corporations, or townships by the adoption of an 1200
amendment by the board of county commissioners of each county, the 1201
legislative authority of each municipal corporation, and the board 1202
of township trustees of each township which has created or, prior 1203
to the adoption of the amendment, joined or proposes to join the 1204

regional transit authority. 1205

After each county, municipal corporation, and township which 1206
has created or, prior to the adoption of the amendment, joined or 1207
proposes to join the regional transit authority has adopted its 1208
resolution or ordinance approving inclusion of additional 1209
counties, municipal corporations, or townships in the regional 1210
transit authority, a copy of each resolution or ordinance shall be 1211
filed with the clerk of the board of the county commissioners of 1212
each county, the clerk of the legislative authority of each 1213
municipal corporation, and the fiscal officer of the board of 1214
trustees of each township proposed to be included in the regional 1215
transit authority. 1216

Any ordinances or resolutions adopted pursuant to this 1217
section approving inclusion of additional counties, municipal 1218
corporations, or townships in the regional transit authority shall 1219
provide that the board of trustees of the regional transit 1220
authority must, not later than the tenth day following the day on 1221
which the filing of the ordinances or resolutions, as required by 1222
the immediately preceding paragraph, is completed, adopt its 1223
resolution providing for submission to the electors of the 1224
regional transit authority as enlarged, of the question pursuant 1225
to section 306.49 of the Revised Code, of the renewal, the renewal 1226
and increase, or the increase of, or the imposition of an 1227
additional, ad valorem tax, or of the question pursuant to section 1228
306.70 of the Revised Code, of the renewal, the renewal and 1229
increase, or the increase of, or the imposition of an additional, 1230
sales and use tax. The resolution submitting the question of the 1231
tax shall specify the date of the election, which shall be not 1232
less than ~~seventy-five~~ ninety days after certification of the 1233
resolution to the board of elections and which shall be consistent 1234
with the requirements of section 3501.01 of the Revised Code. The 1235
inclusion of the territory of the additional counties, municipal 1236

corporations, or townships in the regional transit authority shall 1237
be effective as of the date on which the resolution of the board 1238
of trustees of the regional transit authority is adopted 1239
submitting the question to the electors, provided that until the 1240
question is approved, existing contracts providing payment for 1241
transit services within the added territory shall remain in effect 1242
and transit services shall not be affected by the inclusion of the 1243
additional territory. The resolution shall be certified to the 1244
board of elections and the election shall be held, canvassed, and 1245
certified as provided in section 306.49 of the Revised Code in the 1246
case of an ad valorem tax or in section 306.70 of the Revised Code 1247
in the case of a sales and use tax. 1248

If the question of the tax which is submitted is not approved 1249
by a majority of the electors of the enlarged regional transit 1250
authority voting on the question, as of the day following the day 1251
on which the results of the election become conclusive, the 1252
additional counties, municipal corporations, or townships, which 1253
had been included in the regional transit authority as of the date 1254
of the adoption of the resolution submitting to the electors the 1255
question, shall be removed from the territory of the regional 1256
transit authority and shall no longer be a part of that authority 1257
without any further action by either the political subdivisions 1258
which were included in the authority prior to the adoption of the 1259
resolution submitting the question to the electors or of the 1260
political subdivisions added to the authority as a result of the 1261
adoption of the resolution. The regional transit authority reduced 1262
to its territory as it existed prior to the inclusion of the 1263
additional counties, municipal corporations, or townships, shall 1264
be entitled to levy and collect any ad valorem or sales and use 1265
taxes which it was authorized to levy and collect prior to the 1266
enlargement of its territory and for which authorization has not 1267
expired, as if the enlargement had not occurred. 1268

If the question of the tax which is submitted provides for a 1269
sales and use tax to be imposed and the question is approved, and 1270
the regional transit authority had previously been authorized 1271
pursuant to section 306.49 of the Revised Code to levy an ad 1272
valorem tax, the regional transit authority shall appropriate from 1273
the first moneys received from the sales and use tax in each year, 1274
the full amount required in order to pay the principal of and 1275
interest on any notes of the regional transit authority issued 1276
pursuant to section 306.49 of the Revised Code, in anticipation of 1277
the collection of the ad valorem tax; and shall not thereafter 1278
levy and collect the ad valorem tax previously approved unless the 1279
levy and collection is necessary to pay the principal of and 1280
interest on notes issued in anticipation of the tax in order to 1281
avoid impairing the obligation of the contract between the 1282
regional transit authority and the note holders. 1283

If the question of the additional or renewal tax levy is 1284
approved, the tax may be levied and collected as is otherwise 1285
provided for an ad valorem tax or a sales and use tax imposed by a 1286
regional transit authority, provided that if a question relating 1287
to an ad valorem tax is approved at the general election or at a 1288
special election occurring prior to a general election, but after 1289
the fifteenth day of July, the regional transit authority may 1290
amend its budget for its next fiscal year and its resolution 1291
adopted pursuant to section 5705.34 of the Revised Code or adopt 1292
such resolution, and the levy shall be placed on the current tax 1293
list and duplicate and collected as all other taxes are collected 1294
from all taxable property within the enlarged territory of the 1295
regional transit authority including the territory within each 1296
political subdivision which has been added to the regional transit 1297
authority pursuant to this section, provided further that if a 1298
question relating to sales and use tax is approved after the 1299
fifteenth day of July in any calendar year, the regional transit 1300
authority may amend its budget for the current and next fiscal 1301

year and any resolution adopted pursuant to section 5705.34 of the Revised Code, to reflect the imposition of the sales and use tax and shall amend its budget for the next fiscal year and any resolution adopted pursuant to section 5705.34 of the Revised Code to comply with the immediately preceding paragraph. If the budget of the regional transit authority is amended pursuant to this paragraph, the county auditor shall prepare and deliver an amended certificate of estimated resources to reflect the change in anticipated revenues of the regional transit authority.

The procedures of this section are in addition to and an alternative to those established in section 306.32 of the Revised Code for joining to a regional transit authority additional counties, municipal corporations, or townships.

Sec. 306.70. A tax proposed to be levied by a board of county commissioners or by the board of trustees of a regional transit authority pursuant to sections 5739.023 and 5741.022 of the Revised Code shall not become effective until it is submitted to the electors residing within the county or within the territorial boundaries of the regional transit authority and approved by a majority of the electors voting on it. Such question shall be submitted at a general election or at a special election on a day specified in the resolution levying the tax and occurring not less than ~~seventy-five~~ ninety days after such resolution is certified to the board of elections, in accordance with section 3505.071 of the Revised Code.

The board of elections of the county or of each county in which any territory of the regional transit authority is located shall make the necessary arrangements for the submission of such question to the electors of the county or regional transit authority, and the election shall be held, canvassed, and certified in the same manner as regular elections for the election

of county officers. Notice of the election shall be published in 1333
one or more newspapers which in the aggregate are of general 1334
circulation in the territory of the county or of the regional 1335
transit authority once a week for two consecutive weeks prior to 1336
the election and, if the board of elections operates and maintains 1337
a web site, notice of the election also shall be posted on that 1338
web site for thirty days prior to the election. The notice shall 1339
state the type, rate, and purpose of the tax to be levied, the 1340
length of time during which the tax will be in effect, and the 1341
time and place of the election. 1342

More than one such question may be submitted at the same 1343
election. The form of the ballots cast at such election shall be: 1344

"Shall a(n) (sales and use) 1345
tax be levied for all transit purposes of the 1346
(here insert name of the county or regional transit authority) at 1347
a rate not exceeding (here insert percentage) 1348
per cent for (here insert number of years the tax 1349
is to be in effect, or that it is to be in effect for a continuing 1350
period of time)?" 1351

If the tax proposed to be levied is a continuation of an 1352
existing tax, whether at the same rate or at an increased or 1353
reduced rate, or an increase in the rate of an existing tax, the 1354
notice and ballot form shall so state. 1355

The board of elections to which the resolution was certified 1356
shall certify the results of the election to the county auditor of 1357
the county or secretary-treasurer of the regional transit 1358
authority levying the tax and to the tax commissioner of the 1359
state. 1360

Sec. 306.71. The question of the decrease of the rate of a 1361
tax approved for a continuing period of time by the voters of a 1362
county or regional transit authority pursuant to sections 5739.023 1363

and 5741.022 of the Revised Code may be initiated by the filing of 1364
a petition with the board of elections of the county, or in the 1365
case of a regional transit authority with the board of elections 1366
as determined pursuant to section 3505.071 of the Revised Code, 1367
prior to the ~~seventy-fifth~~ ninetieth day before the general 1368
election in any year requesting that an election be held on such 1369
question. Such petition shall state the amount of the proposed 1370
decrease in the rate of the tax and shall be signed by at least 1371
ten per cent of the number of qualified electors residing in such 1372
county, or in the territory of the regional transit authority, who 1373
voted at the last general election. 1374

After determination by it that such petition is valid, the 1375
board of elections shall submit the question to the electors of 1376
the county or regional transit authority at the succeeding general 1377
election. The election shall be conducted, notice thereof shall be 1378
given, and the results thereof shall be certified in the manner 1379
provided in section 306.70 of the Revised Code. If a majority of 1380
the qualified electors voting on such question approve the 1381
proposed decrease in rate, such decrease in rate shall become 1382
effective on the first day of the second January after such 1383
election. 1384

In any case where bonds, or notes in anticipation of bonds, 1385
of a regional transit authority have been issued under section 1386
306.40 of the Revised Code without a vote of the electors while 1387
the tax proposed to be reduced was in effect, the board of 1388
trustees of the regional transit authority shall continue to levy 1389
and collect under authority of the original election authorizing 1390
the tax a rate of tax in each year which the authority reasonably 1391
estimates will produce an amount in that year equal to the amount 1392
of principal of and interest on such bonds as is payable in that 1393
year. 1394

Sec. 307.676. (A) As used in this section: 1395

(1) "Food and beverages" means any raw, cooked, or processed 1396
edible substance used or intended for use in whole or in part for 1397
human consumption, including ice, water, spirituous liquors, wine, 1398
mixed beverages, beer, soft drinks, soda, and other beverages. 1399

(2) "Convention facilities authority" has the same meaning as 1400
in section 351.01 of the Revised Code. 1401

(3) "Convention center" has the same meaning as in section 1402
307.695 of the Revised Code. 1403

(B) The legislative authority of a county with a population 1404
of one million or more according to the most recent federal 1405
decennial census may, by resolution adopted on or before August 1406
30, 2004, by a majority of the members of the legislative 1407
authority and with the subsequent approval of a majority of the 1408
electors of the county voting upon it, levy a tax of not more than 1409
two per cent on every retail sale in the county of food and 1410
beverages to be consumed on the premises where sold to pay the 1411
expenses of administering the tax and to provide revenues for the 1412
county general fund. Such resolution shall direct the board of 1413
elections to submit the question of levying the tax to the 1414
electors of the county at the next primary or general election in 1415
the county occurring not less than ~~seventy-five~~ ninety days after 1416
the resolution is certified to the board of elections, and such 1417
resolution may further direct the board of elections to include 1418
upon the ballot submitted to the electors any specific purposes 1419
for which the tax will be used. The legislative authority shall 1420
establish all regulations necessary to provide for the 1421
administration and allocation of the tax. The regulations may 1422
prescribe the time for payment of the tax and may provide for 1423
imposition of a penalty, interest, or both for late payments, 1424
provided that any such penalty may not exceed ten per cent of the 1425

amount of tax due and the rate at which interest accrues may not 1426
exceed the rate per annum required under section 5703.47 of the 1427
Revised Code. 1428

(C) A tax levied under this section shall remain in effect 1429
for the period of time specified in the resolution or ordinance 1430
levying the tax, but in no case for a longer period than forty 1431
years. 1432

(D) A tax levied under this section is in addition to any 1433
other tax levied under Chapter 307., 4301., 4305., 5739., 5741., 1434
or any other chapter of the Revised Code. "Price," as defined in 1435
sections 5739.01 and 5741.01 of the Revised Code, does not include 1436
any tax levied under this section and any tax levied under this 1437
section does not include any tax imposed under Chapter 5739. or 1438
5741. of the Revised Code. 1439

(E)(1) No amount collected from a tax levied under this 1440
section shall be contributed to a convention facilities authority, 1441
corporation, or other entity created after July 1, 2003, for the 1442
principal purpose of constructing, improving, expanding, 1443
equipping, financing, or operating a convention center unless the 1444
mayor of the municipal corporation in which the convention center 1445
is to be operated by that convention facilities authority, 1446
corporation, or other entity has consented to the creation of that 1447
convention facilities authority, corporation, or entity. 1448
Notwithstanding any contrary provision of section 351.04 of the 1449
Revised Code, if a tax is levied by a county under this section, 1450
the board of county commissioners of that county may determine the 1451
manner of selection, the qualifications, the number, and terms of 1452
office of the members of the board of directors of any convention 1453
facilities authority, corporation, or other entity described in 1454
division (E)(1) of this section. 1455

(2)(a) No amount collected from a tax levied under this 1456
section may be used for any purpose other than paying the direct 1457

and indirect costs of constructing, improving, expanding, 1458
equipping, financing, or operating a convention center and for the 1459
real and actual costs of administering the tax, unless, prior to 1460
the adoption of the resolution of the legislative authority of the 1461
county directing the board of elections to submit the question of 1462
the levy, extension, or increase to the electors of the county, 1463
the county and the mayor of the most populous municipal 1464
corporation in that county have entered into an agreement as to 1465
the use of such amounts, provided that such agreement has been 1466
approved by a majority of the mayors of the other municipal 1467
corporations in that county. The agreement shall provide that the 1468
amounts to be used for purposes other than paying the convention 1469
center or administrative costs described in division (E)(2)(a) of 1470
this section be used only for the direct and indirect costs of 1471
capital improvements in accordance with the agreement, including 1472
the financing of capital improvements. Immediately following the 1473
execution of the agreement, the county shall: 1474

(i) In accordance with section 7.12 of the Revised Code, 1475
cause the agreement to be published at least once in a newspaper 1476
of general circulation in that county; or 1477

(ii) Post the agreement in at least five public places in the 1478
county, as determined by the legislative authority, for a period 1479
not less than fifteen days. 1480

(b) If the county in which the tax is levied has an 1481
association of mayors and city managers, the approval of that 1482
association of an agreement described in division (E)(2)(a) of 1483
this section shall be considered to be the approval of the 1484
majority of the mayors of the other municipal corporations for 1485
purposes of that division. 1486

(F) Each year, the auditor of state shall conduct an audit of 1487
the uses of any amounts collected from taxes levied under this 1488
section and shall prepare a report of the auditor of state's 1489

findings. The auditor of state shall submit the report to the 1490
legislative authority of the county that has levied the tax, the 1491
speaker of the house of representatives, the president of the 1492
senate, and the leaders of the minority parties of the house of 1493
representatives and the senate. 1494

(G) The levy of any taxes under Chapter 5739. of the Revised 1495
Code on the same transactions subject to a tax under this section 1496
does not prevent the levy of a tax under this section. 1497

Sec. 307.677. (A) As used in this section: 1498

(1) "Food and beverages" means any raw, cooked, or processed 1499
edible substance used or intended for use in whole or in part for 1500
human consumption, including ice, water, spirituous liquors, wine, 1501
mixed beverages, beer, soft drinks, soda, and other beverages. 1502

(2) "Convention facilities authority" has the same meaning as 1503
in section 351.01 of the Revised Code. 1504

(3) "Convention center" has the same meaning as in section 1505
307.695 of the Revised Code. 1506

(B) The legislative authority of a county with a population 1507
of one million two hundred thousand or more according to the most 1508
recent federal decennial census or the most recent annual 1509
population estimate published or released by the United States 1510
census bureau at the time the resolution is adopted placing the 1511
levy on the ballot, may, by resolution adopted on or before July 1512
1, 2008, by a majority of the members of the legislative authority 1513
and with the subsequent approval of a majority of the electors of 1514
the county voting upon it, levy a tax of not more than two per 1515
cent on every retail sale in the county of food and beverages to 1516
be consumed on the premises where sold to pay the expenses of 1517
administering the tax and to provide revenues for paying the 1518
direct and indirect costs of constructing, improving, expanding, 1519

equipping, financing, or operating a convention center. The 1520
resolution shall direct the board of elections to submit the 1521
question of levying the tax to the electors of the county at the 1522
next primary or general election in the county occurring not less 1523
than ~~seventy-five~~ ninety days after the resolution is certified to 1524
the board of elections. The legislative authority shall establish 1525
all rules necessary to provide for the administration and 1526
allocation of the tax. The rules may prescribe the time for 1527
payment of the tax and may provide for imposition of a penalty, 1528
interest, or both for late payments, but any such penalty shall 1529
not exceed ten per cent of the amount of tax due and the rate at 1530
which interest accrues shall not exceed the rate per annum 1531
required under section 5703.47 of the Revised Code. 1532

(C) A tax levied under this section shall remain in effect 1533
for the period of time specified in the resolution or ordinance 1534
levying the tax, but not for a longer period than forty years. 1535

(D) A tax levied under this section is in addition to any 1536
other tax levied under Chapter 307., 4301., 4305., 5739., 5741., 1537
or any other chapter of the Revised Code. "Price," as defined in 1538
sections 5739.01 and 5741.01 of the Revised Code, does not include 1539
any tax levied under this section and any tax levied under this 1540
section does not include any tax imposed under Chapter 5739. or 1541
5741. of the Revised Code. 1542

(E) Any amount collected from a tax levied under this section 1543
may be contributed to a convention facilities authority created 1544
before July 1, 2005, but no amount collected from a tax levied 1545
under this section may be contributed to a convention facilities 1546
authority, corporation, or other entity created after July 1, 1547
2005, unless the mayor of the municipal corporation in which the 1548
convention center is to be operated by that convention facilities 1549
authority, corporation, or other entity has consented to the 1550
creation of that convention facilities authority, corporation, or 1551

entity. 1552

(F) The levy of any taxes under Chapter 5739. of the Revised 1553
Code on the same transactions subject to a tax under this section 1554
does not prevent the levy of a tax under this section. 1555

Sec. 307.695. (A) As used in this section: 1556

(1) "Arena" means any structure designed and constructed for 1557
the purpose of providing a venue for public entertainment and 1558
recreation by the presentation of concerts, sporting and athletic 1559
events, and other events and exhibitions, including facilities 1560
intended to house or provide a site for one or more athletic or 1561
sports teams or activities, spectator facilities, parking 1562
facilities, walkways, and auxiliary facilities, real and personal 1563
property, property rights, easements, leasehold estates, and 1564
interests that may be appropriate for, or used in connection with, 1565
the operation of the arena. 1566

(2) "Convention center" means any structure expressly 1567
designed and constructed for the purposes of presenting 1568
conventions, public meetings, and exhibitions and includes parking 1569
facilities that serve the center and any personal property used in 1570
connection with any such structure or facilities. 1571

(3) "Eligible county" means a county having a population of 1572
at least four hundred thousand but not more than eight hundred 1573
thousand according to the 2000 federal decennial census and that 1574
directly borders the geographic boundaries of another state. 1575

(4) "Entity" means a nonprofit corporation, a municipal 1576
corporation, a port authority created under Chapter 4582. of the 1577
Revised Code, or a convention facilities authority created under 1578
Chapter 351. of the Revised Code. 1579

(5) "Lodging taxes" means excise taxes levied under division 1580
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 1581

the revenues arising therefrom. 1582

(6) "Nonprofit corporation" means a nonprofit corporation 1583
that is organized under the laws of this state and that includes 1584
within the purposes for which it is incorporated the authorization 1585
to lease and operate facilities such as a convention center or an 1586
arena or a combination of an arena and convention center. 1587

(7) "Project" means acquiring, constructing, reconstructing, 1588
renovating, rehabilitating, expanding, adding to, equipping, 1589
furnishing or otherwise improving an arena, a convention center, 1590
or a combination of an arena and convention center. For purposes 1591
of this section, a project is a permanent improvement for one 1592
purpose under Chapter 133. of the Revised Code. 1593

(8) "Project revenues" means money received by a county with 1594
a population greater than four hundred thousand wherein the 1595
population of the largest city comprises more than one-third of 1596
that county's population, other than money from taxes or from the 1597
proceeds of securities secured by taxes, in connection with, 1598
derived from, related to, or resulting from a project, including, 1599
but not limited to, rentals and other payments received under a 1600
lease or agreement with respect to the project, ticket charges or 1601
surcharges for admission to events at a project, charges or 1602
surcharges for parking for events at a project, charges for the 1603
use of a project or any portion of a project, including suites and 1604
seating rights, the sale of naming rights for the project or a 1605
portion of the project, unexpended proceeds of any county revenue 1606
bonds issued for the project, and any income and profit from the 1607
investment of the proceeds of any such revenue bonds or any 1608
project revenues. 1609

(9) "Chapter 133. securities," "debt charges," "general 1610
obligation," "legislation," "one purpose," "outstanding," 1611
"permanent improvement," "person," and "securities" have the 1612
meanings given to those terms in section 133.01 of the Revised 1613

Code. 1614

(B) A board of county commissioners may enter into an 1615
agreement with a convention and visitors' bureau operating in the 1616
county under which: 1617

(1) The bureau agrees to construct and equip a convention 1618
center in the county and to pledge and contribute from the tax 1619
revenues received by it under division (A) of section 5739.09 of 1620
the Revised Code, not more than such portion thereof that it is 1621
authorized to pledge and contribute for the purpose described in 1622
division (C) of this section; and 1623

(2) The board agrees to levy a tax under division (C) of 1624
section 5739.09 of the Revised Code and pledge and contribute the 1625
revenues therefrom for the purpose described in division (C) of 1626
this section. 1627

(C) The purpose of the pledges and contributions described in 1628
divisions (B)(1) and (2) of this section is payment of principal, 1629
interest, and premium, if any, on bonds and notes issued by or for 1630
the benefit of the bureau to finance the construction and 1631
equipping of a convention center. The pledges and contributions 1632
provided for in the agreement shall be for the period stated in 1633
the agreement. Revenues determined from time to time by the board 1634
to be needed to cover the real and actual costs of administering 1635
the tax imposed by division (C) of section 5739.09 of the Revised 1636
Code may not be pledged or contributed. The agreement shall 1637
provide that any such bonds and notes shall be secured by a trust 1638
agreement between the bureau or other issuer acting for the 1639
benefit of the bureau and a corporate trustee that is a trust 1640
company or bank having the powers of a trust company within or 1641
without the state, and the trust agreement shall pledge or assign 1642
to the retirement of the bonds or notes, all moneys paid by the 1643
county under this section. A tax the revenues from which are 1644
pledged under an agreement entered into by a board of county 1645

commissioners under this section shall not be subject to 1646
diminution by initiative or referendum, or diminution by statute, 1647
unless provision is made therein for an adequate substitute 1648
therefor reasonably satisfactory to the trustee under the trust 1649
agreement that secures the bonds and notes. 1650

(D) A pledge of money by a county under division (B) of this 1651
section shall not be indebtedness of the county for purposes of 1652
Chapter 133. of the Revised Code. 1653

(E) If the terms of the agreement so provide, the board of 1654
county commissioners may acquire and lease real property to the 1655
convention bureau as the site of the convention center. The lease 1656
shall be on such terms as are set forth in the agreement. The 1657
purchase and lease are not subject to the limitations of sections 1658
307.02 and 307.09 of the Revised Code. 1659

(F) In addition to the authority granted to a board of county 1660
commissioners under divisions (B) to (E) of this section, a board 1661
of county commissioners in a county with a population of one 1662
million two hundred thousand or more, or a county with a 1663
population greater than four hundred thousand wherein the 1664
population of the largest city comprises more than one-third of 1665
that county's population, may purchase, for cash or by installment 1666
payments, enter into lease-purchase agreements for, lease with an 1667
option to purchase, lease, construct, enlarge, improve, rebuild, 1668
equip, or furnish a convention center. 1669

(G) The board of county commissioners of a county with a 1670
population greater than four hundred thousand wherein the 1671
population of the largest city comprises more than one-third of 1672
that county's population may undertake, finance, operate, and 1673
maintain a project. The board may lease a project to an entity on 1674
terms that the board determines to be in the best interest of the 1675
county and in furtherance of the public purpose of the project; 1676
the lease may be for a term of thirty-five years or less and may 1677

provide for an option of the entity to renew the lease for a term 1678
of thirty-five years or less. The board may enter into an 1679
agreement with an entity with respect to a project on terms that 1680
the board determines to be in the best interest of the county and 1681
in furtherance of the public purpose of the project. To the extent 1682
provided for in an agreement or a lease with an entity, the board 1683
may authorize the entity to administer on behalf of the board any 1684
contracts for the project. The board may enter into an agreement 1685
providing for the sale to a person of naming rights to a project 1686
or portion of a project, for a period, for consideration, and on 1687
other terms and conditions that the board determines to be in the 1688
best interest of the county and in furtherance of the public 1689
purpose of the project. The board may enter into an agreement with 1690
a person owning or operating a professional athletic or sports 1691
team providing for the use by that person of a project or portion 1692
of a project for that team's offices, training, practices, and 1693
home games for a period, for consideration, and on other terms and 1694
conditions that the board determines to be in the best interest of 1695
the county and in furtherance of the public purpose of the 1696
project. The board may establish ticket charges or surcharges for 1697
admission to events at a project, charges or surcharges for 1698
parking for events at a project, and charges for the use of a 1699
project or any portion of a project, including suites and seating 1700
rights, and may, as necessary, enter into agreements related 1701
thereto with persons for a period, for consideration, and on other 1702
terms and conditions that the board determines to be in the best 1703
interest of the county and in furtherance of the public purpose of 1704
the project. A lease or agreement authorized by this division is 1705
not subject to sections 307.02, 307.09, and 307.12 of the Revised 1706
Code. 1707

(H) Notwithstanding any contrary provision in Chapter 5739. 1708
of the Revised Code, after adopting a resolution declaring it to 1709
be in the best interest of the county to undertake a project as 1710

described in division (G) of this section, the board of county 1711
commissioners of an eligible county may adopt a resolution 1712
enacting or increasing any lodging taxes within the limits 1713
specified in Chapter 5739. of the Revised Code with respect to 1714
those lodging taxes and amending any prior resolution under which 1715
any of its lodging taxes have been imposed in order to provide 1716
that those taxes, after deducting the real and actual costs of 1717
administering the taxes and any portion of the taxes returned to 1718
any municipal corporation or township as provided in division 1719
(A)(1) of section 5739.09 of the Revised Code, shall be used by 1720
the board for the purposes of undertaking, financing, operating, 1721
and maintaining the project, including paying debt charges on any 1722
securities issued by the board under division (I) of this section, 1723
or to make contributions to the convention and visitors' bureau 1724
operating within the county, or to promote, advertise, and market 1725
the region in which the county is located, all as the board may 1726
determine and make appropriations for from time to time, subject 1727
to the terms of any pledge to the payment of debt charges on 1728
outstanding general obligation securities or special obligation 1729
securities authorized under division (I) of this section. A 1730
resolution adopted under division (H) of this section shall be 1731
adopted not earlier than January 15, 2007, and not later than 1732
January 15, 2008. 1733

A resolution adopted under division (H) of this section may 1734
direct the board of elections to submit the question of enacting 1735
or increasing lodging taxes, as the case may be, to the electors 1736
of the county at a special election held on the date specified by 1737
the board in the resolution, provided that the election occurs not 1738
less than ~~seventy-five~~ ninety days after a certified copy of the 1739
resolution is transmitted to the board of elections and no later 1740
than January 15, 2008. A resolution submitted to the electors 1741
under this division shall not go into effect unless it is approved 1742
by a majority of those voting upon it. A resolution adopted under 1743

division (H) of this section that is not submitted to the electors 1744
of the county for their approval or disapproval is subject to a 1745
referendum as provided in sections 305.31 to 305.41 of the Revised 1746
Code. 1747

A resolution adopted under division (H) of this section takes 1748
effect upon its adoption, unless the resolution is submitted to 1749
the electors of the county for their approval or disapproval, in 1750
which case the resolution takes effect on the date the board of 1751
county commissioners receives notification from the board of 1752
elections of the affirmative vote. Lodging taxes received after 1753
the effective date of the resolution may be used for the purposes 1754
described in division (H) of this section, except that lodging 1755
taxes that have been pledged to the payment of debt charges on any 1756
bonds or notes issued by or for the benefit of a convention and 1757
visitors' bureau under division (C) of this section shall be used 1758
exclusively for that purpose until such time as the bonds or notes 1759
are no longer outstanding under the trust agreement securing those 1760
bonds or notes. 1761

(I)(1) The board of county commissioners of a county with a 1762
population greater than four hundred thousand wherein the 1763
population of the largest city comprises more than one-third of 1764
that county's population may issue the following securities of the 1765
county for the purpose of paying costs of the project, refunding 1766
any outstanding county securities issued for that purpose, 1767
refundng any outstanding bonds or notes issued by or for the 1768
benefit of the bureau under division (C) of this section, or for 1769
any combination of those purposes: 1770

(a) General obligation securities issued under Chapter 133. 1771
of the Revised Code. The resolution authorizing these securities 1772
may include covenants to appropriate annually from lawfully 1773
available lodging taxes, and to continue to levy and collect those 1774
lodging taxes in, amounts necessary to meet the debt charges on 1775

those securities. 1776

(b) Special obligation securities issued under Chapter 133. 1777
of the Revised Code that are secured only by lawfully available 1778
lodging taxes and any other taxes and revenues pledged to pay the 1779
debt charges on those securities, except ad valorem property 1780
taxes. The resolution authorizing those securities shall include a 1781
pledge of and covenants to appropriate annually from lawfully 1782
available lodging taxes and any other taxes and revenues pledged 1783
for such purpose, and to continue to collect any of those revenues 1784
pledged for such purpose and to levy and collect those lodging 1785
taxes and any other taxes pledged for such purpose, in amounts 1786
necessary to meet the debt charges on those securities. The pledge 1787
is valid and binding from the time the pledge is made, and the 1788
lodging taxes so pledged and thereafter received by the county are 1789
immediately subject to the lien of the pledge without any physical 1790
delivery of the lodging taxes or further act. The lien of any 1791
pledge is valid and binding as against all parties having claims 1792
of any kind in tort, contract, or otherwise against the county, 1793
regardless of whether such parties have notice of the lien. 1794
Neither the resolution nor any trust agreement by which a pledge 1795
is created or further evidenced is required to be filed or 1796
recorded except in the records of the board. The special 1797
obligation securities shall contain a statement on their face to 1798
the effect that they are not general obligation securities, and, 1799
unless paid from other sources, are payable from the pledged 1800
lodging taxes. 1801

(c) Revenue securities authorized under section 133.08 of the 1802
Revised Code and issued under Chapter 133. of the Revised Code 1803
that are secured only by lawfully available project revenues 1804
pledged to pay the debt charges on those securities. 1805

(2) The securities described in division (I)(1) of this 1806
section are subject to Chapter 133. of the Revised Code. 1807

(3) Section 133.34 of the Revised Code, except for division 1808
(A) of that section, applies to the issuance of any refunding 1809
securities authorized under this division. In lieu of division (A) 1810
of section 133.34 of the Revised Code, the board of county 1811
commissioners shall establish the maturity date or dates, the 1812
interest payable on, and other terms of refunding securities as it 1813
considers necessary or appropriate for their issuance, provided 1814
that the final maturity of refunding securities shall not exceed 1815
by more than ten years the final maturity of any bonds refunded by 1816
refunding securities. 1817

(4) The board may not repeal, rescind, or reduce all or any 1818
portion of any lodging taxes pledged to the payment of debt 1819
charges on any outstanding special obligation securities 1820
authorized under this division, and no portion of any lodging 1821
taxes that is pledged, or that the board has covenanted to levy, 1822
collect, and appropriate annually to pay debt charges on any 1823
outstanding securities authorized under this division is subject 1824
to repeal, rescission, or reduction by the electorate of the 1825
county. 1826

Sec. 307.697. (A) For the purpose of section 307.696 of the 1827
Revised Code and to pay any or all of the charge the board of 1828
elections makes against the county to hold the election on the 1829
question of levying the tax, or for those purposes and to provide 1830
revenues to the county for permanent improvements, the board of 1831
county commissioners of a county may levy a tax not to exceed 1832
three dollars on each gallon of spirituous liquor sold to or 1833
purchased by liquor permit holders for resale, and sold at retail 1834
by the division of liquor control, in the county. The tax shall be 1835
levied on the number of gallons so sold. The tax may be levied for 1836
any number of years not exceeding twenty. 1837

The tax shall be levied pursuant to a resolution of the board 1838

of county commissioners approved by a majority of the electors in 1839
the county voting on the question of levying the tax, which 1840
resolution shall specify the rate of the tax, the number of years 1841
the tax will be levied, and the purposes for which the tax is 1842
levied. The election may be held on the date of a general or 1843
special election held not sooner than ~~seventy-five~~ ninety days 1844
after the date the board certifies its resolution to the board of 1845
elections. If approved by the electors, the tax takes effect on 1846
the first day of the month specified in the resolution but not 1847
sooner than the first day of the month that is at least sixty days 1848
after the certification of the election results by the board of 1849
elections. A copy of the resolution levying the tax shall be 1850
certified to the division of liquor control at least sixty days 1851
prior to the date on which the tax is to become effective. 1852

(B) A resolution under this section may be joined on the 1853
ballot as a single question with a resolution adopted under 1854
section 4301.421 or 5743.024 of the Revised Code to levy a tax for 1855
the same purposes, and for the purpose of paying the expenses of 1856
administering that tax. 1857

(C) The form of the ballot in an election held pursuant to 1858
this section or section 4301.421 or 5743.024 of the Revised Code 1859
shall be as follows or in any other form acceptable to the 1860
secretary of state: 1861

"For the purpose of paying not more than one-half of the 1862
costs of providing a public sports facility together with related 1863
redevelopment and economic development projects, shall (an) excise 1864
tax(es) be levied by county at the rate of 1865
(dollars on each gallon of spirituous liquor sold in the county by 1866
the Ohio division of liquor control, cents per gallon on the sale 1867
of beer at wholesale in the county, cents per gallon on the sale 1868
of wine and mixed beverages at wholesale in the county, cents per 1869
gallon on the sale of cider at wholesale in the county, or mills 1870

per cigarette on the sale of cigarettes at wholesale in the 1871
 county), for years? 1872

	Yes	"
	No	

1873
 1874
 1875
 1876

For an election in which questions under this section or 1877
 section 4301.421 or 5743.024 of the Revised Code are joined as a 1878
 single question, the form of the ballot shall be as above, except 1879
 each of the proposed taxes shall be listed. 1880

(D) The board of county commissioners of a county in which a 1881
 tax is imposed under this section on July 19, 1995, may levy a tax 1882
 for the purpose of section 307.673 of the Revised Code regardless 1883
 of whether or not the cooperative agreement authorized under that 1884
 section has been entered into prior to the day the resolution 1885
 adopted under division (D)(1) or (2) of this section is adopted, 1886
 and for the purpose of reimbursing a county for costs incurred in 1887
 the construction of a sports facility pursuant to an agreement 1888
 entered into by the county under section 307.696 of the Revised 1889
 Code. The tax shall be levied and approved in one of the manners 1890
 prescribed by division (D)(1) or (2) of this section. 1891

(1) The tax may be levied pursuant to a resolution adopted by 1892
 a majority of the members of the board of county commissioners not 1893
 later than forty-five days after July 19, 1995. A board of county 1894
 commissioners approving a tax under division (D)(1) of this 1895
 section may approve a tax under division (B)(1) of section 1896
 4301.421 or division (C)(1) of section 5743.024 of the Revised 1897
 Code at the same time. Subject to the resolution being submitted 1898
 to a referendum under sections 305.31 to 305.41 of the Revised 1899
 Code, the resolution shall take effect immediately, but the tax 1900
 levied pursuant to the resolution shall not be levied prior to the 1901

day following the last day the tax levied pursuant to divisions 1902
(A), (B), and (C) of this section may be levied. 1903

(2) The tax may be levied pursuant to a resolution adopted by 1904
a majority of the members of the board of county commissioners not 1905
later than forty-five days after July 19, 1995, and approved by a 1906
majority of the electors of the county voting on the question of 1907
levying the tax at the next succeeding general election following 1908
July 19, 1995. The board of county commissioners shall certify a 1909
copy of the resolution to the board of elections immediately upon 1910
adopting a resolution under division (D)(2) of this section, and 1911
the board of elections shall place the question of levying the tax 1912
on the ballot at that election. The form of the ballot shall be as 1913
prescribed by division (C) of this section, except that the phrase 1914
"paying not more than one-half of the costs of providing a sports 1915
facility together with related redevelopment and economic 1916
development projects" shall be replaced by the phrase "paying the 1917
costs of constructing or renovating a sports facility and 1918
reimbursing a county for costs incurred by the county in the 1919
construction of a sports facility," and the phrase ", beginning 1920
..... (here insert the earliest date the tax would take 1921
effect)" shall be appended after "years." A board of county 1922
commissioners submitting the question of a tax under division 1923
(D)(2) of this section may submit the question of a tax under 1924
division (B)(2) of section 4301.421 or division (C)(2) of section 1925
5743.024 of the Revised Code as a single question, and the form of 1926
the ballot shall include each of the proposed taxes. 1927

If approved by a majority of electors voting on the question, 1928
the tax shall take effect on the day specified on the ballot, 1929
which shall not be earlier than the day following the last day the 1930
tax levied pursuant to divisions (A), (B), and (C) of this section 1931
may be levied. 1932

The rate of a tax levied pursuant to division (D)(1) or (2) 1933

of this section shall not exceed the rate specified in division 1934
(A) of this section. A tax levied pursuant to division (D)(1) or 1935
(2) of this section may be levied for any number of years not 1936
exceeding twenty. 1937

A board of county commissioners adopting a resolution under 1938
division (D)(1) or (2) of this section shall certify a copy of the 1939
resolution to the division of liquor control immediately upon 1940
adoption of the resolution. 1941

(E) No tax shall be levied under this section on or after ~~the~~ 1942
~~effective date of the amendment of this section by the capital~~ 1943
~~appropriations act of the 127th general assembly September 23,~~ 1944
2008. This division does not prevent the collection of any tax 1945
levied under this section before that date so long as that tax 1946
remains effective. 1947

Sec. 307.791. The question of repeal of a county sediment 1948
control rule adopted under section 307.79 of the Revised Code may 1949
be initiated by filing with the board of elections of the county 1950
not less than ~~seventy-five~~ ninety days before the general or 1951
primary election in any year a petition requesting that an 1952
election be held on such question. Such petition shall be signed 1953
by qualified electors residing in the county equal in number to 1954
ten per cent of those voting for governor at the most recent 1955
gubernatorial election in the county. 1956

After determination by it that such petition is valid, the 1957
board of elections shall submit the question to the electors of 1958
the county at the next general or primary election. The election 1959
shall be conducted, canvassed, and certified in the same manner as 1960
regular elections for county offices in the county. Notice of the 1961
election shall be published in a newspaper of general circulation 1962
in the county once a week for two consecutive weeks prior to the 1963
election and, if the board of elections operates and maintains a 1964

web site, notice of the election also shall be posted on that web 1965
site for thirty days prior to the election. The notice shall state 1966
the purpose, time, and place of the election and the complete text 1967
of each rule sought to be repealed. The form of the ballot cast at 1968
such election shall be prescribed by the secretary of state. The 1969
question covered by such petition shall be submitted as a separate 1970
proposition, but it may be printed on the same ballot with any 1971
other proposition submitted at the same election other than the 1972
election of officers. If a majority of the qualified electors 1973
voting on the question of repeal approve the repeal, the result of 1974
the election shall be certified immediately after the canvass by 1975
the board of elections to the board of county commissioners, who 1976
shall thereupon rescind the rule. 1977

Sec. 307.94. Electors of a county, equal in number to ten per 1978
cent of the number who voted for governor in the county at the 1979
most recent gubernatorial election, may file, not later than one 1980
hundred ten days before the date of a general election, a petition 1981
with the board of county commissioners asking that the question of 1982
the adoption of a county charter in the form attached to the 1983
petition be submitted to the electors of the county. The petition 1984
shall be available for public inspection at the offices of the 1985
county commissioners during regular business hours until four p.m. 1986
of the ~~ninety-sixth~~ one hundred eleventh day before the election, 1987
at which time the board shall, by resolution, certify the petition 1988
to the board of elections of the county for submission to the 1989
electors of the county, unless the signatures are insufficient or 1990
the petitions otherwise invalid, at the next general election. 1991

Such electors may, in the alternative not later than the one 1992
hundred ~~fifteenth~~ thirtieth day before the date of a general 1993
election, file such a petition with the board of elections of the 1994
county. In such case the board of elections shall immediately 1995
proceed to determine whether the petition and the signatures on 1996

the petition meet the requirements of law and to count the number 1997
of valid signatures and to note opposite each invalid signature 1998
the reason for the invalidity. The board of elections shall 1999
complete its examination of the petition and the signatures and 2000
shall submit a report to the board of county commissioners not 2001
later than the one hundred ~~fifth~~ twentieth day before the date of 2002
the general election certifying whether the petition is valid or 2003
invalid and, if invalid, the reasons for invalidity, whether there 2004
are sufficient valid signatures, and the number of valid and 2005
invalid signatures. The petition and a copy of the report to the 2006
board of county commissioners shall be available for public 2007
inspection at the board of elections. If the petition is certified 2008
by the board of elections to be valid and to have sufficient valid 2009
signatures, the board of county commissioners shall forthwith and 2010
not later than four p.m. on the ~~ninety-sixth~~ one hundred eleventh 2011
day before the general election, by resolution, certify the 2012
petition to the board of elections for submission to the electors 2013
of the county at the next general election. If the petition is 2014
certified by the board of elections to be invalid or to have 2015
insufficient valid signatures, or both, the petitioners' committee 2016
may protest such findings or solicit additional signatures as 2017
provided in section 307.95 of the Revised Code, or both, or 2018
request that the board of elections proceed to establish the 2019
validity or invalidity of the petition and the sufficiency or 2020
insufficiency of the signatures in an action before the court of 2021
common pleas in the county. Such action must be brought within 2022
three days after the request has been made, and the case shall be 2023
heard forthwith by a judge or such court whose decision shall be 2024
certified to the board of elections and to the board of county 2025
commissioners in sufficient time to permit the board of county 2026
commissioners to perform its duty to certify the petition, if it 2027
is determined by the court to be valid and contain sufficient 2028
valid signatures, to the board of elections not later than four 2029

p.m. on the ~~ninety-sixth~~ one hundred eleventh day prior to the 2030
general election for submission to the electors at such general 2031
election. 2032

A county charter to be submitted to the voters by petition 2033
shall be considered to be attached to the petition if it is 2034
printed as a part of the petition. A county charter petition may 2035
consist of any number of separate petition papers. Each part shall 2036
have attached a copy of the charter to be submitted to the 2037
electors, and each part shall otherwise meet all the requirements 2038
of law for a county charter petition. Section 3501.38 of the 2039
Revised Code applies to county charter petitions. 2040

The petitioners shall designate in the petition the names and 2041
addresses of a committee of not fewer than three nor more than 2042
five persons who will represent them in all matters relating to 2043
the petition. Notice of all matters or proceedings pertaining to 2044
such petitions may be served on the committee, or any of them, 2045
either personally or by certified mail, or by leaving it at the 2046
usual place of residence of each of them. 2047

Sec. 307.95. (A) When a county charter petition has been 2048
certified to the board of elections pursuant to section 307.94 of 2049
the Revised Code, the board shall immediately proceed to determine 2050
whether the petition and the signatures on the petition meet the 2051
requirements of law, including section 3501.38 of the Revised 2052
Code, and to count the number of valid signatures. The board shall 2053
note opposite each invalid signature the reason for the 2054
invalidity. The board shall complete its examination of the 2055
petition and the signatures not later than ten days after receipt 2056
of the petition certified by the board of county commissioners and 2057
shall submit a report to the board of county commissioners not 2058
less than ~~eighty-five~~ one hundred days before the election 2059
certifying whether the petition is valid or invalid and, if 2060

invalid, the reasons for the invalidity, whether there are 2061
sufficient valid signatures, and the number of valid and invalid 2062
signatures. The petition and a copy of the report to the board of 2063
county commissioners shall be available for public inspection at 2064
the board of elections. If the petition is determined by the board 2065
of elections to be valid but the number of valid signatures is 2066
insufficient, the board of county commissioners shall immediately 2067
notify the committee for the petitioners, who may solicit and file 2068
additional signatures to the petition pursuant to division (E) of 2069
this section or protest the board of election's findings pursuant 2070
to division (B) of this section, or both. 2071

(B) Protests against the board of election's findings 2072
concerning the validity or invalidity of a county charter petition 2073
or any signature on such petition may be filed by any elector 2074
eligible to vote at the next general election with the board of 2075
elections not later than four p.m. of the ~~eighty-second~~ 2076
ninety-seventh day before the election. Each protest shall 2077
identify the part of, or omission from, the petition or the 2078
signature or signatures to which the protest is directed, and 2079
shall set forth specifically the reason for the protest. A protest 2080
must be in writing, signed by the elector making the protest, and 2081
shall include the protestor's address. Each protest shall be filed 2082
in duplicate. 2083

(C) The board of elections shall deliver or mail be certified 2084
mail one copy of each protest filed with it to the secretary of 2085
state. The secretary of state, within ten days after receipt of 2086
the protests, shall determine the validity or invalidity of the 2087
petition and the sufficiency or insufficiency of the signatures. 2088
The secretary of state may determine whether to permit matters not 2089
raised by protest to be considered in determining such validity or 2090
invalidity or sufficiency or insufficiency, and may conduct 2091
hearings, either in Columbus or in the county where the county 2092

charter petition is filed. The determination by the secretary of state is final.

(D) The secretary of state shall notify the board of elections of the determination of the validity or invalidity of the petition and sufficiency or insufficiency of the signatures not later than four p.m. of the ~~seventy-first~~ eighty-first day before the election. If the petition is determined to be valid and to contain sufficient valid signatures, the charter shall be placed on the ballot at the next general election. If the petition is determined to be invalid, the secretary of state shall so notify the board of county commissioners and the board of county commissioners shall notify the committee. If the petition is determined by the secretary of state to be valid but the number of valid signatures is insufficient, the board of elections shall immediately notify the committee for the petitioners and the committee shall be allowed ten additional days after such notification to solicit and file additional signatures to the petition subject to division (E) of this section.

(E) All additional signatures solicited pursuant to division (A) or (D) of this section shall be filed with the board of elections not less than ~~sixty~~ seventy days before the election. The board of elections shall examine and determine the validity or invalidity of the additional separate petition papers and of the signatures thereon, and its determination is final. No valid signature on an additional separate petition paper that is the same as a valid signature on an original separate petition paper shall be counted. The number of valid signatures on the original separate petition papers and the additional separate petition papers shall be added together to determine whether there are sufficient valid signatures. If the number of valid signatures is sufficient and the additional separate petition papers otherwise valid, the charter shall be placed on the ballot at the next

general election. If not, the board of elections shall notify the 2125
county commissioners, and the commissioners shall notify the 2126
committee. 2127

Sec. 322.02. (A) For the purpose of paying the costs of 2128
enforcing and administering the tax and providing additional 2129
general revenue for the county, any county may levy and collect a 2130
tax to be known as the real property transfer tax on each deed 2131
conveying real property or any interest in real property located 2132
wholly or partially within the boundaries of the county at a rate 2133
not to exceed thirty cents per hundred dollars for each one 2134
hundred dollars or fraction thereof of the value of the real 2135
property or interest in real property located within the 2136
boundaries of the county granted, assigned, transferred, or 2137
otherwise conveyed by the deed. The tax shall be levied pursuant 2138
to a resolution adopted by the board of county commissioners of 2139
the county and, except as provided in division (A) of section 2140
322.07 of the Revised Code, shall be levied at a uniform rate upon 2141
all deeds as defined in ~~division~~ division (D) of section 322.01 of 2142
the Revised Code. Prior to the adoption of any such resolution, 2143
the board of county commissioners shall conduct two public 2144
hearings thereon, the second hearing to be not less than three nor 2145
more than ten days after the first. Notice of the date, time, and 2146
place of the hearings shall be given by publication in a newspaper 2147
of general circulation in the county once a week on the same day 2148
of the week for two consecutive weeks, the second publication 2149
being not less than ten nor more than thirty days prior to the 2150
first hearing. The tax shall be levied upon the grantor named in 2151
the deed and shall be paid by the grantor for the use of the 2152
county to the county auditor at the time of the delivery of the 2153
deed as provided in section 319.202 of the Revised Code and prior 2154
to the presentation of the deed to the recorder of the county for 2155
recording. 2156

(B) No resolution levying a real property transfer tax 2157
pursuant to this section or a manufactured home transfer tax 2158
pursuant to section 322.06 of the Revised Code shall be effective 2159
sooner than thirty days following its adoption. Such a resolution 2160
is subject to a referendum as provided in sections 305.31 to 2161
305.41 of the Revised Code, unless the resolution is adopted as an 2162
emergency measure necessary for the immediate preservation of the 2163
public peace, health, or safety, in which case it shall go into 2164
immediate effect. An emergency measure must receive an affirmative 2165
vote of all of the members of the board of commissioners, and 2166
shall state the reasons for the necessity. A resolution may direct 2167
the board of elections to submit the question of levying the tax 2168
to the electors of the county at the next primary or general 2169
election in the county occurring not less than ~~seventy-five~~ ninety 2170
days after the resolution is certified to the board. No such 2171
resolution shall go into effect unless approved by a majority of 2172
those voting upon it. 2173

Sec. 322.021. The question of a repeal of a county permissive 2174
tax adopted as an emergency measure pursuant to division (B) of 2175
section 322.02 of the Revised Code may be initiated by filing with 2176
the board of elections of the county not less than ~~seventy-five~~ 2177
ninety days before the general election in any year a petition 2178
requesting that an election be held on such question. Such 2179
petition shall be signed by qualified electors residing in the 2180
county equal in number to ten per cent of those voting for 2181
governor at the most recent gubernatorial election. 2182

After determination by it that such petition is valid, the 2183
board of elections shall submit the question to the electors of 2184
the county at the next general election. The election shall be 2185
conducted, canvassed, and certified in the same manner as regular 2186
elections for county offices in the county. Notice of the election 2187
shall be published in a newspaper of general circulation in the 2188

district once a week for two consecutive weeks prior to the 2189
election and, if the board of elections operates and maintains a 2190
web site, notice of the election also shall be posted on that web 2191
site for thirty days prior to the election. The notice shall state 2192
the purpose, time, and place of the election. The form of the 2193
ballot cast at such election shall be prescribed by the secretary 2194
of state. The question covered by such petition shall be submitted 2195
as a separate proposition, but it may be printed on the same 2196
ballot with any other proposition submitted at the same election 2197
other than the election of officers. If a majority of the 2198
qualified electors voting on the question of repeal approve the 2199
repeal, the result of the election shall be certified immediately 2200
after the canvass by the board of elections to the board of county 2201
commissioners, who shall thereupon, after the current year, cease 2202
to levy the tax. 2203

Sec. 324.02. For the purpose of providing additional general 2204
revenues for the county and paying the expense of administering 2205
such levy, any county may levy a county excise tax to be known as 2206
the utilities service tax on the charge for every utility service 2207
to customers within the county at a rate not to exceed two per 2208
cent of such charge. On utility service to customers engaged in 2209
business, the tax shall be imposed at a rate of one hundred fifty 2210
per cent of the rate imposed upon all other consumers within the 2211
county. The tax shall be levied pursuant to a resolution adopted 2212
by the board of county commissioners of the county and shall be 2213
levied at uniform rates required by this section upon all charges 2214
for utility service except as provided in section 324.03 of the 2215
Revised Code. The tax shall be levied upon the customer and shall 2216
be paid by the customer to the utility supplying the service at 2217
the time the customer pays the utility for the service. If the 2218
charge for utility service is billed to a person other than the 2219
customer at the request of such person, the tax commissioner of 2220

the state may, in accordance with section 324.04 of the Revised Code, provide for the levy of the tax against and the payment of the tax by such other person. Each utility furnishing a utility service the charge for which is subject to the tax shall set forth the tax as a separate item on each bill or statement rendered to the customer.

Prior to the adoption of any resolution levying a utilities service tax the board of county commissioners shall conduct two public hearings thereon, the second hearing to be not less than three nor more than ten days after the first. Notice of the date, time, and place of such hearings shall be given by publication in a newspaper of general circulation in the county once a week on the same day of the week for two consecutive weeks, the second publication being not less than ten nor more than thirty days prior to the first hearing. No resolution levying a utilities service tax pursuant to this section of the Revised Code shall be effective sooner than thirty days following its adoption and such resolution is subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code, unless such resolution is adopted as an emergency measure necessary for the immediate preservation of the public peace, health, or safety, in which case it shall go into immediate effect. Such emergency measure must receive an affirmative vote of all of the members of the board of commissioners, and shall state the reasons for such necessity. A resolution may direct the board of elections to submit the question of levying the tax to the electors of the county at the next primary or general election in the county occurring not less than ~~seventy-five~~ ninety days after such resolution is certified to the board. No such resolution shall go into effect unless approved by a majority of those voting upon it. The tax levied by such resolution shall apply to all bills rendered subsequent to the sixtieth day after the effective date of the resolution. No bills shall be rendered out of the ordinary course of business to

avoid payment of the tax. 2254

Sec. 324.021. The question of repeal of a county permissive 2255
tax adopted as an emergency measure pursuant to section 324.02 of 2256
the Revised Code may be initiated by filing with the board of 2257
elections of the county not less than ~~seventy-five~~ ninety days 2258
before the general election in any year a petition requesting that 2259
an election be held on such question. Such petition shall be 2260
signed by qualified electors residing in the county equal in 2261
number to ten per cent of those voting for governor at the most 2262
recent gubernatorial election. 2263

After determination by it that such petition is valid, the 2264
board of elections shall submit the question to the electors of 2265
the county at the next general election. The election shall be 2266
conducted, canvassed, and certified in the same manner as regular 2267
elections for county offices in the county. Notice of the election 2268
shall be published in a newspaper of general circulation in the 2269
district once a week for two consecutive weeks prior to the 2270
election and, if the board of elections operates and maintains a 2271
web site, notice of the election also shall be posted on that web 2272
site for thirty days prior to the election. The notice shall state 2273
the purpose, time, and place of the election. The form of the 2274
ballot cast at such election shall be prescribed by the secretary 2275
of state. The question covered by such petition shall be submitted 2276
as a separate proposition, but it may be printed on the same 2277
ballot with any other proposition submitted at the same election 2278
other than the election of officers. If a majority of the 2279
qualified electors voting on the question of repeal approve the 2280
repeal, the result of the election shall be certified immediately 2281
after the canvass by the board of elections to the board of county 2282
commissioners, who shall thereupon, after the current year, cease 2283
to levy the tax. 2284

Sec. 345.03. A copy of any resolution adopted under section 2285
345.01 of the Revised Code shall be certified within five days by 2286
the taxing authority and not later than four p. m. of the 2287
~~seventy-fifth~~ ninetieth day before the day of the election, to the 2288
county board of elections, and such board shall submit the 2289
proposal to the electors of the subdivision at the succeeding 2290
general election. The board shall make the necessary arrangements 2291
for the submission of such question to the electors of the 2292
subdivision, and the election shall be conducted, canvassed, and 2293
certified in like manner as regular elections in such subdivision. 2294

Notice of the election shall be published in a newspaper of 2295
general circulation in the subdivision, at least once, not less 2296
than two weeks prior to such election. The notice shall set out 2297
the purpose of the proposed increase in rate, the amount of the 2298
increase expressed in dollars and cents for each one hundred 2299
dollars of valuation as well as in mills for each one dollar of 2300
property valuation, the number of years during which such increase 2301
will be in effect, and the time and place of holding such 2302
election. 2303

Sec. 351.26. (A) The board of directors of a convention 2304
facilities authority may adopt a resolution requesting the board 2305
of county commissioners of the county in which the convention 2306
facilities authority has its territory to propose the question of 2307
a tax to be levied pursuant to this section and section 4301.424 2308
or sections 5743.026 and 5743.324 of the Revised Code for the 2309
purpose of construction or renovation of a sports facility. The 2310
board of directors shall certify a copy of the resolution to the 2311
board of county commissioners not later than ~~ninety~~ one hundred 2312
five days prior to the day of the election at which the board of 2313
directors requests the board of county commissioners to submit the 2314
question of the tax. The resolution shall state the rate at which 2315

the tax would be levied, the purpose for which the tax would be 2316
levied, the number of years the tax would be levied, the section 2317
of the Revised Code under which the tax would be levied, and the 2318
date of the election at which the board of directors requests the 2319
board of county commissioners to submit the question of the tax, 2320
all of which are subject to the limitations of this section and 2321
section 4301.424 or sections 5743.026 and 5743.324 of the Revised 2322
Code. 2323

Upon receiving a copy of such a resolution from the board of 2324
directors, the board of county commissioners shall adopt a 2325
resolution either approving or rejecting the proposal, and certify 2326
a copy of its resolution to the board of directors. If the board 2327
of county commissioners approves the proposal, the board of county 2328
commissioners shall propose the question of levying a tax pursuant 2329
to section 4301.424 of the Revised Code or pursuant to sections 2330
5743.026 and 5743.324 of the Revised Code, as specified in the 2331
board of directors' resolution, for the purpose of construction or 2332
renovation of a sports facility. 2333

(B) The form of the ballot in an election held on the 2334
question of levying a tax proposed pursuant to section 4301.424 or 2335
5743.026 of the Revised Code shall be as follows or in any other 2336
form acceptable to the secretary of state: 2337

"For the purpose of paying the costs of 2338
(constructing or renovating) a sports facility, shall (an) excise 2339
tax(es) be levied by the county for the convention 2340
facilities authority of county at the rate of 2341
(dollars on each gallon of spirituous liquor sold in the county by 2342
the Ohio division of liquor control, cents per gallon on the sale 2343
of beer at wholesale in the county, cents per gallon on the sale 2344
of wine and mixed beverages at wholesale in the county, or mills 2345
per cigarette on the sale of cigarettes at wholesale in the 2346
county), for years? 2347

	Yes
	No

"

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For an election in which questions under section 4301.424 or 5743.026 of the Revised Code are joined as a single question, the form of the ballot shall be as above, except each of the proposed taxes shall be listed.

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(C) No tax shall be levied under this section on or after ~~the effective date of the amendment of this section by the capital appropriations act of the 127th general assembly~~ September 23, 2008. This division does not prevent the collection of any tax levied under this section before that date so long as that tax remains effective.

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Sec. 503.02. (A) Except as otherwise provided in this section, the board of county commissioners may change the boundaries of any civil township, or partition any township among other townships within the county, by attaching a part of one township to another, by dividing one township and attaching the parts to other townships, or by laying off and designating a new township from the territory of one or more townships of the same county or from territory not before included in a civil township, when it is made to appear necessary or expedient by a petition for that purpose, signed by a majority of the electors residing within the bounds of the townships to be affected by the partition or division, as determined by the number of votes cast in those townships for the office of governor at the most recent general election for that office.

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If the board receives a petition to partition a township that has adopted a limited home rule government under Chapter 504. of the Revised Code, signed by a majority of the electors residing in

that township, the board shall certify the question of whether or 2379
not the township shall remain intact to the board of elections. 2380
The board of elections shall determine the validity and 2381
sufficiency of the signatures on the petition and, if there are 2382
enough valid signatures, shall place the question on the ballot at 2383
a special election to be held on the day of the next general or 2384
primary election in the township occurring at least ~~seventy-five~~ 2385
ninety days after the petition is filed, for a vote of the 2386
electors within that township. If a majority of those voting vote 2387
against keeping the township intact, the board of county 2388
commissioners shall proceed to partition the township. If a 2389
majority of those voting vote for keeping the township intact, the 2390
board of county commissioners shall not partition the township and 2391
shall deny the petition. 2392

(B) If a township is divided or partitioned under this 2393
section, the board of county commissioners shall apportion the 2394
funds in the township's treasury to the township to which portions 2395
of the divided or partitioned township are attached, or to the new 2396
townships established. This apportionment may take into account 2397
the taxable property valuation, population, or size of the 2398
portions created by the division or partition, as well as any 2399
other readily ascertainable criteria. 2400

Sec. 503.161. (A) A board of township trustees, by a 2401
unanimous vote, may adopt a resolution causing the board of 2402
elections to submit to the electors of the unincorporated area of 2403
the township the question of whether the township's name should be 2404
changed. 2405

(B) The electors of the unincorporated area of a township may 2406
petition the board of township trustees to adopt a resolution 2407
causing the board of elections to submit to the electors the 2408
question of whether the township's name should be changed. Upon 2409

receipt of a petition signed by twenty per cent of the electors of 2410
the unincorporated area of the township, as determined by the 2411
total number of votes cast in that area for the office of governor 2412
at the preceding general election for that office, the board of 2413
township trustees shall adopt such a resolution. 2414

(C) The question of whether the township's name should be 2415
changed shall be voted upon at the next primary or general 2416
election occurring at least ~~seventy-five~~ ninety days after the 2417
certification of the resolution adopted under division (A) or (B) 2418
of this section to the board of elections. 2419

Sec. 503.24. If there is a vacancy by reason of the 2420
nonacceptance, death, or removal of a person chosen to an office 2421
in any township at the regular election, or if there is a vacancy 2422
from any other cause, the board of township trustees shall appoint 2423
a person having the qualifications of an elector to fill such 2424
vacancy for the unexpired term or until a successor is elected. 2425

If a township is without a board or if no appointment is made 2426
within thirty days after the occurrence of a vacancy, a majority 2427
of the persons designated as the committee of five on the 2428
last-filed nominating petition of the township officer whose 2429
vacancy is to be filled who are residents of the township shall 2430
appoint a person having the qualifications of an elector to fill 2431
the vacancy for the unexpired term or until a successor is 2432
elected. If at least three of the committee members who are 2433
residents of the township cannot be found, or if that number of 2434
such members fails to make an appointment within ten days after 2435
the thirty-day period in which the board of township trustees is 2436
authorized to make an appointment, then the presiding probate 2437
judge of the county shall appoint a suitable person having the 2438
qualifications of an elector in the township to fill the vacancy 2439
for the unexpired term or until a successor is elected. 2440

If a vacancy occurs in a township elective office more than 2441
~~forty~~ fifty days before the next general election for municipal 2442
and township officers a successor shall be chosen at that election 2443
to fill the unexpired term, provided the term does not expire 2444
within one year from the day of the election. If the term expires 2445
within one year from the day of the next general election for 2446
municipal and township officers, a successor appointed pursuant to 2447
this section shall serve out the unexpired term. 2448

Sec. 503.41. (A) A board of township trustees, by resolution, 2449
may regulate and require the registration of massage 2450
establishments and their employees within the unincorporated 2451
territory of the township. In accordance with sections 503.40 to 2452
503.49 of the Revised Code, for that purpose, the board, by a 2453
majority vote of all members, may adopt, amend, administer, and 2454
enforce regulations within the unincorporated territory of the 2455
township. 2456

(B) A board may adopt regulations and amendments under this 2457
section only after public hearing at not fewer than two regular 2458
sessions of the board. The board shall cause to be published in at 2459
least one newspaper of general circulation in the township notice 2460
of the public hearings, including the time, date, and place, once 2461
a week for two weeks immediately preceding the hearings. The board 2462
shall make available proposed regulations or amendments to the 2463
public at the office of the board. 2464

(C) Regulations or amendments adopted by the board are 2465
effective thirty days after the date of adoption unless, within 2466
thirty days after the adoption of the regulations or amendments, 2467
the township fiscal officer receives a petition, signed by a 2468
number of qualified electors residing in the unincorporated area 2469
of the township equal to not less than ten per cent of the total 2470
vote cast for all candidates for governor in the area at the most 2471

recent general election at which a governor was elected, 2472
requesting the board to submit the regulations or amendments to 2473
the electors of the area for approval or rejection at the next 2474
primary or general election occurring at least ~~seventy-five~~ ninety 2475
days after the board receives the petition. 2476

No regulation or amendment for which the referendum vote has 2477
been requested is effective unless a majority of the ~~vote~~ votes 2478
cast on the issue is in favor of the regulation or amendment. Upon 2479
certification by the board of elections that a majority of the 2480
votes cast on the issue was in favor of the regulation or 2481
amendment, the regulation or amendment takes immediate effect. 2482

(D) The board shall make available regulations it adopts or 2483
amends to the public at the office of the board and shall cause to 2484
be published a notice of the availability of the regulations in at 2485
least one newspaper of general circulation in the township within 2486
ten days after their adoption or amendment. 2487

(E) Nothing in sections 503.40 to 503.49 of the Revised Code 2488
shall be construed to allow a board of township trustees to 2489
regulate the practice of any limited branch of medicine specified 2490
in section 4731.15 of the Revised Code or the practice of 2491
providing therapeutic massage by a licensed physician, a licensed 2492
chiropractor, a licensed podiatrist, a licensed nurse, or any 2493
other licensed health professional. As used in this division, 2494
"licensed" means licensed, certified, or registered to practice in 2495
this state. 2496

Sec. 504.01. A township that meets the qualifications of this 2497
section may adopt a limited home rule government in the manner 2498
provided in this section. 2499

(A)(1) If a township has a population of at least three 2500
thousand five hundred but less than five thousand in the 2501
unincorporated territory of the township, a limited home rule 2502

government under which the township exercises limited powers of 2503
local self-government and limited police powers may be adopted if 2504
all the following apply: 2505

(a) The electors of the unincorporated territory of the 2506
township petition the board of township trustees to adopt limited 2507
home rule government; 2508

(b) The petition has been signed by ten per cent of the 2509
electors of the unincorporated territory of the township, as 2510
determined by the total number of votes cast in that territory for 2511
the office of governor at the most recent general election for 2512
that office; 2513

(c) The board of township trustees appoints a township 2514
administrator under division (A)(2) of section 505.031 of the 2515
Revised Code; and 2516

(d) The total amount certified in the official certificate of 2517
estimated resources or in an amended official certificate of 2518
estimated resources for the township under section 5705.36 of the 2519
Revised Code is at least three million five hundred thousand 2520
dollars for the most recently concluded fiscal year. 2521

If the conditions enumerated in this division have been met, 2522
the board shall adopt and certify to the board of elections a 2523
resolution directing the board of elections to submit to the 2524
electors of the unincorporated territory the question whether the 2525
township should adopt a limited home rule government. The question 2526
shall be voted upon at the next general election occurring at 2527
least ~~seventy-five~~ ninety days after certification of the 2528
resolution to the board of elections. 2529

(2) If a township has a population of at least five thousand 2530
but less than fifteen thousand in the unincorporated territory of 2531
the township, the board of township trustees, by a majority vote, 2532
may adopt a resolution causing the board of elections to submit to 2533

the electors of the unincorporated area of the township the 2534
question of whether the township should adopt a limited home rule 2535
government under which it exercises limited powers of local 2536
self-government and limited police powers, as authorized by this 2537
chapter. The question shall be voted upon at the next general 2538
election occurring at least ~~seventy-five~~ ninety days after 2539
certification of the resolution to the board of elections. 2540

(3) If a township has a population of fifteen thousand or 2541
more in the unincorporated territory of the township, the board of 2542
township trustees, after at least one public hearing, may do 2543
either of the following: 2544

(a) By a unanimous vote, adopt a resolution establishing a 2545
limited home rule government under which the township exercises 2546
limited powers of local self-government and limited police powers 2547
as authorized by this chapter. The resolution shall become 2548
effective thirty days after the date of its adoption unless within 2549
that thirty-day period there is presented to the board of township 2550
trustees a petition, signed by a number of registered electors 2551
residing in the unincorporated area of the township equal to at 2552
least ten per cent of the total vote cast for all candidates for 2553
governor in that area at the most recent general election at which 2554
a governor was elected, requesting the board of township trustees 2555
to submit the question of establishing a limited home rule 2556
government to the electors of that area for approval or rejection 2557
at a special election to be held on the day of the next primary or 2558
general election occurring at least ~~seventy-five~~ ninety days after 2559
the petition is presented. Each part of the petition shall meet 2560
the requirements specified in section 3501.38 of the Revised Code. 2561
Upon timely receipt of the petition, the board of township 2562
trustees shall adopt a resolution causing the board of elections 2563
to submit to the electors of the unincorporated area of the 2564
township the question of whether the township should adopt a 2565

limited home rule government. 2566

(b) By a majority vote, adopt a resolution causing the board 2567
of elections to submit to the electors of the unincorporated area 2568
of the township the question of whether the township should adopt 2569
a limited home rule government under which it exercises limited 2570
powers of local self-government and limited police powers, as 2571
authorized by this chapter. The question shall be voted upon at 2572
the next general election occurring at least ~~seventy five~~ ninety 2573
days after certification of the resolution to the board of 2574
elections. 2575

(4) If a township meets the population requirements of 2576
division (A)(2) or (3) of this section, the electors of the 2577
unincorporated area of the township may petition the board of 2578
township trustees to adopt a resolution causing the board of 2579
elections to submit to the electors the question of whether the 2580
township should adopt a limited home rule government. Upon receipt 2581
of a petition signed by ten per cent of the electors of the 2582
unincorporated area of the township, as determined by the total 2583
number of votes cast in that area for the office of governor at 2584
the most recent general election for that office, the board of 2585
township trustees shall adopt the resolution. The question shall 2586
be voted upon at the next general election occurring at least 2587
~~seventy five~~ ninety days after the certification of the resolution 2588
to the board of elections. 2589

(B) If the population of the unincorporated territory of any 2590
township that adopts a limited home rule government under division 2591
(A)(3) or (4) of this section is fifteen thousand or more, the 2592
township shall be called an "urban township." 2593

(C) Except as otherwise provided in division (A)(1) of this 2594
section, townships with a population of less than five thousand in 2595
the unincorporated territory of the township are not permitted to 2596
adopt a limited home rule government. 2597

Sec. 504.03. (A)(1) If a limited home rule government is 2598
adopted pursuant to section 504.02 of the Revised Code, it shall 2599
remain in effect for at least three years except as otherwise 2600
provided in division (B) of this section. At the end of that 2601
period, if the board of township trustees determines that that 2602
government is not in the best interests of the township, it may 2603
adopt a resolution causing the board of elections to submit to the 2604
electors of the unincorporated area of the township the question 2605
of whether the township should continue the limited home rule 2606
government. The question shall be voted upon at the next general 2607
election occurring at least ~~seventy-five~~ ninety days after the 2608
certification of the resolution to the board of elections. After 2609
certification of the resolution, the board of elections shall 2610
submit the question to the electors of the unincorporated area of 2611
the township, and the ballot language shall be substantially as 2612
follows: 2613

"Shall the township of (name) continue the 2614
limited home rule government under which it is operating? 2615
..... For continuation of the limited home rule government 2616
..... Against continuation of the limited home rule government" 2617

(2)(a) At least forty-five days before the election on the 2618
question of continuing the limited home rule government, the board 2619
of township trustees shall have notice of the election published 2620
in a newspaper of general circulation in the township once a week 2621
for two consecutive weeks and have the notice posted in five 2622
conspicuous places in the unincorporated area of the township. 2623

(b) If a board of elections operates and maintains a web 2624
site, notice of the election shall be posted on that web site for 2625
at least thirty days before the election on the question of 2626
continuing the limited home rule government. 2627

(B) The electors of a township that has adopted a limited 2628

home rule government may propose at any time by initiative 2629
petition, in accordance with section 504.14 of the Revised Code, a 2630
resolution submitting to the electors in the unincorporated area 2631
of the township, in an election, the question set forth in 2632
division (A)(1) of this section. 2633

(C) If a majority of the votes cast under division (A) or (B) 2634
of this section on the proposition of continuing the limited home 2635
rule government is in the negative, that government is terminated 2636
effective on the first day of January immediately following the 2637
election, and a limited home rule government shall not be adopted 2638
in the unincorporated area of the township pursuant to section 2639
504.02 of the Revised Code for at least three years after that 2640
date. 2641

(D) If a limited home rule government is terminated under 2642
this section, the board of township trustees immediately shall 2643
adopt a resolution repealing all resolutions adopted pursuant to 2644
this chapter that are not authorized by any other section of the 2645
Revised Code outside this chapter, effective on the first day of 2646
January immediately following the election described in division 2647
(A) or (B) of this section. However, no resolution adopted under 2648
this division shall affect or impair the obligations of the 2649
township under any security issued or contracts entered into by 2650
the township in connection with the financing of any water supply 2651
facility or sewer improvement under sections 504.18 to 504.20 of 2652
the Revised Code or the authority of the township to collect or 2653
enforce any assessments or other revenues constituting security 2654
for or source of payments of debt service charges of those 2655
securities. 2656

(E) Upon the termination of a limited home rule government 2657
under this section, if the township had converted its board of 2658
township trustees to a five-member board before September 26, 2659
2003, the current board member who received the lowest number of 2660

votes of the current board members who were elected at the most 2661
recent election for township trustees, and the current board 2662
member who received the lowest number of votes of the current 2663
board members who were elected at the second most recent election 2664
for township trustees, shall cease to be township trustees on the 2665
date that the limited home rule government terminates. Their 2666
offices likewise shall cease to exist at that time, and the board 2667
shall continue as a three-member board as provided in section 2668
505.01 of the Revised Code. 2669

Sec. 505.13. The board of township trustees of a township 2670
which is composed in whole or in part of islands, accessible from 2671
the mainland only by watercraft, may purchase and operate, and may 2672
let for hire, a scow or lighter of sufficient tonnage to carry 2673
stone and other road building material, equipped with or without a 2674
proper crane or loading device, and for such purpose the board may 2675
levy a tax upon all the taxable property in the township, in such 2676
amount as it determines. 2677

The question of levying such tax shall be submitted to the 2678
qualified electors of the township at a general election. The 2679
trustees shall certify such resolution to the board of elections 2680
not later than four p.m. of the ~~seventy-fifth~~ ninetieth day before 2681
the day of the election. Twenty days' notice thereof shall be 2682
previously given by posting in at least three public places in the 2683
township. Such notice shall state specifically the amount to be 2684
raised and the purpose thereof. If a majority of all the votes 2685
cast at such election upon the proposition is in favor thereof, 2686
the tax provided for is authorized. 2687

Sec. 505.14. The board of township trustees of a township 2688
described in section 505.13 of the Revised Code, which, for any 2689
reason, is inaccessible from the mainland at some time of the 2690
year, may construct, acquire, purchase, lease, and maintain a 2691

house as the residence of a resident physician, when, in the 2692
opinion of a majority of the members of such board, it is 2693
necessary for the maintenance of the public health and welfare. 2694

For the maintenance, construction, acquisition, purchase, or 2695
~~least~~ lease of such a house the board may levy a tax upon all the 2696
taxable property in the township, in such amount as it determines. 2697

The question of levying such a tax shall be submitted to the 2698
qualified electors of the township at a general or special 2699
election. The trustees shall certify such resolution to the board 2700
of elections not later than four p.m. of the ~~seventy-fifth~~ 2701
ninetieth day before the day of the election. Twenty days' notice 2702
thereof shall be previously given by posting in at least three 2703
public places in the township. Such notice shall state 2704
specifically the amount to be raised and the purpose thereof. If a 2705
majority of all votes cast at such election upon the proposition 2706
is in favor thereof, the tax provided for is authorized. 2707

Upon the authorization of such tax levy the board may issue 2708
notes in anticipation of such revenues, to mature in not more than 2709
two years from the date of issue, and to bear interest at not more 2710
than four per cent per annum. 2711

Sec. 511.01. If, in a township, a town hall is to be built, 2712
improved, enlarged, or removed at a cost greater than ten thousand 2713
dollars, the board of township trustees shall submit the question 2714
to the electors of such township and shall certify their 2715
resolution to the board of elections not later than four p.m. of 2716
the ~~seventy-fifth~~ ninetieth day before the day of the election. 2717

Sec. 511.22. The board of township trustees shall direct the 2718
township fiscal officer to file a written notice, not later than 2719
four p.m. of the ~~seventy-fifth~~ ninetieth day before the day of the 2720
election, with the board of elections having charge of the 2721

preparation of official ballots, that an election will be held as 2722
provided in section 511.21 of the Revised Code and that the 2723
following shall be printed on the ballot: 2724

" YES SHALL A PUBLIC PARK OR
NO PUBLIC PARKS BE ESTABLISHED
 IN(NAME)..... TOWNSHIP?"

If a majority of the votes is in favor of the proposition, a 2728
park or parks shall be established for the township. If a majority 2729
of the votes cast is against the proposition, the board of park 2730
commissioners shall be abolished, and the board of township 2731
trustees shall provide for and pay all the proper expenses 2732
incurred by it. 2733

Sec. 511.27. (A) To defray the expenses of the township park 2734
district and for purchasing, appropriating, operating, 2735
maintaining, and improving lands for parks or recreational 2736
purposes, the board of park commissioners may levy a sufficient 2737
tax within the ten-mill limitation, not to exceed one mill on each 2738
dollar of valuation on all real and personal property within the 2739
township, and on all real and personal property within any 2740
municipal corporation that is within the township, that was within 2741
the township at the time that the park district was established, 2742
or the boundaries of which are coterminous with or include the 2743
township. The levy shall be over and above all other taxes and 2744
limitations on such property authorized by law. 2745

(B) Except as otherwise provided in division (C) of this 2746
section, the board of park commissioners, not less than 2747
~~seventy-five~~ ninety days before the day of the election, may 2748
declare by resolution that the amount of taxes that may be raised 2749
within the ten-mill limitation will be insufficient to provide an 2750
adequate amount for the necessary requirements of the district and 2751
that it is necessary to levy a tax in excess of that limitation 2752

for the use of the district. The resolution shall specify the 2753
purpose for which the taxes shall be used, the annual rate 2754
proposed, and the number of consecutive years the levy will be in 2755
effect. Upon the adoption of the resolution, the question of 2756
levying the taxes shall be submitted to the electors of the 2757
township and the electors of any municipal corporation that is 2758
within the township, that was within the township at the time that 2759
the park district was established, or the boundaries of which are 2760
coterminous with or include the township, at a special election to 2761
be held on whichever of the following occurs first: 2762

(1) The day of the next ensuing general election; 2763

(2) The first Tuesday after the first Monday in May of any 2764
calendar year, except that, if a presidential primary election is 2765
held in that calendar year, then the day of that election. 2766

The rate submitted to the electors at any one election shall 2767
not exceed two mills annually upon each dollar of valuation. If a 2768
majority of the electors voting upon the question of the levy vote 2769
in favor of the levy, the tax shall be levied on all real and 2770
personal property within the township and on all real and personal 2771
property within any municipal corporation that is within the 2772
township, that was within the township at the time that the park 2773
district was established, or the boundaries of which are 2774
coterminous with or include the township, and the levy shall be 2775
over and above all other taxes and limitations on such property 2776
authorized by law. 2777

(C) In any township park district that contains only 2778
unincorporated territory, if the township board of park 2779
commissioners is appointed by the board of township trustees, 2780
before a tax can be levied and certified to the county auditor 2781
pursuant to section 5705.34 of the Revised Code or before a 2782
resolution for a tax levy can be certified to the board of 2783
elections pursuant to section 511.28 of the Revised Code, the 2784

board of park commissioners shall receive approval for its levy 2785
request from the board of township trustees. The board of park 2786
commissioners shall adopt a resolution requesting the board of 2787
township trustees to approve the levy request, stating the annual 2788
rate of the proposed levy and the reason for the levy request. On 2789
receiving this request, the board of township trustees shall vote 2790
on whether to approve the request and, if a majority votes to 2791
approve it, shall issue a resolution approving the levy at the 2792
requested rate. 2793

Sec. 511.28. A copy of any resolution for a tax levy adopted 2794
by the township board of park commissioners as provided in section 2795
511.27 of the Revised Code shall be certified by the clerk of the 2796
board of park commissioners to the board of elections of the 2797
proper county, together with a certified copy of the resolution 2798
approving the levy, passed by the board of township trustees if 2799
such a resolution is required by division (C) of section 511.27 of 2800
the Revised Code, not less than ~~seventy-five~~ ninety days before a 2801
general or primary election in any year. The board of elections 2802
shall submit the proposal to the electors as provided in section 2803
511.27 of the Revised Code at the succeeding general or primary 2804
election. A resolution to renew an existing levy may not be placed 2805
on the ballot unless the question is submitted at the general 2806
election held during the last year the tax to be renewed may be 2807
extended on the real and public utility property tax list and 2808
duplicate, or at any election held in the ensuing year. The board 2809
of park commissioners shall cause notice that the vote will be 2810
taken to be published once a week for two consecutive weeks prior 2811
to the election in a newspaper of general circulation in the 2812
county within which the park district is located. Additionally, if 2813
the board of elections operates and maintains a web site, the 2814
board of elections shall post that notice on its web site for 2815
thirty days prior to the election. The notice shall state the 2816

purpose of the proposed levy, the annual rate proposed expressed 2817
in dollars and cents for each one hundred dollars of valuation as 2818
well as in mills for each one dollar of valuation, the number of 2819
consecutive years during which the levy shall be in effect, and 2820
the time and place of the election. 2821

The form of the ballots cast at the election shall be: "An 2822
additional tax for the benefit of (name of township park district) 2823
..... for the purpose of (purpose stated in the order of the 2824
board) at a rate not exceeding mills for 2825
each one dollar of valuation, which amounts to (rate expressed in 2826
dollars and cents) for each one hundred dollars of 2827
valuation, for (number of years the levy is to run) 2828

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

2829
2830
2831
2832

If the levy submitted is a proposal to renew, increase, or 2833
decrease an existing levy, the form of the ballot specified in 2834
this section may be changed by substituting for the words "An 2835
additional" at the beginning of the form, the words "A renewal of 2836
a" in the case of a proposal to renew an existing levy in the same 2837
amount; the words "A renewal of mills and an increase 2838
of mills to constitute a" in the case of an increase; 2839
or the words "A renewal of part of an existing levy, being a 2840
reduction of mills, to constitute a" in the case of a 2841
decrease in the rate of the existing levy. 2842

If the tax is to be placed on the current tax list, the form 2843
of the ballot shall be modified by adding, after the statement of 2844
the number of years the levy is to run, the phrase ", commencing 2845
in (first year the tax is to be levied), first due in 2846
calendar year (first calendar year in which the tax 2847

shall be due)." 2848

The question covered by the order shall be submitted as a 2849
separate proposition, but may be printed on the same ballot with 2850
any other proposition submitted at the same election, other than 2851
the election of officers. More than one such question may be 2852
submitted at the same election. 2853

Sec. 511.33. In paying any expenses of park management and of 2854
improvements authorized by section 511.32 of the Revised Code, the 2855
board of township trustees may appropriate and use for these 2856
purposes any funds in the township treasury then unappropriated 2857
for any other purpose. If there are no available funds in the 2858
treasury or an insufficient amount to pay for the desired park 2859
management and improvements in any year, the board may levy a tax 2860
in order to pay for the park management and improvements. The tax 2861
shall be levied upon all of the taxable property in the township 2862
and shall be certified, levied, and collected in the manner 2863
prescribed for the certification, levy, and collection of other 2864
township taxes. The money so raised shall be paid over to the 2865
township fiscal officer, and the fiscal officer shall pay the 2866
money out on the order of the board. If a sum greater than two 2867
thousand dollars is to be expended by the board for park 2868
management and improvement purposes in any one year, and the sum 2869
is not available from any unappropriated money in the township 2870
treasury, the question of levying the additional tax shall, before 2871
making a levy that will amount to more than two thousand dollars, 2872
be submitted to and approved by a majority of the electors of the 2873
township voting on the question. If the election is necessary, it 2874
shall be called at a regular meeting of the board, and the 2875
resolution shall be certified to the board of elections not later 2876
than four p.m. of the ~~seventy-fifth~~ ninetieth day before the day 2877
of the election. 2878

Twenty days' notice of the election shall be given by the 2879
posting of notices of the election by the township fiscal officer 2880
in ten public places in the township, and provisions for holding 2881
the election shall be made by the board of elections upon 2882
receiving notice of the date and purpose of the election from the 2883
fiscal officer. This section and section 511.32 of the Revised 2884
Code do not repeal, affect, or modify any law relating to park 2885
commissioners, or prevent the appointment of park commissioners in 2886
the future. 2887

Sec. 511.34. In townships composed of islands, and on one of 2888
which islands lands have been conveyed in trust for the benefit of 2889
the inhabitants of the island for use as a park, and a board of 2890
park trustees has been provided for the control of the park, the 2891
board of township trustees may create a tax district of the island 2892
to raise funds by taxation as provided under divisions (A) and (B) 2893
of this section. 2894

(A) For the care and maintenance of parks on the island, the 2895
board of township trustees annually may levy a tax, not to exceed 2896
one mill, upon all the taxable property in the district. The tax 2897
shall be in addition to all other levies authorized by law, and 2898
subject to no limitation on tax rates except as provided in this 2899
division. 2900

The proceeds of the tax levy shall be expended by the board 2901
of township trustees for the purpose of the care and maintenance 2902
of the parks, and shall be paid out of the township treasury upon 2903
the orders of the board of park trustees. 2904

(B) For the purpose of acquiring additional land for use as a 2905
park, the board of township trustees may levy a tax in excess of 2906
the ten-mill limitation on all taxable property in the district. 2907
The tax shall be proposed by resolution adopted by two-thirds of 2908
the members of the board of township trustees. The resolution 2909

shall specify the purpose and rate of the tax and the number of 2910
years the tax will be levied, which shall not exceed five years, 2911
and which may include a levy on the current tax list and 2912
duplicate. The resolution shall go into immediate effect upon its 2913
passage, and no publication of the resolution is necessary other 2914
than that provided for in the notice of election. The board of 2915
township trustees shall certify a copy of the resolution to the 2916
proper board of elections not later than ~~seventy-five~~ ninety days 2917
before the primary or general election in the township, and the 2918
board of elections shall submit the question of the tax to the 2919
voters of the district at the succeeding primary or general 2920
election. The board of elections shall make the necessary 2921
arrangements for the submission of the question to the electors of 2922
the district, and the election shall be conducted, canvassed, and 2923
certified in the same manner as regular elections in the township 2924
for the election of officers. Notice of the election shall be 2925
published in a newspaper of general circulation in the township 2926
once a week for two consecutive weeks prior to the election and, 2927
if the board of elections operates and maintains a web site, 2928
notice of the election also shall be posted on that web site for 2929
thirty days prior to the election. The notice shall state the 2930
purpose of the tax, the proposed rate of the tax expressed in 2931
dollars and cents for each one hundred dollars of valuation and 2932
mills for each one dollar of valuation, the number of years the 2933
tax will be in effect, the first year the tax will be levied, and 2934
the time and place of the election. 2935

The form of the ballots cast at an election held under this 2936
division shall be as follows: 2937

"An additional tax for the benefit of (name of the 2938
township) for the purpose of acquiring additional park land at a 2939
rate of mills for each one dollar of valuation, which 2940
amounts to (rate expressed in dollars and cents) for each 2941

one hundred dollars of valuation, for (number of years 2942
the levy is to run) beginning in (first year the tax 2943
will be levied). 2944

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

The question shall be submitted as a separate proposition but 2949
may be printed on the same ballot with any other proposition 2950
submitted at the same election other than the election of 2951
officers. More than one such question may be submitted at the same 2952
election. 2953

If the levy is approved by a majority of electors voting on 2954
the question, the board of elections shall certify the result of 2955
the election to the tax commissioner. In the first year of the 2956
levy, the tax shall be extended on the tax lists after the 2957
February settlement following the election. If the tax is to be 2958
placed on the tax lists of the current year as specified in the 2959
resolution, the board of elections shall certify the result of the 2960
election immediately after the canvass to the board of township 2961
trustees, which shall forthwith make the necessary levy and 2962
certify the levy to the county auditor, who shall extend the levy 2963
on the tax lists for collection. After the first year of the levy, 2964
the levy shall be included in the annual tax budget that is 2965
certified to the county budget commission. 2966

Sec. 513.06. Upon the execution of the agreement provided for 2967
in section 513.05 of the Revised Code, the board of township 2968
trustees shall submit the question of the ratification of such 2969
agreement to the electors of the township at the next general 2970
election occurring not less than ~~seventy-five~~ ninety days after 2971
the certification of the resolution to the board of elections. If 2972

the sums to be paid by the township under such agreement are not 2973
available from current general revenue of such township, the board 2974
shall also submit to the electors, at the same election, the 2975
question of the issue of bonds of the township, in the amount 2976
specified in such agreement, for the purpose of providing funds 2977
for the payment thereof. The proceedings in the matter of such 2978
election and in the issuance and sale of such bonds shall be as 2979
provided by Chapter 133. of the Revised Code. Such agreement shall 2980
not be effective, and no bonds shall be issued, unless the 2981
electors approve both the agreement and the bond issue, if the 2982
question of the issue of bonds is submitted. 2983

Sec. 513.13. The board of elections of the county in which a 2984
joint township hospital district, or the most populous portion of 2985
such district, lies shall, by resolution approved by a two-thirds 2986
vote of the joint township district hospital board, place upon the 2987
ballot for submission to the electorate of such district, at the 2988
next primary or general election, occurring not less than 2989
~~seventy-five~~ ninety nor more than one hundred ~~twenty~~ thirty-five 2990
days after the request is received from such joint township 2991
district hospital board, the question of levying a tax, not to 2992
exceed one mill outside the ten-mill limitation, for a period not 2993
to exceed five years, to provide funds for the payment of 2994
necessary expenses incurred in the operation of hospital 2995
facilities or, if required by agreement made under section 140.03 2996
of the Revised Code, for costs of hospital facilities or current 2997
operating expenses of hospital facilities, or both. Such 2998
resolution shall be certified to the board of elections not later 2999
than four p.m. of the ~~seventy-fifth~~ ninetieth day before the day 3000
of the election. If a majority of the electors in such district 3001
voting on the proposition, vote in favor thereof, the county 3002
auditor of each county in which such district lies shall annually 3003
place a levy on the tax duplicate against the property in such 3004

district, in the amount required by the joint board of trustees of 3005
the district, but not to exceed one mill. 3006

Sec. 513.18. In the event any township, contiguous to a joint 3007
township hospital district, desires to become a part of such 3008
district in existence under sections 513.07 to 513.18 of the 3009
Revised Code, its board of township trustees, by a two-thirds 3010
favorable vote of the members of such board, after the existing 3011
joint township hospital board has, by a majority favorable vote of 3012
the members thereof, approved the terms under which such township 3013
proposes to join the district, shall become a part of the joint 3014
township district hospital board under such terms and with all the 3015
rights, privileges, and responsibilities enjoyed by and extended 3016
to the existing members of the hospital board under such sections, 3017
including representation on the board of hospital governors by the 3018
appointment of an elector of such township as a member thereof. If 3019
the terms under which such township proposes to join the hospital 3020
district involve a tax levy for the purpose of sharing the 3021
existing obligations, including bonded indebtedness, of the 3022
district or the necessary operating expenses of such hospital, 3023
such township shall not become a part of the district until its 3024
electors have approved such levy as provided in this section. 3025

Upon request of the board of township trustees of the 3026
township proposing to join such district, by resolution approved 3027
by a two-thirds vote of its members, the board of elections of the 3028
county in which the township lies shall place upon the ballot for 3029
submission to the electorate of such township at the next primary 3030
or general election occurring not less than ~~seventy-five~~ ninety 3031
nor more than one hundred ~~twenty~~ thirty-five days after such 3032
request is received from the board of township trustees the 3033
question of levying a tax, not to exceed one mill outside the 3034
ten-mill limitation, for a period of not to exceed five years, to 3035
provide funds for the payment of the township's share of the 3036

necessary expenses incurred in the operation of such hospital, or 3037
the question of levying a tax to pay the township's share of the 3038
existing obligations, including bonded indebtedness, of the 3039
district, or both questions may be submitted at the same primary 3040
or general election. If a majority of the electors voting on the 3041
propositions vote in favor thereof, the county auditor shall place 3042
such levies on the tax duplicate against the property in the 3043
township, which township shall thereby become a part of said joint 3044
township hospital district. 3045

Sec. 517.05. On the making of an order or the filing of an 3046
application as provided by section 517.04 of the Revised Code, the 3047
township fiscal officer shall certify the order or application to 3048
the board of elections not later than four p.m. of the 3049
~~seventy-fifth~~ ninetieth day before the day of the election, and, 3050
at least twenty days before an election, the fiscal officer shall 3051
post written notices in at least three public places in the 3052
township that a vote will be taken on the question of the 3053
establishment of a cemetery. If a majority of the votes cast at 3054
the election on the proposition is in favor of establishing a 3055
cemetery, the board of township trustees shall procure the lands 3056
for that purpose and levy taxes as provided by section 517.03 of 3057
the Revised Code. 3058

Sec. 519.11. If the zoning resolution is adopted by the board 3059
of township trustees, such board shall cause the question of 3060
whether or not the proposed plan of zoning shall be put into 3061
effect to be submitted to the electors residing in the 3062
unincorporated area of the township included in the proposed plan 3063
of zoning for their approval or rejection at the next primary or 3064
general election, or a special election may be called for this 3065
purpose. Such resolution shall be filed with the board of 3066
elections not later than four p.m. of the ~~seventy-fifth~~ ninetieth 3067

day before the day of the election. No zoning regulations shall be 3068
put into effect unless a majority of the vote cast on the issue is 3069
in favor of the proposed plan of zoning. Upon certification by the 3070
board of elections the resolution shall take immediate effect, if 3071
the plan was so approved. 3072

Within five working days after the resolution's effective 3073
date, the board of township trustees shall file it, including text 3074
and maps, in the office of the county recorder. The board shall 3075
also file duplicates of the same documents with the regional or 3076
county planning commission, if one exists, within the same period. 3077

The board shall file all resolutions, including text and 3078
maps, that are in effect on January 1, 1992, in the office of the 3079
county recorder within thirty working days after that date. The 3080
board shall also file duplicates of the same documents with the 3081
regional or county planning commission, if one exists, within the 3082
same period. 3083

The failure to file a resolution, or any text and maps, or 3084
duplicates of any of these documents, with the office of the 3085
county recorder or the county or regional planning commission as 3086
required by this section does not invalidate the resolution and is 3087
not grounds for an appeal of any decision of the board of zoning 3088
appeals. 3089

Sec. 519.12. (A)(1) Amendments to the zoning resolution may 3090
be initiated by motion of the township zoning commission, by the 3091
passage of a resolution by the board of township trustees, or by 3092
the filing of an application by one or more of the owners or 3093
lessees of property within the area proposed to be changed or 3094
affected by the proposed amendment with the township zoning 3095
commission. The board of township trustees may require that the 3096
owner or lessee of property filing an application to amend the 3097
zoning resolution pay a fee to defray the cost of advertising, 3098

mailing, filing with the county recorder, and other expenses. If 3099
the board of township trustees requires such a fee, it shall be 3100
required generally, for each application. The board of township 3101
trustees, upon the passage of such a resolution, shall certify it 3102
to the township zoning commission. 3103

(2) Upon the adoption of a motion by the township zoning 3104
commission, the certification of a resolution by the board of 3105
township trustees to the commission, or the filing of an 3106
application by property owners or lessees as described in division 3107
(A)(1) of this section with the commission, the commission shall 3108
set a date for a public hearing, which date shall not be less than 3109
twenty nor more than forty days from the date of the certification 3110
of such a resolution, the date of adoption of such a motion, or 3111
the date of the filing of such an application. Notice of the 3112
hearing shall be given by the commission by one publication in one 3113
or more newspapers of general circulation in the township at least 3114
ten days before the date of the hearing. 3115

(B) If the proposed amendment intends to rezone or redistrict 3116
ten or fewer parcels of land, as listed on the county auditor's 3117
current tax list, written notice of the hearing shall be mailed by 3118
the township zoning commission, by first class mail, at least ten 3119
days before the date of the public hearing to all owners of 3120
property within and contiguous to and directly across the street 3121
from the area proposed to be rezoned or redistricted to the 3122
addresses of those owners appearing on the county auditor's 3123
current tax list. The failure of delivery of that notice shall not 3124
invalidate any such amendment. 3125

(C) If the proposed amendment intends to rezone or redistrict 3126
ten or fewer parcels of land as listed on the county auditor's 3127
current tax list, the published and mailed notices shall set forth 3128
the time, date, and place of the public hearing and include all of 3129
the following: 3130

(1) The name of the township zoning commission that will be conducting the hearing;	3131 3132
(2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;	3133 3134
(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;	3135 3136 3137 3138
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	3139 3140 3141
(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;	3142 3143 3144 3145
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;	3146 3147 3148
(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;	3149 3150 3151
(8) Any other information requested by the commission.	3152
(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	3153 3154 3155 3156 3157
(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;	3158 3159
(2) A statement indicating that the motion, application, or	3160

resolution is an amendment to the zoning resolution; 3161

(3) The time and place where the text and maps of the 3162
proposed amendment will be available for examination for a period 3163
of at least ten days prior to the hearing; 3164

(4) The name of the person responsible for giving notice of 3165
the hearing by publication; 3166

(5) A statement that, after the conclusion of the hearing, 3167
the matter will be submitted to the board of township trustees for 3168
its action; 3169

(6) Any other information requested by the commission. 3170

(E) Within five days after the adoption of the motion 3171
described in division (A) of this section, the certification of 3172
the resolution described in division (A) of this section, or the 3173
filing of the application described in division (A) of this 3174
section, the township zoning commission shall transmit a copy of 3175
it together with text and map pertaining to it to the county or 3176
regional planning commission, if there is such a commission. 3177

The county or regional planning commission shall recommend 3178
the approval or denial of the proposed amendment or the approval 3179
of some modification of it and shall submit its recommendation to 3180
the township zoning commission. The recommendation shall be 3181
considered at the public hearing held by the township zoning 3182
commission on the proposed amendment. 3183

The township zoning commission, within thirty days after the 3184
hearing, shall recommend the approval or denial of the proposed 3185
amendment, or the approval of some modification of it, and submit 3186
that recommendation together with the motion, application, or 3187
resolution involved, the text and map pertaining to the proposed 3188
amendment, and the recommendation of the county or regional 3189
planning commission on it to the board of township trustees. 3190

The board of township trustees, upon receipt of that 3191
recommendation, shall set a time for a public hearing on the 3192
proposed amendment, which date shall not be more than thirty days 3193
from the date of the receipt of that recommendation. Notice of the 3194
hearing shall be given by the board by one publication in one or 3195
more newspapers of general circulation in the township, at least 3196
ten days before the date of the hearing. 3197

(F) If the proposed amendment intends to rezone or redistrict 3198
ten or fewer parcels of land as listed on the county auditor's 3199
current tax list, the published notice shall set forth the time, 3200
date, and place of the public hearing and include all of the 3201
following: 3202

(1) The name of the board of township trustees that will be 3203
conducting the hearing; 3204

(2) A statement indicating that the motion, application, or 3205
resolution is an amendment to the zoning resolution; 3206

(3) A list of the addresses of all properties to be rezoned 3207
or redistricted by the proposed amendment and of the names of 3208
owners of those properties, as they appear on the county auditor's 3209
current tax list; 3210

(4) The present zoning classification of property named in 3211
the proposed amendment and the proposed zoning classification of 3212
that property; 3213

(5) The time and place where the motion, application, or 3214
resolution proposing to amend the zoning resolution will be 3215
available for examination for a period of at least ten days prior 3216
to the hearing; 3217

(6) The name of the person responsible for giving notice of 3218
the hearing by publication, by mail, or by both publication and 3219
mail; 3220

(7) Any other information requested by the board. 3221

(G) If the proposed amendment alters the text of the zoning 3222
resolution, or rezones or redistricts more than ten parcels of 3223
land as listed on the county auditor's current tax list, the 3224
published notice shall set forth the time, date, and place of the 3225
public hearing and include all of the following: 3226

(1) The name of the board of township trustees that will be 3227
conducting the hearing on the proposed amendment; 3228

(2) A statement indicating that the motion, application, or 3229
resolution is an amendment to the zoning resolution; 3230

(3) The time and place where the text and maps of the 3231
proposed amendment will be available for examination for a period 3232
of at least ten days prior to the hearing; 3233

(4) The name of the person responsible for giving notice of 3234
the hearing by publication; 3235

(5) Any other information requested by the board. 3236

(H) Within twenty days after its public hearing, the board of 3237
township trustees shall either adopt or deny the recommendations 3238
of the township zoning commission or adopt some modification of 3239
them. If the board denies or modifies the commission's 3240
recommendations, a majority vote of the board shall be required. 3241

The proposed amendment, if adopted by the board, shall become 3242
effective in thirty days after the date of its adoption, unless, 3243
within thirty days after the adoption, there is presented to the 3244
board of township trustees a petition, signed by a number of 3245
registered electors residing in the unincorporated area of the 3246
township or part of that unincorporated area included in the 3247
zoning plan equal to not less than eight per cent of the total 3248
vote cast for all candidates for governor in that area at the most 3249
recent general election at which a governor was elected, 3250

requesting the board of township trustees to submit the amendment 3251
to the electors of that area for approval or rejection at a 3252
special election to be held on the day of the next primary or 3253
general election that occurs at least ~~seventy-five~~ ninety days 3254
after the petition is filed. Each part of this petition shall 3255
contain the number and the full and correct title, if any, of the 3256
zoning amendment resolution, motion, or application, furnishing 3257
the name by which the amendment is known and a brief summary of 3258
its contents. In addition to meeting the requirements of this 3259
section, each petition shall be governed by the rules specified in 3260
section 3501.38 of the Revised Code. 3261

The form of a petition calling for a zoning referendum and 3262
the statement of the circulator shall be substantially as follows: 3263

"PETITION FOR ZONING REFERENDUM 3264

(if the proposal is identified by a particular name or number, or 3265
both, these should be inserted here) 3266

A proposal to amend the zoning map of the unincorporated area 3267
of Township, County, Ohio, adopted 3268
.....(date)..... (followed by brief summary of the proposal). 3269

To the Board of Township Trustees of 3270
Township, County, Ohio: 3271

We, the undersigned, being electors residing in the 3273
unincorporated area of Township, included 3274
within the Township Zoning Plan, equal to not less 3275
than eight per cent of the total vote cast for all candidates for 3276
governor in the area at the preceding general election at which a 3277
governor was elected, request the Board of Township Trustees to 3278
submit this amendment of the zoning resolution to the electors of 3279
..... Township residing within the 3280
unincorporated area of the township included in the 3281

..... Township Zoning Resolution, for approval or 3282
rejection at a special election to be held on the day of the 3283
primary or general election to be held on(date)....., 3284
pursuant to section 519.12 of the Revised Code. 3285

Street Address Date of 3286
Signature or R.F.D. Township Precinct County Signing 3287
..... 3288
..... 3289

STATEMENT OF CIRCULATOR 3290

I,(name of circulator)....., declare under 3291
penalty of election falsification that I am an elector of the 3292
state of Ohio and reside at the address appearing below my 3293
signature; that I am the circulator of the foregoing part petition 3294
containing(number)..... signatures; that I have 3295
witnessed the affixing of every signature; that all signers were 3296
to the best of my knowledge and belief qualified to sign; and that 3297
every signature is to the best of my knowledge and belief the 3298
signature of the person whose signature it purports to be or of an 3299
attorney in fact acting pursuant to section 3501.382 of the 3300
Revised Code. 3301

..... 3302
(Signature of circulator) 3303
..... 3304
(Address of circulator's permanent 3305
residence in this state) 3306
..... 3307
(City, village, or township, 3308
and zip code) 3309

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 3310
OF THE FIFTH DEGREE." 3311

The petition shall be filed with the board of township 3312
trustees and shall be accompanied by an appropriate map of the 3313

area affected by the zoning proposal. Within two weeks after 3314
receiving a petition filed under this section, the board of 3315
township trustees shall certify the petition to the board of 3316
elections. A petition filed under this section shall be certified 3317
to the board of elections not less than ~~seventy-five~~ ninety days 3318
prior to the election at which the question is to be voted upon. 3319

The board of elections shall determine the sufficiency and 3320
validity of each petition certified to it by a board of township 3321
trustees under this section. If the board of elections determines 3322
that a petition is sufficient and valid, the question shall be 3323
voted upon at a special election to be held on the day of the next 3324
primary or general election that occurs at least ~~seventy-five~~ 3325
ninety days after the date the petition is filed with the board of 3326
township trustees, regardless of whether any election will be held 3327
to nominate or elect candidates on that day. 3328

No amendment for which such a referendum vote has been 3329
requested shall be put into effect unless a majority of the vote 3330
cast on the issue is in favor of the amendment. Upon certification 3331
by the board of elections that the amendment has been approved by 3332
the voters, it shall take immediate effect. 3333

Within five working days after an amendment's effective date, 3334
the board of township trustees shall file the text and maps of the 3335
amendment in the office of the county recorder and with the county 3336
or regional planning commission, if one exists. 3337

The failure to file any amendment, or any text and maps, or 3338
duplicates of any of these documents, with the office of the 3339
county recorder or the county or regional planning commission as 3340
required by this section does not invalidate the amendment and is 3341
not grounds for an appeal of any decision of the board of zoning 3342
appeals. 3343

Sec. 519.25. In any township in which there is in force a 3344

plan of township zoning, the plan may be repealed by the board of township trustees in the following manner:

(A) The board may adopt a resolution upon its own initiative.

(B) The board shall adopt a resolution if there is presented to it a petition, similar in all relevant aspects to that prescribed in section 519.12 of the Revised Code, signed by a number of qualified electors residing in the unincorporated area of such township included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting that the question of whether or not the plan of zoning in effect in such township shall be repealed be submitted to the electors residing in the unincorporated area of the township included in the zoning plan at a special election to be held on the day of the next primary or general election. The resolution adopted by the board of township trustees to cause such question to be submitted to the electors shall be certified to the board of elections not later than ~~seventy five~~ ninety days prior to the day of election at which said question is to be voted upon. In the event a majority of the vote cast on such question in the township is in favor of repeal of zoning, then such regulations shall no longer be of any effect. Not more than one such election shall be held in any two calendar years.

Sec. 705.01. Whenever electors of any municipal corporation, equal in number to ten per cent of those who voted at the last regular municipal election, file a petition with the board of elections of the county in which such municipal corporation is situated, asking that the question of organizing the municipal corporation under any one of the plans of government provided in sections 705.41 to 705.86 of the Revised Code, be submitted to the

electors thereof, such board shall at once certify that fact to 3376
the legislative authority of the municipal corporation and the 3377
legislative authority shall, within thirty days, provide for 3378
submitting such question at a special election, to be held not 3379
less than ~~seventy-five~~ ninety days after the filing of such 3380
petition. Any such election shall be conducted in accordance with 3381
the general election laws except as otherwise provided in sections 3382
705.01 to 705.92 of the Revised Code, and the legislative 3383
authority of any municipal corporation holding such an election 3384
shall appropriate whatever money is necessary for the proper 3385
conduct of such election. 3386

Sec. 707.21. The first election of officers for a municipal 3387
corporation organized under Chapter 707~~7~~1 of the Revised Code 3388
shall be held at the time of the next regular municipal election 3389
if one occurs not less than one hundred five nor more than one 3390
hundred eighty days after the creation of the municipal 3391
corporation. Otherwise a special election shall be held. Such 3392
special election may be held on the day of a primary or general 3393
election or on a date set by the board of elections. Nominations 3394
of candidates for election to municipal office at a special 3395
election shall be made by nominating petition and shall be signed 3396
by not less than twenty-five qualified electors nor more than 3397
fifty qualified electors of the township or of the portion thereof 3398
which has been incorporated into such municipal corporation, and 3399
be filed with the board of elections not less than ~~sixty~~ ninety 3400
days before the day of the election. 3401

Municipal officers elected at such special election shall 3402
hold office until the first day of January next after the first 3403
regular municipal election occurring not less than one hundred 3404
five days after the creation of such municipal corporation. 3405

Sec. 709.29. Within thirty days after filing the conditions 3406

of annexation as provided by section 709.28 of the Revised Code 3407
with the legislative authorities of the municipal corporations, 3408
the legislative authorities of both such municipal corporations 3409
shall order the question of annexation, upon the conditions 3410
contained in the report of such commissioners, to be submitted to 3411
a vote at the next regular election or primary election, occurring 3412
not less than ~~seventy-five~~ ninety days after the filing of such 3413
conditions with the board of elections. 3414

Each ordinance shall prescribe the manner in which the 3415
submission shall be made and shall be published in its respective 3416
municipal corporation by posters or otherwise, for a period of at 3417
least twenty days, prior to the time fixed for the election, in 3418
such manner as the legislative authority deems most expedient, and 3419
a printed copy of such conditions shall be mailed to each voter of 3420
such municipal corporations, as shown by the registration books. 3421

Sec. 709.39. The freehold electors owning lands in any 3422
portion of a village, such portion being contiguous to an 3423
adjoining township, and comprising not less than one thousand five 3424
hundred acres of land, may file a petition with the board of 3425
elections in such county requesting that an election be held to 3426
obtain the opinion of the freehold electors owning lands and 3427
residing within such portion of the village upon the question of 3428
the detachment of the portion from such village, or, upon the 3429
question of the detachment of such portion from the village and 3430
the erection of such detached portion into a new township. Such 3431
petition shall contain: 3432

(A) An accurate description of the territory sought to be 3433
detached; 3434

(B) An accurate map or plat thereof; 3435

(C) If the erection of a new township is also sought, the 3436
name proposed for such new township; 3437

(D) The name of a person to act as agent of the petitioners; 3438

(E) Signatures equal in number to fifteen per cent of the 3439
total number of votes cast at the last general election in such 3440
territory. 3441

Within ten days after the filing of such petition with the 3442
board the board shall determine whether the petition conforms to 3443
this section. If it does not conform, no further action shall be 3444
taken thereon. If it does conform, the board shall order an 3445
election, as prayed for in the petition, which election shall be 3446
held at a convenient place within the territory sought to be 3447
detached, on a day named by the board, which day shall be not less 3448
than ~~seventy-five~~ ninety days thereafter. The board shall 3449
thereupon give ten days' notice of such election by publication in 3450
a newspaper of general circulation in such territory, and shall 3451
cause written or printed notices thereof to be posted in three or 3452
more public places in such territory. The election shall be 3453
conducted in the manner provided in Title XXXV of the Revised 3454
Code, and the judges and clerks thereof shall be designated by 3455
such board. 3456

If no freehold electors own lands in the portion of the 3457
village seeking to be detached, the owners of lands within that 3458
portion may file a petition with the board of county commissioners 3459
requesting that the board proceed with the detachment procedures, 3460
or with procedures for the detachment and erection of the portion 3461
of the village into a new township, pursuant to section 709.38 of 3462
the Revised Code. The petition shall contain the items required in 3463
divisions (A), (B), and (D) of this section, and signatures equal 3464
in number to at least a majority of the owners of land within the 3465
portion of the village seeking to be detached. 3466

The ballots shall contain the words "for detachment," and 3467
"against detachment." If a majority of the ballots cast at such 3468
election are cast against detachment, no further proceedings shall 3469

be had in relation thereto for a period of two years. If a 3470
majority of the votes cast at such election are cast for 3471
detachment, the result of such election, together with the 3472
original petition and plat and a transcript of all the proceedings 3473
of such board in reference thereto shall be certified by the board 3474
and delivered to the county recorder, who shall forthwith make a 3475
record of the petition and plat and transcript of all the 3476
proceedings of the board and the result of the election, in the 3477
public book of records, and preserve in ~~his~~ the recorder's office 3478
the original papers delivered to ~~him~~ the recorder by such board. 3479
The recorder shall certify thereon that the transcribed petition 3480
and map are properly recorded. ~~When the recorder has~~ After having 3481
made such record, ~~he~~ the recorder shall certify and forward to the 3482
secretary of state, a transcript thereof. 3483

The detachment of such territory from the village shall 3484
thereupon be complete, and, if the petition included a request 3485
that such territory be erected into a new township, the territory 3486
shall thereupon constitute a new township, under the name and 3487
style specified in such petition. All expense involved in holding 3488
such election, and in the filing, recording, and transcribing of 3489
the records, provided for in this section, shall be defrayed by 3490
the petitioners, and the board and the recorder may require the 3491
payment thereof in advance as a condition precedent to the taking 3492
by them, or either of them, of any action provided for in this 3493
section. 3494

Sec. 709.45. (A) A petition may be filed with the board of 3495
elections proposing that one or more municipal corporations be 3496
merged with another municipal corporation, or that the 3497
unincorporated area of a township be merged with one or more 3498
municipal corporations, as provided by section 709.44 of the 3499
Revised Code. The petition may be presented in separate petition 3500
papers. Each petition paper shall contain, in concise language, 3501

the purpose of the petition and the names of not less than five 3502
electors of each affected municipal corporation, or the names of 3503
not less than five electors of the unincorporated area of the 3504
township and the names of not less than five electors of each 3505
affected municipal corporation, to be nominated to serve as 3506
commissioners. The petition shall be governed by the rules of 3507
section 3501.38 of the Revised Code. The petition shall contain 3508
signatures of electors of each municipal corporation or of each 3509
municipal corporation and the unincorporated area of the township 3510
proposed to be merged and signatures of electors of the municipal 3511
corporation with which merger is proposed, numbering not less than 3512
ten per cent of the number of electors residing in each such 3513
political subdivision who voted for the office of governor at the 3514
most recent general election for that office. 3515

(B) The petition shall be filed with the board of elections 3516
of the county in which the largest portion of the population of 3517
the municipal corporation with which merger is proposed resides. 3518
The board of elections shall cause the validity of all signatures 3519
to be ascertained and, in doing so, may require the assistance of 3520
boards of elections of other counties as the case requires. If the 3521
petition is sufficient, the board of elections of the county in 3522
which the petition is required to be filed shall submit the 3523
question: "Shall a commission be chosen to draw up a statement of 3524
conditions for merger of the political subdivisions of, 3525
....., and" for the approval or rejection of 3526
the electors of each political subdivision proposed to be merged 3527
and the electors of the municipal corporation to which merger is 3528
proposed at the next general election, in any year, occurring 3529
subsequent to the period ending ~~seventy-five~~ ninety days after the 3530
filing of the petition with the board. Provision shall be made on 3531
the ballot for the election, from each of the component political 3532
subdivisions, of five electors who shall constitute the commission 3533
to draw up the statement of conditions for merger of the political 3534

subdivisions. If any of the political subdivisions for which 3535
merger is proposed are located wholly or partially in a county 3536
other than the one in which the petition is required to be filed, 3537
the board of elections of the county in which the petition is 3538
filed shall, if the petition is found to be sufficient, certify 3539
the sufficiency of the petition and the statement of the issue to 3540
be voted on to the boards of elections of those other counties; 3541
the boards of elections of those other counties shall submit the 3542
question of merging and the names of candidates to be elected to 3543
the commission to draw up the statement of conditions for merger, 3544
for the approval or rejection of the electors in the portions of 3545
those political subdivisions within their respective counties; 3546
and, upon the holding of the election, the boards of elections of 3547
those other counties shall certify the election results to the 3548
board of elections of the county in which the petition is required 3549
to be filed. 3550

(C) In addition to the filing of the petition with the board 3551
of elections as provided in division (B) of this section, a copy 3552
of the petition shall be filed with the legislative authority of 3553
each affected municipal corporation and, if applicable, the board 3554
of township trustees of the affected township. At a public meeting 3555
scheduled not less than thirty days before the date of the 3556
election at which the question of merging goes before the 3557
electors, each of those legislative authorities and, if 3558
applicable, the board of township trustees shall state and explain 3559
their position on the proposed merger. 3560

Sec. 709.462. (A) Once proposed merger conditions are 3561
prepared, the members of the commission shall vote on them. 3562

(B) If no proposed merger condition can be agreed upon by a 3563
majority of the members of the commission from each political 3564
subdivision, the members of the commission may vote on whether the 3565

merger should not occur. If, in that situation, a majority of the 3566
members of the commission from each political subdivision votes 3567
against the merger, no further proceedings shall be had on the 3568
petition filed under section 709.45 of the Revised Code, and no 3569
further petitions shall be filed under that section proposing a 3570
merger of any or all of the political subdivisions that were the 3571
subjects of that petition for at least three years after the date 3572
of the commission's vote. 3573

(C) If proposed merger conditions are agreed upon by a 3574
majority of the members of the commission from each political 3575
subdivision, the commission shall issue a report listing the 3576
conditions agreed to and the reasoning behind adopting each 3577
condition. In addition, after the next general election occurring 3578
after the election of the members of the commission, but not less 3579
than ~~seventy-five~~ ninety days preceding the second general 3580
election occurring after the election of the members of the 3581
commission, the commission, unless it has ceased to exist under 3582
division (D) of this section, shall certify the fact of that 3583
agreement and a list of the agreed-to merger conditions to the 3584
board of elections of each of the counties in which the political 3585
subdivisions proposed for merger are located. The question of the 3586
approval or rejection of the merger conditions shall be submitted 3587
to the voters at that second general election occurring after the 3588
election of the members of the commission. The boards of elections 3589
shall submit the merger conditions for the approval or rejection 3590
of the electors in the portions of the political subdivisions 3591
within their respective counties, and, upon the holding of the 3592
election, each board of elections other than the board of the 3593
county in which the petition is required to be filed shall certify 3594
its results to the board of elections of the county in which the 3595
petition is required to be filed. 3596

(D) Regardless of whether a merger commission succeeds in 3597

reaching an agreement, the commission shall cease to exist on the 3598
~~seventy-fifth~~ ninetieth day preceding the next general election 3599
occurring after the election of the members of the commission, 3600
unless the commission requests an extension of time from the 3601
legislative authority of each political subdivision involved and 3602
each of those legislative authorities approves the extension. This 3603
extension of time may be only until the ~~seventy-fifth~~ ninetieth 3604
day preceding the second general election occurring after the 3605
election of the members of the commission. If the commission 3606
ceases to exist under this division, no further petitions shall be 3607
filed under section 709.45 of the Revised Code proposing a merger 3608
of any or all of the political subdivisions that were the subjects 3609
of the petition considered by the commission for at least three 3610
years after the date the commission ceases to exist. 3611

Sec. 709.48. On and after the date on which a petition is 3612
filed with the board of elections under section 709.45 of the 3613
Revised Code for the election of a merger commission for the 3614
merger of one or more municipal corporations and the 3615
unincorporated territory of a township, no petition for the 3616
annexation of any part of the unincorporated territory of the 3617
township shall be filed with a board of county commissioners under 3618
section 709.03 or 709.15 of the Revised Code, until one of the 3619
following occurs: 3620

(A) The question of forming a merger commission is defeated 3621
at the election provided for under section 709.45 of the Revised 3622
Code by a majority of the electors of any one of the municipal 3623
corporations or the unincorporated territory of the township in 3624
which the election is held. 3625

(B) The merger commission elected pursuant to section 709.45 3626
of the Revised Code fails to reach agreement on merger conditions 3627
by the ~~seventy-fifth~~ ninetieth day preceding the next general 3628

election occurring after the election of the members of the 3629
commission or, if the time for the commission's existence is 3630
extended under division (D) of section 709.462 of the Revised 3631
Code, by the date that extension ceases, whichever is later. 3632

(C) The merger conditions agreed upon by the merger 3633
commission are defeated by a majority of the electors of any one 3634
of the municipal corporations or the unincorporated territory of 3635
the township in which the election on the conditions is held. 3636

Sec. 709.50. (A) Notwithstanding any other section of the 3637
Revised Code, when a township contains at least ninety per cent of 3638
the geographic area of a municipal corporation, either that 3639
township or the municipal corporation may remove that part of that 3640
township that is located within the municipal corporation from 3641
that township if all of the following apply: 3642

(1) The electors of the township and the municipal 3643
corporation have voted to approve the establishment of a merger 3644
commission pursuant to section 709.45 of the Revised Code. 3645

(2) The unincorporated territory of the township has a 3646
population of more than nine thousand. 3647

(3) The township has previously adopted a limited home rule 3648
government under Chapter 504. of the Revised Code and a township 3649
zoning resolution under Chapter 519. of the Revised Code. 3650

(4) Not later than December 31, 1994, either the township 3651
adopts a resolution or the municipal corporation adopts a 3652
resolution or ordinance to remove that part of the township that 3653
is located in the municipal corporation from the township. Any 3654
resolution or ordinance adopted under division (A)(4) of this 3655
section shall include an accurate description of the land to be 3656
removed. The political subdivision that adopts an ordinance or 3657
resolution under division (A)(4) of this section shall file with 3658

the county recorder a copy of it certified by the county auditor, 3659
together with a map or plat certified by the county auditor of the 3660
land to be removed. The county recorder shall record the ordinance 3661
or resolution and the map or plat. 3662

(B) If either the township or the municipal corporation takes 3663
the action described in division (A)(4) of this section, the 3664
removal shall occur. After the removal, the unincorporated 3665
territory of the township shall no longer receive any revenue by 3666
virtue of its relationship to the municipal corporation. As soon 3667
as practicable after a removal occurs under this section, the 3668
board of county commissioners shall ascertain whether there is any 3669
joint indebtedness of the unincorporated territory of the township 3670
and the municipal corporation. If there is any such indebtedness, 3671
the board of county commissioners shall apportion it in accordance 3672
with section 503.10 of the Revised Code. 3673

(C)(1) If a removal occurs under this section, all or part of 3674
the unincorporated territory of the township may become a village 3675
if the board of township trustees adopts, by unanimous vote, a 3676
resolution for all or part of that territory to become a village. 3677
The board of township trustees shall file with the county recorder 3678
a copy of any resolution it adopts under division (C)(1) of this 3679
section certified by the county auditor, together with a map or 3680
plat certified by the county auditor of the land to be included in 3681
the village. The county recorder shall record the resolution and 3682
the map or plat. Once the board adopts a resolution under division 3683
(C)(1) of this section, no land within the area that will 3684
constitute the village may be annexed, and any pending annexation 3685
proceeding that includes land in that area shall be considered to 3686
be terminated with regard to that land. 3687

(2) If the board does not adopt a resolution under division 3688
(C)(1) of this section, or if the board adopts such a resolution 3689
in which only a part of the unincorporated territory becomes a 3690

village, the board of county commissioners shall attach all the 3691
unincorporated territory that does not become a village to any 3692
township contiguous to that territory or erect that territory into 3693
a new township, the boundaries of which need not include 3694
twenty-two square miles of territory. 3695

(D) If a board of township trustees adopts a resolution under 3696
division (C)(1) of this section for all or part of the township's 3697
unincorporated territory to become a village, the board shall 3698
serve as the legislative authority of the area constituting the 3699
village until the next regular municipal election that occurs at 3700
least ~~seventy-five~~ ninety days after the adoption of the 3701
resolution. At that election, the legislative authority of the 3702
village shall be elected under section 731.09 of the Revised Code 3703
and all other officers of the village shall be elected under 3704
Chapter 733. of the Revised Code. 3705

Sec. 715.69. (A) As used in this section: 3706

(1) "Contracting party" means a municipal corporation that 3707
has entered into a joint economic development zone contract or any 3708
party succeeding to such a municipal corporation. 3709

(2) "Contract for utility services" means a contract under 3710
which a municipal corporation agrees to provide to another 3711
municipal corporation water, sewer, electric, or other utility 3712
services necessary to the public health, safety, and welfare. 3713

(3) "Joint economic development zone contract" means a 3714
contract described in and entered into under division (B) of this 3715
section. 3716

(4) "Zone" means a joint economic development zone designated 3717
under this section. 3718

(B) Two or more municipal corporations may enter into a 3719
contract whereby they agree to share in the costs of improvements 3720

for an area or areas located in one or more of the contracting 3721
parties that they designate as a joint economic development zone 3722
for the purpose of facilitating new or expanded growth for 3723
commercial or economic development in the state. Except as 3724
otherwise provided in division (I) of this section, the contract 3725
and zone shall meet the requirements of divisions (B) to (H) of 3726
this section. 3727

(C) The contract shall set forth each contracting party's 3728
contribution to the joint economic development zone. The 3729
contributions may be in any form that the contracting parties 3730
agree to, subject to divisions (G) and (I) of this section, and 3731
may include, but are not limited to, the provision of services, 3732
money, or equipment. The contract may provide for the contracting 3733
parties to distribute among themselves, in the manner they agree 3734
to, any municipal income tax revenues derived from the income 3735
earned by persons employed by businesses that locate within the 3736
zone after it is designated by the contracting parties and from 3737
the net profits of such businesses. Except as provided in 3738
divisions (G) and (I) of this section, the contract may be 3739
amended, renewed, or terminated with the consent of the 3740
contracting parties. 3741

(D) Before the legislative authority of any of the 3742
contracting parties enacts an ordinance approving a contract to 3743
designate a joint economic development zone, the legislative 3744
authority of each of the contracting parties shall hold a public 3745
hearing concerning the contract and zone. Each such legislative 3746
authority shall provide at least thirty days' public notice of the 3747
time and place of the public hearing in a newspaper of general 3748
circulation in the municipal corporation. During the thirty-day 3749
period prior to the public hearing, all of the following documents 3750
shall be available for public inspection in the office of the 3751
clerk of the legislative authority of each of the contracting 3752

parties:	3753
(1) A copy of the contract designating the zone;	3754
(2) A description of the area or areas to be included in the zone, including a map in sufficient detail to denote the specific boundaries of the area or areas;	3755 3756 3757
(3) An economic development plan for the zone that includes a schedule for the provision of any new, expanded, or additional services, facilities, or improvements.	3758 3759 3760
A public hearing held under division (D) of this section shall allow for public comment and recommendations on the contract and zone. The contracting parties may include in the contract any of those recommendations prior to approval of the contract.	3761 3762 3763 3764
(E) After the public hearings required under division (D) of this section have been held, each contracting party may enact an ordinance approving the contract to designate a joint economic development zone. After each contracting party has enacted such an ordinance, the clerk of the legislative authority of each contracting party shall file with the board of elections of each county within which a contracting party is located a copy of the ordinance approving the contract and shall direct the board of elections to submit the ordinance to the electors of the contracting party on the day of the next general, primary, or special election occurring at least seventy-five <u>ninety</u> days after the ordinance is filed with the board of elections.	3765 3766 3767 3768 3769 3770 3771 3772 3773 3774 3775 3776
(F) The ballot shall be in the following form:	3777
"Shall the ordinance of the legislative authority of the (city or village) of (name of contracting party) approving the contract with (name of each other contracting party) for the designation of a joint economic development zone be approved?"	3778 3779 3780 3781 3782

	FOR THE ORDINANCE AND CONTRACT	3783
	AGAINST THE ORDINANCE AND CONTRACT "	3784

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If a majority of the electors of each contracting party voting on 3786
the issue vote for the ordinance and contract, the ordinance shall 3787
become effective immediately and the contract shall go into effect 3788
immediately or in accordance with its terms. 3789

(G) If two or more contracting parties previously have 3790
entered into a separate contract for utility services, then 3791
amendment, renewal, or termination of the separate contract for 3792
utility services shall not constitute a part of the consideration 3793
for a joint economic development zone contract unless the 3794
legislative authority of each contracting party determines all of 3795
the following: 3796

(1) That the creation of the joint economic development zone 3797
will facilitate new or expanded growth for commercial or economic 3798
development in this state; 3799

(2) That substantial consideration exists to support the 3800
joint economic development zone contract; 3801

(3) That the contracting parties are entering into the joint 3802
economic development zone contract freely and without duress or 3803
coercion related to the amendment, renewal, or termination of the 3804
separate contract for utility services. 3805

(H) A joint economic development zone contract that does not 3806
satisfy division (G) of this section is void and unenforceable. If 3807
the joint economic development zone contract provides for the 3808
extension of utility service or the provision of utility service 3809
at a lower rate than is currently in effect, any action claiming 3810
duress or coercion relating to a joint economic development zone 3811
contract may be brought only by a contracting party, and must be 3812
brought before the contracting parties enter into the joint 3813

economic development zone contract. The signing of the joint 3814
economic development zone contract as authorized by the 3815
contracting parties is conclusive evidence as to the 3816
determinations set forth under division (G) of this section. 3817

(I) If one of the contracting parties is an impacted city as 3818
defined in division (C) of section 1728.01 of the Revised Code, 3819
then divisions (D) to (F) of this section shall not apply to the 3820
joint economic development zone contract or to the joint economic 3821
development zone to which that contract relates unless the 3822
contracting parties agree that those divisions shall apply. 3823

Sec. 715.691. (A) As used in this section: 3824

(1) "Contracting party" means a municipal corporation that 3825
has entered into a joint economic development zone contract or any 3826
party succeeding to the municipal corporation, or a township that 3827
entered into a joint economic development zone contract with a 3828
municipal corporation. 3829

(2) "Zone" means a joint economic development zone designated 3830
under this section. 3831

(B) This section provides alternative procedures and 3832
requirements for creating and operating a joint economic 3833
development zone to those set forth in section 715.69 of the 3834
Revised Code. This section applies only if one of the contracting 3835
parties to the zone does not levy a municipal income tax under 3836
Chapter 718. of the Revised Code. A municipal corporation that 3837
does not levy a municipal income tax may enter into an agreement 3838
to create and operate a joint economic development zone under this 3839
section or under section 715.69 of the Revised Code. 3840

Two or more municipal corporations or one or more townships 3841
and one or more municipal corporations may enter into a contract 3842
whereby they agree to share in the costs of improvements for an 3843

area or areas located in one or more of the contracting parties 3844
that they designate as a joint economic development zone for the 3845
purpose of facilitating new or expanded growth for commercial or 3846
economic development in the state. The contract and zone shall 3847
meet the requirements of divisions (B) to (J) of this section. 3848

(C) The contract shall set forth each contracting party's 3849
contribution to the joint economic development zone. The 3850
contributions may be in any form that the contracting parties 3851
agree to, and may include, but are not limited to, the provision 3852
of services, money, or equipment. The contract may be amended, 3853
renewed, or terminated with the consent of the contracting 3854
parties. The contract shall continue in existence throughout the 3855
term it specifies and shall be binding on the contracting parties 3856
and on any entities succeeding to the contracting parties. 3857

(D) Before the legislative authority of any of the 3858
contracting parties enacts an ordinance or resolution approving a 3859
contract to designate a joint economic development zone, the 3860
legislative authority of each of the contracting parties shall 3861
hold a public hearing concerning the contract and zone. Each 3862
legislative authority shall provide at least thirty days' public 3863
notice of the time and place of the public hearing in a newspaper 3864
of general circulation in the municipal corporation or township. 3865
During the thirty-day period prior to the public hearing, all of 3866
the following documents shall be available for public inspection 3867
in the office of the clerk of the legislative authority of a 3868
municipal corporation that is a contracting party and in the 3869
office of the fiscal officer of a township that is a contracting 3870
party: 3871

(1) A copy of the contract designating the zone; 3872

(2) A description of the area or areas to be included in the 3873
zone, including a map in sufficient detail to denote the specific 3874
boundaries of the area or areas; 3875

(3) An economic development plan for the zone that includes a schedule for the provision of any new, expanded, or additional services, facilities, or improvements.

A public hearing held under division (D) of this section shall allow for public comment and recommendations on the contract and zone. The contracting parties may include in the contract of those recommendations prior to approval of the contract.

(E) After the public hearings required under division (D) of this section have been held, each contracting party may enact an ordinance or resolution approving the contract to designate a joint economic development zone. After each contracting party has enacted an ordinance or resolution, the clerk of the legislative authority of a municipal corporation that is a contracting party and the fiscal officer of a township that is a contracting party shall file with the board of elections of each county within which a contracting party is located a copy of the ordinance or resolution approving the contract and shall direct the board of elections to submit the ordinance or resolution to the electors of the contracting party on the day of the next general, primary, or special election occurring at least ~~seventy-five~~ ninety days after the ordinance or resolution is filed with the board of elections. If any of the contracting parties is a township, however, then only the township or townships shall submit the resolution to the electors.

(F)(1) If a vote is required to approve a municipal corporation as a contracting party to a joint economic development zone under this section, the ballot shall be in the following form:

"Shall the ordinance of the legislative authority of the (city or village) of (name of contracting party) approving the contract with (name of each other contracting party) for the designation of a joint economic development zone be approved?"

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	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

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	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

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(2) If a vote is required to approve a township as a contracting party to a joint economic development zone under this section, the ballot shall be in the following form:

"Shall the resolution of the board of township trustees of the township of (name of contracting party) approving the contract with (name of each other contracting party) for the designation of a joint economic development zone be approved?"

If a majority of the electors of each contracting party voting on the issue vote for the ordinance or resolution and contract, the ordinance or resolution shall become effective immediately and the contract shall go into effect immediately or in accordance with its terms.

(G)(1) A board of directors shall govern each joint economic development zone created under section 715.691 of the Revised Code. The members of the board shall be appointed as provided in the contract. Each of the contracting parties shall appoint three members to the board. Terms for each member shall be for two years, each term ending on the same day of the month of the year as did the term that it succeeds. A member may be reappointed to the board.

(2) Membership on the board is not the holding of a public office or employment within the meaning of any section of the

Revised Code or any charter provision prohibiting the holding of 3938
other public office or employment. Membership on the board is not 3939
a direct or indirect interest in a contract or expenditure of 3940
money by a municipal corporation, township, county, or other 3941
political subdivision with which a member may be affiliated. 3942
Notwithstanding any provision of law or a charter to the contrary, 3943
no member of the board shall forfeit or be disqualified from 3944
holding any public office or employment by reason of membership on 3945
the board. 3946

(3) The board is a public body for the purposes of section 3947
121.22 of the Revised Code. Chapter 2744. of the Revised Code 3948
applies to the board and the zone. 3949

(H) The contract may grant to the board of directors 3950
appointed under division (G) of this section the power to adopt a 3951
resolution to levy an income tax within the zone. The income tax 3952
shall be used for the purposes of the zone and for the purposes of 3953
the contracting municipal corporations pursuant to the contract. 3954
The income tax may be levied in the zone based on income earned by 3955
persons working within the zone and on the net profits of 3956
businesses located in the zone. The income tax is subject to 3957
Chapter 718. of the Revised Code, except that a vote shall be 3958
required by the electors residing in the zone to approve the rate 3959
of income tax unless a majority of the electors residing within 3960
the zone, as determined by the total number of votes cast in the 3961
zone for the office of governor at the most recent general 3962
election for that office, submit a petition to the board 3963
requesting that the election provided for in division (H)(1) of 3964
this section not be held. If no electors reside within the zone, 3965
then division (H)(3) of this section applies. The rate of the 3966
income tax shall be no higher than the highest rate being levied 3967
by a municipal corporation that is a party to the contract. 3968

(1) The board of directors may levy an income tax at a rate 3969

that is not higher than the highest rate being levied by a 3970
municipal corporation that is a party to the contract, provided 3971
that the rate of the income tax is first submitted to and approved 3972
by the electors of the zone at the succeeding regular or primary 3973
election, or a special election called by the board, occurring 3974
subsequent to ~~seventy-five~~ ninety days after a certified copy of 3975
the resolution levying the income tax and calling for the election 3976
is filed with the board of elections. If the voters approve the 3977
levy of the income tax, the income tax shall be in force for the 3978
full period of the contract establishing the zone. No election 3979
shall be held under this section if a majority of the electors 3980
residing within the zone, determined as specified in division (H) 3981
of this section, submit a petition to that effect to the board of 3982
directors. Any increase in the rate of an income tax by the board 3983
of directors shall be approved by a vote of the electors of the 3984
zone and shall be in force for the remaining period of the 3985
contract establishing the zone. 3986

(2) Whenever a zone is located in the territory of more than 3987
one contracting party, a majority vote of the electors in each of 3988
the several portions of the territory of the contracting parties 3989
constituting the zone approving the levy of the tax is required 3990
before it may be imposed under division (H) of this section. 3991

(3) If no electors reside in the zone, no election for the 3992
approval or rejection of an income tax shall be held under this 3993
section, provided that where no electors reside in the zone, the 3994
rate of the income tax shall be no higher than the highest rate 3995
being levied by a municipal corporation that is a party to the 3996
contract. 3997

(4) The board of directors of a zone levying an income tax 3998
shall enter into an agreement with one of the municipal 3999
corporations that is a party to the contract to administer, 4000
collect, and enforce the income tax on behalf of the zone. 4001

(5) The board of directors of a zone shall publish or post public notice within the zone of any resolution adopted levying an income tax in the same manner required of municipal corporations under sections 731.21 and 731.25 of the Revised Code.

(I)(1) If for any reason a contracting party reverts to or has its boundaries changed so that it is classified as a township that is the entity succeeding to that contracting party, the township is considered to be a municipal corporation for the purposes of the contract for the full period of the contract establishing the joint economic development zone, except that if that contracting party is administering, collecting, and enforcing the income tax on behalf of the district as provided in division (H)(4) of this section, the contract shall be amended to allow one of the other contracting parties to administer, collect, and enforce that tax.

(2) Notwithstanding any other section of the Revised Code, if there is any change in the boundaries of a township so that a municipal corporation once located within the township is no longer so located, the township shall remain in existence even though its remaining unincorporated area contains less than twenty-two square miles, if the township has been or becomes a party to a contract creating a joint economic development zone under this section or the contract creating that joint economic development zone under this section is terminated or repudiated for any reason by any party or person. The township shall continue its existing status in all respects, including having the same form of government and the same elected board of trustees as its governing body. The township shall continue to receive all of its tax levies and sources of income as a township in accordance with any section of the Revised Code, whether the levies and sources of income generate millage within the ten-mill limitation or in excess of the ten-mill limitation. The name of the township may be

changed to the name of the contracting party appearing in the 4034
contract creating a joint economic development zone under this 4035
section, so long as the name does not conflict with any other name 4036
in the state that has been certified by the secretary of state. 4037
The township shall have all of the powers set out in sections 4038
715.79, 715.80, and 715.81 of the Revised Code. 4039

(J) If, after creating and operating a joint economic 4040
development zone under this section, a contracting party that did 4041
not levy a municipal income tax under Chapter 718. of the Revised 4042
Code levies such a tax, the tax shall not apply to the zone for 4043
the full period of the contract establishing the zone, if the 4044
board of directors of the zone has levied an income tax as 4045
provided in division (H) of this section. 4046

Sec. 715.70. (A) This section and section 715.71 of the 4047
Revised Code apply only to: 4048

(1) Municipal corporations and townships within a county that 4049
has adopted a charter under Sections 3 and 4 of Article X, Ohio 4050
Constitution; 4051

(2) Municipal corporations and townships that have created a 4052
joint economic development district comprised entirely of real 4053
property owned by a municipal corporation at the time the district 4054
was created under this section. The real property owned by the 4055
municipal corporation shall include an airport owned by the 4056
municipal corporation and located entirely beyond the municipal 4057
corporation's corporate boundary. 4058

(3) Municipal corporations or townships that are part of or 4059
contiguous to a transportation improvement district created under 4060
Chapter 5540. of the Revised Code and that have created a joint 4061
economic development district under this section or section 715.71 4062
of the Revised Code prior to November 15, 1995; 4063

(4) Municipal corporations that have previously entered into a contract creating a joint economic development district pursuant to division (A)(2) of this section, even if the territory to be included in the district does not meet the requirements of that division.

(B)(1) One or more municipal corporations and one or more townships may enter into a contract approved by the legislative authority of each contracting party pursuant to which they create as a joint economic development district an area or areas for the purpose of facilitating economic development to create or preserve jobs and employment opportunities and to improve the economic welfare of the people in the state and in the area of the contracting parties. A municipal corporation described in division (A)(4) of this section may enter into a contract with other municipal corporations and townships to create a new joint economic development district. In a district that includes a municipal corporation described in division (A)(4) of this section, the territory of each of the contracting parties shall be contiguous to the territory of at least one other contracting party, or contiguous to the territory of a township or municipal corporation that is contiguous to another contracting party, even if the intervening township or municipal corporation is not a contracting party. The area or areas of land to be included in the district shall not include any parcel of land owned in fee by a municipal corporation or a township or parcel of land that is leased to a municipal corporation or a township, unless the municipal corporation or township is a party to the contract or unless the municipal corporation or township has given its consent to have its parcel of land included in the district by the adoption of a resolution. As used in this division, "parcel of land" means any parcel of land owned by a municipal corporation or a township for at least a six-month period within a five-year period prior to the creation of a district, but "parcel of land"

does not include streets or public ways and sewer, water, and 4097
other utility lines whether owned in fee or otherwise. 4098

The district created shall be located within the territory of 4099
one or more of the participating parties and may consist of all or 4100
a portion of such territory. The boundaries of the district shall 4101
be described in the contract or in an addendum to the contract. 4102

(2) Prior to the public hearing to be held pursuant to 4103
division (D)(2) of this section, the participating parties shall 4104
give a copy of the proposed contract to each municipal corporation 4105
located within one-quarter mile of the proposed joint economic 4106
development district and not otherwise a party to the contract, 4107
and afford the municipal corporation the reasonable opportunity, 4108
for a period of thirty days following receipt of the proposed 4109
contract, to make comments and suggestions to the participating 4110
parties regarding elements contained in the proposed contract. 4111

(3) The district shall not exceed two thousand acres in area. 4112
The territory of the district shall not completely surround 4113
territory that is not included within the boundaries of the 4114
district. 4115

(4) Sections 503.07 to 503.12 of the Revised Code do not 4116
apply to territory included within a district created pursuant to 4117
this section as long as the contract creating the district is in 4118
effect, unless the legislative authority of each municipal 4119
corporation and the board of township trustees of each township 4120
included in the district consent, by ordinance or resolution, to 4121
the application of those sections of the Revised Code. 4122

(5) Upon the execution of the contract creating the district 4123
by the parties to the contract, a participating municipal 4124
corporation or township included within the district shall file a 4125
copy of the fully executed contract with the county recorder of 4126
each county within which a party to the contract is located, in 4127

the miscellaneous records of the county. No annexation proceeding 4128
pursuant to Chapter 709. of the Revised Code that proposes the 4129
annexation to, merger, or consolidation with a municipal 4130
corporation of any unincorporated territory within the district 4131
shall be commenced for a period of three years after the contract 4132
is filed with the county recorder of each county within which a 4133
party to the contract is located unless each board of township 4134
trustees whose territory is included, in whole or part, within the 4135
district and the territory proposed to be annexed, merged, or 4136
consolidated adopts a resolution consenting to the commencement of 4137
the proceeding and a copy of the resolution is filed with the 4138
legislative authority of each county within which a party to the 4139
contract is located or unless the contract is terminated during 4140
this period. 4141

The contract entered into between the municipal corporations 4142
and townships pursuant to this section may provide for the 4143
prohibition of any annexation by the participating municipal 4144
corporations of any unincorporated territory within the district 4145
beyond the three-year mandatory prohibition of any annexation 4146
provided for in division (B)(5) of this section. 4147

(C)(1) After the legislative authority of a municipal 4148
corporation and the board of township trustees have adopted an 4149
ordinance and resolution approving a contract to create a joint 4150
economic development district pursuant to this section, and after 4151
a contract has been signed, the municipal corporations and 4152
townships shall jointly file a petition with the legislative 4153
authority of each county within which a party to the contract is 4154
located. 4155

(a) The petition shall contain all of the following: 4156

(i) A statement that the area or areas of the district is not 4157
greater than two thousand acres and is located within the 4158
territory of one or more of the contracting parties; 4159

(ii) A brief summary of the services to be provided by each party to the contract or a reference to the portion of the contract describing those services;	4160 4161 4162
(iii) A description of the area or areas to be designated as the district;	4163 4164
(iv) The signature of a representative of each of the contracting parties.	4165 4166
(b) The following documents shall be filed with the petition:	4167
(i) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract;	4168 4169
(ii) A certified copy of the ordinances and resolutions of the contracting parties approving the contract;	4170 4171
(iii) A certificate from each of the contracting parties indicating that the public hearings required by division (D)(2) of this section have been held, the date of the hearings, and evidence of publication of the notice of the hearings;	4172 4173 4174 4175
(iv) One or more signed statements of persons who are owners of property located in whole or in part within the area to be designated as the district, requesting that the property be included within the district, provided that those statements shall represent a majority of the persons owning property located in whole or in part within the district and persons owning a majority of the acreage located within the district. A signature may be withdrawn by the signer up to but not after the time of the public hearing required by division (D)(2) of this section.	4176 4177 4178 4179 4180 4181 4182 4183 4184
(2) The legislative authority of each county within which a party to the contract is located shall adopt a resolution approving the petition for the creation of the district if the petition and other documents have been filed in accordance with the requirements of division (C)(1) of this section. If the	4185 4186 4187 4188 4189

petition and other documents do not substantially meet the 4190
requirements of that division, the legislative authority of any 4191
county within which a party to the contract is located may adopt a 4192
resolution disapproving the petition for the creation of the 4193
district. The legislative authority of each county within which a 4194
party to the contract is located shall adopt a resolution 4195
approving or disapproving the petition within thirty days after 4196
the petition was filed. If the legislative authority of each such 4197
county does not adopt the resolution within the thirty-day period, 4198
the petition shall be deemed approved and the contract shall go 4199
into effect immediately after that approval or at such other time 4200
as the contract specifies. 4201

(D)(1) The contract creating the district shall set forth or 4202
provide for the amount or nature of the contribution of each 4203
municipal corporation and township to the development and 4204
operation of the district and may provide for the sharing of the 4205
costs of the operation of and improvements for the district. The 4206
contributions may be in any form to which the contracting 4207
municipal corporations and townships agree and may include but are 4208
not limited to the provision of services, money, real or personal 4209
property, facilities, or equipment. The contract may provide for 4210
the contracting parties to share revenue from taxes levied on 4211
property by one or more of the contracting parties if those 4212
revenues may lawfully be applied to that purpose under the 4213
legislation by which those taxes are levied. The contract shall 4214
provide for new, expanded, or additional services, facilities, or 4215
improvements, including expanded or additional capacity for or 4216
other enhancement of existing services, facilities, or 4217
improvements, provided that those services, facilities, or 4218
improvements, or expanded or additional capacity for or 4219
enhancement of existing services, facilities, or improvements, 4220
required herein have been provided within the two-year period 4221
prior to the execution of the contract. 4222

(2) Before the legislative authority of a municipal corporation or a board of township trustees passes any ordinance or resolution approving a contract to create a joint economic development district pursuant to this section, the legislative authority of the municipal corporation and the board of township trustees shall each hold a public hearing concerning the joint economic development district contract and shall provide thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation and the township. The board of township trustees may provide additional notice to township residents in accordance with section 9.03 of the Revised Code, and any additional notice shall include the public hearing announcement; a summary of the terms of the contract; a statement that the entire text of the contract and district maps and plans are on file for public examination in the office of the township fiscal officer; and information pertaining to any tax changes that will or may occur as a result of the contract.

During the thirty-day period prior to the public hearing, a copy of the text of the contract together with copies of district maps and plans related to or part of the contract shall be on file, for public examination, in the offices of the clerk of the legislative authority of the municipal corporation and of the township fiscal officer. The public hearing provided for in division (D)(2) of this section shall allow for public comment and recommendations from the public on the proposed contract. The contracting parties may include in the contract any of those recommendations prior to the approval of the contract.

(3) Any resolution of the board of township trustees that approves a contract that creates a joint economic development district pursuant to this section shall be subject to a referendum of the electors of the township. When a referendum petition,

signed by ten per cent of the number of electors in the township 4255
who voted for the office of governor at the most recent general 4256
election for the office of governor, is presented to the board of 4257
township trustees within thirty days after the board of township 4258
trustees adopted the resolution, ordering that the resolution be 4259
submitted to the electors of the township for their approval or 4260
rejection, the board of township trustees shall, after ten days 4261
and not later than four p.m. of the ~~seventy-fifth~~ ninetieth day 4262
before the election, certify the text of the resolution to the 4263
board of elections. The board of elections shall submit the 4264
resolution to the electors of the township for their approval or 4265
rejection at the next general, primary, or special election 4266
occurring subsequent to ~~seventy-five~~ ninety days after the 4267
certifying of the petition to the board of elections. 4268

(4) Upon the creation of a district under this section or 4269
section 715.71 of the Revised Code, one of the contracting parties 4270
shall file a copy of the following with the director of 4271
development: 4272

(a) The petition and other documents described in division 4273
(C)(1) of this section, if the district is created under this 4274
section; 4275

(b) The documents described in division (D) of section 715.71 4276
of the Revised Code, if the district is created under this 4277
section. 4278

(E) The district created by the contract shall be governed by 4279
a board of directors that shall be established by or pursuant to 4280
the contract. The board is a public body for the purposes of 4281
section 121.22 of the Revised Code. The provisions of Chapter 4282
2744. of the Revised Code apply to the board and the district. The 4283
members of the board shall be appointed as provided in the 4284
contract from among the elected members of the legislative 4285
authorities and the elected chief executive officers of the 4286

contracting parties, provided that there shall be at least two 4287
members appointed from each of the contracting parties. 4288

(F) The contract shall enumerate the specific powers, duties, 4289
and functions of the board of directors of a district, and the 4290
contract shall provide for the determination of procedures that 4291
are to govern the board of directors. The contract may grant to 4292
the board the power to adopt a resolution to levy an income tax 4293
within the district. The income tax shall be used for the purposes 4294
of the district and for the purposes of the contracting municipal 4295
corporations and townships pursuant to the contract. The income 4296
tax may be levied in the district based on income earned by 4297
persons working or residing within the district and based on the 4298
net profits of businesses located in the district. The income tax 4299
shall follow the provisions of Chapter 718. of the Revised Code, 4300
except that a vote shall be required by the electors residing in 4301
the district to approve the rate of income tax. If no electors 4302
reside within the district, then division (F)(4) of this section 4303
applies. The rate of the income tax shall be no higher than the 4304
highest rate being levied by a municipal corporation that is a 4305
party to the contract. 4306

(1) Within one hundred eighty days after the first meeting of 4307
the board of directors, the board may levy an income tax, provided 4308
that the rate of the income tax is first submitted to and approved 4309
by the electors of the district at the succeeding regular or 4310
primary election, or a special election called by the board, 4311
occurring subsequent to ~~seventy-five~~ ninety days after a certified 4312
copy of the resolution levying the income tax and calling for the 4313
election is filed with the board of elections. If the voters 4314
approve the levy of the income tax, the income tax shall be in 4315
force for the full period of the contract establishing the 4316
district. Any increase in the rate of an income tax that was first 4317
levied within one hundred eighty days after the first meeting of 4318

the board of directors shall be approved by a vote of the electors 4319
of the district, shall be in force for the remaining period of the 4320
contract establishing the district, and shall not be subject to 4321
division (F)(2) of this section. 4322

(2) Any resolution of the board of directors levying an 4323
income tax that is adopted subsequent to one hundred eighty days 4324
after the first meeting of the board of directors shall be subject 4325
to a referendum as provided in division (F)(2) of this section. 4326
Any resolution of the board of directors levying an income tax 4327
that is adopted subsequent to one hundred eighty days after the 4328
first meeting of the board of directors shall be subject to an 4329
initiative proceeding to amend or repeal the resolution levying 4330
the income tax as provided in division (F)(2) of this section. 4331
When a referendum petition, signed by ten per cent of the number 4332
of electors in the district who voted for the office of governor 4333
at the most recent general election for the office of governor, is 4334
filed with the county auditor of each county within which a party 4335
to the contract is located within thirty days after the resolution 4336
is adopted by the board or when an initiative petition, signed by 4337
ten per cent of the number of electors in the district who voted 4338
for the office of governor at the most recent general election for 4339
the office of governor, is filed with the county auditor of each 4340
such county ordering that a resolution to amend or repeal a prior 4341
resolution levying an income tax be submitted to the electors 4342
within the district for their approval or rejection, the county 4343
auditor of each such county, after ten days and not later than 4344
four p.m. of the ~~seventy-fifth~~ ninetieth day before the election, 4345
shall certify the text of the resolution to the board of elections 4346
of that county. The county auditor of each such county shall 4347
retain the petition. The board of elections shall submit the 4348
resolution to such electors, for their approval or rejection, at 4349
the next general, primary, or special election occurring 4350
subsequent to ~~seventy-five~~ ninety days after the certifying of 4351

such petition to the board of elections. 4352

(3) Whenever a district is located in the territory of more 4353
than one contracting party, a majority vote of the electors, if 4354
any, in each of the several portions of the territory of the 4355
contracting parties constituting the district approving the levy 4356
of the tax is required before it may be imposed pursuant to this 4357
division. 4358

(4) If there are no electors residing in the district, no 4359
election for the approval or rejection of an income tax shall be 4360
held pursuant to this section, provided that where no electors 4361
reside in the district, the maximum rate of the income tax that 4362
may be levied shall not exceed one per cent. 4363

(5) The board of directors of a district levying an income 4364
tax shall enter into an agreement with one of the municipal 4365
corporations that is a party to the contract to administer, 4366
collect, and enforce the income tax on behalf of the district. The 4367
resolution levying the income tax shall provide the same credits, 4368
if any, to residents of the district for income taxes paid to 4369
other such districts or municipal corporations where the residents 4370
work, as credits provided to residents of the municipal 4371
corporation administering the income tax. 4372

(6)(a) The board shall publish or post public notice within 4373
the district of any resolution adopted levying an income tax in 4374
the same manner required of municipal corporations under sections 4375
731.21 and 731.25 of the Revised Code. 4376

(b) Except as otherwise specified by this division, any 4377
referendum or initiative proceeding within a district shall be 4378
conducted in the same manner as is required for such proceedings 4379
within a municipal corporation pursuant to sections 731.28 to 4380
731.40 of the Revised Code. 4381

(G) Membership on the board of directors does not constitute 4382

the holding of a public office or employment within the meaning of 4383
any section of the Revised Code or any charter provision 4384
prohibiting the holding of other public office or employment, and 4385
shall not constitute an interest, either direct or indirect, in a 4386
contract or expenditure of money by any municipal corporation, 4387
township, county, or other political subdivision with which the 4388
member may be connected. No member of a board of directors shall 4389
be disqualified from holding any public office or employment, nor 4390
shall such member forfeit or be disqualified from holding any such 4391
office or employment, by reason of the member's membership on the 4392
board of directors, notwithstanding any law or charter provision 4393
to the contrary. 4394

(H) The powers and authorizations granted pursuant to this 4395
section or section 715.71 of the Revised Code are in addition to 4396
and not in derogation of all other powers granted to municipal 4397
corporations and townships pursuant to law. When exercising a 4398
power or performing a function or duty under a contract authorized 4399
pursuant to this section or section 715.71 of the Revised Code, a 4400
municipal corporation may exercise all of the powers of a 4401
municipal corporation, and may perform all the functions and 4402
duties of a municipal corporation, within the district, pursuant 4403
to and to the extent consistent with the contract. When exercising 4404
a power or performing a function or duty under a contract 4405
authorized pursuant to this section or section 715.71 of the 4406
Revised Code, a township may exercise all of the powers of a 4407
township, and may perform all the functions and duties of a 4408
township, within the district, pursuant to and to the extent 4409
consistent with the contract. The district board of directors has 4410
no powers except those specifically set forth in the contract as 4411
agreed to by the participating parties. No political subdivision 4412
shall authorize or grant any tax exemption pursuant to Chapter 4413
1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the 4414
Revised Code on any property located within the district without 4415

the consent of the contracting parties. The prohibition for any 4416
tax exemption pursuant to this division shall not apply to any 4417
exemption filed, pending, or approved, or for which an agreement 4418
has been entered into, before the effective date of the contract 4419
entered into by the parties. 4420

(I) Municipal corporations and townships may enter into 4421
binding agreements pursuant to a contract authorized under this 4422
section or section 715.71 of the Revised Code with respect to the 4423
substance and administration of zoning and other land use 4424
regulations, building codes, public permanent improvements, and 4425
other regulatory and proprietary matters that are determined, 4426
pursuant to the contract, to be for a public purpose and to be 4427
desirable with respect to the operation of the district or to 4428
facilitate new or expanded economic development in the state or 4429
the district, provided that no contract shall exempt the territory 4430
within the district from the procedures and processes of land use 4431
regulation applicable pursuant to municipal corporation, township, 4432
and county regulations, including but not limited to procedures 4433
and processes concerning zoning. 4434

(J) A contract entered into pursuant to this section or 4435
section 715.71 of the Revised Code may be amended and it may be 4436
renewed, canceled, or terminated as provided in or pursuant to the 4437
contract. The contract may be amended to add property owned by one 4438
of the contracting parties to the district, or may be amended to 4439
delete property from the district whether or not one of the 4440
contracting parties owns the deleted property. The contract shall 4441
continue in existence throughout its term and shall be binding on 4442
the contracting parties and on any entities succeeding to such 4443
parties, whether by annexation, merger, or otherwise. The income 4444
tax levied by the board pursuant to this section or section 715.71 4445
of the Revised Code shall apply in the entire district throughout 4446
the term of the contract, notwithstanding that all or a portion of 4447

the district becomes subject to annexation, merger, or 4448
incorporation. No township or municipal corporation is divested of 4449
its rights or obligations under the contract because of 4450
annexation, merger, or succession of interests. 4451

(K) After the creation of a joint economic development 4452
district described in division (A)(2) of this section, a municipal 4453
corporation that is a contracting party may cease to own property 4454
included in the district, but such property shall continue to be 4455
included in the district and subject to the terms of the contract. 4456

Sec. 715.71. (A) This section provides alternative procedures 4457
and requirements to those set forth in section 715.70 of the 4458
Revised Code for creating and operating a joint economic 4459
development district. Divisions (B), (C), (D)(1) to (3), and (F) 4460
of section 715.70 of the Revised Code do not apply to a joint 4461
economic development district established under this section. 4462
However, divisions (A), (D)(4), (E), (G), (H), (I), (J), and (K) 4463
of section 715.70 of the Revised Code do apply to a district 4464
established under this section. 4465

(B) One or more municipal corporations and one or more 4466
townships may enter into a contract approved by the legislative 4467
authority of each contracting party pursuant to which they create 4468
as a joint economic development district one or more areas for the 4469
purpose of facilitating economic development to create or preserve 4470
jobs and employment opportunities and to improve the economic 4471
welfare of the people in this state and in the area of the 4472
contracting parties. The district created shall be located within 4473
the territory of one or more of the contracting parties and may 4474
consist of all or a portion of that territory. The boundaries of 4475
the district shall be described in the contract or in an addendum 4476
to the contract. The area or areas of land to be included in the 4477
district shall not include any parcel of land owned in fee by or 4478

leased to a municipal corporation or township, unless the 4479
municipal corporation or township is a party to the contract or 4480
has given its consent to have its parcel of land included in the 4481
district by the adoption of a resolution. As used in this 4482
division, "parcel of land" has the same meaning as in division (B) 4483
of section 715.70 of the Revised Code. 4484

(C) Before the legislative authority of a municipal 4485
corporation or a board of township trustees adopts an ordinance or 4486
resolution approving a contract to create a joint economic 4487
development district under this section, it shall hold a public 4488
hearing concerning the joint economic development district 4489
contract and shall provide thirty days' public notice of the time 4490
and place of the public hearing in a newspaper of general 4491
circulation in the municipal corporation and the township. Each 4492
municipal corporation and township that is a party to the contract 4493
shall hold a public hearing. During the thirty-day period prior to 4494
a public hearing, a copy of the text of the contract together with 4495
copies of district maps and plans related to or part of the 4496
contract shall be on file, for public examination, in the offices 4497
of the clerk of the legislative authority of the municipal 4498
corporation and of the township fiscal officer. The public 4499
hearings provided for in this division shall allow for public 4500
comment and recommendations on the proposed contract. The 4501
participating parties may include in the contract any of those 4502
recommendations prior to approval of the contract. 4503

(D) After the legislative authority of a municipal 4504
corporation and the board of township trustees have adopted an 4505
ordinance and resolution approving a contract to create a joint 4506
economic development district, the municipal corporation and the 4507
township jointly shall file with the legislative authority of each 4508
county within which a party to the contract is located all of the 4509
following: 4510

(1) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract;

(2) Certified copies of the ordinances and resolutions of the contracting parties relating to the district and the contract;

(3) A certificate of each of the contracting parties that the public hearings provided for in division (C) of this section have been held, the date of the hearings, and evidence of publication of the notice of the hearings.

(E) Within thirty days after the filing under division (D) of this section, the legislative authority of each county within which a party to the contract is located shall adopt a resolution acknowledging the receipt of the required documents, approving the creation of the joint economic development district, and directing that the resolution of the board of township trustees approving the contract be submitted to the electors of the township for approval at the next succeeding general, primary, or special election. The legislative authority of the county shall file with the board of elections at least ~~seventy-five~~ ninety days before the day of the election a copy of the resolution of the board of township trustees approving the contract. The resolution of the legislative authority of the county also shall specify the date the election is to be held and shall direct the board of elections to conduct the election in the township. If the resolution of the legislative authority of the county is not adopted within the thirty-day period after the filing under division (D) of this section, the joint economic development district shall be deemed approved by the county legislative authority, and the board of township trustees shall file its resolution with the board of elections for submission to the electors of the township for approval at the next succeeding general, primary, or special election. The filing shall occur at least ~~seventy-five~~ ninety days before the specified date the election is to be held and shall

direct the board of elections to conduct the election in the township. 4543
4544

The ballot shall be in the following form: 4545

"Shall the resolution of the board of township trustees approving the contract with (here insert name of each municipal corporation and other township that is a party to the contract) for the creation of a joint economic development district be approved? 4546
4547
4548
4549
4550

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

"

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If a majority of the electors of the township voting on the issue vote for the resolution and contract, the resolution shall become effective immediately and the contract shall go into effect immediately or in accordance with its terms. 4555
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(F) The contract creating the district shall set forth or provide for the amount or nature of the contribution of each municipal corporation and township to the development and operation of the district and may provide for the sharing of the costs of the operation of and improvements for the district. The contributions may be in any form to which the contracting municipal corporations and townships agree and may include but are not limited to the provision of services, money, real or personal property, facilities, or equipment. The contract may provide for the contracting parties to share revenue from taxes levied on property by one or more of the contracting parties if those revenues may lawfully be applied to that purpose under the legislation by which those taxes are levied. The contract shall provide for new, expanded, or additional services, facilities, or improvements, including expanded or additional capacity for or 4559
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other enhancement of existing services, facilities, or 4574
improvements, provided that the existing services, facilities, or 4575
improvements, or the expanded or additional capacity for or 4576
enhancement of the existing services, facilities, or improvements, 4577
have been provided within the two-year period prior to the 4578
execution of the contract. 4579

(G) The contract shall enumerate the specific powers, duties, 4580
and functions of the board of directors of the district and shall 4581
provide for the determination of procedures that are to govern the 4582
board of directors. The contract may grant to the board the power 4583
to adopt a resolution to levy an income tax within the district. 4584
The income tax shall be used for the purposes of the district and 4585
for the purposes of the contracting municipal corporations and 4586
townships pursuant to the contract. The income tax may be levied 4587
in the district based on income earned by persons working or 4588
residing within the district and based on the net profits of 4589
businesses located in the district. The income tax of the district 4590
shall follow the provisions of Chapter 718. of the Revised Code, 4591
except that no vote shall be required by the electors residing in 4592
the district. The rate of the income tax shall be no higher than 4593
the highest rate being levied by a municipal corporation that is a 4594
party to the contract. 4595

The board of directors of a district levying an income tax 4596
shall enter into an agreement with one of the municipal 4597
corporations that is a party to the contract to administer, 4598
collect, and enforce the income tax on behalf of the district. The 4599
resolution levying the income tax shall provide the same credits, 4600
if any, to residents of the district for income taxes paid to 4601
other districts or municipal corporations where the residents 4602
work, as credits provided to residents of the municipal 4603
corporation administering the income tax. 4604

(H) No annexation proceeding pursuant to Chapter 709. of the 4605

Revised Code that proposes the annexation to or merger or 4606
consolidation with a municipal corporation, except a municipal 4607
corporation that is a party to the contract, of any unincorporated 4608
territory within the district shall be commenced for a period of 4609
three years after the contract is filed with the legislative 4610
authority of each county within which a party to the contract is 4611
located in accordance with division (D) of this section unless 4612
each board of township trustees whose territory is included, in 4613
whole or part, within the district and the territory proposed to 4614
be annexed, merged, or consolidated adopts a resolution consenting 4615
to the commencement of the proceeding and a copy of the resolution 4616
is filed with the legislative authority of each such county or 4617
unless the contract is terminated during this three-year period. 4618
The contract entered into between the municipal corporations and 4619
townships pursuant to this section may provide for the prohibition 4620
of any annexation by the participating municipal corporations of 4621
any unincorporated territory within the district. 4622

Sec. 715.77. (A)(1) A board of township trustees that is a 4623
party to a contract creating a joint economic development district 4624
pursuant to sections 715.72 to 715.82 of the Revised Code may 4625
choose to not submit its resolution approving the contract to the 4626
electors of the township if all of the following conditions are 4627
satisfied: 4628

(a) The resolution has been approved by a unanimous vote of 4629
the members of the board of township trustees or, if a county is 4630
one of the contracting parties under division (D) of section 4631
715.72 of the Revised Code, the resolution has been approved by a 4632
majority vote of the members of the board of township trustees; 4633

(b) The creation of the joint economic development district 4634
is proposed at the request of a majority of the owners of land 4635
included within the proposed district; 4636

(c) The territory to be included in the proposed joint economic development district is zoned in a manner appropriate to the function of the proposed district.

(2) Unless the legislative authority of a county adopts a resolution under section 715.76 of the Revised Code disapproving the creation of a joint economic development district within thirty days after the filing made under that section, the legislative authority of each such county shall adopt a resolution acknowledging the receipt of the required documents, approving the creation of the joint economic development district, and, if the board of township trustees has not invoked its authority under division (A)(1) of this section, directing that the resolution of the board of township trustees approving the contract creating the joint economic development district be submitted to the electors of the township for approval at the next succeeding general, primary, or special election. If the board of township trustees chooses to submit approval of the contract to the electors of the township, the legislative authority of the county shall file with the board of elections at least ~~seventy-five~~ ninety days before the day of the election a copy of the resolution of the board of township trustees approving the contract. The resolution of the legislative authority of the county also shall specify the date the election is to be held and shall direct the board of elections to conduct the election in the township.

(3) If the resolution of the legislative authority of the county is not adopted within the thirty-day period after the filing made under section 715.76 of the Revised Code, the joint economic development district shall be deemed approved by the county legislative authority and, if the board of township trustees has not invoked its authority under division (A)(1) of this section, the board of township trustees shall file its resolution with the board of elections for submission to the

electors of the township for approval at the next succeeding 4669
general, primary, or special election. In such case, the board of 4670
township trustees shall file the resolution at least ~~seventy-five~~ 4671
ninety days before the specified date the election is to be held 4672
and shall direct the board of elections to conduct the election in 4673
the township. 4674

(4) Any contract creating a joint economic development 4675
district in which a board of township trustees is a party shall 4676
provide that the contract is not effective earlier than the 4677
thirty-first day after its approval, including any approval by 4678
electors required in this section. 4679

If the board of township trustees chooses pursuant to 4680
division (A)(1) of this section not to submit the approval of the 4681
contract to the electors, the resolution of the board of township 4682
trustees approving the contract is subject to a referendum of the 4683
electors of the township when requested through a petition. When 4684
signed by ten per cent of the number of electors in the township 4685
who voted for the office of governor at the most recent general 4686
election, a referendum petition asking that the resolution be 4687
submitted to the electors of the township may be presented to the 4688
board of township trustees. Such a petition shall be presented 4689
within thirty days after the board of township trustees adopts the 4690
resolution. The board of township trustees shall, not later than 4691
four p.m. of the tenth day after receipt of the petition, certify 4692
the text of the resolution to the board of elections. The board of 4693
elections shall submit the resolution to the electors of the 4694
township for their approval or rejection at the next general, 4695
primary, or special election occurring at least ~~seventy-five~~ 4696
ninety days after such certification. 4697

(B) The ballot shall be in the following form: 4698

"Shall the resolution of the board of township trustees 4699
approving the contract with (here insert name of 4700

each municipal corporation and other township that is a
contracting party) for the creation of a joint economic
development district be approved?

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

"

If a majority of the electors of the township voting on the issue
vote for the resolution and contract, the resolution shall become
effective immediately and the contract shall go into effect on the
thirty-first day after this election or thereafter in accordance
with terms of the contract.

Sec. 718.01. (A) As used in this chapter:

(1) "Adjusted federal taxable income" means a C corporation's
federal taxable income before net operating losses and special
deductions as determined under the Internal Revenue Code, adjusted
as follows:

(a) Deduct intangible income to the extent included in
federal taxable income. The deduction shall be allowed regardless
of whether the intangible income relates to assets used in a trade
or business or assets held for the production of income.

(b) Add an amount equal to five per cent of intangible income
deducted under division (A)(1)(a) of this section, but excluding
that portion of intangible income directly related to the sale,
exchange, or other disposition of property described in section
1221 of the Internal Revenue Code;

(c) Add any losses allowed as a deduction in the computation
of federal taxable income if the losses directly relate to the
sale, exchange, or other disposition of an asset described in
section 1221 or 1231 of the Internal Revenue Code;

(d)(i) Except as provided in division (A)(1)(d)(ii) of this 4731
section, deduct income and gain included in federal taxable income 4732
to the extent the income and gain directly relate to the sale, 4733
exchange, or other disposition of an asset described in section 4734
1221 or 1231 of the Internal Revenue Code; 4735

(ii) Division (A)(1)(d)(i) of this section does not apply to 4736
the extent the income or gain is income or gain described in 4737
section 1245 or 1250 of the Internal Revenue Code. 4738

(e) Add taxes on or measured by net income allowed as a 4739
deduction in the computation of federal taxable income; 4740

(f) In the case of a real estate investment trust and 4741
regulated investment company, add all amounts with respect to 4742
dividends to, distributions to, or amounts set aside for or 4743
credited to the benefit of investors and allowed as a deduction in 4744
the computation of federal taxable income; 4745

(g) If the taxpayer is not a C corporation and is not an 4746
individual, the taxpayer shall compute adjusted federal taxable 4747
income as if the taxpayer were a C corporation, except: 4748

(i) Guaranteed payments and other similar amounts paid or 4749
accrued to a partner, former partner, member, or former member 4750
shall not be allowed as a deductible expense; and 4751

(ii) Amounts paid or accrued to a qualified self-employed 4752
retirement plan with respect to an owner or owner-employee of the 4753
taxpayer, amounts paid or accrued to or for health insurance for 4754
an owner or owner-employee, and amounts paid or accrued to or for 4755
life insurance for an owner or owner-employee shall not be allowed 4756
as a deduction. 4757

Nothing in division (A)(1) of this section shall be construed 4758
as allowing the taxpayer to add or deduct any amount more than 4759
once or shall be construed as allowing any taxpayer to deduct any 4760
amount paid to or accrued for purposes of federal self-employment 4761

tax. 4762

Nothing in this chapter shall be construed as limiting or 4763
removing the ability of any municipal corporation to administer, 4764
audit, and enforce the provisions of its municipal income tax. 4765

(2) "Internal Revenue Code" means the Internal Revenue Code 4766
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 4767

(3) "Schedule C" means internal revenue service schedule C 4768
filed by a taxpayer pursuant to the Internal Revenue Code. 4769

(4) "Form 2106" means internal revenue service form 2106 4770
filed by a taxpayer pursuant to the Internal Revenue Code. 4771

(5) "Intangible income" means income of any of the following 4772
types: income yield, interest, capital gains, dividends, or other 4773
income arising from the ownership, sale, exchange, or other 4774
disposition of intangible property including, but not limited to, 4775
investments, deposits, money, or credits as those terms are 4776
defined in Chapter 5701. of the Revised Code, and patents, 4777
copyrights, trademarks, tradenames, investments in real estate 4778
investment trusts, investments in regulated investment companies, 4779
and appreciation on deferred compensation. "Intangible income" 4780
does not include prizes, awards, or other income associated with 4781
any lottery winnings or other similar games of chance. 4782

(6) "S corporation" means a corporation that has made an 4783
election under subchapter S of Chapter 1 of Subtitle A of the 4784
Internal Revenue Code for its taxable year. 4785

(7) For taxable years beginning on or after January 1, 2004, 4786
"net profit" for a taxpayer other than an individual means 4787
adjusted federal taxable income and "net profit" for a taxpayer 4788
who is an individual means the individual's profit required to be 4789
reported on schedule C, schedule E, or schedule F, other than any 4790
amount allowed as a deduction under division (E)(2) or (3) of this 4791
section or amounts described in division (H) of this section. 4792

(8) "Taxpayer" means a person subject to a tax on income 4793
levied by a municipal corporation. Except as provided in division 4794
(L) of this section, "taxpayer" does not include any person that 4795
is a disregarded entity or a qualifying subchapter S subsidiary 4796
for federal income tax purposes, but "taxpayer" includes any other 4797
person who owns the disregarded entity or qualifying subchapter S 4798
subsidiary. 4799

(9) "Taxable year" means the corresponding tax reporting 4800
period as prescribed for the taxpayer under the Internal Revenue 4801
Code. 4802

(10) "Tax administrator" means the individual charged with 4803
direct responsibility for administration of a tax on income levied 4804
by a municipal corporation and includes: 4805

(a) The central collection agency and the regional income tax 4806
agency and their successors in interest, and other entities 4807
organized to perform functions similar to those performed by the 4808
central collection agency and the regional income tax agency; 4809

(b) A municipal corporation acting as the agent of another 4810
municipal corporation; and 4811

(c) Persons retained by a municipal corporation to administer 4812
a tax levied by the municipal corporation, but only if the 4813
municipal corporation does not compensate the person in whole or 4814
in part on a contingency basis. 4815

(11) "Person" includes individuals, firms, companies, 4816
business trusts, estates, trusts, partnerships, limited liability 4817
companies, associations, corporations, governmental entities, and 4818
any other entity. 4819

(12) "Schedule E" means internal revenue service schedule E 4820
filed by a taxpayer pursuant to the Internal Revenue Code. 4821

(13) "Schedule F" means internal revenue service schedule F 4822

filed by a taxpayer pursuant to the Internal Revenue Code. 4823

(B) No municipal corporation shall tax income at other than a 4824
uniform rate. 4825

(C) No municipal corporation shall levy a tax on income at a 4826
rate in excess of one per cent without having obtained the 4827
approval of the excess by a majority of the electors of the 4828
municipality voting on the question at a general, primary, or 4829
special election. The legislative authority of the municipal 4830
corporation shall file with the board of elections at least 4831
~~seventy-five~~ ninety days before the day of the election a copy of 4832
the ordinance together with a resolution specifying the date the 4833
election is to be held and directing the board of elections to 4834
conduct the election. The ballot shall be in the following form: 4835
"Shall the Ordinance providing for a ... per cent levy on income 4836
for (Brief description of the purpose of the proposed levy) be 4837
passed? 4838

	FOR THE INCOME TAX	
	AGAINST THE INCOME TAX	"

In the event of an affirmative vote, the proceeds of the levy 4843
may be used only for the specified purpose. 4844

(D)(1) Except as otherwise provided in this section, no 4845
municipal corporation shall exempt from a tax on income 4846
compensation for personal services of individuals over eighteen 4847
years of age or the net profit from a business or profession. 4848

(2)(a) For taxable years beginning on or after January 1, 4849
2004, no municipal corporation shall tax the net profit from a 4850
business or profession using any base other than the taxpayer's 4851
adjusted federal taxable income. 4852

(b) Division (D)(2)(a) of this section does not apply to any taxpayer required to file a return under section 5745.03 of the Revised Code or to the net profit from a sole proprietorship.

(E)(1) The legislative authority of a municipal corporation may, by ordinance or resolution, exempt from withholding and from a tax on income the following:

(a) Compensation arising from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option; or

(b) Compensation attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code.

(2) The legislative authority of a municipal corporation may adopt an ordinance or resolution that allows a taxpayer who is an individual to deduct, in computing the taxpayer's municipal income tax liability, an amount equal to the aggregate amount the taxpayer paid in cash during the taxable year to a health savings account of the taxpayer, to the extent the taxpayer is entitled to deduct that amount on internal revenue service form 1040.

(3) The legislative authority of a municipal corporation may adopt an ordinance or resolution that allows a taxpayer who has a net profit from a business or profession that is operated as a sole proprietorship to deduct from that net profit the amount that the taxpayer paid during the taxable year for medical care insurance premiums for the taxpayer, the taxpayer's spouse, and dependents as defined in section 5747.01 of the Revised Code. The deduction shall be allowed to the same extent the taxpayer is entitled to deduct the premiums on internal revenue service form 1040. The deduction allowed under this division shall be net of any related premium refunds, related premium reimbursements, or

related insurance premium dividends received by the taxpayer 4884
during the taxable year. 4885

(F) If an individual's taxable income includes income against 4886
which the taxpayer has taken a deduction for federal income tax 4887
purposes as reportable on the taxpayer's form 2106, and against 4888
which a like deduction has not been allowed by the municipal 4889
corporation, the municipal corporation shall deduct from the 4890
taxpayer's taxable income an amount equal to the deduction shown 4891
on such form allowable against such income, to the extent not 4892
otherwise so allowed as a deduction by the municipal corporation. 4893

(G)(1) In the case of a taxpayer who has a net profit from a 4894
business or profession that is operated as a sole proprietorship, 4895
no municipal corporation may tax or use as the base for 4896
determining the amount of the net profit that shall be considered 4897
as having a taxable situs in the municipal corporation, an amount 4898
other than the net profit required to be reported by the taxpayer 4899
on schedule C or F from such sole proprietorship for the taxable 4900
year. 4901

(2) In the case of a taxpayer who has a net profit from 4902
rental activity required to be reported on schedule E, no 4903
municipal corporation may tax or use as the base for determining 4904
the amount of the net profit that shall be considered as having a 4905
taxable situs in the municipal corporation, an amount other than 4906
the net profit from rental activities required to be reported by 4907
the taxpayer on schedule E for the taxable year. 4908

(H) A municipal corporation shall not tax any of the 4909
following: 4910

(1) The military pay or allowances of members of the armed 4911
forces of the United States and of members of their reserve 4912
components, including the Ohio national guard; 4913

(2) The income of religious, fraternal, charitable, 4914

scientific, literary, or educational institutions to the extent 4915
that such income is derived from tax-exempt real estate, 4916
tax-exempt tangible or intangible property, or tax-exempt 4917
activities; 4918

(3) Except as otherwise provided in division (I) of this 4919
section, intangible income; 4920

(4) Compensation paid under section 3501.28 or 3501.36 of the 4921
Revised Code to a person serving as a precinct election official, 4922
to the extent that such compensation does not exceed one thousand 4923
dollars annually. Such compensation in excess of one thousand 4924
dollars may be subjected to taxation by a municipal corporation. A 4925
municipal corporation shall not require the payer of such 4926
compensation to withhold any tax from that compensation. 4927

(5) Compensation paid to an employee of a transit authority, 4928
regional transit authority, or regional transit commission created 4929
under Chapter 306. of the Revised Code for operating a transit bus 4930
or other motor vehicle for the authority or commission in or 4931
through the municipal corporation, unless the bus or vehicle is 4932
operated on a regularly scheduled route, the operator is subject 4933
to such a tax by reason of residence or domicile in the municipal 4934
corporation, or the headquarters of the authority or commission is 4935
located within the municipal corporation; 4936

(6) The income of a public utility, when that public utility 4937
is subject to the tax levied under section 5727.24 or 5727.30 of 4938
the Revised Code, except a municipal corporation may tax the 4939
following, subject to Chapter 5745. of the Revised Code: 4940

(a) Beginning January 1, 2002, the income of an electric 4941
company or combined company; 4942

(b) Beginning January 1, 2004, the income of a telephone 4943
company. 4944

As used in division (H)(6) of this section, "combined 4945

company," "electric company," and "telephone company" have the 4946
same meanings as in section 5727.01 of the Revised Code. 4947

(7) On and after January 1, 2003, items excluded from federal 4948
gross income pursuant to section 107 of the Internal Revenue Code; 4949

(8) On and after January 1, 2001, compensation paid to a 4950
nonresident individual to the extent prohibited under section 4951
718.011 of the Revised Code; 4952

(9)(a) Except as provided in division (H)(9)(b) and (c) of 4953
this section, an S corporation shareholder's distributive share of 4954
net profits of the S corporation, other than any part of the 4955
distributive share of net profits that represents wages as defined 4956
in section 3121(a) of the Internal Revenue Code or net earnings 4957
from self-employment as defined in section 1402(a) of the Internal 4958
Revenue Code. 4959

(b) If, pursuant to division (H) of former section 718.01 of 4960
the Revised Code as it existed before March 11, 2004, a majority 4961
of the electors of a municipal corporation voted in favor of the 4962
question at an election held on November 4, 2003, the municipal 4963
corporation may continue after 2002 to tax an S corporation 4964
shareholder's distributive share of net profits of an S 4965
corporation. 4966

(c) If, on December 6, 2002, a municipal corporation was 4967
imposing, assessing, and collecting a tax on an S corporation 4968
shareholder's distributive share of net profits of the S 4969
corporation to the extent the distributive share would be 4970
allocated or apportioned to this state under divisions (B)(1) and 4971
(2) of section 5733.05 of the Revised Code if the S corporation 4972
were a corporation subject to taxes imposed under Chapter 5733. of 4973
the Revised Code, the municipal corporation may continue to impose 4974
the tax on such distributive shares to the extent such shares 4975
would be so allocated or apportioned to this state only until 4976

December 31, 2004, unless a majority of the electors of the 4977
municipal corporation voting on the question of continuing to tax 4978
such shares after that date vote in favor of that question at an 4979
election held November 2, 2004. If a majority of those electors 4980
vote in favor of the question, the municipal corporation may 4981
continue after December 31, 2004, to impose the tax on such 4982
distributive shares only to the extent such shares would be so 4983
allocated or apportioned to this state. 4984

(d) For the purposes of division (D) of section 718.14 of the 4985
Revised Code, a municipal corporation shall be deemed to have 4986
elected to tax S corporation shareholders' distributive shares of 4987
net profits of the S corporation in the hands of the shareholders 4988
if a majority of the electors of a municipal corporation vote in 4989
favor of a question at an election held under division (H)(9)(b) 4990
or (c) of this section. The municipal corporation shall specify by 4991
ordinance or rule that the tax applies to the distributive share 4992
of a shareholder of an S corporation in the hands of the 4993
shareholder of the S corporation. 4994

(10) Employee compensation that is not "qualifying wages" as 4995
defined in section 718.03 of the Revised Code; 4996

(11) Beginning August 1, 2007, compensation paid to a person 4997
employed within the boundaries of a United States air force base 4998
under the jurisdiction of the United States air force that is used 4999
for the housing of members of the United States air force and is a 5000
center for air force operations, unless the person is subject to 5001
taxation because of residence or domicile. If the compensation is 5002
subject to taxation because of residence or domicile, municipal 5003
income tax shall be payable only to the municipal corporation of 5004
residence or domicile. 5005

(I) Any municipal corporation that taxes any type of 5006
intangible income on March 29, 1988, pursuant to Section 3 of 5007
Amended Substitute Senate Bill No. 238 of the 116th general 5008

assembly, may continue to tax that type of income after 1988 if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 vote in favor thereof at an election held on November 8, 1988.

(J) Nothing in this section or section 718.02 of the Revised Code shall authorize the levy of any tax on income that a municipal corporation is not authorized to levy under existing laws or shall require a municipal corporation to allow a deduction from taxable income for losses incurred from a sole proprietorship or partnership.

(K)(1) Nothing in this chapter prohibits a municipal corporation from allowing, by resolution or ordinance, a net operating loss carryforward.

(2) Nothing in this chapter requires a municipal corporation to allow a net operating loss carryforward.

(L)(1) A single member limited liability company that is a disregarded entity for federal tax purposes may elect to be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(a) The limited liability company's single member is also a limited liability company;

(b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004;

(c) Not later than December 31, 2004, the limited liability company and its single member each make an election to be treated as a separate taxpayer under division (L) of this section;

(d) The limited liability company was not formed for the 5039
purpose of evading or reducing Ohio municipal corporation income 5040
tax liability of the limited liability company or its single 5041
member; 5042

(e) The Ohio municipal corporation that is the primary place 5043
of business of the sole member of the limited liability company 5044
consents to the election. 5045

(2) For purposes of division (L)(1)(e) of this section, a 5046
municipal corporation is the primary place of business of a 5047
limited liability company if, for the limited liability company's 5048
taxable year ending in 2003, its income tax liability is greater 5049
in that municipal corporation than in any other municipal 5050
corporation in Ohio, and that tax liability to that municipal 5051
corporation for its taxable year ending in 2003 is at least four 5052
hundred thousand dollars. 5053

Sec. 718.09. (A) This section applies to either of the 5054
following: 5055

(1) A municipal corporation that shares the same territory as 5056
a city, local, or exempted village school district, to the extent 5057
that not more than five per cent of the territory of the municipal 5058
corporation is located outside the school district and not more 5059
than five per cent of the territory of the school district is 5060
located outside the municipal corporation; 5061

(2) A municipal corporation that shares the same territory as 5062
a city, local, or exempted village school district, to the extent 5063
that not more than five per cent of the territory of the municipal 5064
corporation is located outside the school district, more than five 5065
per cent but not more than ten per cent of the territory of the 5066
school district is located outside the municipal corporation, and 5067
that portion of the territory of the school district that is 5068
located outside the municipal corporation is located entirely 5069

within another municipal corporation having a population of four 5070
hundred thousand or more according to the federal decennial census 5071
most recently completed before the agreement is entered into under 5072
division (B) of this section. 5073

(B) The legislative authority of a municipal corporation to 5074
which this section applies may propose to the electors an income 5075
tax, one of the purposes of which shall be to provide financial 5076
assistance to the school district through payment to the district 5077
of not less than twenty-five per cent of the revenue generated by 5078
the tax, except that the legislative authority may not propose to 5079
levy the income tax on the incomes of nonresident individuals. 5080
Prior to proposing the tax, the legislative authority shall 5081
negotiate and enter into a written agreement with the board of 5082
education of the school district specifying the tax rate, the 5083
percentage of tax revenue to be paid to the school district, the 5084
purpose for which the school district will use the money, the 5085
first year the tax will be levied, the date of the special 5086
election on the question of the tax, and the method and schedule 5087
by which the municipal corporation will make payments to the 5088
school district. The special election shall be held on a day 5089
specified in division (D) of section 3501.01 of the Revised Code, 5090
except that the special election may not be held on the day for 5091
holding a primary election as authorized by the municipal 5092
corporation's charter unless the municipal corporation is to have 5093
a primary election on that day. 5094

After the legislative authority and board of education have 5095
entered into the agreement, the legislative authority shall 5096
provide for levying the tax by ordinance. The ordinance shall 5097
state the tax rate, the percentage of tax revenue to be paid to 5098
the school district, the purpose for which the municipal 5099
corporation will use its share of the tax revenue, the first year 5100
the tax will be levied, and that the question of the income tax 5101

will be submitted to the electors of the municipal corporation. 5102
The legislative authority also shall adopt a resolution specifying 5103
the regular or special election date the election will be held and 5104
directing the board of elections to conduct the election. At least 5105
~~seventy five~~ ninety days before the date of the election, the 5106
legislative authority shall file certified copies of the ordinance 5107
and resolution with the board of elections. 5108

(C) The board of elections shall make the necessary 5109
arrangements for the submission of the question to the electors of 5110
the municipal corporation, and shall conduct the election in the 5111
same manner as any other municipal income tax election. Notice of 5112
the election shall be published in a newspaper of general 5113
circulation in the municipal corporation once a week for four 5114
consecutive weeks prior to the election, and shall include 5115
statements of the rate and municipal corporation and school 5116
district purposes of the income tax, the percentage of tax revenue 5117
that will be paid to the school district, and the first year the 5118
tax will be levied. The ballot shall be in the following form: 5119

"Shall the ordinance providing for a per cent levy on 5120
income for (brief description of the municipal corporation and 5121
school district purposes of the levy, including a statement of the 5122
percentage of tax revenue that will be paid to the school 5123
district) be passed? The income tax, if approved, will not be 5124
levied on the incomes of individuals who do not reside in (the 5125
name of the municipal corporation). 5126

	For the income tax
	Against the income tax

"

(D) If the question is approved by a majority of the 5131
electors, the municipal corporation shall impose the income tax 5132

beginning in the year specified in the ordinance. The proceeds of 5133
the levy may be used only for the specified purposes, including 5134
payment of the specified percentage to the school district. 5135

Sec. 718.10. (A) This section applies to a group of two or 5136
more municipal corporations that, taken together, share the same 5137
territory as a single city, local, or exempted village school 5138
district, to the extent that not more than five per cent of the 5139
territory of the municipal corporations as a group is located 5140
outside the school district and not more than five per cent of the 5141
territory of the school district is located outside the municipal 5142
corporations as a group. 5143

(B) The legislative authorities of the municipal corporations 5144
in a group of municipal corporations to which this section applies 5145
each may propose to the electors an income tax, to be levied in 5146
concert with income taxes in the other municipal corporations of 5147
the group, except that a legislative authority may not propose to 5148
levy the income tax on the incomes of individuals who do not 5149
reside in the municipal corporation. One of the purposes of such a 5150
tax shall be to provide financial assistance to the school 5151
district through payment to the district of not less than 5152
twenty-five per cent of the revenue generated by the tax. Prior to 5153
proposing the taxes, the legislative authorities shall negotiate 5154
and enter into a written agreement with each other and with the 5155
board of education of the school district specifying the tax rate, 5156
the percentage of the tax revenue to be paid to the school 5157
district, the first year the tax will be levied, and the date of 5158
the election on the question of the tax, all of which shall be the 5159
same for each municipal corporation. The agreement also shall 5160
state the purpose for which the school district will use the 5161
money, and specify the method and schedule by which each municipal 5162
corporation will make payments to the school district. The special 5163
election shall be held on a day specified in division (D) of 5164

section 3501.01 of the Revised Code, including a day on which all 5165
of the municipal corporations are to have a primary election. 5166

After the legislative authorities and board of education have 5167
entered into the agreement, each legislative authority shall 5168
provide for levying its tax by ordinance. Each ordinance shall 5169
state the rate of the tax, the percentage of tax revenue to be 5170
paid to the school district, the purpose for which the municipal 5171
corporation will use its share of the tax revenue, and the first 5172
year the tax will be levied. Each ordinance also shall state that 5173
the question of the income tax will be submitted to the electors 5174
of the municipal corporation on the same date as the submission of 5175
questions of an identical tax to the electors of each of the other 5176
municipal corporations in the group, and that unless the electors 5177
of all of the municipal corporations in the group approve the tax 5178
in their respective municipal corporations, none of the municipal 5179
corporations in the group shall levy the tax. Each legislative 5180
authority also shall adopt a resolution specifying the regular or 5181
special election date the election will be held and directing the 5182
board of elections to conduct the election. At least ~~seventy-five~~ 5183
ninety days before the date of the election, each legislative 5184
authority shall file certified copies of the ordinance and 5185
resolution with the board of elections. 5186

(C) For each of the municipal corporations, the board of 5187
elections shall make the necessary arrangements for the submission 5188
of the question to the electors, and shall conduct the election in 5189
the same manner as any other municipal income tax election. For 5190
each of the municipal corporations, notice of the election shall 5191
be published in a newspaper of general circulation in the 5192
municipal corporation once a week for four consecutive weeks prior 5193
to the election. The notice shall include a statement of the rate 5194
and municipal corporation and school district purposes of the 5195
income tax, the percentage of tax revenue that will be paid to the 5196

school district, and the first year the tax will be levied, and an explanation that the tax will not be levied unless an identical tax is approved by the electors of each of the other municipal corporations in the group. The ballot shall be in the following form:

"Shall the ordinance providing for a ... per cent levy on income for (brief description of the municipal corporation and school district purposes of the levy, including a statement of the percentage of income tax revenue that will be paid to the school district) be passed? The income tax, if approved, will not be levied on the incomes of individuals who do not reside in (the name of the municipal corporation). In order for the income tax to be levied, the voters of (the other municipal corporations in the group), which are also in the (name of the school district) school district, must approve an identical income tax and agree to pay the same percentage of the tax revenue to the school district.

	For the income tax	
	Against the income tax	"

(D) If the question is approved by a majority of the electors and identical taxes are approved by a majority of the electors in each of the other municipal corporations in the group, the municipal corporation shall impose the tax beginning in the year specified in the ordinance. The proceeds of the levy may be used only for the specified purposes, including payment of the specified percentage to the school district.

Sec. 731.03. (A) Except as otherwise provided in division (B) of this section, one member of the legislative authority of a city from each ward and such number of members thereof at large as is provided by section 731.01 of the Revised Code shall be chosen in

each odd-numbered year. Members shall serve for a term of two 5228
years commencing on the first day of January next after their 5229
election. 5230

(B) A city legislative authority may, by majority vote, adopt 5231
a resolution causing the board of elections to submit to the city 5232
electors the question of whether the terms of office of the 5233
members of the legislative authority should be changed from two to 5234
four years. The question may also ask whether the legislative 5235
authority should be authorized to establish staggered four-year 5236
terms of office among members of the legislative authority by 5237
fixing certain terms of office at two years for one term of office 5238
but then at four years thereafter. If the resolution calls for 5239
submission of the question about staggered terms, the resolution 5240
shall specify the number of members to be elected for four-year 5241
terms and the number to be elected for two-year terms at the next 5242
election for such members. The resolution shall also specify how 5243
many of those members elected to four-year terms and how many of 5244
those members elected to two-year terms shall be elected from the 5245
city at large, and how many from wards. If staggered terms of 5246
office are established, the legislative authority shall fix the 5247
length of the terms of office prior to the last day fixed by law 5248
for filing as a candidate for such office. The question shall be 5249
voted upon at the next general election occurring not less than 5250
~~seventy-five~~ ninety days after the certification of the resolution 5251
to the board of elections. If a majority of the votes cast on the 5252
question is in the affirmative, the terms of office of the members 5253
of the legislative authority shall be four years effective on the 5254
first day of January following the next regular municipal 5255
election, except as may otherwise be provided by the legislative 5256
authority to establish staggered terms of office among members of 5257
the legislative authority. 5258

A city legislative authority whose members' terms of office 5259

are four years may, by a majority vote, adopt a resolution 5260
establishing staggered four-year terms of office among members of 5261
the legislative authority by fixing certain terms of office at two 5262
years for one term of office but then at four years thereafter. 5263
The resolution shall specify the number of members to be elected 5264
for four-year terms and the number to be elected for two-year 5265
terms, and shall specify how many of those members elected to 5266
four-year terms and how many of those members elected to two-year 5267
terms shall be elected from the city at large, and how many from 5268
wards. If staggered terms of office are established, the 5269
legislative authority shall fix the length of the terms of office 5270
prior to the last day fixed by law for filing as a candidate for 5271
such office. 5272

A city legislative authority whose members' terms of office 5273
are four years may, by majority vote, adopt a resolution causing 5274
the board of elections to submit to the city electors the question 5275
of whether the members' terms should be changed back from four to 5276
two years. The question shall be voted upon at the next general 5277
election occurring not less than ~~seventy-five~~ ninety days after 5278
the certification of the resolution to the board of elections. If 5279
a majority of the votes cast on the question is in the 5280
affirmative, the terms of office of the members of the legislative 5281
authority shall be two years effective on the first day of January 5282
following the next regular municipal election. 5283

Sec. 731.28. Ordinances and other measures providing for the 5284
exercise of any powers of government granted by the constitution 5285
or delegated to any municipal corporation by the general assembly 5286
may be proposed by initiative petition. Such initiative petition 5287
must contain the signatures of not less than ten per cent of the 5288
number of electors who voted for governor at the most recent 5289
general election for the office of governor in the municipal 5290
corporation. 5291

When a petition is filed with the city auditor or village clerk, signed by the required number of electors proposing an ordinance or other measure, such auditor or clerk shall, after ten days, transmit a certified copy of the text of the proposed ordinance or measure to the board of elections. The auditor or clerk shall transmit the petition to the board together with the certified copy of the proposed ordinance or other measure. The board shall examine all signatures on the petition to determine the number of electors of the municipal corporation who signed the petition. The board shall return the petition to the auditor or clerk within ten days after receiving it, together with a statement attesting to the number of such electors who signed the petition.

The board shall submit such proposed ordinance or measure for the approval or rejection of the electors of the municipal corporation at the next general election occurring subsequent to ~~seventy-five~~ ninety days after the auditor or clerk certifies the sufficiency and validity of the initiative petition to the board of elections. No ordinance or other measure proposed by initiative petition and approved by a majority of the electors voting upon the measure in such municipal corporation shall be subject to the veto of the mayor.

As used in this section, "certified copy" means a copy containing a written statement attesting it is a true and exact reproduction of the original proposed ordinance or other measure.

Sec. 731.29. Any ordinance or other measure passed by the legislative authority of a municipal corporation shall be subject to the referendum except as provided by section 731.30 of the Revised Code. No ordinance or other measure shall go into effect until thirty days after it is filed with the mayor of a city or passed by the legislative authority in a village, except as

provided by such section. 5323

When a petition, signed by ten per cent of the number of 5324
electors who voted for governor at the most recent general 5325
election for the office of governor in the municipal corporation, 5326
is filed with the city auditor or village clerk within thirty days 5327
after any ordinance or other measure is filed with the mayor or 5328
passed by the legislative authority of a village, or in case the 5329
mayor has vetoed the ordinance or any measure and returned it to 5330
council, such petition may be filed within thirty days after the 5331
council has passed the ordinance or measure over ~~his~~ the veto, 5332
ordering that such ordinance or measure be submitted to the 5333
electors of such municipal corporation for their approval or 5334
rejection, such auditor or clerk shall, after ten days, and not 5335
later than four p.m. of the ~~seventy-fifth~~ ninetieth day before the 5336
day of election, transmit a certified copy of the text of the 5337
ordinance or measure to the board of elections. The auditor or 5338
clerk shall transmit the petition to the board together with the 5339
certified copy of the ordinance or measure. The board shall 5340
examine all signatures on the petition to determine the number of 5341
electors of the municipal corporation who signed the petition. The 5342
board shall return the petition to the auditor or clerk within ten 5343
days after receiving it, together with a statement attesting to 5344
the number of such electors who signed the petition. The board 5345
shall submit the ordinance or measure to the electors of the 5346
municipal corporation, for their approval or rejection, at the 5347
next general election occurring subsequent to ~~seventy-five~~ ninety 5348
days after the auditor or clerk certifies the sufficiency and 5349
validity of the petition to the board of elections. 5350

No such ordinance or measure shall go into effect until 5351
approved by the majority of those voting upon it. Sections 731.28 5352
to 731.41 of the Revised Code do not prevent a municipal 5353
corporation, after the passage of any ordinance or other measure, 5354

from proceeding at once to give any notice or make any publication 5355
required by such ordinance or other measure. 5356

As used in this section, "certified copy" means a copy 5357
containing a written statement attesting that it is a true and 5358
exact reproduction of the original ordinance or other measure. 5359

Sec. 733.09. (A) Except as otherwise provided in division (B) 5360
of this section, the president of the legislative authority of a 5361
city shall be elected for a term of two years, commencing on the 5362
first day of January next after ~~his~~ election. ~~He~~ The president of 5363
the legislative authority shall be an elector of the city, and 5364
shall preside at all regular and special meetings of such 5365
legislative authority, but ~~he~~ the president shall have no vote 5366
therein except in case of a tie. 5367

(B) A city legislative authority may, by majority vote, adopt 5368
a resolution causing the board of elections to submit to the city 5369
electors the question of whether the term of office of the 5370
president of the legislative authority should be changed from two 5371
to four years. The question shall be voted upon at the next 5372
general election occurring not less than ~~seventy-five~~ ninety days 5373
after the certification of the resolution to the board of 5374
elections. If a majority of the votes cast on the question is in 5375
the affirmative, the term of office of the president of the 5376
legislative authority shall be four years effective on the first 5377
day of January following the next regular municipal election. 5378

A city legislative authority whose president's term of office 5379
is four years may, by majority vote, adopt a resolution causing 5380
the board of elections to submit to the city electors the question 5381
of whether the president's term should be changed from four to two 5382
years. The question shall be voted upon at the next general 5383
election ~~occurring~~ occurring not less than ~~seventy-five~~ ninety days 5384
after the certification of the resolution to the board of 5385

elections. If a majority of the votes cast on the question is in 5386
the affirmative, the term of the office of the president of the 5387
legislative authority shall be two years effective on the first 5388
day of January following the next regular municipal election. 5389

Sec. 733.261. (A) The legislative authority of a village may, 5390
by ordinance or resolution passed by at least a majority vote, 5391
combine the duties of the clerk and the treasurer into one office, 5392
to be known as the clerk-treasurer. The combination shall be 5393
effective on the first day of January following the next regular 5394
municipal election at which the village clerk is to be elected, 5395
provided that a clerk-treasurer shall be elected at such election 5396
pursuant to this section and shall be elected for a term of four 5397
years, commencing on the first day of April following ~~his~~ 5398
election. Between the first day of January and the first day of 5399
April following such an election, the clerk shall perform the 5400
duties of clerk-treasurer. The legislative authority of the 5401
village shall file certification of such action with the board of 5402
elections not less than one hundred ~~five~~ twenty days before the 5403
day of the next municipal primary election at which the village 5404
clerk is to be elected; provided that in villages under two 5405
thousand population in which no petition for a primary election 5406
was filed pursuant to section 3513.01 of the Revised Code, or in 5407
villages in which no primary is held pursuant to section 3513.02 5408
of the Revised Code, such action shall be certified to the board 5409
of elections not less than one hundred ~~five~~ twenty days before the 5410
next general election at which the village clerk is to be elected. 5411

At such succeeding regular municipal election and thereafter, 5412
the clerk-treasurer shall be elected for a term of four years, 5413
commencing on the first day of April following the 5414
clerk-treasurer's election. The clerk-treasurer shall be an 5415
elector of the corporation. 5416

(B) In addition to the circumstances described in division 5417
(A) of this section, when a vacancy exists in the office of 5418
village treasurer or village clerk the legislative authority of a 5419
village may, by ordinance or resolution passed by at least a 5420
majority vote, combine the duties of the clerk and the treasurer 5421
into one office, to be known as the clerk-treasurer. The 5422
combination shall be effective on the effective date of the 5423
ordinance or resolution combining the duties of the offices of 5424
clerk and treasurer. At the next regular municipal election at 5425
which the village clerk would have been elected and each four 5426
years thereafter, the clerk-treasurer shall be elected for a term 5427
of four years, commencing on the first day of April following the 5428
clerk-treasurer's election. The clerk-treasurer shall be an 5429
elector of the municipal corporation. 5430

(C) The clerk-treasurer shall perform the duties provided by 5431
law for the clerk and the treasurer. All laws pertaining to the 5432
clerk and to the treasurer shall be construed to apply to the 5433
clerk-treasurer, provided that the initial compensation for the 5434
office of clerk-treasurer shall be established by the legislative 5435
authority and that action shall not be subject to section 731.13 5436
of the Revised Code relating to the time when the compensation of 5437
village elected officials shall be fixed and pertaining to changes 5438
in compensation of officials during the term of office. 5439

(D) The legislative authority of a village having a 5440
clerk-treasurer may separate the offices by ordinance or 5441
resolution passed by at least a majority vote. The action to 5442
separate the offices may be taken in either of the following 5443
circumstances: 5444

(1) When a vacancy exists in the office of clerk-treasurer, 5445
in which case the separation shall be effective upon the effective 5446
date of the ordinance or resolution; 5447

(2) When the action of the legislative authority is certified 5448

to and filed with the board of elections not less than one hundred 5449
~~five~~ twenty days before the day of the next primary election at 5450
which the village clerk and treasurer are to be elected; provided 5451
that in villages under two thousand population in which no 5452
petition for a primary election was filed pursuant to section 5453
3513.01 of the Revised Code, or in villages in which no primary is 5454
held pursuant to section 3513.02 of the Revised Code, such action 5455
shall be certified to the board of elections not less than one 5456
hundred ~~five~~ twenty days before the next general election at which 5457
the village clerk and treasurer are to be elected. 5458

Sec. 733.262. (A) In lieu of having the elected office of 5459
village clerk and the office of village treasurer, or the combined 5460
elected office of village clerk-treasurer, a village may combine 5461
the duties of the clerk and treasurer into one appointed office, 5462
to be known as the village fiscal officer. To make this change, 5463
the village legislative authority shall pass, by a two-thirds 5464
vote, an ordinance or resolution proposing to make the change 5465
effective on the first day of January following the next regular 5466
municipal election at which the village clerk or village 5467
clerk-treasurer is to be elected. 5468

So that no election for the office of village clerk or 5469
village clerk-treasurer is held after the passage of the ordinance 5470
or resolution, the village legislative authority shall file a 5471
certified copy of the ordinance or resolution with the board of 5472
elections not less than one hundred ~~five~~ twenty days before the 5473
day of the next succeeding municipal primary election at which 5474
candidates for the office of village clerk or village 5475
clerk-treasurer are to be nominated, or, in villages with a 5476
population of under two thousand in which no petition for a 5477
primary election is filed under section 3513.01 of the Revised 5478
Code or in villages in which no primary is held under section 5479
3513.02 of the Revised Code, not less than one hundred ~~five~~ twenty 5480

days before the next succeeding regular municipal election at 5481
which the village clerk or village clerk-treasurer is to be 5482
elected. 5483

(B) In addition to the circumstances described in division 5484
(A) of this section, when a vacancy exists in the office of 5485
village clerk or village clerk-treasurer, the village legislative 5486
authority may pass, by a two-thirds vote, an ordinance or 5487
resolution to combine the duties of the clerk and the treasurer 5488
into the appointed office of village fiscal officer. That change 5489
shall take effect on the effective date of the ordinance or 5490
resolution. 5491

(C) A village fiscal officer appointed under this section 5492
shall perform the duties provided by law for the village clerk and 5493
treasurer and any other duties consistent with the nature of the 5494
office that are provided for by municipal ordinance. 5495

(D) A village fiscal officer shall be appointed by the mayor 5496
of the village, but that appointment does not become effective 5497
until it is approved by a majority vote of the village legislative 5498
authority. The village fiscal officer need not be an elector of 5499
the village or reside in the village at the time of appointment; 5500
however, the fiscal officer shall become a resident of the village 5501
within six months after the appointment takes effect, unless an 5502
ordinance is passed approving the fiscal officer's residence 5503
outside of the village. 5504

The village fiscal officer may be removed without cause 5505
either by the mayor with the consent of a majority of the members 5506
of the village legislative authority or by a three-fourths vote of 5507
the village legislative authority with or without the consent of 5508
the mayor. 5509

(E) The legislative authority of a village that has a village 5510
fiscal officer may abolish that appointed office and return to an 5511

elected office of village clerk-treasurer by passing an ordinance 5512
or resolution by a two-thirds vote. 5513

If a vacancy exists in the office of village fiscal officer 5514
when this ordinance or resolution is passed, the abolition shall 5515
take effect on the effective date of the ordinance or resolution, 5516
and the mayor shall appoint a village clerk-treasurer to serve 5517
until the first day of April following the next regular municipal 5518
election at which a clerk-treasurer can be elected. So an election 5519
can be held, the village legislative authority shall file a 5520
certified copy of the ordinance or resolution with the board of 5521
elections not less than one hundred ~~five~~ twenty days before the 5522
day of the next succeeding municipal primary election. 5523

If a vacancy does not exist in the office of village fiscal 5524
officer when the abolishing ordinance or resolution is passed, the 5525
village legislative authority shall certify a copy of the 5526
ordinance or resolution to the board of elections not less than 5527
one hundred ~~five~~ twenty days before the day of the next succeeding 5528
municipal primary election. 5529

The person elected at the next regular municipal election as 5530
village clerk-treasurer under the circumstances described in this 5531
division shall serve a four-year term commencing on the first day 5532
of April following that election. 5533

Sec. 733.31. (A) Unless otherwise provided by law, vacancies 5534
arising in appointive and elective offices of villages shall be 5535
filled by appointment by the mayor for the remainder of the 5536
unexpired term, provided that: 5537

(1) Vacancies in the office of mayor shall be filled in the 5538
manner provided by section 733.25 of the Revised Code; 5539

(2) Vacancies in the membership of the legislative authority 5540
shall be filled in the manner provided by section 731.43 of the 5541

Revised Code; 5542

(3) Vacancies in the office of president pro tempore of a 5543
village legislative authority shall be filled in the manner 5544
provided by section 731.11 of the Revised Code. 5545

In the event of a vacancy in the office of village clerk or 5546
treasurer, the mayor may appoint a person to serve as an acting 5547
officer to perform the duties of the office until a permanent 5548
officer is appointed to fill the vacancy. 5549

(B) Unless otherwise provided by law, vacancies arising in 5550
appointive offices of cities shall be filled by appointment by the 5551
mayor for the remainder of the unexpired term. 5552

(C) A vacancy in the office of president of the legislative 5553
authority of a city shall be filled in the same manner as provided 5554
in division (D) of this section. Vacancies in the office of mayor 5555
of a city shall be filled in the manner provided in section 733.08 5556
of the Revised Code. Vacancies in the membership of the 5557
legislative authority of a city shall be filled in the manner 5558
provided in section 731.43 of the Revised Code. 5559

(D) In case of the death, resignation, removal, or disability 5560
of the director of law, auditor, or treasurer of a city and such 5561
vacancy occurs more than ~~forty~~ fifty days before the next general 5562
election for such office, a successor shall be elected at such 5563
election for the unexpired term unless such term expires within 5564
one year immediately following the date of such general election. 5565
In either event, the vacancy shall be filled as provided in this 5566
section and the appointee shall hold ~~his~~ office until a successor 5567
is elected and qualified. 5568

(1) The county central committee of the political party with 5569
which the last occupant of the office was affiliated, acting 5570
through its members who reside in the city where the vacancy 5571
occurs, shall appoint a person to hold the office and to perform 5572

the duties thereof until a successor is elected and has qualified, 5573
except that if such vacancy occurs because of the death, 5574
resignation, or inability to take the office of an officer-elect 5575
whose term has not yet begun, an appointment to take such office 5576
at the beginning of the term shall be made by the members of the 5577
central committee who reside in the city where the vacancy occurs. 5578

(2) Not less than five nor more than forty-five days after a 5579
vacancy occurs, the county central committee, acting through its 5580
members who reside in the city where the vacancy occurs, shall 5581
meet for the purpose of making an appointment. Not less than four 5582
days before the date of the meeting the ~~chairman~~ chairperson or 5583
secretary of the central committee shall send by first class mail 5584
to every member of such central committee who resides in the city 5585
where the vacancy occurs a written notice which shall state the 5586
time and place of such meeting and the purpose thereof. A majority 5587
of the members of the central committee present at such meeting 5588
may make the appointment. 5589

(E) If the last occupant of the office or the officer-elect, 5590
as provided in division (D) of this section, was elected as an 5591
independent candidate, the mayor of the city shall make the 5592
appointment at the time the vacancy occurs. 5593

(F) Appointments made under this section shall be certified 5594
by the appointing county central committee or by the mayor of the 5595
municipal corporation to the county board of elections and to the 5596
secretary of state. The persons so appointed and certified shall 5597
be entitled to all remuneration provided by law for the offices to 5598
which they are appointed. 5599

(G) The mayor of the city may appoint a person to hold the 5600
city office of director of law, auditor, or treasurer as an acting 5601
officer and to perform the duties thereof between the occurrence 5602
of the vacancy and the time when the person appointed by the 5603
central committee qualifies and takes the office. 5604

Sec. 733.48. (A) Except as provided in division (B) of this 5605
section, when it considers it necessary, the legislative authority 5606
of a village may provide legal counsel for the village, or for any 5607
department or official of the village, for a period not to exceed 5608
two years and shall provide compensation for the legal counsel. 5609

(B) A petition may be filed with the village clerk, signed by 5610
registered electors residing in the village equal in number to not 5611
less than ten per cent of the total vote cast for all candidates 5612
for governor in the village at the most recent general election at 5613
which a governor was elected, requesting that the question be 5614
placed before the electors whether, instead of the legislative 5615
authority appointing legal counsel for the village or for any 5616
department or official of the village, the mayor shall appoint an 5617
attorney or law firm as the legal counsel with the advice and 5618
consent of the legislative authority. Within two weeks after 5619
receipt of the petition, the clerk shall certify it to the board 5620
of elections, which shall determine its sufficiency and validity. 5621
The petition shall be certified to the board not less than 5622
~~seventy five~~ ninety days prior to the election at which the 5623
question is to be voted upon. 5624

At the election, if a majority of the electors of the village 5625
approves the question, then effective immediately when the mayor 5626
considers it necessary, the mayor shall appoint, with the advice 5627
and consent of the legislative authority, an attorney or law firm 5628
as legal counsel for the village, or for any department or 5629
official of the village, for a period not to exceed two years. The 5630
appointment of legal counsel under this division shall be pursuant 5631
to a contract approved by the mayor and a majority vote of the 5632
legislative authority. The contract shall provide for the 5633
compensation and other terms of the engagement of the legal 5634
counsel, and the legislative authority shall provide that 5635
compensation for the legal counsel. 5636

(C) When acting under this section, the legislative authority 5637
acts in its administrative capacity. 5638

Sec. 749.021. Upon the execution of the agreement provided 5639
for in section 749.02 of the Revised Code the legislative 5640
authority of the municipal corporation shall submit to the 5641
electors thereof, at the next general election occurring not less 5642
than ~~seventy-five~~ ninety days after the certification of the 5643
resolution to the board of elections, the question of the 5644
ratification of such agreement, and if the sum to be paid by the 5645
municipal corporation under the terms of such agreement is not 5646
available from current general revenues thereof, the legislative 5647
authority shall also submit to the electors, at the same election, 5648
the question of the issue of bonds of the municipal corporation in 5649
the amount specified in such agreement for the purpose of 5650
providing funds for the payment of such sum. The proceedings in 5651
the matter of such election and in the issuance and sale of such 5652
bonds shall be as provided by law for municipal bonds. Such 5653
agreement shall not be effective, and no bonds shall be issued, 5654
unless the electors approve of both the agreement and the bond 5655
issue, if the question of the issue of bonds is so submitted. 5656

Sec. 755.01. When five per cent of the qualified electors of 5657
a city petition the board of elections of the county for the 5658
privilege of determining by ballot whether there shall be a board 5659
of park commissioners, such board shall submit at the next general 5660
election held within such city at least ninety days after the 5661
petition is filed, or at a special election occurring at least 5662
ninety days after the petition is filed, if the petition requests 5663
a special election, the questions presented in the petition, to 5664
the electors of the city. Such special election shall be held at 5665
the usual place for holding municipal elections and shall be 5666
governed by the same rules, regulations, and laws as govern the 5667

holding of municipal elections. 5668

Sec. 757.02. Upon the filing of a petition as provided by 5669
section 757.01 of the Revised Code, the taxing authority of the 5670
municipal corporation shall pass a resolution providing for the 5671
submission of the question of levying a tax as provided by such 5672
section at the next following municipal election. A copy of such 5673
resolution shall be certified by the taxing authority to the board 5674
of elections not less than ~~seventy-five~~ ninety days before the 5675
general election in any year in which a municipal election is 5676
held, and such board shall submit the question to the electors of 5677
the municipal corporation at the succeeding November election. 5678
Section 5705.25 of the Revised Code relating to the arrangements 5679
for and the conduct of such election, publication thereof, and 5680
form of ballot therefor, shall apply to such proposal to the 5681
electorate. 5682

If sixty-five per cent of the electors voting on such 5683
proposal at the election vote in favor thereof, sections 5705.25 5684
and 5705.26 of the Revised Code, shall apply to the certification 5685
and levy of such additional tax. 5686

Sec. 759.25. The legislative authority of a village may levy 5687
a tax for the purchase of a funeral coach or the ~~construction~~ 5688
construction of a vault for the dead, for the use of the village. 5689
Such resolution shall be filed with the board of elections not 5690
later than four p.m. of the ~~seventy-fifth~~ ninetieth day before the 5691
day of the election. The question of levying such tax, for either 5692
or both purposes, and the amount asked therefor, shall be 5693
separately submitted to the electors of the village at a general 5694
election. Twenty days' notice of such election shall be given by 5695
posting in at least three public places in the village. The notice 5696
shall state specifically the amount to be raised, and for what 5697
purpose. If a majority of all the votes cast at the election is in 5698

favor of either or both propositions, they shall be considered 5699
adopted and the tax authorized. The funeral coach and vault shall 5700
be under the control of the board of cemetery trustees of the 5701
village where there is such board, otherwise under the control of 5702
the legislative authority or person appointed by it. 5703

Sec. 1515.28. A board of county commissioners may declare by 5704
resolution that it is necessary to levy a tax upon the property 5705
within the project area in order to pay the costs of the 5706
improvement not otherwise funded. 5707

Such resolution shall specify the rate which it is necessary 5708
to levy, the purpose thereof, and the number of years during which 5709
such increase shall be in effect, which levy may include a levy 5710
upon the duplicate of the current year. 5711

A copy of the resolution shall be certified to the board of 5712
elections for the county not less than ~~seventy-five~~ ninety days 5713
before the general election in any year and said board shall 5714
submit the proposal to the electors within the project area at the 5715
succeeding November election in accordance with section 5705.25 of 5716
the Revised Code. For purposes of that section, the subdivision is 5717
the project area. 5718

If the per cent required for approval of a levy as set forth 5719
in section 5705.26 of the Revised Code vote in favor thereof, the 5720
board of county commissioners may levy a tax within the project 5721
area, outside the ten-mill limitation, during the period and for 5722
the purpose stated in the resolution, or at any less rate or for 5723
any less number of years. 5724

The board may issue bonds and notes in anticipation of the 5725
collection of taxes levied under this section, and notes in 5726
anticipation of the issuance of bonds. 5727

Sec. 1545.21. The board of park commissioners, by resolution, 5728

may submit to the electors of the park district the question of 5729
levying taxes for the use of the district. The resolution shall 5730
declare the necessity of levying such taxes, shall specify the 5731
purpose for which such taxes shall be used, the annual rate 5732
proposed, and the number of consecutive years the rate shall be 5733
levied. Such resolution shall be forthwith certified to the board 5734
of elections in each county in which any part of such district is 5735
located, not later than the ~~seventy-fifth~~ ninetieth day before the 5736
day of the election, and the question of the levy of taxes as 5737
provided in such resolution shall be submitted to the electors of 5738
the district at a special election to be held on whichever of the 5739
following occurs first: 5740

(A) The day of the next general election; 5741

(B) The first Tuesday after the first Monday in May in any 5742
calendar year, except that if a presidential primary election is 5743
held in that calendar year, then the day of that election. The 5744
ballot shall set forth the purpose for which the taxes shall be 5745
levied, the annual rate of levy, and the number of years of such 5746
levy. If the tax is to be placed on the current tax list, the form 5747
of the ballot shall state that the tax will be levied in the 5748
current tax year and shall indicate the first calendar year the 5749
tax will be due. If the resolution of the board of park 5750
commissioners provides that an existing levy will be canceled upon 5751
the passage of the new levy, the ballot may include a statement 5752
that: "an existing levy of ... mills (stating the original levy 5753
millage), having ... years remaining, will be canceled and 5754
replaced upon the passage of this levy." In such case, the ballot 5755
may refer to the new levy as a "replacement levy" if the new 5756
millage does not exceed the original millage of the levy being 5757
canceled or as a "replacement and additional levy" if the new 5758
millage exceeds the original millage of the levy being canceled. 5759
If a majority of the electors voting upon the question of such 5760

levy vote in favor thereof, such taxes shall be levied and shall 5761
be in addition to the taxes authorized by section 1545.20 of the 5762
Revised Code, and all other taxes authorized by law. The rate 5763
submitted to the electors at any one time shall not exceed two 5764
mills annually upon each dollar of valuation. When a tax levy has 5765
been authorized as provided in this section or in section 1545.041 5766
of the Revised Code, the board of park commissioners may issue 5767
bonds pursuant to section 133.24 of the Revised Code in 5768
anticipation of the collection of such levy, provided that such 5769
bonds shall be issued only for the purpose of acquiring and 5770
improving lands. Such levy, when collected, shall be applied in 5771
payment of the bonds so issued and the interest thereon. The 5772
amount of bonds so issued and outstanding at any time shall not 5773
exceed one per cent of the total tax valuation in such district. 5774
Such bonds shall bear interest at a rate not to exceed the rate 5775
determined as provided in section 9.95 of the Revised Code. 5776

Sec. 1545.36. (A) When the board of elections of the county 5777
in which a park district is located has had filed with it a 5778
petition calling for the dissolution of the district, and 5779
determines that the petition meets the requirements of this 5780
section and section 3501.38 of the Revised Code, the board shall 5781
place the issue of the dissolution on the ballot at the next 5782
special election to be held on the day of a general or primary 5783
election. Written notice of the filing of the petition shall be 5784
sent immediately to the board of park commissioners and the 5785
probate court that created the district. 5786

(B) The petition shall: 5787

(1) Be filed with the board no less than ~~seventy-five~~ ninety 5788
days before the next election; 5789

(2) Be supported by the signatures of at least twenty-five 5790
per cent of the number of voters in the district who voted in the 5791

preceding gubernatorial election. 5792

(C) If the petition as filed does not have the required 5793
number of signatures and the time for filing has elapsed, the 5794
board shall declare it invalid. No further petition for 5795
dissolution shall be received until after the next election is 5796
completed. On determination of these findings, the board shall 5797
send written notice of them to the principal circulator. 5798

(D)(1) If a majority of the votes cast support the 5799
dissolution, the board shall immediately send written notice of 5800
the vote, citing the number of votes for and against the issue, to 5801
the probate court, to the board of park commissioners, and to the 5802
principal circulator. No park district shall be applied for within 5803
the dissolved district for a period of four years following the 5804
election in which the issue was supported. 5805

(2) If the issue fails to obtain a majority of the votes 5806
cast, the board shall receive no further petition for dissolution 5807
until the fourth year following that in which the election failed, 5808
and shall send written notice of these results to the principal 5809
circulator and the board of park commissioners. 5810

Sec. 1711.30. Before issuing bonds under section 1711.28 of 5811
the Revised Code, the board of county commissioners, by 5812
resolution, shall submit to the qualified electors of the county 5813
at the next general election for county officers, held not less 5814
than ~~thirty~~ ninety days after receiving from the county 5815
agricultural society the notice provided for in section 1711.25 of 5816
the Revised Code, the question of issuing and selling such bonds 5817
in such amount and denomination as are necessary for the purpose 5818
in view, and shall certify a copy of such resolution to the county 5819
board of elections. 5820

The county board of elections shall place the question of 5821
issuing and selling such bonds upon the ballot and make all other 5822

necessary arrangements for the submission, at the time fixed by 5823
such resolution, of such question to such electors. The votes cast 5824
at such election upon such question must be counted, canvassed, 5825
and certified in the same manner, except as provided by law, as 5826
votes cast for county officers. Fifteen days' notice of such 5827
submission shall be given by the county board of elections, by 5828
publication once a week for two consecutive weeks in two or more 5829
newspapers published in the county, stating the amount of bonds to 5830
be issued, the purpose for which they are to be issued, and the 5831
time and places of holding such election. Such question must be 5832
stated on the ballot as follows: "For the issue of county fair 5833
bonds, yes"; "For the issue of county fair bonds, no." If the 5834
majority of those voting upon the question of issuing the bonds 5835
vote in favor thereof, then and only then shall they be issued and 5836
the tax provided for in section 1711.29 of the Revised Code be 5837
levied. 5838

Sec. 1901.07. (A) All municipal court judges shall be elected 5839
on the nonpartisan ballot for terms of six years. In a municipal 5840
court in which only one judge is to be elected in any one year, 5841
that judge's term commences on the first day of January after the 5842
election. In a municipal court in which two or more judges are to 5843
be elected in any one year, their terms commence on successive 5844
days beginning the first day of January, following the election, 5845
unless otherwise provided by section 1901.08 of the Revised Code. 5846
5847

(B) All candidates for municipal court judge may be nominated 5848
either by nominating petition or by primary election, except that 5849
if the jurisdiction of a municipal court extends only to the 5850
corporate limits of the municipal corporation in which the court 5851
is located and that municipal corporation operates under a 5852
charter, all candidates shall be nominated in the same manner 5853
provided in the charter for the office of municipal court judge 5854

or, if no specific provisions are made in the charter for the 5855
office of municipal court judge, in the same manner as the charter 5856
prescribes for the nomination and election of the legislative 5857
authority of the municipal corporation. 5858

If the jurisdiction of a municipal court extends beyond the 5859
corporate limits of the municipal corporation in which it is 5860
located or if the jurisdiction of the court does not extend beyond 5861
the corporate limits of the municipal corporation in which it is 5862
located and no charter provisions apply, all candidates for party 5863
nomination to the office of municipal court judge shall file a 5864
declaration of candidacy and petition not later than four p.m. of 5865
the ~~seventy-fifth~~ ninetieth day before the day of the primary 5866
election, ~~or if the primary election is a presidential primary~~ 5867
~~election, not later than four p.m. of the sixtieth day before the~~ 5868
~~day of the presidential primary election,~~ in the form prescribed 5869
by section 3513.07 of the Revised Code. The petition shall conform 5870
to the requirements provided for those petitions of candidacy 5871
contained in section 3513.05 of the Revised Code, except that the 5872
petition shall be signed by at least fifty electors of the 5873
territory of the court. If no valid declaration of candidacy is 5874
filed for nomination as a candidate of a political party for 5875
election to the office of municipal court judge, or if the number 5876
of persons filing the declarations of candidacy for nominations as 5877
candidates of one political party for election to the office does 5878
not exceed the number of candidates that that party is entitled to 5879
nominate as its candidates for election to the office, no primary 5880
election shall be held for the purpose of nominating candidates of 5881
that party for election to the office, and the candidates shall be 5882
issued certificates of nomination in the manner set forth in 5883
section 3513.02 of the Revised Code. 5884

If the jurisdiction of a municipal court extends beyond the 5885
corporate limits of the municipal corporation in which it is 5886

located or if the jurisdiction of the court does not extend beyond 5887
the corporate limits of the municipal corporation in which it is 5888
located and no charter provisions apply, nonpartisan candidates 5889
for the office of municipal court judge shall file nominating 5890
petitions not later than four p.m. of the day before the day of 5891
the primary election in the form prescribed by section 3513.261 of 5892
the Revised Code. The petition shall conform to the requirements 5893
provided for those petitions of candidacy contained in section 5894
3513.257 of the Revised Code, except that the petition shall be 5895
signed by at least fifty electors of the territory of the court. 5896

The nominating petition or declaration of candidacy for a 5897
municipal court judge shall contain a designation of the term for 5898
which the candidate seeks election. At the following regular 5899
municipal election, the candidacies of the judges nominated shall 5900
be submitted to the electors of the territory on a nonpartisan, 5901
judicial ballot in the same manner as provided for judges of the 5902
court of common pleas, except that, in a municipal corporation 5903
operating under a charter, all candidates for municipal court 5904
judge shall be elected in conformity with the charter if 5905
provisions are made in the charter for the election of municipal 5906
court judges. 5907

(C) Notwithstanding divisions (A) and (B) of this section, in 5908
the following municipal courts, the judges shall be nominated and 5909
elected as follows: 5910

(1) In the Cleveland municipal court, the judges shall be 5911
nominated only by petition. The petition shall be signed by at 5912
least fifty electors of the territory of the court. It shall be in 5913
the statutory form and shall be filed in the manner and within the 5914
time prescribed by the charter of the city of Cleveland for filing 5915
petitions of candidates for municipal offices. Each elector shall 5916
have the right to sign petitions for as many candidates as are to 5917
be elected, but no more. The judges shall be elected by the 5918

electors of the territory of the court in the manner provided by 5919
law for the election of judges of the court of common pleas. 5920

(2) In the Toledo municipal court, the judges shall be 5921
nominated only by petition. The petition shall be signed by at 5922
least fifty electors of the territory of the court. It shall be in 5923
the statutory form and shall be filed in the manner and within the 5924
time prescribed by the charter of the city of Toledo for filing 5925
nominating petitions for city council. Each elector shall have the 5926
right to sign petitions for as many candidates as are to be 5927
elected, but no more. The judges shall be elected by the electors 5928
of the territory of the court in the manner provided by law for 5929
the election of judges of the court of common pleas. 5930

(3) In the Akron municipal court, the judges shall be 5931
nominated only by petition. The petition shall be signed by at 5932
least fifty electors of the territory of the court. It shall be in 5933
statutory form and shall be filed in the manner and within the 5934
time prescribed by the charter of the city of Akron for filing 5935
nominating petitions of candidates for municipal offices. Each 5936
elector shall have the right to sign petitions for as many 5937
candidates as are to be elected, but no more. The judges shall be 5938
elected by the electors of the territory of the court in the 5939
manner provided by law for the election of judges of the court of 5940
common pleas. 5941

(4) In the Hamilton county municipal court, the judges shall 5942
be nominated only by petition. The petition shall be signed by at 5943
least fifty electors of the territory of the court, which 5944
petitions shall be signed, verified, and filed in the manner and 5945
within the time required by law for nominating petitions for 5946
members of council of the city of Cincinnati. The judges shall be 5947
elected by the electors of the territory of the court at the 5948
regular municipal election and in the manner provided by law for 5949
the election of judges of the court of common pleas. 5950

(5) In the Franklin county municipal court, the judges shall 5951
be nominated only by petition. The petition shall be signed by at 5952
least fifty electors of the territory of the court. The petition 5953
shall be in the statutory form and shall be filed in the manner 5954
and within the time prescribed by the charter of the city of 5955
Columbus for filing petitions of candidates for municipal offices. 5956
The judges shall be elected by the electors of the territory of 5957
the court in the manner provided by law for the election of judges 5958
of the court of common pleas. 5959

(6) In the Auglaize, Brown, Carroll, Clermont, Crawford, 5960
Hocking, Jackson, Lawrence, Madison, Miami, Morrow, and Wayne 5961
county municipal courts, the judges shall be nominated only by 5962
petition. The petitions shall be signed by at least fifty electors 5963
of the territory of the court and shall conform to the provisions 5964
of this section. 5965

(D) In the Portage county municipal court, the judges shall 5966
be nominated either by nominating petition or by primary election, 5967
as provided in division (B) of this section. 5968

(E) As used in this section, as to an election for either a 5969
full or an unexpired term, "the territory within the jurisdiction 5970
of the court" means that territory as it will be on the first day 5971
of January after the election. 5972

Sec. 1901.10. (A)(1)(a) The judges of the municipal court and 5973
officers of the court shall take an oath of office as provided in 5974
section 3.23 of the Revised Code. The office of judge of the 5975
municipal court is subject to forfeiture, and the judge may be 5976
removed from office, for the causes and by the procedure provided 5977
in sections 3.07 to 3.10 of the Revised Code. A vacancy in the 5978
office of judge exists upon the death, resignation, forfeiture, 5979
removal from office, or absence from official duties for a period 5980
of six consecutive months, as determined under this section, of 5981

the judge and also by reason of the expiration of the term of an 5982
incumbent when no successor has been elected or qualified. The 5983
chief justice of the supreme court may designate a judge of 5984
another municipal court to act until that vacancy is filled in 5985
accordance with section 107.08 of the Revised Code. A vacancy 5986
resulting from the absence of a judge from official duties for a 5987
period of six consecutive months shall be determined and declared 5988
by the legislative authority. 5989

(b) If a vacancy occurs in the office of judge or clerk of 5990
the municipal court after the one-hundredth day before the first 5991
Tuesday after the first Monday in May and prior to the ~~fortieth~~ 5992
fifty-sixth day before the day of the general election, all 5993
candidates for election to the unexpired term of the judge or 5994
clerk shall file nominating petitions with the board of elections 5995
not later than four p.m. on the tenth day following the day on 5996
which the vacancy occurs, except that, when the vacancy occurs 5997
fewer than ~~six~~ four days before the ~~fortieth~~ fifty-sixth day 5998
before the general election, the deadline for filing shall be four 5999
p.m. on the ~~thirty-sixth~~ fiftieth day before the day of the 6000
general election. 6001

(c) Each nominating petition referred to in division 6002
(A)(1)(b) of this section shall be in the form prescribed in 6003
section 3513.261 of the Revised Code and shall be signed by at 6004
least fifty qualified electors of the territory of the municipal 6005
court. No nominating petition shall be accepted for filing or 6006
filed if it appears on its face to contain signatures aggregating 6007
in number more than twice the minimum aggregate number of 6008
signatures required by this section. 6009

(2) If a judge of a municipal court that has only one judge 6010
is temporarily absent, incapacitated, or otherwise unavailable, 6011
the judge may appoint a substitute who has the qualifications 6012
required by section 1901.06 of the Revised Code or a retired judge 6013

of a court of record who is a qualified elector and a resident of 6014
the territory of the court. If the judge is unable to make the 6015
appointment, the chief justice of the supreme court shall appoint 6016
a substitute. The appointee shall serve during the absence, 6017
incapacity, or unavailability of the incumbent, shall have the 6018
jurisdiction and powers conferred upon the judge of the municipal 6019
court, and shall be styled "acting judge." During that time of 6020
service, the acting judge shall sign all process and records and 6021
shall perform all acts pertaining to the office, except that of 6022
removal and appointment of officers of the court. All courts shall 6023
take judicial notice of the selection and powers of the acting 6024
judge. The incumbent judge shall establish the amount of 6025
compensation of an acting judge upon either a per diem, hourly, or 6026
other basis, but the rate of pay shall not exceed the per diem 6027
amount received by the incumbent judge. 6028

(B) When the volume of cases pending in any municipal court 6029
necessitates an additional judge, the chief justice of the supreme 6030
court, upon the written request of the judge or presiding judge of 6031
that municipal court, may designate a judge of another municipal 6032
court or county court to serve for any period of time that the 6033
chief justice may prescribe. The compensation of a judge so 6034
designated shall be paid from the city treasury or, in the case of 6035
a county-operated municipal court, from the county treasury. In 6036
addition to the annual salary provided for in section 1901.11 of 6037
the Revised Code and in addition to any compensation under 6038
division (A)(5) or (6) of section 141.04 of the Revised Code to 6039
which the judge is entitled in connection with the judge's own 6040
court, a full-time or part-time judge while holding court outside 6041
the judge's territory on the designation of the chief justice 6042
shall receive actual and necessary expenses and compensation as 6043
follows: 6044

(1) A full-time judge shall receive thirty dollars for each 6045

day of the assignment. 6046

(2) A part-time judge shall receive for each day of the 6047
assignment the per diem compensation of the judges of the court to 6048
which the judge is assigned, less the per diem amount paid to 6049
those judges pursuant to section 141.04 of the Revised Code, 6050
calculated on the basis of two hundred fifty working days per 6051
year. 6052

If a request is made by a judge or the presiding judge of a 6053
municipal court to designate a judge of another municipal court 6054
because of the volume of cases in the court for which the request 6055
is made and the chief justice reports, in writing, that no 6056
municipal or county court judge is available to serve by 6057
designation, the judges of the court requesting the designation 6058
may appoint a substitute as provided in division (A)(2) of this 6059
section, who may serve for any period of time that is prescribed 6060
by the chief justice. The substitute judge shall be paid in the 6061
same manner and at the same rate as the incumbent judges, except 6062
that, if the substitute judge is entitled to compensation under 6063
division (A)(5) or (6) of section 141.04 of the Revised Code, then 6064
section 1901.121 of the Revised Code shall govern its payment. 6065

Sec. 1901.31. The clerk and deputy clerks of a municipal 6066
court shall be selected, be compensated, give bond, and have 6067
powers and duties as follows: 6068

(A) There shall be a clerk of the court who is appointed or 6069
elected as follows: 6070

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 6071
county, Portage county, and Wayne county municipal courts and 6072
through December 31, 2008, the Cuyahoga Falls municipal court, if 6073
the population of the territory equals or exceeds one hundred 6074
thousand at the regular municipal election immediately preceding 6075
the expiration of the term of the present clerk, the clerk shall 6076

be nominated and elected by the qualified electors of the 6077
territory in the manner that is provided for the nomination and 6078
election of judges in section 1901.07 of the Revised Code. 6079

The clerk so elected shall hold office for a term of six 6080
years, which term shall commence on the first day of January 6081
following the clerk's election and continue until the clerk's 6082
successor is elected and qualified. 6083

(b) In the Hamilton county municipal court, the clerk of 6084
courts of Hamilton county shall be the clerk of the municipal 6085
court and may appoint an assistant clerk who shall receive the 6086
compensation, payable out of the treasury of Hamilton county in 6087
semimonthly installments, that the board of county commissioners 6088
prescribes. The clerk of courts of Hamilton county, acting as the 6089
clerk of the Hamilton county municipal court and assuming the 6090
duties of that office, shall receive compensation at one-fourth 6091
the rate that is prescribed for the clerks of courts of common 6092
pleas as determined in accordance with the population of the 6093
county and the rates set forth in sections 325.08 and 325.18 of 6094
the Revised Code. This compensation shall be paid from the county 6095
treasury in semimonthly installments and is in addition to the 6096
annual compensation that is received for the performance of the 6097
duties of the clerk of courts of Hamilton county, as provided in 6098
sections 325.08 and 325.18 of the Revised Code. 6099

(c) In the Portage county and Wayne county municipal courts, 6100
the clerks of courts of Portage county and Wayne county shall be 6101
the clerks, respectively, of the Portage county and Wayne county 6102
municipal courts and may appoint a chief deputy clerk for each 6103
branch that is established pursuant to section 1901.311 of the 6104
Revised Code and assistant clerks as the judges of the municipal 6105
court determine are necessary, all of whom shall receive the 6106
compensation that the legislative authority prescribes. The clerks 6107
of courts of Portage county and Wayne county, acting as the clerks 6108

of the Portage county and Wayne county municipal courts and 6109
assuming the duties of these offices, shall receive compensation 6110
payable from the county treasury in semimonthly installments at 6111
one-fourth the rate that is prescribed for the clerks of courts of 6112
common pleas as determined in accordance with the population of 6113
the county and the rates set forth in sections 325.08 and 325.18 6114
of the Revised Code. 6115

(d) Except as otherwise provided in division (A)(1)(d) of 6116
this section, in the Akron municipal court, candidates for 6117
election to the office of clerk of the court shall be nominated by 6118
primary election. The primary election shall be held on the day 6119
specified in the charter of the city of Akron for the nomination 6120
of municipal officers. Notwithstanding any contrary provision of 6121
section 3513.05 or 3513.257 of the Revised Code, the declarations 6122
of candidacy and petitions of partisan candidates and the 6123
nominating petitions of independent candidates for the office of 6124
clerk of the Akron municipal court shall be signed by at least 6125
fifty qualified electors of the territory of the court. 6126

The candidates shall file a declaration of candidacy and 6127
petition, or a nominating petition, whichever is applicable, not 6128
later than four p.m. of the ~~seventy-fifth~~ ninetieth day before the 6129
day of the primary election, in the form prescribed by section 6130
3513.07 or 3513.261 of the Revised Code. The declaration of 6131
candidacy and petition, or the nominating petition, shall conform 6132
to the applicable requirements of section 3513.05 or 3513.257 of 6133
the Revised Code. 6134

If no valid declaration of candidacy and petition is filed by 6135
any person for nomination as a candidate of a particular political 6136
party for election to the office of clerk of the Akron municipal 6137
court, a primary election shall not be held for the purpose of 6138
nominating a candidate of that party for election to that office. 6139
If only one person files a valid declaration of candidacy and 6140

petition for nomination as a candidate of a particular political 6141
party for election to that office, a primary election shall not be 6142
held for the purpose of nominating a candidate of that party for 6143
election to that office, and the candidate shall be issued a 6144
certificate of nomination in the manner set forth in section 6145
3513.02 of the Revised Code. 6146

Declarations of candidacy and petitions, nominating 6147
petitions, and certificates of nomination for the office of clerk 6148
of the Akron municipal court shall contain a designation of the 6149
term for which the candidate seeks election. At the following 6150
regular municipal election, all candidates for the office shall be 6151
submitted to the qualified electors of the territory of the court 6152
in the manner that is provided in section 1901.07 of the Revised 6153
Code for the election of the judges of the court. The clerk so 6154
elected shall hold office for a term of six years, which term 6155
shall commence on the first day of January following the clerk's 6156
election and continue until the clerk's successor is elected and 6157
qualified. 6158

(e) Except as otherwise provided in division (A)(1)(e) of 6159
this section, in the Barberton municipal court, candidates for 6160
election to the office of clerk of the court shall be nominated by 6161
primary election. The primary election shall be held on the day 6162
specified in the charter of the city of Barberton for the 6163
nomination of municipal officers. Notwithstanding any contrary 6164
provision of section 3513.05 or 3513.257 of the Revised Code, the 6165
declarations of candidacy and petitions of partisan candidates and 6166
the nominating petitions of independent candidates for the office 6167
of clerk of the Barberton municipal court shall be signed by at 6168
least fifty qualified electors of the territory of the court. 6169

The candidates shall file a declaration of candidacy and 6170
petition, or a nominating petition, whichever is applicable, not 6171
later than four p.m. of the ~~seventy-fifth~~ ninetieth day before the 6172

day of the primary election, in the form prescribed by section 6173
3513.07 or 3513.261 of the Revised Code. The declaration of 6174
candidacy and petition, or the nominating petition, shall conform 6175
to the applicable requirements of section 3513.05 or 3513.257 of 6176
the Revised Code. 6177

If no valid declaration of candidacy and petition is filed by 6178
any person for nomination as a candidate of a particular political 6179
party for election to the office of clerk of the Barberton 6180
municipal court, a primary election shall not be held for the 6181
purpose of nominating a candidate of that party for election to 6182
that office. If only one person files a valid declaration of 6183
candidacy and petition for nomination as a candidate of a 6184
particular political party for election to that office, a primary 6185
election shall not be held for the purpose of nominating a 6186
candidate of that party for election to that office, and the 6187
candidate shall be issued a certificate of nomination in the 6188
manner set forth in section 3513.02 of the Revised Code. 6189

Declarations of candidacy and petitions, nominating 6190
petitions, and certificates of nomination for the office of clerk 6191
of the Barberton municipal court shall contain a designation of 6192
the term for which the candidate seeks election. At the following 6193
regular municipal election, all candidates for the office shall be 6194
submitted to the qualified electors of the territory of the court 6195
in the manner that is provided in section 1901.07 of the Revised 6196
Code for the election of the judges of the court. The clerk so 6197
elected shall hold office for a term of six years, which term 6198
shall commence on the first day of January following the clerk's 6199
election and continue until the clerk's successor is elected and 6200
qualified. 6201

(f)(i) Through December 31, 2008, except as otherwise 6202
provided in division (A)(1)(f)(i) of this section, in the Cuyahoga 6203
Falls municipal court, candidates for election to the office of 6204

clerk of the court shall be nominated by primary election. The 6205
primary election shall be held on the day specified in the charter 6206
of the city of Cuyahoga Falls for the nomination of municipal 6207
officers. Notwithstanding any contrary provision of section 6208
3513.05 or 3513.257 of the Revised Code, the declarations of 6209
candidacy and petitions of partisan candidates and the nominating 6210
petitions of independent candidates for the office of clerk of the 6211
Cuyahoga Falls municipal court shall be signed by at least fifty 6212
qualified electors of the territory of the court. 6213

The candidates shall file a declaration of candidacy and 6214
petition, or a nominating petition, whichever is applicable, not 6215
later than four p.m. of the ~~seventy-fifth~~ ninetieth day before the 6216
day of the primary election, in the form prescribed by section 6217
3513.07 or 3513.261 of the Revised Code. The declaration of 6218
candidacy and petition, or the nominating petition, shall conform 6219
to the applicable requirements of section 3513.05 or 3513.257 of 6220
the Revised Code. 6221

If no valid declaration of candidacy and petition is filed by 6222
any person for nomination as a candidate of a particular political 6223
party for election to the office of clerk of the Cuyahoga Falls 6224
municipal court, a primary election shall not be held for the 6225
purpose of nominating a candidate of that party for election to 6226
that office. If only one person files a valid declaration of 6227
candidacy and petition for nomination as a candidate of a 6228
particular political party for election to that office, a primary 6229
election shall not be held for the purpose of nominating a 6230
candidate of that party for election to that office, and the 6231
candidate shall be issued a certificate of nomination in the 6232
manner set forth in section 3513.02 of the Revised Code. 6233

Declarations of candidacy and petitions, nominating 6234
petitions, and certificates of nomination for the office of clerk 6235
of the Cuyahoga Falls municipal court shall contain a designation 6236

of the term for which the candidate seeks election. At the 6237
following regular municipal election, all candidates for the 6238
office shall be submitted to the qualified electors of the 6239
territory of the court in the manner that is provided in section 6240
1901.07 of the Revised Code for the election of the judges of the 6241
court. The clerk so elected shall hold office for a term of six 6242
years, which term shall commence on the first day of January 6243
following the clerk's election and continue until the clerk's 6244
successor is elected and qualified. 6245

(ii) Division (A)(1)(f)(i) of this section shall have no 6246
effect after December 31, 2008. 6247

(g) Except as otherwise provided in division (A)(1)(g) of 6248
this section, in the Toledo municipal court, candidates for 6249
election to the office of clerk of the court shall be nominated by 6250
primary election. The primary election shall be held on the day 6251
specified in the charter of the city of Toledo for the nomination 6252
of municipal officers. Notwithstanding any contrary provision of 6253
section 3513.05 or 3513.257 of the Revised Code, the declarations 6254
of candidacy and petitions of partisan candidates and the 6255
nominating petitions of independent candidates for the office of 6256
clerk of the Toledo municipal court shall be signed by at least 6257
fifty qualified electors of the territory of the court. 6258

The candidates shall file a declaration of candidacy and 6259
petition, or a nominating petition, whichever is applicable, not 6260
later than four p.m. of the ~~seventy-fifth~~ ninetieth day before the 6261
day of the primary election, in the form prescribed by section 6262
3513.07 or 3513.261 of the Revised Code. The declaration of 6263
candidacy and petition, or the nominating petition, shall conform 6264
to the applicable requirements of section 3513.05 or 3513.257 of 6265
the Revised Code. 6266

If no valid declaration of candidacy and petition is filed by 6267
any person for nomination as a candidate of a particular political 6268

party for election to the office of clerk of the Toledo municipal 6269
court, a primary election shall not be held for the purpose of 6270
nominating a candidate of that party for election to that office. 6271
If only one person files a valid declaration of candidacy and 6272
petition for nomination as a candidate of a particular political 6273
party for election to that office, a primary election shall not be 6274
held for the purpose of nominating a candidate of that party for 6275
election to that office, and the candidate shall be issued a 6276
certificate of nomination in the manner set forth in section 6277
3513.02 of the Revised Code. 6278

Declarations of candidacy and petitions, nominating 6279
petitions, and certificates of nomination for the office of clerk 6280
of the Toledo municipal court shall contain a designation of the 6281
term for which the candidate seeks election. At the following 6282
regular municipal election, all candidates for the office shall be 6283
submitted to the qualified electors of the territory of the court 6284
in the manner that is provided in section 1901.07 of the Revised 6285
Code for the election of the judges of the court. The clerk so 6286
elected shall hold office for a term of six years, which term 6287
shall commence on the first day of January following the clerk's 6288
election and continue until the clerk's successor is elected and 6289
qualified. 6290

(2)(a) Except for the Alliance, Auglaize county, Brown 6291
county, Columbiana county, Holmes county, Lorain, Massillon, and 6292
Youngstown municipal courts, in a municipal court for which the 6293
population of the territory is less than one hundred thousand, the 6294
clerk shall be appointed by the court, and the clerk shall hold 6295
office until the clerk's successor is appointed and qualified. 6296

(b) In the Alliance, Lorain, Massillon, and Youngstown 6297
municipal courts, the clerk shall be elected for a term of office 6298
as described in division (A)(1)(a) of this section. 6299

(c) In the Auglaize county, Brown county, and Holmes county 6300

municipal courts, the clerks of courts of Auglaize county, Brown 6301
county, and Holmes county shall be the clerks, respectively, of 6302
the Auglaize county, Brown county, and Holmes county municipal 6303
courts and may appoint a chief deputy clerk for each branch office 6304
that is established pursuant to section 1901.311 of the Revised 6305
Code, and assistant clerks as the judge of the court determines 6306
are necessary, all of whom shall receive the compensation that the 6307
legislative authority prescribes. The clerks of courts of Auglaize 6308
county, Brown county, and Holmes county, acting as the clerks of 6309
the Auglaize county, Brown county, and Holmes county municipal 6310
courts and assuming the duties of these offices, shall receive 6311
compensation payable from the county treasury in semimonthly 6312
installments at one-fourth the rate that is prescribed for the 6313
clerks of courts of common pleas as determined in accordance with 6314
the population of the county and the rates set forth in sections 6315
325.08 and 325.18 of the Revised Code. 6316

(d) In the Columbiana county municipal court, the clerk of 6317
courts of Columbiana county shall be the clerk of the municipal 6318
court, may appoint a chief deputy clerk for each branch office 6319
that is established pursuant to section 1901.311 of the Revised 6320
Code, and may appoint any assistant clerks that the judges of the 6321
court determine are necessary. All of the chief deputy clerks and 6322
assistant clerks shall receive the compensation that the 6323
legislative authority prescribes. The clerk of courts of 6324
Columbiana county, acting as the clerk of the Columbiana county 6325
municipal court and assuming the duties of that office, shall 6326
receive in either biweekly installments or semimonthly 6327
installments, as determined by the payroll administrator, 6328
compensation payable from the county treasury at one-fourth the 6329
rate that is prescribed for the clerks of courts of common pleas 6330
as determined in accordance with the population of the county and 6331
the rates set forth in sections 325.08 and 325.18 of the Revised 6332
Code. 6333

(3) During the temporary absence of the clerk due to illness, 6334
vacation, or other proper cause, the court may appoint a temporary 6335
clerk, who shall be paid the same compensation, have the same 6336
authority, and perform the same duties as the clerk. 6337

(B) Except in the Hamilton county, Portage county, and Wayne 6338
county municipal courts, if a vacancy occurs in the office of the 6339
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 6340
court or occurs in the office of the clerk of a municipal court 6341
for which the population of the territory equals or exceeds one 6342
hundred thousand because the clerk ceases to hold the office 6343
before the end of the clerk's term or because a clerk-elect fails 6344
to take office, the vacancy shall be filled, until a successor is 6345
elected and qualified, by a person chosen by the residents of the 6346
territory of the court who are members of the county central 6347
committee of the political party by which the last occupant of 6348
that office or the clerk-elect was nominated. Not less than five 6349
nor more than fifteen days after a vacancy occurs, those members 6350
of that county central committee shall meet to make an appointment 6351
to fill the vacancy. At least four days before the date of the 6352
meeting, the chairperson or a secretary of the county central 6353
committee shall notify each such member of that county central 6354
committee by first class mail of the date, time, and place of the 6355
meeting and its purpose. A majority of all such members of that 6356
county central committee constitutes a quorum, and a majority of 6357
the quorum is required to make the appointment. If the office so 6358
vacated was occupied or was to be occupied by a person not 6359
nominated at a primary election, or if the appointment was not 6360
made by the committee members in accordance with this division, 6361
the court shall make an appointment to fill the vacancy. A 6362
successor shall be elected to fill the office for the unexpired 6363
term at the first municipal election that is held more than one 6364
hundred ~~twenty~~ thirty-five days after the vacancy occurred. 6365

(C)(1) In a municipal court, other than the Auglaize county, 6366
the Brown county, the Columbiana county, the Holmes county, and 6367
the Lorain municipal courts, for which the population of the 6368
territory is less than one hundred thousand, the clerk of the 6369
municipal court shall receive the annual compensation that the 6370
presiding judge of the court prescribes, if the revenue of the 6371
court for the preceding calendar year, as certified by the auditor 6372
or chief fiscal officer of the municipal corporation in which the 6373
court is located or, in the case of a county-operated municipal 6374
court, the county auditor, is equal to or greater than the 6375
expenditures, including any debt charges, for the operation of the 6376
court payable under this chapter from the city treasury or, in the 6377
case of a county-operated municipal court, the county treasury for 6378
that calendar year, as also certified by the auditor or chief 6379
fiscal officer. If the revenue of a municipal court, other than 6380
the Auglaize county, the Brown county, the Columbiana county, and 6381
the Lorain municipal courts, for which the population of the 6382
territory is less than one hundred thousand for the preceding 6383
calendar year as so certified is not equal to or greater than 6384
those expenditures for the operation of the court for that 6385
calendar year as so certified, the clerk of a municipal court 6386
shall receive the annual compensation that the legislative 6387
authority prescribes. As used in this division, "revenue" means 6388
the total of all costs and fees that are collected and paid to the 6389
city treasury or, in a county-operated municipal court, the county 6390
treasury by the clerk of the municipal court under division (F) of 6391
this section and all interest received and paid to the city 6392
treasury or, in a county-operated municipal court, the county 6393
treasury in relation to the costs and fees under division (G) of 6394
this section. 6395

(2) In a municipal court, other than the Hamilton county, 6396
Portage county, and Wayne county municipal courts, for which the 6397
population of the territory is one hundred thousand or more, and 6398

in the Lorain municipal court, the clerk of the municipal court 6399
shall receive annual compensation in a sum equal to eighty-five 6400
per cent of the salary of a judge of the court. 6401

(3) The compensation of a clerk described in division (C)(1) 6402
or (2) of this section and of the clerk of the Columbiana county 6403
municipal court is payable in either semimonthly installments or 6404
biweekly installments, as determined by the payroll administrator, 6405
from the same sources and in the same manner as provided in 6406
section 1901.11 of the Revised Code, except that the compensation 6407
of the clerk of the Carroll county municipal court is payable in 6408
biweekly installments. 6409

(D) Before entering upon the duties of the clerk's office, 6410
the clerk of a municipal court shall give bond of not less than 6411
six thousand dollars to be determined by the judges of the court, 6412
conditioned upon the faithful performance of the clerk's duties. 6413

(E) The clerk of a municipal court may do all of the 6414
following: administer oaths, take affidavits, and issue executions 6415
upon any judgment rendered in the court, including a judgment for 6416
unpaid costs; issue, sign, and attach the seal of the court to all 6417
writs, process, subpoenas, and papers issuing out of the court; 6418
and approve all bonds, sureties, recognizances, and undertakings 6419
fixed by any judge of the court or by law. The clerk may refuse to 6420
accept for filing any pleading or paper submitted for filing by a 6421
person who has been found to be a vexatious litigator under 6422
section 2323.52 of the Revised Code and who has failed to obtain 6423
leave to proceed under that section. The clerk shall do all of the 6424
following: file and safely keep all journals, records, books, and 6425
papers belonging or appertaining to the court; record the 6426
proceedings of the court; perform all other duties that the judges 6427
of the court may prescribe; and keep a book showing all receipts 6428
and disbursements, which book shall be open for public inspection 6429
at all times. 6430

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement of an action, the names of the parties in full, the names of the counsel, and the nature of the proceedings. Under proper dates, the clerk shall note the filing of the complaint, issuing of summons or other process, returns, and any subsequent pleadings. The clerk also shall enter all reports, verdicts, orders, judgments, and proceedings of the court, clearly specifying the relief granted or orders made in each action. The court may order an extended record of any of the above to be made and entered, under the proper action heading, upon the docket at the request of any party to the case, the expense of which record may be taxed as costs in the case or may be required to be prepaid by the party demanding the record, upon order of the court.

(F) The clerk of a municipal court shall receive, collect, and issue receipts for all costs, fees, fines, bail, and other moneys payable to the office or to any officer of the court. The clerk shall each month disburse to the proper persons or officers, and take receipts for, all costs, fees, fines, bail, and other moneys that the clerk collects. Subject to sections 307.515 and 4511.193 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court and except for the Hamilton county, Lawrence county, and Ottawa county municipal courts, the clerk shall pay all fines received for violation of municipal ordinances into the treasury of the municipal corporation the ordinance of which was violated and shall pay all fines received for violation of township resolutions adopted pursuant to section 503.52 or 503.53 or Chapter 504. of the Revised Code into the treasury of the township the resolution of which was violated. Subject to sections 1901.024 and 4511.193 of

the Revised Code, in the Hamilton county, Lawrence county, and 6464
Ottawa county municipal courts, the clerk shall pay fifty per cent 6465
of the fines received for violation of municipal ordinances and 6466
fifty per cent of the fines received for violation of township 6467
resolutions adopted pursuant to section 503.52 or 503.53 or 6468
Chapter 504. of the Revised Code into the treasury of the county. 6469
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 6470
Code and to any other section of the Revised Code that requires a 6471
specific manner of disbursement of any moneys received by a 6472
municipal court, the clerk shall pay all fines collected for the 6473
violation of state laws into the county treasury. Except in a 6474
county-operated municipal court, the clerk shall pay all costs and 6475
fees the disbursement of which is not otherwise provided for in 6476
the Revised Code into the city treasury. The clerk of a 6477
county-operated municipal court shall pay the costs and fees the 6478
disbursement of which is not otherwise provided for in the Revised 6479
Code into the county treasury. Moneys deposited as security for 6480
costs shall be retained pending the litigation. The clerk shall 6481
keep a separate account of all receipts and disbursements in civil 6482
and criminal cases, which shall be a permanent public record of 6483
the office. On the expiration of the term of the clerk, the clerk 6484
shall deliver the records to the clerk's successor. The clerk 6485
shall have other powers and duties as are prescribed by rule or 6486
order of the court. 6487

(G) All moneys paid into a municipal court shall be noted on 6488
the record of the case in which they are paid and shall be 6489
deposited in a state or national bank, or a domestic savings and 6490
loan association, as defined in section 1151.01 of the Revised 6491
Code, that is selected by the clerk. Any interest received upon 6492
the deposits shall be paid into the city treasury, except that, in 6493
a county-operated municipal court, the interest shall be paid into 6494
the treasury of the county in which the court is located. 6495

On the first Monday in January of each year, the clerk shall 6496
make a list of the titles of all cases in the court that were 6497
finally determined more than one year past in which there remains 6498
unclaimed in the possession of the clerk any funds, or any part of 6499
a deposit for security of costs not consumed by the costs in the 6500
case. The clerk shall give notice of the moneys to the parties who 6501
are entitled to the moneys or to their attorneys of record. All 6502
the moneys remaining unclaimed on the first day of April of each 6503
year shall be paid by the clerk to the city treasurer, except 6504
that, in a county-operated municipal court, the moneys shall be 6505
paid to the treasurer of the county in which the court is located. 6506
The treasurer shall pay any part of the moneys at any time to the 6507
person who has the right to the moneys upon proper certification 6508
of the clerk. 6509

(H) Deputy clerks of a municipal court other than the Carroll 6510
county municipal court may be appointed by the clerk and shall 6511
receive the compensation, payable in either biweekly installments 6512
or semimonthly installments, as determined by the payroll 6513
administrator, out of the city treasury, that the clerk may 6514
prescribe, except that the compensation of any deputy clerk of a 6515
county-operated municipal court shall be paid out of the treasury 6516
of the county in which the court is located. The judge of the 6517
Carroll county municipal court may appoint deputy clerks for the 6518
court, and the deputy clerks shall receive the compensation, 6519
payable in biweekly installments out of the county treasury, that 6520
the judge may prescribe. Each deputy clerk shall take an oath of 6521
office before entering upon the duties of the deputy clerk's 6522
office and, when so qualified, may perform the duties appertaining 6523
to the office of the clerk. The clerk may require any of the 6524
deputy clerks to give bond of not less than three thousand 6525
dollars, conditioned for the faithful performance of the deputy 6526
clerk's duties. 6527

(I) For the purposes of this section, whenever the population 6528
of the territory of a municipal court falls below one hundred 6529
thousand but not below ninety thousand, and the population of the 6530
territory prior to the most recent regular federal census exceeded 6531
one hundred thousand, the legislative authority of the municipal 6532
corporation may declare, by resolution, that the territory shall 6533
be considered to have a population of at least one hundred 6534
thousand. 6535

(J) The clerk or a deputy clerk shall be in attendance at all 6536
sessions of the municipal court, although not necessarily in the 6537
courtroom, and may administer oaths to witnesses and jurors and 6538
receive verdicts. 6539

Sec. 1907.13. A county court judge, at the time of filing a 6540
nominating petition for the office or at the time of appointment 6541
to the office and during the judge's term of office, shall be a 6542
qualified elector and a resident of the county court district in 6543
which the judge is elected or appointed. A county court judge does 6544
not have to be a resident of an area of separate jurisdiction in 6545
the county court district to which the judge may be assigned 6546
pursuant to section 1907.15 of the Revised Code. Every county 6547
court judge shall have been admitted to the practice of law in 6548
this state and shall have been engaged, for a total of at least 6549
six years preceding the judge's appointment or the commencement of 6550
the judge's term, in the practice of law in this state, except 6551
that the six-year practice requirement does not apply to a county 6552
court judge who is holding office on the effective date of this 6553
amendment and who subsequently is a candidate for that office. 6554

Judges shall be elected by the electors of the county court 6555
district at the general election in even-numbered years as set 6556
forth in section 1907.11 of the Revised Code for a term of six 6557
years commencing on the first day of January following the 6558

election for the county court or on the dates specified in section 6559
1907.11 of the Revised Code for particular county court judges. 6560
Their successors shall be elected in even-numbered years every six 6561
years. 6562

All candidates for county court judge shall be nominated by 6563
petition. The nominating petition shall be in the general form and 6564
signed and verified as prescribed by section 3513.261 of the 6565
Revised Code and shall be signed by the lesser of fifty qualified 6566
electors of the county court district or a number of qualified 6567
electors of the county court district not less than one per cent 6568
of the number of electors who voted for governor at the most 6569
recent regular state election in the district. A nominating 6570
petition shall not be accepted for filing or filed if it appears 6571
on its face to contain signatures aggregating in number more than 6572
twice the minimum aggregate number of signatures required by this 6573
section. A nominating petition shall be filed with the board of 6574
elections not later than four p.m. of the ~~seventy-fifth~~ ninetieth 6575
day before the day of the general election. 6576

Sec. 2101.43. Whenever ten per cent of the number of electors 6577
voting for governor at the most recent election in any county 6578
having less than sixty thousand population, as determined by the 6579
most recent federal census, petition a judge of the court of 6580
common pleas of such county, not less than ~~seventy-five~~ ninety 6581
days before any general election for county officers, for the 6582
submission to the electors of such county the question of 6583
combining the probate court with the court of common pleas, such 6584
judge shall place upon the journal of said court an order 6585
requiring the sheriff to make proclamation that at the next 6586
general election there will be submitted to the electors the 6587
question of combining the probate court with the court of common 6588
pleas. The clerk of the court of common pleas shall, thereupon, 6589
make and deliver a certified copy of such order to the sheriff, 6590

and the sheriff shall include notice of the submission of such 6591
question in ~~his~~ the sheriff's proclamation of election for the 6592
next general election. 6593

Each elector joining in a petition for the submission of said 6594
question shall sign such petition in the elector's own 6595
handwriting, unless the elector cannot write and the elector's 6596
signature is made by mark, and shall add thereto the township, 6597
precinct, or ward of which the elector is a resident. Such 6598
petition may consist of as many parts as are convenient. One of 6599
the signers to each separate paper shall swear before some officer 6600
qualified to administer the oath that the petition is bona fide to 6601
the best of the signer's knowledge and belief. Such oath shall be 6602
a part of or attached to such paper. The judge upon receipt of 6603
such petition shall deposit it with the clerk of the court of 6604
common pleas. 6605

No signature shall be taken from or added to such petition 6606
after it has been filed with the judge. When deposited such 6607
petition shall be preserved and open to public inspection, and if 6608
it is in conformity with this section, it shall be valid, unless 6609
objection thereto is made in writing by an elector of the county 6610
within five days after the filing thereof. Such objections, or any 6611
other questions arising in the course of the submission of the 6612
question of combining said courts, shall be considered and 6613
determined by the judge, and ~~his~~ the judge's decision shall be 6614
final. 6615

Sec. 2301.02. The number of judges of the court of common 6616
pleas for each county, the time for the next election of the 6617
judges in the several counties, and the beginning of their terms 6618
shall be as follows: 6619

(A) In Adams, Ashland, Fayette, and Pike counties, one judge, 6620
elected in 1956, term to begin February 9, 1957; 6621

In Brown, Crawford, Defiance, Highland, Holmes, Morgan,	6622
Ottawa, and Union counties, one judge, to be elected in 1954, term	6623
to begin February 9, 1955;	6624
In Auglaize county, one judge, to be elected in 1956, term to	6625
begin January 9, 1957;	6626
In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin,	6627
Jackson, Knox, Madison, Mercer, Monroe, Paulding, Vinton, and	6628
Wyandot counties, one judge, to be elected in 1956, term to begin	6629
January 1, 1957;	6630
In Morrow county, two judges, one to be elected in 1956, term	6631
to begin January 1, 1957, and one to be elected in 2006, term to	6632
begin January 1, 2007;	6633
In Logan county, two judges, one to be elected in 1956, term	6634
to begin January 1, 1957, and one to be elected in 2004, term to	6635
begin January 2, 2005;	6636
In Carroll, Clinton, Hocking, Meigs, Pickaway, Preble,	6637
Shelby, Van Wert, and Williams counties, one judge, to be elected	6638
in 1952, term to begin January 1, 1953;	6639
In Champaign county, two judges, one to be elected in 1952,	6640
term to begin January 1, 1953, and one to be elected in 2008, term	6641
to begin February 10, 2009.	6642
In Harrison and Noble counties, one judge, to be elected in	6643
1954, term to begin April 18, 1955;	6644
In Henry county, two judges, one to be elected in 1956, term	6645
to begin May 9, 1957, and one to be elected in 2004, term to begin	6646
January 1, 2005;	6647
In Putnam county, one judge, to be elected in 1956, term to	6648
begin May 9, 1957;	6649
In Huron county, one judge, to be elected in 1952, term to	6650
begin May 14, 1953;	6651

In Perry county, one judge, to be elected in 1954, term to
begin July 6, 1956; 6652
6653

In Sandusky county, two judges, one to be elected in 1954,
term to begin February 10, 1955, and one to be elected in 1978,
term to begin January 1, 1979; 6654
6655
6656

(B) In Allen county, three judges, one to be elected in 1956,
term to begin February 9, 1957, the second to be elected in 1958,
term to begin January 1, 1959, and the third to be elected in
1992, term to begin January 1, 1993; 6657
6658
6659
6660

In Ashtabula county, three judges, one to be elected in 1954,
term to begin February 9, 1955, one to be elected in 1960, term to
begin January 1, 1961, and one to be elected in 1978, term to
begin January 2, 1979; 6661
6662
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6664

In Athens county, two judges, one to be elected in 1954, term
to begin February 9, 1955, and one to be elected in 1990, term to
begin July 1, 1991; 6665
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In Erie county, four judges, one to be elected in 1956, term
to begin January 1, 1957, the second to be elected in 1970, term
to begin January 2, 1971, the third to be elected in 2004, term to
begin January 2, 2005, and the fourth to be elected in 2008, term
to begin February 9, 2009; 6668
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In Fairfield county, three judges, one to be elected in 1954,
term to begin February 9, 1955, the second to be elected in 1970,
term to begin January 1, 1971, and the third to be elected in
1994, term to begin January 2, 1995; 6673
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6676

In Geauga county, two judges, one to be elected in 1956, term
to begin January 1, 1957, and the second to be elected in 1976,
term to begin January 6, 1977; 6677
6678
6679

In Greene county, four judges, one to be elected in 1956,
term to begin February 9, 1957, the second to be elected in 1960,
6680
6681

term to begin January 1, 1961, the third to be elected in 1978, 6682
term to begin January 2, 1979, and the fourth to be elected in 6683
1994, term to begin January 1, 1995; 6684

In Hancock county, two judges, one to be elected in 1952, 6685
term to begin January 1, 1953, and the second to be elected in 6686
1978, term to begin January 1, 1979; 6687

In Lawrence county, two judges, one to be elected in 1954, 6688
term to begin February 9, 1955, and the second to be elected in 6689
1976, term to begin January 1, 1977; 6690

In Marion county, three judges, one to be elected in 1952, 6691
term to begin January 1, 1953, the second to be elected in 1976, 6692
term to begin January 2, 1977, and the third to be elected in 6693
1998, term to begin February 9, 1999; 6694

In Medina county, three judges, one to be elected in 1956, 6695
term to begin January 1, 1957, the second to be elected in 1966, 6696
term to begin January 1, 1967, and the third to be elected in 6697
1994, term to begin January 1, 1995; 6698

In Miami county, two judges, one to be elected in 1954, term 6699
to begin February 9, 1955, and one to be elected in 1970, term to 6700
begin on January 1, 1971; 6701

In Muskingum county, three judges, one to be elected in 1968, 6702
term to begin August 9, 1969, one to be elected in 1978, term to 6703
begin January 1, 1979, and one to be elected in 2002, term to 6704
begin January 2, 2003; 6705

In Portage county, three judges, one to be elected in 1956, 6706
term to begin January 1, 1957, the second to be elected in 1960, 6707
term to begin January 1, 1961, and the third to be elected in 6708
1986, term to begin January 2, 1987; 6709

In Ross county, two judges, one to be elected in 1956, term 6710
to begin February 9, 1957, and the second to be elected in 1976, 6711

term to begin January 1, 1977; 6712

In Scioto county, three judges, one to be elected in 1954, 6713
term to begin February 10, 1955, the second to be elected in 1960, 6714
term to begin January 1, 1961, and the third to be elected in 6715
1994, term to begin January 2, 1995; 6716

In Seneca county, two judges, one to be elected in 1956, term 6717
to begin January 1, 1957, and the second to be elected in 1986, 6718
term to begin January 2, 1987; 6719

In Warren county, four judges, one to be elected in 1954, 6720
term to begin February 9, 1955, the second to be elected in 1970, 6721
term to begin January 1, 1971, the third to be elected in 1986, 6722
term to begin January 1, 1987, and the fourth to be elected in 6723
2004, term to begin January 2, 2005; 6724

In Washington county, two judges, one to be elected in 1952, 6725
term to begin January 1, 1953, and one to be elected in 1986, term 6726
to begin January 1, 1987; 6727

In Wood county, three judges, one to be elected in 1968, term 6728
beginning January 1, 1969, the second to be elected in 1970, term 6729
to begin January 2, 1971, and the third to be elected in 1990, 6730
term to begin January 1, 1991; 6731

In Belmont and Jefferson counties, two judges, to be elected 6732
in 1954, terms to begin January 1, 1955, and February 9, 1955, 6733
respectively; 6734

In Clark county, four judges, one to be elected in 1952, term 6735
to begin January 1, 1953, the second to be elected in 1956, term 6736
to begin January 2, 1957, the third to be elected in 1986, term to 6737
begin January 3, 1987, and the fourth to be elected in 1994, term 6738
to begin January 2, 1995. 6739

In Clermont county, five judges, one to be elected in 1956, 6740
term to begin January 1, 1957, the second to be elected in 1964, 6741

term to begin January 1, 1965, the third to be elected in 1982, 6742
term to begin January 2, 1983, the fourth to be elected in 1986, 6743
term to begin January 2, 1987; and the fifth to be elected in 6744
2006, term to begin January 3, 2007; 6745

In Columbiana county, two judges, one to be elected in 1952, 6746
term to begin January 1, 1953, and the second to be elected in 6747
1956, term to begin January 1, 1957; 6748

In Delaware county, two judges, one to be elected in 1990, 6749
term to begin February 9, 1991, the second to be elected in 1994, 6750
term to begin January 1, 1995; 6751

In Lake county, six judges, one to be elected in 1958, term 6752
to begin January 1, 1959, the second to be elected in 1960, term 6753
to begin January 2, 1961, the third to be elected in 1964, term to 6754
begin January 3, 1965, the fourth and fifth to be elected in 1978, 6755
terms to begin January 4, 1979, and January 5, 1979, respectively, 6756
and the sixth to be elected in 2000, term to begin January 6, 6757
2001; 6758

In Licking county, four judges, one to be elected in 1954, 6759
term to begin February 9, 1955, one to be elected in 1964, term to 6760
begin January 1, 1965, one to be elected in 1990, term to begin 6761
January 1, 1991, and one to be elected in 2004, term to begin 6762
January 1, 2005; 6763

In Lorain county, nine judges, two to be elected in 1952, 6764
terms to begin January 1, 1953, and January 2, 1953, respectively, 6765
one to be elected in 1958, term to begin January 3, 1959, one to 6766
be elected in 1968, term to begin January 1, 1969, two to be 6767
elected in 1988, terms to begin January 4, 1989, and January 5, 6768
1989, respectively, two to be elected in 1998, terms to begin 6769
January 2, 1999, and January 3, 1999, respectively; and one to be 6770
elected in 2006, term to begin January 6, 2007; 6771

In Butler county, eleven judges, one to be elected in 1956, 6772

term to begin January 1, 1957; two to be elected in 1954, terms to
begin January 1, 1955, and February 9, 1955, respectively; one to
be elected in 1968, term to begin January 2, 1969; one to be
elected in 1986, term to begin January 3, 1987; two to be elected
in 1988, terms to begin January 1, 1989, and January 2, 1989,
respectively; one to be elected in 1992, term to begin January 4,
1993; two to be elected in 2002, terms to begin January 2, 2003,
and January 3, 2003, respectively; and one to be elected in 2006,
term to begin January 3, 2007;

In Richland county, four judges, one to be elected in 1956,
term to begin January 1, 1957, the second to be elected in 1960,
term to begin February 9, 1961, the third to be elected in 1968,
term to begin January 2, 1969, and the fourth to be elected in
2004, term to begin January 3, 2005;

In Tuscarawas county, two judges, one to be elected in 1956,
term to begin January 1, 1957, and the second to be elected in
1960, term to begin January 2, 1961;

In Wayne county, two judges, one to be elected in 1956, term
beginning January 1, 1957, and one to be elected in 1968, term to
begin January 2, 1969;

In Trumbull county, six judges, one to be elected in 1952,
term to begin January 1, 1953, the second to be elected in 1954,
term to begin January 1, 1955, the third to be elected in 1956,
term to begin January 1, 1957, the fourth to be elected in 1964,
term to begin January 1, 1965, the fifth to be elected in 1976,
term to begin January 2, 1977, and the sixth to be elected in
1994, term to begin January 3, 1995;

(C) In Cuyahoga county, thirty-nine judges; eight to be
elected in 1954, terms to begin on successive days beginning from
January 1, 1955, to January 7, 1955, and February 9, 1955,
respectively; eight to be elected in 1956, terms to begin on

successive days beginning from January 1, 1957, to January 8, 6804
1957; three to be elected in 1952, terms to begin from January 1, 6805
1953, to January 3, 1953; two to be elected in 1960, terms to 6806
begin on January 8, 1961, and January 9, 1961, respectively; two 6807
to be elected in 1964, terms to begin January 4, 1965, and January 6808
5, 1965, respectively; one to be elected in 1966, term to begin on 6809
January 10, 1967; four to be elected in 1968, terms to begin on 6810
successive days beginning from January 9, 1969, to January 12, 6811
1969; two to be elected in 1974, terms to begin on January 18, 6812
1975, and January 19, 1975, respectively; five to be elected in 6813
1976, terms to begin on successive days beginning January 6, 1977, 6814
to January 10, 1977; two to be elected in 1982, terms to begin 6815
January 11, 1983, and January 12, 1983, respectively; and two to 6816
be elected in 1986, terms to begin January 13, 1987, and January 6817
14, 1987, respectively; 6818

In Franklin county, twenty-two judges; two to be elected in 6819
1954, terms to begin January 1, 1955, and February 9, 1955, 6820
respectively; four to be elected in 1956, terms to begin January 6821
1, 1957, to January 4, 1957; four to be elected in 1958, terms to 6822
begin January 1, 1959, to January 4, 1959; three to be elected in 6823
1968, terms to begin January 5, 1969, to January 7, 1969; three to 6824
be elected in 1976, terms to begin on successive days beginning 6825
January 5, 1977, to January 7, 1977; one to be elected in 1982, 6826
term to begin January 8, 1983; one to be elected in 1986, term to 6827
begin January 9, 1987; two to be elected in 1990, terms to begin 6828
July 1, 1991, and July 2, 1991, respectively; one to be elected in 6829
1996, term to begin January 2, 1997; and one to be elected in 6830
2004, term to begin July 1, 2005; 6831

In Hamilton county, twenty-one judges; eight to be elected in 6832
1966, terms to begin January 1, 1967, January 2, 1967, and from 6833
February 9, 1967, to February 14, 1967, respectively; five to be 6834
elected in 1956, terms to begin from January 1, 1957, to January 6835

5, 1957; one to be elected in 1964, term to begin January 1, 1965; 6836
one to be elected in 1974, term to begin January 15, 1975; one to 6837
be elected in 1980, term to begin January 16, 1981; two to be 6838
elected at large in the general election in 1982, terms to begin 6839
April 1, 1983; one to be elected in 1990, term to begin July 1, 6840
1991; and two to be elected in 1996, terms to begin January 3, 6841
1997, and January 4, 1997, respectively; 6842

In Lucas county, fourteen judges; two to be elected in 1954, 6843
terms to begin January 1, 1955, and February 9, 1955, 6844
respectively; two to be elected in 1956, terms to begin January 1, 6845
1957, and October 29, 1957, respectively; two to be elected in 6846
1952, terms to begin January 1, 1953, and January 2, 1953, 6847
respectively; one to be elected in 1964, term to begin January 3, 6848
1965; one to be elected in 1968, term to begin January 4, 1969; 6849
two to be elected in 1976, terms to begin January 4, 1977, and 6850
January 5, 1977, respectively; one to be elected in 1982, term to 6851
begin January 6, 1983; one to be elected in 1988, term to begin 6852
January 7, 1989; one to be elected in 1990, term to begin January 6853
2, 1991; and one to be elected in 1992, term to begin January 2, 6854
1993; 6855

In Mahoning county, seven judges; three to be elected in 6856
1954, terms to begin January 1, 1955, January 2, 1955, and 6857
February 9, 1955, respectively; one to be elected in 1956, term to 6858
begin January 1, 1957; one to be elected in 1952, term to begin 6859
January 1, 1953; one to be elected in 1968, term to begin January 6860
2, 1969; and one to be elected in 1990, term to begin July 1, 6861
1991; 6862

In Montgomery county, fifteen judges; three to be elected in 6863
1954, terms to begin January 1, 1955, January 2, 1955, and January 6864
3, 1955, respectively; four to be elected in 1952, terms to begin 6865
January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953, 6866
respectively; one to be elected in 1964, term to begin January 3, 6867

1965; one to be elected in 1968, term to begin January 3, 1969; 6868
three to be elected in 1976, terms to begin on successive days 6869
beginning January 4, 1977, to January 6, 1977; two to be elected 6870
in 1990, terms to begin July 1, 1991, and July 2, 1991, 6871
respectively; and one to be elected in 1992, term to begin January 6872
1, 1993. 6873

In Stark county, eight judges; one to be elected in 1958, 6874
term to begin on January 2, 1959; two to be elected in 1954, terms 6875
to begin on January 1, 1955, and February 9, 1955, respectively; 6876
two to be elected in 1952, terms to begin January 1, 1953, and 6877
April 16, 1953, respectively; one to be elected in 1966, term to 6878
begin on January 4, 1967; and two to be elected in 1992, terms to 6879
begin January 1, 1993, and January 2, 1993, respectively; 6880

In Summit county, thirteen judges; four to be elected in 6881
1954, terms to begin January 1, 1955, January 2, 1955, January 3, 6882
1955, and February 9, 1955, respectively; three to be elected in 6883
1958, terms to begin January 1, 1959, January 2, 1959, and May 17, 6884
1959, respectively; one to be elected in 1966, term to begin 6885
January 4, 1967; one to be elected in 1968, term to begin January 6886
5, 1969; one to be elected in 1990, term to begin May 1, 1991; one 6887
to be elected in 1992, term to begin January 6, 1993; and two to 6888
be elected in 2008, terms to begin January 5, 2009, and January 6, 6889
2009, respectively. 6890

Notwithstanding the foregoing provisions, in any county 6891
having two or more judges of the court of common pleas, in which 6892
more than one-third of the judges plus one were previously elected 6893
at the same election, if the office of one of those judges so 6894
elected becomes vacant more than ~~forty~~ fifty days prior to the 6895
second general election preceding the expiration of that judge's 6896
term, the office that that judge had filled shall be abolished as 6897
of the date of the next general election, and a new office of 6898
judge of the court of common pleas shall be created. The judge who 6899

is to fill that new office shall be elected for a six-year term at 6900
the next general election, and the term of that judge shall 6901
commence on the first day of the year following that general 6902
election, on which day no other judge's term begins, so that the 6903
number of judges that the county shall elect shall not be reduced. 6904

Judges of the probate division of the court of common pleas 6905
are judges of the court of common pleas but shall be elected 6906
pursuant to sections 2101.02 and 2101.021 of the Revised Code, 6907
except in Adams, Harrison, Henry, Morgan, Noble, and Wyandot 6908
counties in which the judge of the court of common pleas elected 6909
pursuant to this section also shall serve as judge of the probate 6910
division, except in Lorain county in which the judges of the 6911
domestic relations division of the Lorain county court of common 6912
pleas elected pursuant to this section also shall perform the 6913
duties and functions of the judge of the probate division from 6914
February 9, 2009, through September 28, 2009, and except in Morrow 6915
county in which the judges of the court of common pleas elected 6916
pursuant to this section also shall perform the duties and 6917
functions of the judge of the probate division. 6918

Sec. 3311.053. (A) The boards of education of up to five 6919
adjoining educational service centers may, by identical 6920
resolutions adopted by a majority of the members of each governing 6921
board within any sixty-day period, combine such educational 6922
service centers into one educational service center. The 6923
resolutions shall state the name of the new center, which may be 6924
styled as a "joint educational service center." The resolutions 6925
shall also indicate whether the governing board of the new 6926
educational service center is to be formed in accordance with 6927
division (B) of this section, in accordance with division (A) of 6928
section 3311.054 of the Revised Code, or in accordance with 6929
section 3311.057 of the Revised Code. 6930

A copy of each resolution shall be filed with the state board of education. The new educational service center shall be created and the governing boards of the participating educational service centers shall be dissolved and a new governing board established thirty days after the date on which the last resolution was filed with the state board.

(B) The initial members of a new governing board established in accordance with this division shall be appointed as follows:

(1) If two educational service centers combine, each center's governing board, prior to its dissolution, shall appoint two members to the new governing board and the four members so selected shall select a fifth member within ten days of the date on which the last of the four members is appointed.

(2) If three educational service centers combine, each center's governing board, prior to its dissolution, shall appoint one member to the new governing board and the three members so selected shall select the remaining two members of the governing board within ten days of the date on which the last of the three members is appointed.

(3) If four educational service centers combine, each center's governing board, prior to its dissolution, shall appoint one member to the new governing board and the four members so selected shall select the remaining member of the governing board within ten days of the date on which the last of the four members is appointed.

(4) If five educational service centers combine, each center's governing board, prior to its dissolution, shall appoint one member to the new governing board.

If the members appointed to a new governing board by the governing boards of the combining educational service centers are unable to agree on the selection of the remaining members of the

new governing board within ten days, the probate judge of the 6962
county in which the greatest number of pupils under the 6963
supervision of the new educational service center reside shall 6964
appoint the remaining members. 6965

Electors of the new educational service center shall elect a 6966
new governing board at the next general election occurring in an 6967
odd-numbered year and more than ~~seventy-five~~ ninety days after the 6968
date of the appointment of the last member to the initial 6969
governing board. Members shall serve for the duration of the term 6970
to which they are elected or until their successors are elected 6971
and qualified. At such election, two members shall be elected to 6972
terms of two years and three members shall be elected to terms of 6973
four years. Thereafter, their successors shall be elected in the 6974
same manner and for the same terms as members of governing boards 6975
of all educational service centers. Each candidate for election as 6976
a member of the educational service center governing board shall 6977
file a nominating petition in accordance with section 3513.255 of 6978
the Revised Code. 6979

(C) The funds of each former educational service center shall 6980
be paid over in full to the governing board of the new educational 6981
service center, and the legal title to all property of the former 6982
governing boards shall become vested in the new governing board. 6983

The governing board of an educational service center created 6984
under this section shall honor all contracts made by the former 6985
governing boards. 6986

Sec. 3311.059. The procedure prescribed in this section may 6987
be used in lieu of a transfer prescribed under section 3311.231 of 6988
the Revised Code. 6989

(A) Subject to divisions (B) and (C) of this section, a board 6990
of education of a local school district may by a resolution 6991
approved by a majority of all its members propose to sever that 6992

local school district from the territory of the educational 6993
service center in which the local school district is currently 6994
included and to instead annex the local school district to the 6995
territory of another educational service center, the current 6996
territory of which is adjacent to the territory of the educational 6997
service center in which the local school district is currently 6998
included. The resolution shall promptly be filed with the 6999
governing board of each educational service center affected by the 7000
resolution and with the superintendent of public instruction. 7001

(B) The resolution adopted under division (A) of this section 7002
shall not be effective unless it is approved by the state board of 7003
education. In deciding whether to approve the resolution, the 7004
state board shall consider the impact of an annexation on both the 7005
school district and the educational service center to which the 7006
district is proposed to be annexed, including the ability of that 7007
service center to deliver services in a cost-effective and 7008
efficient manner. The severance of the local school district from 7009
one educational service center and its annexation to another 7010
educational service center under this section shall not be 7011
effective until one year after the first day of July following the 7012
later of the date that the state board of education approves the 7013
resolution or the date the board of elections certifies the 7014
results of the referendum election as provided in division (C) of 7015
this section. 7016

(C) Within sixty days following the date of the adoption of 7017
the resolution under division (A) of this section, the electors of 7018
the local school district may petition for a referendum vote on 7019
the resolution. The question whether to approve or disapprove the 7020
resolution shall be submitted to the electors of such school 7021
district if a number of qualified electors equal to twenty per 7022
cent of the number of electors in the school district who voted 7023
for the office of governor at the most recent general election for 7024

that office sign a petition asking that the question of whether 7025
the resolution shall be disapproved be submitted to the electors. 7026
The petition shall be filed with the board of elections of the 7027
county in which the school district is located. If the school 7028
district is located in more than one county, the petition shall be 7029
filed with the board of elections of the county in which the 7030
majority of the territory of the school district is located. The 7031
board shall certify the validity and sufficiency of the signatures 7032
on the petition. 7033

The board of elections shall immediately notify the board of 7034
education of the local school district and the governing board of 7035
each educational service center affected by the resolution that 7036
the petition has been filed. 7037

The effect of the resolution shall be stayed until the board 7038
of elections certifies the validity and sufficiency of the 7039
signatures on the petition. If the board of elections determines 7040
that the petition does not contain a sufficient number of valid 7041
signatures and sixty days have passed since the adoption of the 7042
resolution, the resolution shall become effective as provided in 7043
division (B) of this section. 7044

If the board of elections certifies that the petition 7045
contains a sufficient number of valid signatures, the board shall 7046
submit the question to the qualified electors of the school 7047
district on the day of the next general or primary election held 7048
at least ~~seventy-five~~ ninety days after the board of elections 7049
certifies the validity and sufficiency of signatures on the 7050
petition. The election shall be conducted and canvassed and the 7051
results shall be certified in the same manner as in regular 7052
elections for the election of members of a board of education. 7053

If a majority of the electors voting on the question 7054
disapprove the resolution, the resolution shall not become 7055
effective. If a majority of the electors voting on the question 7056

approve the resolution, the resolution shall become effective as 7057
provided in division (B) of this section. 7058

(D) Upon the effective date of the severance of the local 7059
school district from one educational service center and its 7060
annexation to another educational service center as provided in 7061
division (B) of this section, the governing board of each 7062
educational service center shall take such steps for the election 7063
of members of the governing board and for organization of the 7064
governing board as prescribed in Chapter 3313. of the Revised 7065
Code. 7066

(E) If a school district is severed from one educational 7067
service center and annexed to another service center under this 7068
section, the board of education of that school district shall not 7069
propose a subsequent severance and annexation action under this 7070
section that would be effective sooner than five years after the 7071
effective date of the next previous severance and annexation 7072
action under this section. 7073

Sec. 3311.21. (A) In addition to the resolutions authorized 7074
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 7075
the Revised Code, the board of education of a joint vocational or 7076
cooperative education school district by a vote of two-thirds of 7077
its full membership may at any time adopt a resolution declaring 7078
the necessity to levy a tax in excess of the ten-mill limitation 7079
for a period not to exceed ten years to provide funds for any one 7080
or more of the following purposes, which may be stated in the 7081
following manner in such resolution, the ballot, and the notice of 7082
election: purchasing a site or enlargement thereof and for the 7083
erection and equipment of buildings; for the purpose of enlarging, 7084
improving, or rebuilding thereof; for the purpose of providing for 7085
the current expenses of the joint vocational or cooperative school 7086
district; or for a continuing period for the purpose of providing 7087

for the current expenses of the joint vocational or cooperative 7088
education school district. The resolution shall specify the amount 7089
of the proposed rate and, if a renewal, whether the levy is to 7090
renew all, or a portion of, the existing levy, and shall specify 7091
the first year in which the levy will be imposed. If the levy 7092
provides for but is not limited to current expenses, the 7093
resolution shall apportion the annual rate of the levy between 7094
current expenses and the other purpose or purposes. Such 7095
apportionment may but need not be the same for each year of the 7096
levy, but the respective portions of the rate actually levied each 7097
year for current expenses and the other purpose or purposes shall 7098
be limited by such apportionment. The portion of any such rate 7099
actually levied for current expenses of a joint vocational or 7100
cooperative education school district shall be used in applying 7101
division (A)(1) of section 3306.01 and division (A) of section 7102
3317.01 of the Revised Code. The portion of any such rate not 7103
apportioned to the current expenses of a joint vocational or 7104
cooperative education school district shall be used in applying 7105
division (B) of this section. On the adoption of such resolution, 7106
the joint vocational or cooperative education school district 7107
board of education shall certify the resolution to the board of 7108
elections of the county containing the most populous portion of 7109
the district, which board shall receive resolutions for filing and 7110
send them to the boards of elections of each county in which 7111
territory of the district is located, furnish all ballots for the 7112
election as provided in section 3505.071 of the Revised Code, and 7113
prepare the election notice; and the board of elections of each 7114
county in which the territory of such district is located shall 7115
make the other necessary arrangements for the submission of the 7116
question to the electors of the joint vocational or cooperative 7117
education school district at the next primary or general election 7118
occurring not less than ~~seventy-five~~ ninety days after the 7119
resolution was received from the joint vocational or cooperative 7120

education school district board of education, or at a special 7121
election to be held at a time designated by the district board of 7122
education consistent with the requirements of section 3501.01 of 7123
the Revised Code, which date shall not be earlier than 7124
~~seventy five~~ ninety days after the adoption and certification of 7125
the resolution. 7126

The board of elections of the county or counties in which 7127
territory of the joint vocational or cooperative education school 7128
district is located shall cause to be published in one or more 7129
newspapers of general circulation in that district an 7130
advertisement of the proposed tax levy question together with a 7131
statement of the amount of the proposed levy once a week for two 7132
consecutive weeks, prior to the election at which the question is 7133
to appear on the ballot, and, if the board of elections operates 7134
and maintains a web site, the board also shall post a similar 7135
advertisement on its web site for thirty days prior to that 7136
election. 7137

If a majority of the electors voting on the question of 7138
levying such tax vote in favor of the levy, the joint vocational 7139
or cooperative education school district board of education shall 7140
annually make the levy within the district at the rate specified 7141
in the resolution and ballot or at any lesser rate, and the county 7142
auditor of each affected county shall annually place the levy on 7143
the tax list and duplicate of each school district in the county 7144
having territory in the joint vocational or cooperative education 7145
school district. The taxes realized from the levy shall be 7146
collected at the same time and in the same manner as other taxes 7147
on the duplicate, and the taxes, when collected, shall be paid to 7148
the treasurer of the joint vocational or cooperative education 7149
school district and deposited to a special fund, which shall be 7150
established by the joint vocational or cooperative education 7151
school district board of education for all revenue derived from 7152

any tax levied pursuant to this section and for the proceeds of 7153
anticipation notes which shall be deposited in such fund. After 7154
the approval of the levy, the joint vocational or cooperative 7155
education school district board of education may anticipate a 7156
fraction of the proceeds of the levy and from time to time, during 7157
the life of the levy, but in any year prior to the time when the 7158
tax collection from the levy so anticipated can be made for that 7159
year, issue anticipation notes in an amount not exceeding fifty 7160
per cent of the estimated proceeds of the levy to be collected in 7161
each year up to a period of five years after the date of the 7162
issuance of the notes, less an amount equal to the proceeds of the 7163
levy obligated for each year by the issuance of anticipation 7164
notes, provided that the total amount maturing in any one year 7165
shall not exceed fifty per cent of the anticipated proceeds of the 7166
levy for that year. Each issue of notes shall be sold as provided 7167
in Chapter 133. of the Revised Code, and shall, except for such 7168
limitation that the total amount of such notes maturing in any one 7169
year shall not exceed fifty per cent of the anticipated proceeds 7170
of the levy for that year, mature serially in substantially equal 7171
installments, during each year over a period not to exceed five 7172
years after their issuance. 7173

(B) Prior to the application of section 319.301 of the 7174
Revised Code, the rate of a levy that is limited to, or to the 7175
extent that it is apportioned to, purposes other than current 7176
expenses shall be reduced in the same proportion in which the 7177
district's total valuation increases during the life of the levy 7178
because of additions to such valuation that have resulted from 7179
improvements added to the tax list and duplicate. 7180

(C) The form of ballot cast at an election under division (A) 7181
of this section shall be as prescribed by section 5705.25 of the 7182
Revised Code. 7183

Sec. 3311.213. (A) With the approval of the board of 7184
education of a joint vocational school district which is in 7185
existence, any school district in the county or counties 7186
comprising the joint vocational school district or any school 7187
district in a county adjacent to a county comprising part of a 7188
joint vocational school district may become a part of the joint 7189
vocational school district. On the adoption of a resolution of 7190
approval by the board of education of the joint vocational school 7191
district, it shall advertise a copy of such resolution in a 7192
newspaper of general circulation in the school district proposing 7193
to become a part of such joint vocational school district once 7194
each week for at least two weeks immediately following the date of 7195
the adoption of such resolution. Such resolution shall not become 7196
effective until the later of the sixty-first day after its 7197
adoption or until the board of elections certifies the results of 7198
an election in favor of joining of the school district to the 7199
joint vocational school district if such an election is held under 7200
division (B) of this section. 7201

(B) During the sixty-day period following the date of the 7202
adoption of a resolution to join a school district to a joint 7203
vocational school district under division (A) of this section, the 7204
electors of the school district that proposes joining the joint 7205
vocational school district may petition for a referendum vote on 7206
the resolution. The question whether to approve or disapprove the 7207
resolution shall be submitted to the electors of such school 7208
district if a number of qualified electors equal to twenty per 7209
cent of the number of electors in the school district who voted 7210
for the office of governor at the most recent general election for 7211
that office sign a petition asking that the question of whether 7212
the resolution shall be disapproved be submitted to the electors. 7213
The petition shall be filed with the board of elections of the 7214
county in which the school district is located. If the school 7215

district is located in more than one county, the petition shall be 7216
filed with the board of elections of the county in which the 7217
majority of the territory of the school district is located. The 7218
board shall certify the validity and sufficiency of the signatures 7219
on the petition. 7220

The board of elections shall immediately notify the board of 7221
education of the joint vocational school district and the board of 7222
education of the school district that proposes joining the joint 7223
vocational school district that the petition has been filed. 7224

The effect of the resolution shall be stayed until the board 7225
of elections certifies the validity and sufficiency of the 7226
signatures on the petition. If the board of elections determines 7227
that the petition does not contain a sufficient number of valid 7228
signatures and sixty days have passed since the adoption of the 7229
resolution, the resolution shall become effective. 7230

If the board of elections certifies that the petition 7231
contains a sufficient number of valid signatures, the board shall 7232
submit the question to the qualified electors of the school 7233
district on the day of the next general or primary election held 7234
at least ~~seventy-five~~ ninety days after but no later than six 7235
months after the board of elections certifies the validity and 7236
sufficiency of signatures on the petition. If there is no general 7237
or primary election held at least ~~seventy-five~~ ninety days after 7238
but no later than six months after the board of elections 7239
certifies the validity and sufficiency of signatures on the 7240
petition, the board shall submit the question to the electors at a 7241
special election to be held on the next day specified for special 7242
elections in division (D) of section 3501.01 of the Revised Code 7243
that occurs at least ~~seventy-five~~ ninety days after the board 7244
certifies the validity and sufficiency of signatures on the 7245
petition. The election shall be conducted and canvassed and the 7246
results shall be certified in the same manner as in regular 7247

elections for the election of members of a board of education. 7248

If a majority of the electors voting on the question 7249
disapprove the resolution, the resolution shall not become 7250
effective. 7251

(C) If the resolution becomes effective, the board of 7252
education of the joint vocational school district shall notify the 7253
county auditor of the county in which the school district becoming 7254
a part of the joint vocational school district is located, who 7255
shall thereupon have any outstanding levy for building purposes, 7256
bond retirement, or current expenses in force in the joint 7257
vocational school district spread over the territory of the school 7258
district becoming a part of the joint vocational school district. 7259
On the addition of a city or exempted village school district or 7260
an educational service center to the joint vocational school 7261
district, pursuant to this section, the board of education of such 7262
joint vocational school district shall submit to the state board 7263
of education a proposal to enlarge the membership of such board by 7264
the addition of one or more persons at least one of whom shall be 7265
a member of the board of education or governing board of such 7266
additional school district or educational service center, and the 7267
term of each such additional member. On the addition of a local 7268
school district to the joint vocational school district, pursuant 7269
to this section, the board of education of such joint vocational 7270
school district may submit to the state board of education a 7271
proposal to enlarge the membership of such board by the addition 7272
of one or more persons who are members of the educational service 7273
center governing board of such additional local school district. 7274
On approval by the state board of education additional members 7275
shall be added to such joint vocational school district board of 7276
education. 7277

Sec. 3311.22. A governing board of an educational service 7278

center may propose, by resolution adopted by majority vote of its 7279
full membership, or qualified electors of the area affected equal 7280
in number to at least fifty-five per cent of the qualified 7281
electors voting at the last general election residing within that 7282
portion of a school district, or districts proposed to be 7283
transferred may propose, by petition, the transfer of a part or 7284
all of one or more local school districts to another local school 7285
district or districts within the territory of the educational 7286
service center. Such transfers may be made only to local school 7287
districts adjoining the school district that is proposed to be 7288
transferred, unless the board of education of the district 7289
proposed to be transferred has entered into an agreement pursuant 7290
to section 3313.42 of the Revised Code, in which case such 7291
transfers may be made to any local school district within the 7292
territory of the educational service center. 7293

When a governing board of an educational service center 7294
adopts a resolution proposing a transfer of school territory it 7295
shall forthwith file a copy of such resolution, together with an 7296
accurate map of the territory described in the resolution, with 7297
the board of education of each school district whose boundaries 7298
would be altered by such proposal. A governing board of an 7299
educational service center proposing a transfer of territory under 7300
the provisions of this section shall at its next regular meeting 7301
that occurs not earlier than thirty days after the adoption by the 7302
governing board of a resolution proposing such transfer, adopt a 7303
resolution making the transfer effective at any time prior to the 7304
next succeeding first day of July, unless, prior to the expiration 7305
of such thirty-day period, qualified electors residing in the area 7306
proposed to be transferred, equal in number to a majority of the 7307
qualified electors voting at the last general election, file a 7308
petition of referendum against such transfer. 7309

Any petition of transfer or petition of referendum filed 7310

under the provisions of this section shall be filed at the office 7311
of the educational service center superintendent. The person 7312
presenting the petition shall be given a receipt containing 7313
thereon the time of day, the date, and the purpose of the 7314
petition. 7315

The educational service center superintendent shall cause the 7316
board of elections to check the sufficiency of signatures on any 7317
petition of transfer or petition of referendum filed under this 7318
section and, if found to be sufficient, ~~he~~ the superintendent 7319
shall present the petition to the educational service center 7320
governing board at a meeting of the board which shall occur not 7321
later than thirty days following the filing of the petition. 7322

Upon presentation to the educational service center governing 7323
board of a proposal to transfer territory as requested by petition 7324
of fifty-five per cent of the qualified electors voting at the 7325
last general election or a petition of referendum against a 7326
proposal of the county board to transfer territory, the governing 7327
board shall promptly certify the proposal to the board of 7328
elections for the purpose of having the proposal placed on the 7329
ballot at the next general or primary election which occurs not 7330
less than ~~seventy-five~~ ninety days after the date of such 7331
certification, or at a special election, the date of which shall 7332
be specified in the certification, which date shall not be less 7333
than ~~seventy-five~~ ninety days after the date of such 7334
certification. Signatures on a petition of transfer or petition of 7335
referendum may be withdrawn up to and including the above 7336
mentioned meeting of the educational service center governing 7337
board only by order of the board upon testimony of the petitioner 7338
concerned under oath before the board that ~~his~~ the petitioner's 7339
signature was obtained by fraud, duress, or misrepresentation. 7340

If a petition is filed with the educational service center 7341
governing board which proposes the transfer of a part or all of 7342

the territory included in a resolution of transfer previously 7343
adopted by the educational service center governing board, no 7344
action shall be taken on such petition if within the thirty-day 7345
period after the adoption of the resolution of transfer a 7346
referendum petition is filed. After the election, if the proposed 7347
transfer fails to receive a majority vote, action on such petition 7348
shall then be processed under this section as though originally 7349
filed under the provisions hereof. If no referendum petition is 7350
filed within the thirty-day period after the adoption of the 7351
resolution of transfer, no action shall be taken on such petition. 7352

If a petition is filed with the educational service center 7353
governing board which proposes the transfer of a part or all of 7354
the territory included in a petition previously filed by electors 7355
no action shall be taken on such new petition. 7356

Upon certification of a proposal to the board or boards of 7357
elections pursuant to this section, the board or boards of 7358
elections shall make the necessary arrangements for the submission 7359
of such question to the electors of the county or counties 7360
qualified to vote thereon, and the election shall be conducted and 7361
canvassed and the results shall be certified in the same manner as 7362
in regular elections for the election of members of a board of 7363
education. 7364

The persons qualified to vote upon a proposal are the 7365
electors residing in the district or districts containing 7366
territory that is proposed to be transferred. If the proposed 7367
transfer be approved by at least a majority of the electors voting 7368
on the proposal, the educational service center governing board 7369
shall make such transfer at any time prior to the next succeeding 7370
first day of July. If the proposed transfer is not approved by at 7371
least a majority of the electors voting on the proposal, the 7372
question of transferring any property included in the territory 7373
covered by the proposal shall not be submitted to electors at any 7374

election prior to the first general election the date of which is 7375
at least two years after the date of the original election, or the 7376
first primary election held in an even-numbered year the date of 7377
which is at least two years after the date of the original 7378
election. A transfer shall be subject to the approval of the 7379
receiving board or boards of education, unless the proposal was 7380
initiated by the educational service center governing board, in 7381
which case, if the transfer is opposed by the board of education 7382
offered the territory, the local board may, within thirty days, 7383
following the receipt of the notice of transfer, appeal to the 7384
state board of education which shall then either approve or 7385
disapprove the transfer. 7386

Following an election upon a proposed transfer initiated by a 7387
petition the board of education that is offered territory shall, 7388
within thirty days following receipt of the proposal, either 7389
accept or reject the transfer. 7390

When an entire school district is proposed to be transferred 7391
to two or more school districts and the offer is rejected by any 7392
one of the receiving boards of education, none of the territory 7393
included in the proposal shall be transferred. 7394

Upon the acceptance of territory by the receiving board or 7395
boards of education the educational service center governing board 7396
offering the territory shall file with the county auditor and with 7397
the state board of education an accurate map showing the 7398
boundaries of the territory transferred. 7399

Upon the making of such transfer, the net indebtedness of the 7400
former district from which territory was transferred shall be 7401
apportioned between the acquiring school district and that portion 7402
of the former school district remaining after the transfer in the 7403
ratio which the assessed valuation of the territory transferred to 7404
the acquiring school district bears to the assessed valuation of 7405
the original school district as of the effective date of the 7406

transfer. As used in this section "net indebtedness" means the 7407
difference between the par value of the outstanding and unpaid 7408
bonds and notes of the school district and the amount held in the 7409
sinking fund and other indebtedness retirement funds for their 7410
redemption. 7411

If an entire district is transferred, any indebtedness of the 7412
former district incurred as a result of a loan made under section 7413
3317.64 of the Revised Code is hereby canceled and such 7414
indebtedness shall not be apportioned among any districts 7415
acquiring the territory. 7416

Upon the making of any transfer under this section, the funds 7417
of the district from which territory was transferred shall be 7418
divided equitably by the educational service center governing 7419
board between the acquiring district and any part of the original 7420
district remaining after the transfer. 7421

If an entire district is transferred the board of education 7422
of such district is thereby abolished or if a member of the board 7423
of education lives in that part of a school district transferred 7424
the member becomes a nonresident of the school district from which 7425
the territory was transferred and ~~he~~ such member ceases to be a 7426
member of the board of education of such district. 7427

The legal title of all property of the board of education in 7428
the territory transferred shall become vested in the board of 7429
education of the school district to which such territory is 7430
transferred. 7431

Subsequent to June 30, 1959, if an entire district is 7432
transferred, foundation program moneys accruing to a district 7433
accepting school territory under the provisions of this section or 7434
former section 3311.22 of the Revised Code, shall not be less, in 7435
any year during the next succeeding three years following the 7436
transfer, than the sum of the amounts received by the districts 7437

separately in the year in which the transfer was consummated. 7438

Sec. 3311.231. A governing board of an educational service 7439
center may propose, by resolution adopted by majority vote of its 7440
full membership, or qualified electors of the area affected equal 7441
in number to not less than fifty-five per cent of the qualified 7442
electors voting at the last general election residing within that 7443
portion of a school district proposed to be transferred may 7444
propose, by petition, the transfer of a part or all of one or more 7445
local school districts within the territory of the center to an 7446
adjoining educational service center or to an adjoining city or 7447
exempted village school district. 7448

A governing board of an educational service center adopting a 7449
resolution proposing a transfer of school territory under this 7450
section shall file a copy of such resolution together with an 7451
accurate map of the territory described in the resolution, with 7452
the board of education of each school district whose boundaries 7453
would be altered by such proposal. Where a transfer of territory 7454
is proposed by a governing board of an educational service center 7455
under this section, the governing board shall, at its next regular 7456
meeting that occurs not earlier than the thirtieth day after the 7457
adoption by the governing board of the resolution proposing such 7458
transfer, adopt a resolution making the transfer as originally 7459
proposed, effective at any time prior to the next succeeding first 7460
day of July, unless, prior to the expiration of such thirty-day 7461
period, qualified electors residing in the area proposed to be 7462
transferred, equal in number to a majority of the qualified 7463
electors voting at the last general election, file a petition of 7464
referendum against such transfer. 7465

Any petition of transfer or petition of referendum under the 7466
provisions of this section shall be filed at the office of the 7467
educational service center superintendent. The person presenting 7468

the petition shall be given a receipt containing thereon the time 7469
of day, the date, and the purpose of the petition. 7470

The educational service center superintendent shall cause the 7471
board of elections to check the sufficiency of signatures on any 7472
such petition, and, if found to be sufficient, ~~he~~ the 7473
superintendent shall present the petition to the educational 7474
service center governing board at a meeting of said governing 7475
board which shall occur not later than thirty days following the 7476
filing of said petition. 7477

The educational service center governing board shall promptly 7478
certify the proposal to the board of elections of such counties in 7479
which school districts whose boundaries would be altered by such 7480
proposal are located for the purpose of having the proposal placed 7481
on the ballot at the next general or primary election which occurs 7482
not less than ~~seventy-five~~ ninety days after the date of such 7483
certification or at a special election, the date of which shall be 7484
specified in the certification, which date shall not be less than 7485
~~seventy-five~~ ninety days after the date of such certification. 7486

Signatures on a petition of transfer or petition of 7487
referendum may be withdrawn up to and including the above 7488
mentioned meeting of the educational service center governing 7489
board only by order of the governing board upon testimony of the 7490
petitioner concerned under oath before the board that ~~his~~ the 7491
petitioner's signature was obtained by fraud, duress, or 7492
misrepresentation. 7493

If a petition is filed with the educational service center 7494
governing board which proposes the transfer of a part or all of 7495
the territory included either in a petition previously filed by 7496
electors or in a resolution of transfer previously adopted by the 7497
educational service center governing board, no action shall be 7498
taken on such new petition as long as the previously initiated 7499
proposal is pending before the governing board or is subject to an 7500

election. 7501

Upon certification of a proposal to the board or boards of 7502
elections pursuant to this section, the board or boards of 7503
elections shall make the necessary arrangements for the submission 7504
of such question to the electors of the county or counties 7505
qualified to vote thereon, and the election shall be conducted and 7506
canvassed and the results shall be certified in the same manner as 7507
in regular elections for the election of members of a board of 7508
education. 7509

The persons qualified to vote upon a proposal are the 7510
electors residing in the district or districts containing 7511
territory that is proposed to be transferred. If the proposed 7512
transfer is approved by at least a majority of the electors voting 7513
on the proposal, the educational service center governing board 7514
shall make such transfer at any time prior to the next succeeding 7515
first day of July, subject to the approval of the receiving board 7516
of education in case of a transfer to a city or exempted village 7517
school district, and subject to the approval of the educational 7518
service center governing board of the receiving center, in case of 7519
a transfer to an educational service center. If the proposed 7520
transfer is not approved by at least a majority of the electors 7521
voting on the proposal, the question of transferring any property 7522
included in the territory covered by the proposal shall not be 7523
submitted to electors at any election prior to the first general 7524
election the date of which is at least two years after the date of 7525
the original election, or the first primary election held in an 7526
even-numbered year the date of which is at least two years after 7527
the date of the original election. 7528

Where a territory is transferred under this section to a city 7529
or exempted village school district, the board of education of 7530
such district shall, and where territory is transferred to an 7531
educational service center the governing board of such educational 7532

service center shall, within thirty days following receipt of the 7533
proposal, either accept or reject the transfer. 7534

Where a governing board of an educational service center 7535
adopts a resolution accepting territory transferred to the 7536
educational service center under the provisions of sections 7537
3311.231 and 3311.24 of the Revised Code, the governing board 7538
shall, at the time of the adoption of the resolution accepting the 7539
territory, designate the school district to which the accepted 7540
territory shall be annexed. 7541

When an entire school district is proposed to be transferred 7542
to two or more adjoining school districts and the offer is 7543
rejected by any one of the receiving boards of education, none of 7544
the territory included in the proposal shall be transferred. 7545

Upon the acceptance of territory by the receiving board or 7546
boards of education the educational service center governing board 7547
offering the territory shall file with the county auditor of each 7548
county affected by the transfer and with the state board of 7549
education an accurate map showing the boundaries of the territory 7550
transferred. 7551

Upon the making of such transfer, the net indebtedness of the 7552
former district from which territory was transferred shall be 7553
apportioned between the acquiring school district and the portion 7554
of the former school district remaining after the transfer in the 7555
ratio which the assessed valuation of the territory transferred to 7556
the acquiring school district bears to the assessed valuation of 7557
the original school district as of the effective date of the 7558
transfer. As used in this section "net indebtedness" means the 7559
difference between the par value of the outstanding and unpaid 7560
bonds and notes of the school district and the amount held in the 7561
sinking fund and other indebtedness retirement funds for their 7562
redemption. 7563

If an entire district is transferred, any indebtedness of the former district incurred as a result of a loan made under section 3317.64 of the Revised Code is hereby canceled and such indebtedness shall not be apportioned among any districts acquiring the territory.

Upon the making of any transfer under this section, the funds of the district from which territory was transferred shall be divided equitably by the educational service center governing board, between the acquiring district and any part of the original district remaining after the transfer.

If an entire district is transferred the board of education of such district is thereby abolished or if a member of the board of education lives in that part of a school district transferred the member becomes a nonresident of the school district from which the territory was transferred and ~~he~~ such member ceases to be a member of the board of education of such district.

The legal title of all property of the board of education in the territory transferred shall become vested in the board of education of the school district to which such territory is transferred.

If an entire district is transferred, foundation program moneys accruing to a district receiving school territory under the provisions of this section shall not be less, in any year during the next succeeding three years following the transfer, than the sum of the amounts received by the districts separately in the year in which the transfer was consummated.

Sec. 3311.25. (A) Notwithstanding any other provision of this chapter, two or more city, local, or exempted village school districts whose territory is primarily located within the same county may be merged as provided in this section, if the county has a population of less than one hundred thousand, as determined

by the most recent federal decennial census. 7595

(B) A petition may be filed with the board of elections 7596
proposing that two or more school districts whose territory is 7597
primarily located within a county meeting the qualifications of 7598
division (A) of this section form a commission to study the 7599
proposed merger of the school districts. The petition may be 7600
presented in separate petition papers. Each petition paper shall 7601
contain, in concise language, the purpose of the petition and the 7602
names of five electors of each school district proposed to be 7603
merged to serve as commissioners on the merger study commission. 7604
The petition shall be governed by the rules of section 3501.38 of 7605
the Revised Code. 7606

A petition filed under this section shall contain signatures 7607
of electors of each school district proposed to be merged, 7608
numbering not less than ten per cent of the number of electors 7609
residing in that district who voted for the office of governor at 7610
the most recent general election for that office. The petition 7611
shall be filed with the board of elections of the county described 7612
by division (A) of this section. The board of elections of the 7613
county in which the petition is required to be filed shall 7614
ascertain the validity of all signatures on the petition and may 7615
require the assistance of boards of elections of other counties if 7616
any of the school districts proposed to be merged are located 7617
partially in a county other than the one in which the petition is 7618
required to be filed. 7619

(C)(1) If the board of elections of the county in which the 7620
petition is required to be filed determines that the petition is 7621
sufficient, the board shall submit the following question for the 7622
approval or rejection of the electors of each school district 7623
proposed to be merged at the next general election occurring at 7624
least ~~seventy-five~~ ninety days after the date the petition is 7625

filed: "Shall a commission be established to study the proposed merger of any or all of the school districts in this county and, if a merger is considered desirable, to draw up a statement of conditions for that proposed merger?" The ballot shall include, for each of the school districts proposed to be merged, the names of the five electors identified in the petition, who shall constitute the commissioners on behalf of that district.

(2) If any of the school districts for which merger is proposed are located partially in a county other than the one in which the petition is required to be filed, the board of elections of the county in which the petition is required to be filed shall, if the petition is found to be sufficient, certify the sufficiency of that petition and the statement of the issue to be voted on to the boards of elections of those other counties. The boards of those other counties shall submit the question of merging and the names of candidates to be elected to the commission for the approval or rejection of electors in the portions of the school districts proposed to be merged that are located within their respective counties. Upon the holding of the election, those boards shall certify the results to the board of elections of the county in which the petition is required to be filed.

(D) A petition shall not be deemed insufficient for all school districts proposed to be merged if it contains the signatures of less than ten per cent of the electors who voted for the office of governor at the most recent general election for that office in a particular school district. If the petition contains a sufficient number of signatures and is otherwise determined by the board of elections to be sufficient for at least two school districts proposed to be merged, the board shall submit the question of the proposed merger for the approval or rejection of voters under division (C) of this section in each of the districts for which the petition was determined to be sufficient.

The board shall not submit the question of the proposed merger for 7658
the approval or rejection of voters under division (C) of this 7659
section for any school district for which a petition contains an 7660
insufficient number of signatures or for which the board otherwise 7661
determines the petition to be insufficient. 7662

(E)(1) If the question of forming a merger study commission 7663
as provided in division (C) of this section is approved by a 7664
majority of those voting on it in at least two school districts, 7665
the commission shall be established and the five candidates from 7666
each school district in which the question was approved shall be 7667
elected to the commission to study the proposed merger and to 7668
formulate any conditions of any proposed merger if a merger is 7669
considered desirable after study by the commission. Any school 7670
district that disapproved of the question of forming a merger 7671
study commission by a majority of those voting on it shall not be 7672
included in, and its proposed candidates shall not be elected to, 7673
the commission. 7674

(2) The first meeting of the commission shall be held in the 7675
regular meeting place of the board of county commissioners of the 7676
county in which the petition is required to be filed, at nine a.m. 7677
on the tenth day after the certification of the election by the 7678
last of the respective boards of elections to make such 7679
certification, unless that day is a Saturday, Sunday, or a 7680
holiday, in which case the first meeting shall be held on the next 7681
day thereafter that is not a Saturday, Sunday, or holiday. The 7682
president of the school board of the school district with the 7683
largest population of the districts that approved the question of 7684
forming a merger study commission under division (C) of this 7685
section shall serve as temporary chairperson until permanent 7686
officers are elected. The commission shall immediately elect its 7687
own permanent officers and shall proceed to meet as often as 7688
necessary to study the proposed merger, determine whether a 7689

proposed merger is desirable, and formulate any conditions for any 7690
proposed merger. All meetings of the commission shall be subject 7691
to the requirements of section 121.22 of the Revised Code. 7692

(3) The conditions for a proposed merger may provide for the 7693
election of school board members for the new school district and 7694
any other conditions that a majority of the members of the 7695
commission from each school district find necessary. The 7696
conditions for the proposed merger also may provide that the 7697
merger, if approved, shall not become effective until the date on 7698
which any required changes in state law necessary for the school 7699
district merger to occur become effective. 7700

(4) As soon as the commission determines that a merger is not 7701
desirable or finalizes the conditions for a proposed merger, the 7702
commission shall report this fact, and the name of each school 7703
district proposed for merger in which the majority of the 7704
district's commissioners have agreed to the conditions for merger, 7705
to the board of elections of each of the counties in which the 7706
school districts proposed for merger are located. 7707

The question shall be submitted to the voters in each school 7708
district in which the majority of the district's commissioners 7709
have agreed to the conditions for merger at the next general 7710
election occurring after the commission is elected. The question 7711
shall not be submitted to the voters in any school district in 7712
which a majority of that district's commissioners have not agreed 7713
to the conditions for merger. The board of elections shall not 7714
submit the conditions for merger to the voters in any district if 7715
the conditions for merger include the merging of any district in 7716
which the majority of that district's commissioners have not 7717
agreed to the conditions for merger. 7718

The boards of elections shall submit the conditions of 7719
proposed merger for the approval or rejection of the electors in 7720
the portions of the school districts proposed to be merged within 7721

their respective counties. Upon the holding of that election, the boards of elections shall certify the results to the board of elections of the county in which the petition is required to be filed.

Regardless of whether the commission succeeds in reaching agreement, the commission shall cease to exist on the ~~seventy-fifth~~ ninetieth day prior to the next general election after the commission is elected.

(F) If the conditions of merger agreed upon by the merger commission are disapproved by a majority of those voting on them in any school district proposed to be merged, the merger shall not occur, unless the conditions of merger provide for a merger to occur without the inclusion of that district and the conditions of merger are otherwise met. No district in which the conditions of merger are disapproved by a majority of those voting on them shall be included in any merger resulting from that election. If the conditions of merger are approved by a majority of those voting on them in each school district proposed to be merged, or if the conditions of merger provide for a merger to occur without the inclusion of one or more districts in which the conditions of merger are disapproved by a majority of those voting on them, the merger shall be effective on the date specified in the conditions of the merger, unless the conditions of merger specify changes required to be made in state law for the merger to occur, in which case the merger shall be effective on the date on which those changes to state law become effective.

Sec. 3311.26. The state board of education may, by resolution adopted by majority vote of its full membership, propose the creation of a new local school district from one or more local school districts or parts thereof, including the creation of a local district with noncontiguous territory from one or more local

school districts if one of those districts has entered into an 7753
agreement under section 3313.42 of the Revised Code. Such proposal 7754
shall include an accurate map showing the territory affected. 7755
After the adoption of the resolution, the state board shall file a 7756
copy of such proposal with the board of education of each school 7757
district whose boundaries would be altered by such proposal. 7758

7759

Upon the creation of a new district under this section, the 7760
state board shall at its next regular meeting that occurs not 7761
earlier than thirty days after the adoption by the state board of 7762
the resolution proposing such creation, adopt a resolution making 7763
the creation effective prior to the next succeeding first day of 7764
July, unless, prior to the expiration of such thirty-day period, 7765
qualified electors residing in the area included in such proposed 7766
new district, equal in number to thirty-five per cent of the 7767
qualified electors voting at the last general election, file a 7768
petition of referendum against the creation of the proposed new 7769
district. 7770

A petition of referendum filed under this section shall be 7771
filed at the office of the state superintendent of public 7772
instruction. The person presenting the petition shall be given a 7773
receipt containing thereon the time of day, the date, and the 7774
purpose of the petition. 7775

If a petition of referendum is filed, the state board shall, 7776
at the next regular meeting of the state board, certify the 7777
proposal to the board of elections for the purpose of having the 7778
proposal placed on the ballot at the next general or primary 7779
election which occurs not less than ~~seventy-five~~ ninety days after 7780
the date of such certification, or at a special election, the date 7781
of which shall be specified in the certification, which date shall 7782
not be less than ~~seventy-five~~ ninety days after the date of such 7783
certification. 7784

Upon certification of a proposal to the board or boards of 7785
elections pursuant to this section, the board or boards of 7786
elections shall make the necessary arrangements for the submission 7787
of such question to the electors of the county or counties 7788
qualified to vote thereon, and the election shall be conducted and 7789
canvassed and the results shall be certified in the same manner as 7790
in regular elections for the election of members of a board of 7791
education. 7792

The persons qualified to vote upon a proposal are the 7793
electors residing in the proposed new districts. 7794

If the proposed district be approved by at least a majority 7795
of the electors voting on the proposal, the state board shall then 7796
create such new district prior to the next succeeding first day of 7797
July. 7798

Upon the creation of such district, the indebtedness of each 7799
former district becoming in its entirety a part of the new 7800
district shall be assumed in full by the new district. Upon the 7801
creation of such district, that part of the net indebtedness of 7802
each former district becoming only in part a part of the new 7803
district shall be assumed by the new district which bears the same 7804
ratio to the entire net indebtedness of the former district as the 7805
assessed valuation of the part taken by the new district bears to 7806
the entire assessed valuation of the former district as fixed on 7807
the effective date of transfer. As used in this section, "net 7808
indebtedness" means the difference between the par value of the 7809
outstanding and unpaid bonds and notes of the school district and 7810
the amount held in the sinking fund and other indebtedness 7811
retirement funds for their redemption. Upon the creation of such 7812
district, the funds of each former district becoming in its 7813
entirety a part of the new district shall be paid over in full to 7814
the new district. Upon the creation of such district, the funds of 7815
each former district becoming only in part a part of the new 7816

district shall be divided equitably by the state board between the 7817
new district and that part of the former district not included in 7818
the new district as such funds existed on the effective date of 7819
the creation of the new district. 7820

The state board shall, following the election, file with the 7821
county auditor of each county affected by the creation of a new 7822
district an accurate map showing the boundaries of such newly 7823
created district. 7824

When a new local school district is so created, a board of 7825
education for such newly created district shall be appointed by 7826
the state board. The members of such appointed board of education 7827
shall hold their office until their successors are elected and 7828
qualified. A board of education shall be elected for such newly 7829
created district at the next general election held in an odd 7830
numbered year occurring more than ~~thirty~~ ninety days after the 7831
appointment of the board of education of such newly created 7832
district. At such election two members shall be elected for a term 7833
of two years and three members shall be elected for a term of four 7834
years, and, thereafter, their successors shall be elected in the 7835
same manner and for the same terms as members of the board of 7836
education of a local school district. 7837

When the new district consists of territory lying in two or 7838
more counties, the state board shall determine to which 7839
educational service center the new district shall be assigned. 7840

The legal title of all property of the board of education in 7841
the territory taken shall become vested in the board of education 7842
of the newly created school district. 7843

Foundation program moneys accruing to a district created 7844
under the provisions of this section or previous section 3311.26 7845
of the Revised Code, shall not be less, in any year during the 7846
next succeeding three years following the creation, than the sum 7847

of the amounts received by the districts separately in the year in 7848
which the creation of the district became effective. 7849

If, prior to ~~the effective date of this amendment~~ September 7850
26, 2003, a local school district board of education or a group of 7851
individuals requests the governing board of an educational service 7852
center to consider proposing the creation of a new local school 7853
district, the governing board, at any time during the one-year 7854
period following the date that request is made, may adopt a 7855
resolution proposing the creation of a new local school district 7856
in response to that request and in accordance with the first 7857
paragraph of the version of this section in effect prior to ~~the~~ 7858
~~effective date of this amendment~~ September 26, 2003. If the 7859
governing board so proposes within that one-year period, the 7860
governing board may proceed to create the new local school 7861
district as it proposed, in accordance with the version of this 7862
section in effect prior to ~~the effective date of this amendment~~ 7863
September 26, 2003, subject to the provisions of that version 7864
authorizing a petition and referendum on the matter. 7865

Consolidations of school districts which include all of the 7866
schools of a county and which become effective on or after July 1, 7867
1959, shall be governed and included under this section. 7868

Sec. 3311.37. The state board of education may conduct 7869
studies where there is evidence of need for consolidation of 7870
contiguous local, exempted village, or city school districts or 7871
parts of such districts. The possibility of making improvements in 7872
school district organization as well as the desires of the 7873
residents of the affected districts shall be given consideration 7874
in such studies and in any recommendations growing out of such 7875
studies. 7876

After the adoption of recommendations growing out of any such 7877
study, the state board may proceed as follows: 7878

Propose by resolution the creation of a new school district 7879
which may consist of all or a part of the territory of two or more 7880
contiguous local, exempted village, or city school districts, or 7881
any combination of such districts. 7882

The state board shall thereupon file a copy of such proposal 7883
with the board of education of each school district whose 7884
boundaries would be altered by the proposal and with the governing 7885
board of any educational service center in which such school 7886
district is located. 7887

The state board may, not less than thirty days following the 7888
adoption of the resolution proposing the creation of a new school 7889
district certify the proposal to the board of elections of the 7890
county or counties in which any of the territory of the proposed 7891
district is located, for the purpose of having the proposal placed 7892
on the ballot at the next general or primary election occurring 7893
not less than ~~seventy-five~~ ninety days after the certification of 7894
such resolution. 7895

If any proposal has been previously initiated pursuant to 7896
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 7897
affects any of the territory affected by the proposal of the state 7898
board, the proposal of the state board shall not be placed on the 7899
ballot while the previously initiated proposal is subject to an 7900
election. 7901

Upon certification of a proposal to the board of elections of 7902
any county pursuant to this section, the board of elections of 7903
such county shall make the necessary arrangements for the 7904
submission of such question to the electors of the county 7905
qualified to vote thereon, and the election shall be counted and 7906
canvassed and the results shall be certified in the same manner as 7907
in regular elections for the election of members of a board of 7908
education. 7909

The electors qualified to vote upon a proposal are the 7910
electors residing in the local, exempted village, or city school 7911
districts, or parts thereof included in the proposed new school 7912
district. If a majority of those voting on the proposal vote in 7913
favor thereof, the state board shall create the proposed school 7914
district prior to the next succeeding July 1. 7915

Upon the creation of such district, the indebtedness of each 7916
former district becoming in its entirety a part of the new 7917
district shall be assumed in full by the new district. Upon the 7918
creation of such district, the net indebtedness of each original 7919
district of which only a part is taken by the new district shall 7920
be apportioned between the new district and the original district 7921
in the ratio which the assessed valuation of the part taken by the 7922
new district bears to the assessed valuation of the original 7923
district as of the effective date of the creation of the new 7924
district. As used in this section "net indebtedness" means the 7925
difference between the par value of the outstanding and unpaid 7926
bonds and notes of the school district and the amount held in the 7927
sinking fund and other indebtedness retirement funds for their 7928
redemption. 7929

Upon the creation of such district, the funds of each former 7930
district becoming in its entirety a part of the new district shall 7931
be paid over in full to the new district. Upon the creation of 7932
such district the funds of each former district of which only a 7933
part is taken by the new district shall be apportioned equitably 7934
by the state board between the new district and that part of the 7935
original district not included in the new district as such funds 7936
existed on the effective date of the creation of the new district. 7937

When the new district consists of territory lying in two or 7938
more counties, the state board shall determine to which 7939
educational service center the new district shall be assigned. 7940

When a new local school district is so created, the state 7941

board shall appoint five electors residing in the district to be 7942
the members of the board of education of such district, and such 7943
members shall hold office until their successors are elected and 7944
qualified. A board of education of such district shall be elected 7945
by the electors of the district at the next general election held 7946
in an odd numbered year which occurs not less than ~~ninety one~~ 7947
hundred five days after the appointment of the initial members of 7948
the board. At such election two members shall be elected for a 7949
term of two years and three members shall be elected for a term of 7950
four years, and thereafter their successors shall be elected in 7951
the same manner and for the same terms as members of the board of 7952
education of a local school district. 7953

When a new city school district is created, the state board 7954
shall determine the number of members which will comprise the 7955
board of education of the school district, which number shall not 7956
conflict with the number set forth in section 3313.02 of the 7957
Revised Code. The state board shall then appoint a like number of 7958
persons to be members of the board of education of such district, 7959
and said members shall hold office until their successors are 7960
elected and qualified. A board of education of such district shall 7961
be elected by the electors of the district at the next general 7962
election held in an odd numbered year which occurs not less than 7963
~~ninety one~~ hundred five days after the appointment of the initial 7964
members of the board. At such election if the number of members of 7965
the board is even, one-half of the number shall be elected for two 7966
years and one-half for four years. If the number of members of the 7967
board is odd, one-half the number less one-half shall be elected 7968
for two years and the remaining number shall be elected for four 7969
years, and thereafter their successors shall be elected in the 7970
manner provided in section 3313.08 of the Revised Code. 7971

Foundation program moneys accruing to a district created 7972
under this section shall not be less, in any year during the next 7973

succeeding three years following the creation, than the sum of the 7974
amounts received by the districts separately in the year in which 7975
the creation of the district became effective. 7976

Sec. 3311.38. The state board of education may conduct, or 7977
may direct the superintendent of public instruction to conduct, 7978
studies where there is evidence of need for transfer of local, 7979
exempted village, or city school districts, or parts of any such 7980
districts, to contiguous or noncontiguous local, exempted village, 7981
or city school districts. Such studies shall include a study of 7982
the effect of any proposal upon any portion of a school district 7983
remaining after such proposed transfer. The state board, in 7984
conducting such studies and in making recommendations as a result 7985
thereof, shall consider the possibility of improving school 7986
district organization as well as the desires of the residents of 7987
the school districts which would be affected. 7988

(A) After the adoption of recommendations growing out of any 7989
such study, or upon receipt of a resolution adopted by majority 7990
vote of the full membership of the board of any city, local, or 7991
exempted village school district requesting that the entire 7992
district be transferred to another city, local, or exempted 7993
village school district, the state board may propose by resolution 7994
the transfer of territory, which may consist of part or all of the 7995
territory of a local, exempted village, or city school district to 7996
a contiguous local, exempted village, or city school district. 7997

The state board shall thereupon file a copy of such proposal 7998
with the board of education of each school district whose 7999
boundaries would be altered by the proposal and with the governing 8000
board of any educational service center in which such school 8001
district is located. 8002

The state board may, not less than thirty days following the 8003
adoption of the resolution proposing the transfer of territory, 8004

certify the proposal to the board of elections of the county or 8005
counties in which any of the territory of the proposed district is 8006
located, for the purpose of having the proposal placed on the 8007
ballot at the next general election or at a primary election 8008
occurring not less than ~~seventy-five~~ ninety days after the 8009
adoption of such resolution. 8010

If any proposal has been previously initiated pursuant to 8011
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 8012
affects any of the territory affected by the proposal of the state 8013
board, the proposal of the state board shall not be placed on the 8014
ballot while the previously initiated proposal is subject to an 8015
election. 8016

Upon certification of a proposal to the board of elections of 8017
any county pursuant to this section, the board of elections of 8018
such county shall make the necessary arrangements for the 8019
submission of such question to the electors of the county 8020
qualified to vote thereon, and the election shall be counted and 8021
canvassed and the results shall be certified in the same manner as 8022
in regular elections for the election of members of a board of 8023
education. 8024

The electors qualified to vote upon a proposal are the 8025
electors residing in the local, exempted village, or city school 8026
districts, containing territory proposed to be transferred. 8027

If the proposed transfer be approved by a majority of the 8028
electors voting on the proposal, the state board, subject to the 8029
approval of the board of education of the district to which the 8030
territory would be transferred, shall make such transfer prior to 8031
the next succeeding July 1. 8032

(B) If a study conducted in accordance with this section 8033
involves a school district with less than four thousand dollars of 8034
assessed value for each pupil in the total student count 8035

determined under section 3317.03 of the Revised Code, the state 8036
board of education, with the approval of the educational service 8037
center governing board, and upon recommendation by the state 8038
superintendent of public instruction, may by resolution transfer 8039
all or any part of such a school district to any city, exempted 8040
village, or local school district which has more than twenty-five 8041
thousand pupils in average daily membership. Such resolution of 8042
transfer shall be adopted only after the board of education of the 8043
receiving school district has adopted a resolution approving the 8044
proposed transfer. For the purposes of this division, the assessed 8045
value shall be as certified in accordance with section 3317.021 of 8046
the Revised Code. 8047

(C) Upon the making of a transfer of an entire school 8048
district pursuant to this section, the indebtedness of the 8049
district transferred shall be assumed in full by the acquiring 8050
district and the funds of the district transferred shall be paid 8051
over in full to the acquiring district, except that any 8052
indebtedness of the transferred district incurred as a result of a 8053
loan made under section 3317.64 of the Revised Code is hereby 8054
canceled and shall not be assumed by the acquiring district. 8055

(D) Upon the making of a transfer pursuant to this section, 8056
when only part of a district is transferred, the net indebtedness 8057
of each original district of which only a part is taken by the 8058
acquiring district shall be apportioned between the acquiring 8059
district and the original district in the ratio which the assessed 8060
valuation of the part taken by the acquiring district bears to the 8061
assessed valuation of the original district as of the effective 8062
date of the transfer. As used in this section "net indebtedness" 8063
means the difference between the par value of the outstanding and 8064
unpaid bonds and notes of the school district and the amount held 8065
in the sinking fund and other indebtedness retirement funds for 8066
their redemption. 8067

(E) Upon the making of a transfer pursuant to this section, 8068
when only part of a district is transferred, the funds of the 8069
district from which territory was transferred shall be divided 8070
equitably by the state board between the acquiring district and 8071
that part of the former district remaining after the transfer. 8072

(F) If an entire school district is transferred, the board of 8073
education of such district is thereby abolished. If part of a 8074
school district is transferred, any member of the board of 8075
education who is a legal resident of that part which is 8076
transferred shall thereby cease to be a member of that board. 8077

If an entire school district is transferred, foundation 8078
program moneys accruing to a district accepting school territory 8079
under the provisions of this section shall not be less, in any 8080
year during the next succeeding three years following the 8081
transfer, than the sum of the amounts received by the districts 8082
separately in the year in which the transfer became effective. 8083

Sec. 3311.50. (A) As used in this section, "county school 8084
financing district" means a taxing district consisting of the 8085
following territory: 8086

(1) The territory that constitutes the educational service 8087
center on the date that the governing board of that educational 8088
service center adopts a resolution under division (B) of this 8089
section declaring that the territory of the educational service 8090
center is a county school financing district, exclusive of any 8091
territory subsequently withdrawn from the district under division 8092
(D) of this section; 8093

(2) Any territory that has been added to the county school 8094
financing district under this section. 8095

A county school financing district may include the territory 8096
of a city, local, or exempted village school district whose 8097

territory also is included in the territory of one or more other 8098
county school financing districts. 8099

(B) The governing board of any educational service center 8100
may, by resolution, declare that the territory of the educational 8101
service center is a county school financing district. The 8102
resolution shall state the purpose for which the county school 8103
financing district is created which may be for any one or more of 8104
the following purposes: 8105

(1) To levy taxes for the provision of special education by 8106
the school districts that are a part of the district, including 8107
taxes for permanent improvements for special education; 8108

(2) To levy taxes for the provision of specified educational 8109
programs and services by the school districts that are a part of 8110
the district, as identified in the resolution creating the 8111
district, including the levying of taxes for permanent 8112
improvements for those programs and services; 8113

(3) To levy taxes for permanent improvements of school 8114
districts that are a part of the district. 8115

The governing board of the educational service center that 8116
creates a county school financing district shall serve as the 8117
taxing authority of the district and may use educational service 8118
center governing board employees to perform any of the functions 8119
necessary in the performance of its duties as a taxing authority. 8120
A county school financing district shall not employ any personnel. 8121

With the approval of a majority of the members of the board 8122
of education of each school district within the territory of the 8123
county school financing district, the taxing authority of the 8124
financing district may amend the resolution creating the district 8125
to broaden or narrow the purposes for which it was created. 8126

A governing board of an educational service center may create 8127
more than one county school financing district. If a governing 8128

board of an educational service center creates more than one such 8129
district, it shall clearly distinguish among the districts it 8130
creates by including a designation of each district's purpose in 8131
the district's name. 8132

(C) A majority of the members of a board of education of a 8133
city, local, or exempted village school district may adopt a 8134
resolution requesting that its territory be joined with the 8135
territory of any county school financing district. Copies of the 8136
resolution shall be filed with the state board of education and 8137
the taxing authority of the county school financing district. 8138
Within sixty days of its receipt of such a resolution, the county 8139
school financing district's taxing authority shall vote on the 8140
question of whether to accept the school district's territory as 8141
part of the county school financing district. If a majority of the 8142
members of the taxing authority vote to accept the territory, the 8143
school district's territory shall thereupon become a part of the 8144
county school financing district unless the county school 8145
financing district has in effect a tax imposed under section 8146
5705.211 of the Revised Code. If the county school financing 8147
district has such a tax in effect, the taxing authority shall 8148
certify a copy of its resolution accepting the school district's 8149
territory to the school district's board of education, which may 8150
then adopt a resolution, with the affirmative vote of a majority 8151
of its members, proposing the submission to the electors of the 8152
question of whether the district's territory shall become a part 8153
of the county school financing district and subject to the taxes 8154
imposed by the financing district. The resolution shall set forth 8155
the date on which the question shall be submitted to the electors, 8156
which shall be at a special election held on a date specified in 8157
the resolution, which shall not be earlier than ~~seventy-five~~ 8158
ninety days after the adoption and certification of the 8159
resolution. A copy of the resolution shall immediately be 8160
certified to the board of elections of the proper county, which 8161

shall make arrangements for the submission of the proposal to the 8162
electors of the school district. The board of the joining district 8163
shall publish notice of the election in one or more newspapers of 8164
general circulation in the county once a week for two consecutive 8165
weeks prior to the election. Additionally, if the board of 8166
elections operates and maintains a web site, the board of 8167
elections shall post notice of the election on its web site for 8168
thirty days prior to the election. The question appearing on the 8169
ballot shall read: 8170

"Shall the territory within (name of the school 8171
district proposing to join the county school financing district) 8172
..... be added to (name) county school 8173
financing district, and a property tax for the purposes of 8174
..... (here insert purposes) at a rate of taxation 8175
not exceeding (here insert the outstanding tax rate) 8176
..... be in effect for (here insert the number of 8177
years the tax is to be in effect or "a continuing period of time," 8178
as applicable)?" 8179

If the proposal is approved by a majority of the electors 8180
voting on it, the joinder shall take effect on the first day of 8181
July following the date of the election, and the county board of 8182
elections shall notify the county auditor of each county in which 8183
the school district joining its territory to the county school 8184
financing district is located. 8185

(D) The board of any city, local, or exempted village school 8186
district whose territory is part of a county school financing 8187
district may withdraw its territory from the county school 8188
financing district thirty days after submitting to the governing 8189
board that is the taxing authority of the district and the state 8190
board a resolution proclaiming such withdrawal, adopted by a 8191
majority vote of its members, but any county school financing 8192
district tax levied in such territory on the effective date of the 8193

withdrawal shall remain in effect in such territory until such tax 8194
expires or is renewed. No board may adopt a resolution withdrawing 8195
from a county school financing district that would take effect 8196
during the forty-five days preceding the date of an election at 8197
which a levy proposed under section 5705.215 of the Revised Code 8198
is to be voted upon. 8199

(E) A city, local, or exempted village school district does 8200
not lose its separate identity or legal existence by reason of 8201
joining its territory to a county school financing district under 8202
this section and an educational service center does not lose its 8203
separate identity or legal existence by reason of creating a 8204
county school financing district that accepts or loses territory 8205
under this section. 8206

Sec. 3311.73. (A) No later than ~~seventy-five~~ ninety days 8207
before the general election held in the first even-numbered year 8208
occurring at least four years after the date it assumed control of 8209
the municipal school district pursuant to division (B) of section 8210
3311.71 of the Revised Code, the board of education appointed 8211
under that division shall notify the board of elections of each 8212
county containing territory of the municipal school district of 8213
the referendum election required by division (B) of this section. 8214

(B) At the general election held in the first even-numbered 8215
year occurring at least four years after the date the new board 8216
assumed control of a municipal school district pursuant to 8217
division (B) of section 3311.71 of the Revised Code, the following 8218
question shall be submitted to the electors residing in the school 8219
district: 8220

"Shall the mayor of (here insert the name of the 8221
applicable municipal corporation) continue to appoint the members 8222
of the board of education of the (here insert the name of 8223
the municipal school district)?" 8224

The board of elections of the county in which the majority of the school district's territory is located shall make all necessary arrangements for the submission of the question to the electors, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers, provided that in any such election in which only part of the electors of a precinct are qualified to vote, the board of elections may assign voters in such part to an adjoining precinct. Such an assignment may be made to an adjoining precinct in another county with the consent and approval of the board of elections of such other county. Notice of the election shall be published in a newspaper of general circulation in the school district once a week for two consecutive weeks prior to the election, and, if the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the question on which the election is being held. The ballot shall be in the form prescribed by the secretary of state. Costs of submitting the question to the electors shall be charged to the municipal school district in accordance with section 3501.17 of the Revised Code.

(C) If a majority of electors voting on the issue proposed in division (B) of this section approve the question, the mayor shall appoint a new board on the immediately following first day of July pursuant to division (F) of section 3311.71 of the Revised Code.

(D) If a majority of electors voting on the issue proposed in division (B) of this section disapprove the question, a new seven-member board of education shall be elected at the next regular election occurring in November of an odd-numbered year. At such election, four members shall be elected for terms of four years and three members shall be elected for terms of two years. Thereafter, their successors shall be elected in the same manner

and for the same terms as members of boards of education of a city 8257
school district. All members of the board of education of a 8258
municipal school district appointed pursuant to division (B) of 8259
section 3311.71 of the Revised Code shall continue to serve after 8260
the end of the terms to which they were appointed until their 8261
successors are qualified and assume office in accordance with 8262
section 3313.09 of the Revised Code. 8263

Sec. 3316.08. During a school district's fiscal emergency 8264
period, the auditor of state shall determine annually, or at any 8265
other time upon request of the financial planning and supervision 8266
commission, whether the school district will incur an operating 8267
deficit. If the auditor of state determines that a school district 8268
will incur an operating deficit, the auditor of state shall 8269
certify that determination to the superintendent of public 8270
instruction, the financial planning and supervision commission, 8271
and the board of education of the school district. Upon receiving 8272
the auditor of state's certification, the commission shall adopt a 8273
resolution requesting that the board of education work with the 8274
county auditor or tax commissioner to estimate the amount and rate 8275
of a tax levy that is needed under section 5705.194, 5709.199, or 8276
5705.21 or Chapter 5748. of the Revised Code to produce a positive 8277
fund balance not later than the fifth year of the five-year 8278
forecast submitted under section 5705.391 of the Revised Code. 8279

The board of education shall recommend to the commission 8280
whether the board supports or opposes a tax levy under section 8281
5705.194, 5709.199, or 5705.21 or Chapter 5748. of the Revised 8282
Code and shall provide supporting documentation to the commission 8283
of its recommendation. 8284

After considering the board of education's recommendation and 8285
supporting documentation, the commission shall adopt a resolution 8286
to either submit a ballot question proposing a tax levy or not to 8287

submit such a question. 8288

Except as otherwise provided in this division, the tax shall 8289
be levied in the manner prescribed for a tax levied under section 8290
5705.194, 5709.199, or 5705.21 or under Chapter 5748. of the 8291
Revised Code. If the commission decides that a tax should be 8292
levied, the tax shall be levied for the purpose of paying current 8293
operating expenses of the school district. The rate of a tax 8294
levied under section 5705.194, 5709.199, or 5705.21 of the Revised 8295
Code shall be determined by the county auditor, and the rate of a 8296
tax levied under section 5748.02 or 5748.08 of the Revised Code 8297
shall be determined by the tax commissioner, upon the request of 8298
the commission. The commission, in consultation with the board of 8299
education, shall determine the election at which the question of 8300
the tax shall appear on the ballot, and the commission shall 8301
submit a copy of its resolution to the board of elections not 8302
later than ~~seventy-five~~ ninety days prior to the day of that 8303
election. The board of elections conducting the election shall 8304
certify the results of the election to the board of education and 8305
to the financial planning and supervision commission. 8306

Sec. 3318.06. (A) After receipt of the conditional approval 8307
of the Ohio school facilities commission, the school district 8308
board by a majority of all of its members shall, if it desires to 8309
proceed with the project, declare all of the following by 8310
resolution: 8311

(1) That by issuing bonds in an amount equal to the school 8312
district's portion of the basic project cost the district is 8313
unable to provide adequate classroom facilities without assistance 8314
from the state; 8315

(2) Unless the school district board has resolved to transfer 8316
money in accordance with section 3318.051 of the Revised Code or 8317
to apply the proceeds of a property tax or the proceeds of an 8318

income tax, or a combination of proceeds from such taxes, as 8319
authorized under section 3318.052 of the Revised Code, that to 8320
qualify for such state assistance it is necessary to do either of 8321
the following: 8322

(a) Levy a tax outside the ten-mill limitation the proceeds 8323
of which shall be used to pay the cost of maintaining the 8324
classroom facilities included in the project; 8325

(b) Earmark for maintenance of classroom facilities from the 8326
proceeds of an existing permanent improvement tax levied under 8327
section 5705.21 of the Revised Code, if such tax can be used for 8328
maintenance, an amount equivalent to the amount of the additional 8329
tax otherwise required under this section and sections 3318.05 and 8330
3318.08 of the Revised Code. 8331

(3) That the question of any tax levy specified in a 8332
resolution described in division (A)(2)(a) of this section, if 8333
required, shall be submitted to the electors of the school 8334
district at the next general or primary election, if there be a 8335
general or primary election not less than ~~seventy-five~~ ninety and 8336
not more than ~~ninety-five~~ one hundred ten days after the day of 8337
the adoption of such resolution or, if not, at a special election 8338
to be held at a time specified in the resolution which shall be 8339
not less than ~~seventy-five~~ ninety days after the day of the 8340
adoption of the resolution and which shall be in accordance with 8341
the requirements of section 3501.01 of the Revised Code. 8342

Such resolution shall also state that the question of issuing 8343
bonds of the board shall be combined in a single proposal with the 8344
question of such tax levy. More than one election under this 8345
section may be held in any one calendar year. Such resolution 8346
shall specify both of the following: 8347

(a) That the rate which it is necessary to levy shall be at 8348
the rate of not less than one-half mill for each one dollar of 8349

valuation, and that such tax shall be levied for a period of 8350
twenty-three years; 8351

(b) That the proceeds of the tax shall be used to pay the 8352
cost of maintaining the classroom facilities included in the 8353
project. 8354

(B) A copy of a resolution adopted under division (A) of this 8355
section shall after its passage and not less than ~~seventy-five~~ 8356
ninety days prior to the date set therein for the election be 8357
certified to the county board of elections. 8358

The resolution of the school district board, in addition to 8359
meeting other applicable requirements of section 133.18 of the 8360
Revised Code, shall state that the amount of bonds to be issued 8361
will be an amount equal to the school district's portion of the 8362
basic project cost, and state the maximum maturity of the bonds 8363
which may be any number of years not exceeding the term calculated 8364
under section 133.20 of the Revised Code as determined by the 8365
board. In estimating the amount of bonds to be issued, the board 8366
shall take into consideration the amount of moneys then in the 8367
bond retirement fund and the amount of moneys to be collected for 8368
and disbursed from the bond retirement fund during the remainder 8369
of the year in which the resolution of necessity is adopted. 8370

If the bonds are to be issued in more than one series, the 8371
resolution may state, in addition to the information required to 8372
be stated under division (B)(3) of section 133.18 of the Revised 8373
Code, the number of series, which shall not exceed five, the 8374
principal amount of each series, and the approximate date each 8375
series will be issued, and may provide that no series, or any 8376
portion thereof, may be issued before such date. Upon such a 8377
resolution being certified to the county auditor as required by 8378
division (C) of section 133.18 of the Revised Code, the county 8379
auditor, in calculating, advising, and confirming the estimated 8380
average annual property tax levy under that division, shall also 8381

calculate, advise, and confirm by certification the estimated 8382
average property tax levy for each series of bonds to be issued. 8383

Notice of the election shall include the fact that the tax 8384
levy shall be at the rate of not less than one-half mill for each 8385
one dollar of valuation for a period of twenty-three years, and 8386
that the proceeds of the tax shall be used to pay the cost of 8387
maintaining the classroom facilities included in the project. 8388

If the bonds are to be issued in more than one series, the 8389
board of education, when filing copies of the resolution with the 8390
board of elections as required by division (D) of section 133.18 8391
of the Revised Code, may direct the board of elections to include 8392
in the notice of election the principal amount and approximate 8393
date of each series, the maximum number of years over which the 8394
principal of each series may be paid, the estimated additional 8395
average property tax levy for each series, and the first calendar 8396
year in which the tax is expected to be due for each series, in 8397
addition to the information required to be stated in the notice 8398
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 8399
Code. 8400

(C)(1) Except as otherwise provided in division (C)(2) of 8401
this section, the form of the ballot to be used at such election 8402
shall be: 8403

"A majority affirmative vote is necessary for passage. 8404

Shall bonds be issued by the (here insert name 8405
of school district) school district to pay the local share of 8406
school construction under the State of Ohio Classroom Facilities 8407
Assistance Program in the principal amount of (here 8408
insert principal amount of the bond issue), to be repaid annually 8409
over a maximum period of (here insert the maximum 8410
number of years over which the principal of the bonds may be paid) 8411
years, and an annual levy of property taxes be made outside the 8412

ten-mill limitation, estimated by the county auditor to average 8413
over the repayment period of the bond issue (here 8414
insert the number of mills estimated) mills for each one dollar of 8415
tax valuation, which amounts to (rate expressed in 8416
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 8417
for each one hundred dollars of tax valuation to pay the annual 8418
debt charges on the bonds and to pay debt charges on any notes 8419
issued in anticipation of the bonds?" 8420

and, unless the additional levy 8421
of taxes is not required pursuant 8422
to division (C) of section 8423
3318.05 of the Revised Code, 8424

"Shall an additional levy of taxes be made for a period of 8425
twenty-three years to benefit the (here insert name 8426
of school district) school district, the proceeds of which shall 8427
be used to pay the cost of maintaining the classroom facilities 8428
included in the project at the rate of (here insert the 8429
number of mills, which shall not be less than one-half mill) mills 8430
for each one dollar of valuation? 8431

	FOR THE BOND ISSUE AND TAX LEVY	
	AGAINST THE BOND ISSUE AND TAX LEVY	"

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(2) If authority is sought to issue bonds in more than one 8436
series and the board of education so elects, the form of the 8437
ballot shall be as prescribed in section 3318.062 of the Revised 8438
Code. If the board of education elects the form of the ballot 8439
prescribed in that section, it shall so state in the resolution 8440
adopted under this section. 8441

(D) If it is necessary for the school district to acquire a 8442
site for the classroom facilities to be acquired pursuant to 8443

sections 3318.01 to 3318.20 of the Revised Code, the district 8444
board may propose either to issue bonds of the board or to levy a 8445
tax to pay for the acquisition of such site, and may combine the 8446
question of doing so with the questions specified in division (B) 8447
of this section. Bonds issued under this division for the purpose 8448
of acquiring a site are a general obligation of the school 8449
district and are Chapter 133. securities. 8450

The form of that portion of the ballot to include the 8451
question of either issuing bonds or levying a tax for site 8452
acquisition purposes shall be one of the following: 8453

(1) "Shall bonds be issued by the (here insert 8454
name of the school district) school district to pay costs of 8455
acquiring a site for classroom facilities under the State of Ohio 8456
Classroom Facilities Assistance Program in the principal amount of 8457
..... (here insert principal amount of the bond issue), to be 8458
repaid annually over a maximum period of (here insert 8459
maximum number of years over which the principal of the bonds may 8460
be paid) years, and an annual levy of property taxes be made 8461
outside the ten-mill limitation, estimated by the county auditor 8462
to average over the repayment period of the bond issue 8463
(here insert number of mills) mills for each one dollar of tax 8464
valuation, which amount to (here insert rate expressed 8465
in cents or dollars and cents, such as "thirty-six cents" or 8466
"\$0.36") for each one hundred dollars of valuation to pay the 8467
annual debt charges on the bonds and to pay debt charges on any 8468
notes issued in anticipation of the bonds?" 8469

(2) "Shall an additional levy of taxes outside the ten-mill 8470
limitation be made for the benefit of the (here insert 8471
name of the school district) school district for the purpose of 8472
acquiring a site for classroom facilities in the sum of 8473
(here insert annual amount the levy is to produce) estimated by 8474
the county auditor to average (here insert number of 8475

mills) mills for each one hundred dollars of valuation, for a 8476
period of (here insert number of years the millage is to 8477
be imposed) years?" 8478

Where it is necessary to combine the question of issuing 8479
bonds of the school district and levying a tax as described in 8480
division (B) of this section with the question of issuing bonds of 8481
the school district for acquisition of a site, the question 8482
specified in that division to be voted on shall be "For the Bond 8483
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 8484
Levy." 8485

Where it is necessary to combine the question of issuing 8486
bonds of the school district and levying a tax as described in 8487
division (B) of this section with the question of levying a tax 8488
for the acquisition of a site, the question specified in that 8489
division to be voted on shall be "For the Bond Issue and the Tax 8490
Levies" and "Against the Bond Issue and the Tax Levies." 8491

Where the school district board chooses to combine the 8492
question in division (B) of this section with any of the 8493
additional questions described in divisions (A) to (D) of section 8494
3318.056 of the Revised Code, the question specified in division 8495
(B) of this section to be voted on shall be "For the Bond Issues 8496
and the Tax Levies" and "Against the Bond Issues and the Tax 8497
Levies." 8498

If a majority of those voting upon a proposition hereunder 8499
which includes the question of issuing bonds vote in favor 8500
thereof, and if the agreement provided for by section 3318.08 of 8501
the Revised Code has been entered into, the school district board 8502
may proceed under Chapter 133. of the Revised Code, with the 8503
issuance of bonds or bond anticipation notes in accordance with 8504
the terms of the agreement. 8505

Sec. 3318.061. This section applies only to school districts 8506

eligible to receive additional assistance under division (B)(2) of 8507
section 3318.04 of the Revised Code. 8508

The board of education of a school district in which a tax 8509
described by division (B) of section 3318.05 and levied under 8510
section 3318.06 of the Revised Code is in effect, may adopt a 8511
resolution by vote of a majority of its members to extend the term 8512
of that tax beyond the expiration of that tax as originally 8513
approved under that section. The school district board may include 8514
in the resolution a proposal to extend the term of that tax at the 8515
rate of not less than one-half mill for each dollar of valuation 8516
for a period of twenty-three years from the year in which the 8517
school district board and the Ohio school facilities commission 8518
enter into an agreement under division (B)(2) of section 3318.04 8519
of the Revised Code or in the following year, as specified in the 8520
resolution. Such a resolution may be adopted at any time before 8521
such an agreement is entered into and before the tax levied 8522
pursuant to section 3318.06 of the Revised Code expires. If the 8523
resolution is combined with a resolution to issue bonds to pay the 8524
school district's portion of the basic project cost, it shall 8525
conform with the requirements of divisions (A)(1), (2), and (3) of 8526
section 3318.06 of the Revised Code, except that the resolution 8527
also shall state that the tax levy proposed in the resolution is 8528
an extension of an existing tax levied under that section. A 8529
resolution proposing an extension adopted under this section does 8530
not take effect until it is approved by a majority of electors 8531
voting in favor of the resolution at a general, primary, or 8532
special election as provided in this section. 8533

A tax levy extended under this section is subject to the same 8534
terms and limitations to which the original tax levied under 8535
section 3318.06 of the Revised Code is subject under that section, 8536
except the term of the extension shall be as specified in this 8537
section. 8538

The school district board shall certify a copy of the resolution adopted under this section to the proper county board of elections not later than ~~seventy-five~~ ninety days before the date set in the resolution as the date of the election at which the question will be submitted to electors. The notice of the election shall conform with the requirements of division (A)(3) of section 3318.06 of the Revised Code, except that the notice also shall state that the maintenance tax levy is an extension of an existing tax levy.

The form of the ballot shall be as follows:

"Shall the existing tax levied to pay the cost of maintaining classroom facilities constructed with the proceeds of the previously issued bonds at the rate of (here insert the number of mills, which shall not be less than one-half mill) mills per dollar of tax valuation, be extended until (here insert the year that is twenty-three years after the year in which the district and commission will enter into an agreement under division (B)(2) of section 3318.04 of the Revised Code or the following year)?

	FOR EXTENDING THE EXISTING TAX LEVY
	AGAINST EXTENDING THE EXISTING TAX LEVY

"

Section 3318.07 of the Revised Code applies to ballot questions under this section.

Sec. 3318.361. A school district board opting to qualify for state assistance pursuant to section 3318.36 of the Revised Code through levying the tax specified in division (D)(2)(a) or (D)(4) of that section shall declare by resolution that the question of a tax levy specified in division (D)(2)(a) or (4), as applicable, of

section 3318.36 of the Revised Code shall be submitted to the 8569
electors of the school district at the next general or primary 8570
election, if there be a general or primary election not less than 8571
~~seventy-five~~ ninety and not more than ~~ninety-five~~ one hundred ten 8572
days after the day of the adoption of such resolution or, if not, 8573
at a special election to be held at a time specified in the 8574
resolution which shall be not less than ~~seventy-five~~ ninety days 8575
after the day of the adoption of the resolution and which shall be 8576
in accordance with the requirements of section 3501.01 of the 8577
Revised Code. Such resolution shall specify both of the following: 8578

(A) That the rate which it is necessary to levy shall be at 8579
the rate of not less than one-half mill for each one dollar of 8580
valuation, and that such tax shall be levied for a period of 8581
twenty-three years; 8582

(B) That the proceeds of the tax shall be used to pay the 8583
cost of maintaining the classroom facilities included in the 8584
project. 8585

A copy of such resolution shall after its passage and not 8586
less than ~~seventy-five~~ ninety days prior to the date set therein 8587
for the election be certified to the county board of elections. 8588

Notice of the election shall include the fact that the tax 8589
levy shall be at the rate of not less than one-half mill for each 8590
one dollar of valuation for a period of twenty-three years, and 8591
that the proceeds of the tax shall be used to pay the cost of 8592
maintaining the classroom facilities included in the project. 8593

The form of the ballot to be used at such election shall be: 8594

"Shall a levy of taxes be made for a period of twenty-three 8595
years to benefit the (here insert name of school 8596
district) school district, the proceeds of which shall be used to 8597
pay the cost of maintaining the classroom facilities included in 8598
the project at the rate of (here insert the number of 8599

mills, which shall not be less than one-half mill) mills for each 8600
one dollar of valuation? 8601

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

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Sec. 3354.12. (A) Upon the request by resolution approved by 8606
the board of trustees of a community college district, and upon 8607
certification to the board of elections not less than ~~seventy-five~~ 8608
ninety days prior to the election, the boards of elections of the 8609
county or counties comprising such district shall place upon the 8610
ballot in their respective counties the question of levying a tax 8611
on all the taxable property in the community college district 8612
outside the ten-mill limitation, for a specified period of years 8613
or for a continuing period of time, to provide funds for any one 8614
or more of the following purposes: the acquisition of sites, the 8615
erection, furnishing, and equipment of buildings, the acquisition, 8616
construction, or improvement of any property which the board of 8617
trustees of a community college district is authorized to acquire, 8618
construct, or improve and which has an estimated life of 8619
usefulness of five years or more as certified by the fiscal 8620
officer, and the payment of operating costs. Not more than two 8621
special elections shall be held in any one calendar year. Levies 8622
for a continuing period of time adopted under this section may be 8623
reduced in accordance with section 5705.261 of the Revised Code. 8624

If such proposal is to be or include the renewal of an 8625
existing levy at the expiration thereof, the ballot for such 8626
election shall state whether it is a renewal of a tax; a renewal 8627
of a stated number of mills and an increase of a stated number of 8628
mills, or a renewal of a part of an existing levy with a reduction 8629
of a stated number of mills; the year of the tax duplicate on 8630

which such renewal will first be made; and if earlier, the year of 8631
the tax duplicate on which such additional levy will first be 8632
made, which may include the tax duplicate for the current year 8633
unless the election is to be held after the first Tuesday after 8634
the first Monday in November of the current tax year. The ballot 8635
shall also state the period of years for such levy or that it is 8636
for a continuing period of time. If a levy for a continuing period 8637
of time provides for but is not limited to current expenses, the 8638
resolution of the board of trustees providing for the election on 8639
such levy shall apportion the annual rate of the levy between 8640
current expenses and the other purpose or purposes. Such 8641
apportionment need not be the same for each year of the levy, but 8642
the respective portions of the rate actually levied each year for 8643
current expenses and the other purpose or purposes shall be 8644
limited by such apportionment. The portion of the rate apportioned 8645
to the other purpose or purposes shall be reduced as provided in 8646
division (B) of this section. 8647

If a majority of the electors in such district voting on such 8648
question approve thereof, the county auditor or auditors of the 8649
county or counties comprising such district shall annually, for 8650
the applicable years, place such levy on the tax duplicate in such 8651
district, in an amount determined by the board of trustees, but 8652
not to exceed the amount set forth in the proposition approved by 8653
the electors. 8654

The boards of trustees of a community college district shall 8655
establish a special fund for all revenue derived from any tax 8656
levied pursuant to this section. 8657

The boards of elections of the county or counties comprising 8658
the district shall cause to be published in a newspaper of general 8659
circulation in each such county an advertisement of the proposed 8660
tax levy question once a week for two consecutive weeks prior to 8661
the election at which the question is to appear on the ballot, 8662

and, if a board of elections operates and maintains a web site, 8663
that board also shall post a similar advertisement on its web site 8664
for thirty days prior to that election. 8665

After the approval of such levy by vote, the board of 8666
trustees of a community college district may anticipate a fraction 8667
of the proceeds of such levy and from time to time issue 8668
anticipation notes having such maturity or maturities that the 8669
aggregate principal amount of all such notes maturing in any 8670
calendar year shall not exceed seventy-five per cent of the 8671
anticipated proceeds from such levy for such year, and that no 8672
note shall mature later than the thirty-first day of December of 8673
the tenth calendar year following the calendar year in which such 8674
note is issued. Each issue of notes shall be sold as provided in 8675
Chapter 133. of the Revised Code. 8676

The amount of bonds or anticipatory notes authorized pursuant 8677
to Chapter 3354. of the Revised Code, may include sums to repay 8678
moneys previously borrowed, advanced, or granted and expended for 8679
the purposes of such bond or anticipatory note issues, whether 8680
such moneys were advanced from the available funds of the 8681
community college district or by other persons, and the community 8682
college district may restore and repay to such funds or persons 8683
from the proceeds of such issues the moneys so borrowed, advanced 8684
or granted. 8685

All operating costs of such community college may be paid out 8686
of any gift or grant from the state, pursuant to division (K) of 8687
section 3354.09 of the Revised Code; out of student fees and 8688
tuition collected pursuant to division (G) of section 3354.09 of 8689
the Revised Code; or out of unencumbered funds from any other 8690
source of the community college income not prohibited by law. 8691

(B) Prior to the application of section 319.301 of the 8692
Revised Code, the rate of a levy that is limited to, or to the 8693
extent that it is apportioned to, purposes other than current 8694

expenses shall be reduced in the same proportion in which the 8695
district's total valuation increases during the life of the levy 8696
because of additions to such valuation that have resulted from 8697
improvements added to the tax list and duplicate. 8698

Sec. 3355.02. (A) The legislative authority of any municipal 8699
corporation having a population of not less than fifty thousand as 8700
determined by the most recent federal decennial census may, by 8701
resolution approved by two-thirds of its members, create a 8702
university branch district, if a branch of a public university has 8703
been in operation in that municipality for at least the full two 8704
years immediately preceding that time. 8705

(B) The board of county commissioners of any county having a 8706
population of not less than fifty thousand as determined by the 8707
most recent federal decennial census may, by resolution approved 8708
by two-thirds of its members, create a university branch district 8709
if a branch of a public university has been in operation in that 8710
county for at least the full two years immediately preceding that 8711
time. 8712

(C) The boards of county commissioners of any two or more 8713
contiguous counties which together have a combined population of 8714
not less than fifty thousand, as determined by the most recent 8715
federal decennial census may, by resolution approved by two-thirds 8716
of the members of each such board, together and jointly create a 8717
university branch district, if a branch of a public university has 8718
been in operation in any one of the counties for at least the full 8719
two years immediately preceding that time. 8720

(D) A resolution creating a university branch district shall 8721
set forth the name of such district, and a description of the 8722
territory to be included in the proposed district. The creation of 8723
an authority of this nature by a municipality, county, or group of 8724
counties shall cause this authority to create university branch 8725

districts, to be unavailable to the other units of local 8726
government in the affected county or counties. 8727

(E) In any municipal corporation or county or group of two or 8728
more contiguous counties, having a total population of not less 8729
than fifty thousand as determined by the most recent federal 8730
decennial census, where no university branch district has been 8731
created either by action of the legislative authority of the 8732
municipal corporation or by action of the board or boards of 8733
county commissioners, the electors in such municipal corporation 8734
or county or counties may petition for the creation of a 8735
university branch district. Such petition shall be presented to 8736
the board of elections of the county or of the most populous 8737
county in the proposed university branch district and shall be 8738
signed by qualified voters of the territory within the proposed 8739
university branch district, not less in number than five per cent 8740
of the vote cast in the most recent gubernatorial election. A 8741
petition calling for the creation of a university branch district 8742
shall set forth the proposed name of such district, the necessity 8743
for the district, and a description of the territory to be 8744
included in the proposed district. 8745

In a petition submitted by qualified voters, pursuant to this 8746
section, which proposes the creation of a university branch 8747
district comprised of two or more counties, the number of valid 8748
signatures from each county shall be not less in number than five 8749
per cent of the vote cast in the most recent gubernatorial 8750
election. 8751

Upon receiving a petition calling for creation of a 8752
university branch district, pursuant to this section, the board of 8753
elections of the county of the most populous county in such 8754
district shall certify the validity of the signatures and the fact 8755
of such petition to the election boards of the other counties, if 8756
any, to be included in such district, and shall certify to such 8757

other boards that, pursuant to this section, the proposal to 8758
create such district shall be placed on the ballot at the next 8759
primary or general election occurring more than ~~seventy-five~~ 8760
ninety days after the filing of such petition. If a majority of 8761
the electors voting on the proposition in each county of the 8762
proposed district vote in favor thereof, such district shall be 8763
established. 8764

No county shall be included in the territory of more than one 8765
university branch district. 8766

Sec. 3355.09. Upon receipt of a request from the university 8767
branch district managing authority, the boards of elections of the 8768
county or counties comprising such district shall place upon the 8769
ballot in the district at the next primary or general election 8770
occurring not less than ~~seventy-five~~ ninety days after submission 8771
of such request by such managing authority, the question of 8772
levying a tax outside the ten-mill limitation, for a specified 8773
period of years, to provide funds for any of the following 8774
purposes: 8775

(A) Purchasing a site or enlargement thereof; 8776

(B) The erection and equipment of buildings; 8777

(C) Enlarging, improving, or rebuilding buildings; 8778

(D) The acquisition, construction, or improvement of any 8779
property which the university branch district managing authority 8780
is authorized to acquire, construct, or improve and which has been 8781
certified by the fiscal officer to have an estimated useful life 8782
of five or more years. 8783

If a majority of the electors in such district voting on such 8784
question approve, the county auditor of the county or counties 8785
comprising such district shall annually place such levy on the tax 8786
duplicate in such district, in the amount set forth in the 8787

proposition approved by the electors. 8788

The managing authority of the university branch district 8789
shall establish a special fund pursuant to section 3355.07 of the 8790
Revised Code for all revenue derived from any tax levied pursuant 8791
to provisions of this section. 8792

The boards of election of the county or counties comprising 8793
the district shall cause to be published in a newspaper of general 8794
circulation in each such county an advertisement of the proposed 8795
tax levy question once a week for two consecutive weeks prior to 8796
the election at which the question is to appear on the ballot, 8797
and, if a board of elections operates and maintains a web site, 8798
that board also shall post a similar advertisement on its web site 8799
for thirty days prior to the election. 8800

After the approval of such levy by vote, the managing 8801
authority of the university branch district may anticipate a 8802
fraction of the proceeds of such levy and from time to time, 8803
during the life of such levy, issue anticipation notes in an 8804
amount not to exceed seventy-five per cent of the estimated 8805
proceeds of such levy to be collected in each year over a period 8806
of five years after the date of the issuance of such notes, less 8807
an amount equal to the proceeds of such levy previously obligated 8808
for such year by the issuance of anticipation notes, provided, 8809
that the total amount maturing in any one year shall not exceed 8810
seventy-five per cent of the anticipated proceeds of such levy for 8811
that year. 8812

Each issue of notes shall be sold as provided in Chapter 133. 8813
of the Revised Code and shall mature serially in substantially 8814
equal amounts, during each remaining year of the levy, not to 8815
exceed five, after their issuance. 8816

Sec. 3357.02. A technical college district may be created 8817
with the approval of the Ohio board of regents pursuant to 8818

standards established by it. Such standards shall take into 8819
consideration such factors as the population of the proposed 8820
district, the present and potential pupil enrollment, present and 8821
potential higher education facilities in the district, and such 8822
other factors as may pertain to the educational needs of the 8823
district. The Ohio board of regents may undertake a study or 8824
contract for a study to be made relative to its establishment or 8825
application of such standards. 8826

The attorney general shall be the attorney for each technical 8827
college district and shall provide legal advice in all matters 8828
relating to its powers and duties. 8829

A proposal to create a technical college district may be 8830
presented to the Ohio board of regents in any of the following 8831
ways: 8832

(A) The board of education of a city school district may by 8833
resolution approved by a majority of its members propose the 8834
creation of a technical college district consisting of the whole 8835
territory of such district. 8836

(B) The boards of two or more contiguous city, exempted 8837
village, or local school districts or educational service centers 8838
may by resolutions approved by a majority of the members of each 8839
participating board propose the creation of a technical college 8840
district consisting of the whole territories of all the 8841
participating school districts and educational service centers. 8842

(C) The governing board of any educational service center may 8843
by resolution approved by a majority of its members propose the 8844
creation of a technical college district consisting of the whole 8845
territory of such educational service center. 8846

(D) The governing boards of any two or more contiguous 8847
educational service centers may by resolutions approved by a 8848
majority of the members of each participating board, propose the 8849

creation of a technical college district consisting of the whole 8850
territories of such educational service centers. 8851

(E) Qualified electors residing in a city school district, in 8852
a county, in two or more contiguous school districts, or in two or 8853
more contiguous counties may execute a petition proposing the 8854
creation of a technical college district comprised of the 8855
territory of the city school district, educational service center, 8856
two or more contiguous school districts or educational service 8857
centers, or two or more contiguous counties, respectively. Such 8858
petition shall be presented to the board of elections of the most 8859
populous county in which the technical college district is 8860
situated and shall bear the signatures of at least two per cent of 8861
the total number of resident electors who voted in the most recent 8862
election for governor in the territory of such proposed district. 8863
Such petition shall set forth the necessity for the district, a 8864
demonstration that it will be conducive to the public convenience 8865
and welfare, and a description of the territory to be included in 8866
the proposed district. 8867

Upon receiving a petition duly executed pursuant to division 8868
(E) of this section, the board of elections of the most populous 8869
county shall certify the fact of such petition to the boards of 8870
elections of the other counties, if any, in which any of the 8871
territory of the proposed district is situated. The proposal to 8872
create a technical college district shall be placed on the ballot 8873
by the board of elections and submitted to vote in each affected 8874
city school district, county, or group of contiguous school 8875
districts or counties, at the next primary or general election 8876
occurring more than ~~seventy-five~~ ninety days after the filing of 8877
such petition. If there is no primary or general election 8878
occurring within ninety one hundred five days after the filing of 8879
such petition, the board of elections of the most populous county 8880
shall fix the date of a special election to be held in each 8881

affected city school district, county, or group of contiguous 8882
school districts or counties, such date to be not less than 8883
~~seventy-five~~ ninety days after the filing of the petition. If a 8884
majority of electors voting on the proposition in the proposed 8885
technical college district vote in favor thereof, the board of 8886
elections of the most populous county in which the proposed 8887
district is situated shall certify such fact to the Ohio board of 8888
regents. 8889

Sec. 3357.11. For the purposes of purchasing a site or 8890
enlargement thereof, and for the erection and equipment of 8891
buildings, or for the purpose of enlarging, improving, or 8892
rebuilding existing facilities, the board of trustees of a 8893
technical college district shall determine the amount of bonds to 8894
be issued and such other matters as pertain thereto, and may when 8895
authorized by the vote of the electors of the district, issue and 8896
sell such bonds as provided in Chapter 133. of the Revised Code. 8897
Such board of trustees shall have the same authority and be 8898
subject to the same procedure as provided in such chapter in the 8899
case where the board of education proposes a bond issue for the 8900
purposes noted in this section. 8901

At any time the board of trustees of a technical college 8902
district by a vote of two-thirds of all its members may declare by 8903
resolution the necessity of a tax outside the ten-mill limitation 8904
for a period of years not to exceed ten years, to provide funds 8905
for one or more of the following purposes: for operation and 8906
maintenance, for purchasing a site or enlargement thereof, for the 8907
erection and construction or equipment of buildings, or for the 8908
purpose of enlarging or improving or rebuilding thereon. A copy of 8909
such resolution shall be certified to the board of elections of 8910
the county or counties in which such technical college district is 8911
situated, for the purpose of placing the proposal on the ballot at 8912
an election to be held at a date designated by such board of 8913

trustees, which date shall be consistent with the requirements of 8914
section 3501.01 of the Revised Code, but shall not be earlier than 8915
~~seventy-five~~ ninety days after the adoption and certification of 8916
such resolution. If a majority of the electors in such district 8917
voting on such question vote in favor of such levy, the resolution 8918
shall go into immediate effect. The trustees shall certify their 8919
action to the auditors of the county or counties in which such 8920
technical college district is situated, who shall annually 8921
thereafter place such levy on the tax duplicate in such district 8922
in the amount set forth in the proposition approved by the voters. 8923

After the approval of such levy by vote the board of trustees 8924
of a technical college district may anticipate a fraction of the 8925
proceeds of such levy and from time to time, during the life of 8926
such levy, issue anticipation notes in an amount not to exceed 8927
seventy-five per cent of the estimated proceeds of such levy to be 8928
collected in each year over a period of five years after the date 8929
of the issuance of such notes, less an amount equal to the 8930
proceeds of such levy previously obligated for each year by the 8931
issuance of anticipation notes, provided, that the total amount 8932
maturing in any one year shall not exceed seventy-five per cent of 8933
the anticipated proceeds of such levy for that year. 8934

Each issue of notes shall be sold as provided in Chapter 133. 8935
of the Revised Code and shall mature serially in substantially 8936
equal amounts, during each remaining year of the levy, not to 8937
exceed five, after their issuance. 8938

All necessary expenses for the operation of such technical 8939
college may be paid from any gifts, from grants of the state or 8940
federal government, from student fees and tuition collected 8941
pursuant to division (G) of section 3357.09 of the Revised Code, 8942
or from unencumbered funds from any other source of the technical 8943
college income, not prohibited by law. 8944

Sec. 3375.19. In each county there may be created a county library district composed of all the local, exempted village, and city school districts in the county which are not within the territorial boundaries of an existing township, school district, municipal, county district, or county free public library, by one of the following methods:

(A) The board of county commissioners may initiate the creation of such a county library district by adopting a resolution providing for the submission of the question of creating a county library district to the electors of such proposed district. Such resolution shall define the territory to be included in such district by listing the school districts which will compose the proposed county library district.

(B) The board of county commissioners shall, upon receipt of a petition signed by no less than ten per cent, or five hundred, whichever is the lesser, of the qualified electors of the proposed county library district voting at the last general election, adopt a resolution providing for the submission of the question of creating a county library district to the electors of the proposed district. Such resolution shall define the territory to be included in such district by listing the school districts which will compose the proposed county library district.

Upon adoption of such a resolution authorized in either division (A) or (B) of this section the board of county commissioners shall cause a certified copy of it to be filed with the board of elections of the county prior to the ~~fifteenth day of September~~ ninetieth day before the day of the election at which the question will appear on the ballot. The board of elections shall submit the question of the creation of such county library district to the electors of the territory comprising such proposed district at the succeeding November election.

If a majority of the electors, voting on the question of 8976
creating such proposed district, vote in the affirmative such 8977
district shall be created. 8978

Sec. 3375.201. The taxing authority of a subdivision 8979
maintaining a free public library which is providing approved 8980
library service and whose board of library trustees therefore is 8981
qualified under section 3375.20 of the Revised Code to request the 8982
formation of a county library district shall, upon receipt of a 8983
petition signed by not less than ten per cent, or five hundred, 8984
whichever is the lesser, of the qualified electors of the 8985
subdivision voting at the last general election, adopt a 8986
resolution providing for the submission of the question, "Shall 8987
the free public library of the subdivision become a county 8988
district library?". The taxing authority shall cause a certified 8989
copy of it to be filed with the board of elections of the county 8990
prior to the ~~fifteenth day of September~~ ninetieth day before the 8991
day of the election at which the question will appear on the 8992
ballot. The board of elections shall submit the question of the 8993
creation of such county district library to the electors of the 8994
subdivision maintaining said free public library at the succeeding 8995
November election. 8996

If a majority of the electors, voting on the question of 8997
creating such county district library, vote in the affirmative, 8998
the board of trustees of the library and the taxing authority of 8999
the subdivision shall establish a county library district in the 9000
manner prescribed in section 3375.20 of the Revised Code, by 9001
adopting and approving the resolution so authorized. 9002

Sec. 3375.211. The taxing authority of any subdivision 9003
maintaining a free public library for the inhabitants thereof and 9004
whose board of library trustees is qualified under section 3375.21 9005
of the Revised Code to request inclusion of the subdivision in a 9006

county library district shall, upon receipt of a petition signed 9007
by qualified electors equal in number to at least ten per cent of 9008
the qualified electors of the subdivision voting at the last 9009
general election, adopt a resolution providing for the submission 9010
of the question of the inclusion of the subdivision in such county 9011
library district to the electors of the subdivision. 9012

The taxing authority shall cause a certified copy of the 9013
resolution to be filed with the board of elections of the county 9014
prior to the ~~fifteenth day of September~~ ninetieth day before the 9015
day of the election at which the question will appear on the 9016
ballot. The board of elections shall submit the question of the 9017
inclusion of the subdivision in such county library district to 9018
the electors of the subdivision at the succeeding November 9019
election. 9020

If a majority of the electors, voting on the question of 9021
including the subdivision in such county library district, vote in 9022
the affirmative, the taxing authority of the subdivision and the 9023
board of trustees of the free public library shall include the 9024
subdivision in the county library district in the manner 9025
prescribed in section 3375.20 of the Revised Code by adopting and 9026
approving the resolutions so authorized. 9027

Unless more than thirty per cent of the votes cast on the 9028
question of including the subdivision in the county library 9029
district are in the affirmative, the same issue shall not be 9030
submitted to the electors of the subdivision for three years 9031
following an election in which the question was defeated. 9032

Sec. 3375.212. The board of public library trustees of a 9033
county library district, appointed under section 3375.22 of the 9034
Revised Code, may consolidate with another subdivision in the 9035
county maintaining a free public library. Such consolidation may 9036
be accomplished by one of the following procedures: 9037

(A) The board of public library trustees of the county library district may submit a resolution to the board of library trustees of such subdivision requesting such consolidation. The library trustees of the subdivision within thirty days of receipt of the resolution shall approve or reject such resolution; and, if approved shall forward the resolution together with a certification of its action to the taxing authority of said subdivision. Said taxing authority within thirty days of receipt of such resolution and certification shall approve or reject it and so notify the board of library trustees of the county district library and the board of county commissioners.

(B) Upon receipt of such resolution, under division (A) of this section the board of library trustees of the subdivision may request the taxing authority of the subdivision to adopt a resolution providing for the submission of the question of consolidation to the electors of the subdivision.

The taxing authority in turn shall adopt such a resolution and shall cause a certified copy of the resolution to be filed with the board of elections of the county prior to the ~~fifteenth day of September~~ ninetieth day before the day of the election at which the question will appear on the ballot. The board of elections shall submit the question to the electors of the subdivision at the succeeding November election.

(C) The board of county commissioners and the taxing authority of the subdivision, upon receipt of petitions signed by not less than ten per cent, or five hundred, whichever is the lesser, of the qualified electors in the county library district and not less than ten per cent, or five hundred, whichever is the lesser, of the qualified electors of the subdivision, voting at the last general election, shall adopt resolutions providing for the submission of the question of consolidation to the electors of the county library district and of the subdivision.

Each taxing authority in turn shall cause a certified copy of
its resolution to be filed with the board of elections of the
county prior to the ~~fifteenth day of September~~ ninetieth day
before the day of the election at which the question will appear
on the ballot. The board of elections shall submit the question of
the consolidation of the county library district and the
subdivision to the electors of the county library district and of
the subdivision at the succeeding November election.

If under division (A) of this section the board of library
trustees and the taxing authority of said subdivision approve the
request for consolidation, or if under division (B) of this
section a majority of the electors of the subdivision vote in
favor of the consolidation, or if under division (C) of this
section a majority of the electors of the county library district
and a majority of the electors of the subdivision vote in favor of
the consolidation, such consolidation shall take place. The taxing
authority of the subdivision or the board of elections, whichever
the case may be, shall notify the county commissioners and the
respective library boards.

The board of library trustees of the county library district,
the board of library trustees of the subdivision and their
respective taxing authorities shall take appropriate action during
the succeeding December, transferring all title and interest in
all property, both real and personal, held in the names of said
library boards to the board of trustees of the consolidated county
library district, effective the second Monday of the succeeding
January.

The board of library trustees of the county library district
and the board of library trustees of the subdivision shall meet
jointly on the second Monday of the succeeding January.

Acting as a board of the whole, the two boards shall become
the interim board of library trustees of the consolidated county

library district whose terms shall expire the second Monday of the 9102
second January succeeding the election at which the consolidation 9103
was approved. The board shall organize itself under section 9104
3375.32 of the Revised Code and shall have the same powers, 9105
rights, and limitations in law as does a board of library trustees 9106
appointed under section 3375.22 of the Revised Code. In the event 9107
of a vacancy on the interim board the appointment shall be made by 9108
the same taxing authority which appointed the trustee whose place 9109
had become vacant and shall be only for the period in which the 9110
interim board is in existence. 9111

At least thirty days prior to the second Monday of the second 9112
January succeeding the election at which the consolidation was 9113
approved, the board shall request the county commissioners and the 9114
judges of the court of common pleas to appoint a regular board of 9115
library trustees of seven members under the provisions of section 9116
3375.22 of the Revised Code. The terms of said trustees shall 9117
commence on the second Monday of the January last referred to 9118
above. The control and management of such consolidated county 9119
library district shall continue to be under section 3375.22 of the 9120
Revised Code. 9121

For the purposes of this section, whenever a county library 9122
district is consolidated with a subdivision other than a school 9123
district, the area comprising the school district in which the 9124
main library of said subdivision is located shall become a part of 9125
the county library district. 9126

Sec. 3501.012. Notwithstanding any provision of the Revised 9127
Code to the contrary, the secretary of state or a board of 9128
elections shall not refuse to accept and process an otherwise 9129
valid voter registration application, absent voter's ballot 9130
application, uniformed services and overseas absent voter's ballot 9131
application, returned absent voter's ballot, returned uniformed 9132

services and overseas absent voter's ballot, or federal write-in 9133
absentee ballot from an individual who is eligible to vote as a 9134
uniformed services voter or an overseas voter in accordance with 9135
42 U.S.C. 1973ff-6 due to any requirements regarding notarization, 9136
paper type, paper weight and size, envelope type, or envelope 9137
weight and size. 9138

Sec. 3501.02. General elections in the state and its 9139
political subdivisions shall be held as follows: 9140

(A) For the election of electors of president and 9141
vice-president of the United States, in the year of 1932 and every 9142
four years thereafter; 9143

(B) For the election of a member of the senate of the United 9144
States, in the years 1932 and 1934, and every six years after each 9145
of such years; except as otherwise provided for filling vacancies; 9146

(C) For the election of representatives in the congress of 9147
the United States and of elective state and county officers 9148
including elected members of the state board of education, in the 9149
even-numbered years; except as otherwise provided for filling 9150
vacancies; 9151

(D) For municipal and township officers, members of boards of 9152
education, judges and clerks of municipal courts, in the 9153
odd-numbered years; 9154

(E) Proposed constitutional amendments or proposed measures 9155
submitted by the general assembly or by initiative or referendum 9156
petitions to the voters of the state at large may be submitted to 9157
the general election in any year occurring at least sixty days, in 9158
case of a referendum, and ninety days, in the case of an initiated 9159
measure, subsequent to the filing of the petitions therefor. 9160
Proposed constitutional amendments submitted by the general 9161
assembly to the voters of the state at large may be submitted at a 9162

special election occurring on the day in any year specified by 9163
division (E) of section 3501.01 of the Revised Code for the 9164
holding of a primary election, when a special election on that 9165
date is designated by the general assembly in the resolution 9166
adopting the proposed constitutional amendment. 9167

No special election shall be held on a day other than the day 9168
of a general election, unless a law or charter provides otherwise, 9169
regarding the submission of a question or issue to the voters of a 9170
county, township, city, village, or school district. 9171

(F) Any (1) Notwithstanding any provision of the Revised Code 9172
to the contrary, any question or issue, except a candidacy, to be 9173
voted upon at an election shall be certified, for placement upon 9174
the ballot, to the board of elections not later than four p.m. of 9175
the ~~seventy-fifth~~ ninetieth day before the day of the election. 9176

(2) Any question or issue that is certified for placement on 9177
a ballot on or after the effective date of this amendment shall be 9178
certified not later than the ninetieth day before the day of the 9179
applicable election, notwithstanding any deadlines appearing in 9180
any section of the Revised Code governing the placement of that 9181
question or issue on the ballot. 9182

Sec. 3501.05. The secretary of state shall do all of the 9183
following: 9184

(A) Appoint all members of boards of elections; 9185

(B) Issue instructions by directives and advisories in 9186
accordance with section 3501.053 of the Revised Code to members of 9187
the boards as to the proper methods of conducting elections. 9188

(C) Prepare rules and instructions for the conduct of 9189
elections; 9190

(D) Publish and furnish to the boards from time to time a 9191
sufficient number of indexed copies of all election laws then in 9192

force;	9193
(E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters;	9194 9195
(F) Prescribe the form of registration cards, blanks, and records;	9196 9197
(G) Determine and prescribe the forms of ballots and the forms of all blanks, cards of instructions, pollbooks, tally sheets, certificates of election, and forms and blanks required by law for use by candidates, committees, and boards;	9198 9199 9200 9201
(H) Prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution to be submitted to the voters of the state;	9202 9203 9204
(I) Except as otherwise provided in section 3519.08 of the Revised Code, certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot;	9205 9206 9207 9208 9209
(J) Except as otherwise provided in division (I)(2)(b) of section 3501.38 of the Revised Code, give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code;	9210 9211 9212 9213
(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;	9214 9215 9216
(L) Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary;	9217 9218
(M) Compel the observance by election officers in the several counties of the requirements of the election laws;	9219 9220
(N)(1) Except as otherwise provided in division (N)(2) of this section, investigate the administration of election laws,	9221 9222

frauds, and irregularities in elections in any county, and report 9223
violations of election laws to the attorney general or prosecuting 9224
attorney, or both, for prosecution; 9225

(2) On and after August 24, 1995, report a failure to comply 9226
with or a violation of a provision in sections 3517.08 to 3517.13, 9227
3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the 9228
Revised Code, whenever the secretary of state has or should have 9229
knowledge of a failure to comply with or a violation of a 9230
provision in one of those sections, by filing a complaint with the 9231
Ohio elections commission under section 3517.153 of the Revised 9232
Code; 9233

(O) Make an annual report to the governor containing the 9234
results of elections, the cost of elections in the various 9235
counties, a tabulation of the votes in the several political 9236
subdivisions, and other information and recommendations relative 9237
to elections the secretary of state considers desirable; 9238

(P) Prescribe and distribute to boards of elections a list of 9239
instructions indicating all legal steps necessary to petition 9240
successfully for local option elections under sections 4301.32 to 9241
4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 9242

(Q) Adopt rules pursuant to Chapter 119. of the Revised Code 9243
for the removal by boards of elections of ineligible voters from 9244
the statewide voter registration database and, if applicable, from 9245
the poll list or signature pollbook used in each precinct, which 9246
rules shall provide for all of the following: 9247

(1) A process for the removal of voters who have changed 9248
residence, which shall be uniform, nondiscriminatory, and in 9249
compliance with the Voting Rights Act of 1965 and the National 9250
Voter Registration Act of 1993, including a program that uses the 9251
national change of address service provided by the United States 9252
postal system through its licensees; 9253

(2) A process for the removal of ineligible voters under section 3503.21 of the Revised Code;	9254 9255
(3) A uniform system for marking or removing the name of a voter who is ineligible to vote from the statewide voter registration database and, if applicable, from the poll list or signature pollbook used in each precinct and noting the reason for that mark or removal.	9256 9257 9258 9259 9260
(R) Prescribe a general program for registering voters or updating voter registration information, such as name and residence changes, by boards of elections, designated agencies, offices of deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and offices of county treasurers consistent with the requirements of section 3503.09 of the Revised Code;	9261 9262 9263 9264 9265 9266 9267
(S) Prescribe a program of distribution of voter registration forms through boards of elections, designated agencies, offices of the registrar and deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and offices of county treasurers;	9268 9269 9270 9271 9272
(T) To the extent feasible, provide copies, at no cost and upon request, of the voter registration form in post offices in this state;	9273 9274 9275
(U) Adopt rules pursuant to section 111.15 of the Revised Code for the purpose of implementing the program for registering voters through boards of elections, designated agencies, and the offices of the registrar and deputy registrars of motor vehicles consistent with this chapter;	9276 9277 9278 9279 9280
(V) Establish the full-time position of Americans with Disabilities Act coordinator within the office of the secretary of state to do all of the following:	9281 9282 9283
(1) Assist the secretary of state with ensuring that there is	9284

equal access to polling places for persons with disabilities; 9285

(2) Assist the secretary of state with ensuring that each 9286
voter may cast the voter's ballot in a manner that provides the 9287
same opportunity for access and participation, including privacy 9288
and independence, as for other voters; 9289

(3) Advise the secretary of state in the development of 9290
standards for the certification of voting machines, marking 9291
devices, and automatic tabulating equipment. 9292

(W) Establish and maintain a computerized statewide database 9293
of all legally registered voters under section 3503.15 of the 9294
Revised Code that complies with the requirements of the "Help 9295
America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, 9296
and provide training in the operation of that system; 9297

(X) Ensure that all directives, advisories, other 9298
instructions, or decisions issued or made during or as a result of 9299
any conference or teleconference call with a board of elections to 9300
discuss the proper methods and procedures for conducting 9301
elections, to answer questions regarding elections, or to discuss 9302
the interpretation of directives, advisories, or other 9303
instructions issued by the secretary of state are posted on a web 9304
site of the office of the secretary of state as soon as is 9305
practicable after the completion of the conference or 9306
teleconference call, but not later than the close of business on 9307
the same day as the conference or teleconference call takes place. 9308

(Y) Publish a report on a web site of the office of the 9309
secretary of state not later than one month after the completion 9310
of the canvass of the election returns for each primary and 9311
general election, identifying, by county, the number of absent 9312
voter's ballots cast and the number of those ballots that were 9313
counted, and the number of provisional ballots cast and the number 9314
of those ballots that were counted, for that election. The 9315

secretary of state shall maintain the information on the web site 9316
in an archive format for each subsequent election. 9317

(Z) Conduct voter education outlining voter identification, 9318
absent voters ballot, provisional ballot, and other voting 9319
requirements; 9320

(AA) Establish a procedure by which a registered elector may 9321
make available to a board of elections a more recent signature to 9322
be used in the poll list or signature pollbook produced by the 9323
board of elections of the county in which the elector resides; 9324

(BB) Disseminate information, which may include all or part 9325
of the official explanations and arguments, by means of direct 9326
mail or other written publication, broadcast, or other means or 9327
combination of means, as directed by the Ohio ballot board under 9328
division (F) of section 3505.062 of the Revised Code, in order to 9329
inform the voters as fully as possible concerning each proposed 9330
constitutional amendment, proposed law, or referendum; 9331

(CC) Be the single state office responsible for the 9332
implementation of the "Uniformed and Overseas Citizens Absentee 9333
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, 9334
et seq., as amended, in this state. 9335

(DD) Perform other duties required by law. 9336

Whenever a primary election is held under section 3513.32 of 9337
the Revised Code or a special election is held under section 9338
3521.03 of the Revised Code to fill a vacancy in the office of 9339
representative to congress, the secretary of state shall establish 9340
a deadline, notwithstanding any other deadline required under the 9341
Revised Code, by which any or all of the following shall occur: 9342
the filing of a declaration of candidacy and petitions or a 9343
statement of candidacy and nominating petition together with the 9344
applicable filing fee; the filing of protests against the 9345
candidacy of any person filing a declaration of candidacy or 9346

nominating petition; the filing of a declaration of intent to be a 9347
write-in candidate; the filing of campaign finance reports; the 9348
preparation of, and the making of corrections or challenges to, 9349
precinct voter registration lists; the receipt of applications for 9350
absent voter's ballots or armed service absent voter's ballots; 9351
the supplying of election materials to precincts by boards of 9352
elections; the holding of hearings by boards of elections to 9353
consider challenges to the right of a person to appear on a voter 9354
registration list; and the scheduling of programs to instruct or 9355
reinstruct election officers. 9356

In the performance of the secretary of state's duties as the 9357
chief election officer, the secretary of state may administer 9358
oaths, issue subpoenas, summon witnesses, compel the production of 9359
books, papers, records, and other evidence, and fix the time and 9360
place for hearing any matters relating to the administration and 9361
enforcement of the election laws. 9362

In any controversy involving or arising out of the adoption 9363
of registration or the appropriation of funds for registration, 9364
the secretary of state may, through the attorney general, bring an 9365
action in the name of the state in the court of common pleas of 9366
the county where the cause of action arose or in an adjoining 9367
county, to adjudicate the question. 9368

In any action involving the laws in Title XXXV of the Revised 9369
Code wherein the interpretation of those laws is in issue in such 9370
a manner that the result of the action will affect the lawful 9371
duties of the secretary of state or of any board of elections, the 9372
secretary of state may, on the secretary of state's motion, be 9373
made a party. 9374

The secretary of state may apply to any court that is hearing 9375
a case in which the secretary of state is a party, for a change of 9376
venue as a substantive right, and the change of venue shall be 9377
allowed, and the case removed to the court of common pleas of an 9378

adjoining county named in the application or, if there are cases 9379
pending in more than one jurisdiction that involve the same or 9380
similar issues, the court of common pleas of Franklin county. 9381

Public high schools and vocational schools, public libraries, 9382
and the office of a county treasurer shall implement voter 9383
registration programs as directed by the secretary of state 9384
pursuant to this section. 9385

Sec. 3501.07. At a meeting held not more than sixty nor less 9386
than fifteen days before the expiration date of the term of office 9387
of a member of the board of elections, or within fifteen days 9388
after a vacancy occurs in the board, the county executive 9389
committee of the major political party entitled to the appointment 9390
may make and file a recommendation with the secretary of state for 9391
the appointment of a qualified elector. The secretary of state 9392
shall appoint such elector, unless ~~he has reason to believe the~~ 9393
secretary of state proves by clear and convincing evidence that 9394
the elector ~~would~~ is not be a competent member of to serve on such 9395
board as a result of: 9396

(A) The elector's adjudication of incompetence by a court of 9397
competent jurisdiction; 9398

(B) The elector's prior conviction of or plea of guilty to a 9399
first degree misdemeanor for a violation of division (D) of 9400
section 102.02 or section 102.021, 102.03, 102.04, or 102.07 of 9401
the Revised Code; or 9402

(C) The elector's prior conviction of or plea of guilty to a 9403
felony. In 9404

In such cases the secretary of state shall ~~so~~ state in 9405
writing to the ~~chairman~~ chairperson of such county executive 9406
committee, ~~with the reasons therefor~~ for the secretary's refusal 9407
to appoint the individual, and such committee may, with respect to 9408

each refusal of the secretary of state, either recommend another 9409
elector or may apply for a writ of mandamus to the supreme court 9410
to compel the secretary of state to appoint the elector so 9411
recommended. In all such ~~action~~ actions, the burden of proof to 9412
show the ~~qualifications~~ prove the lack of competence of the person 9413
so recommended by clear and convincing evidence shall be on the 9414
~~committee making~~ secretary of state who refused the 9415
recommendation. Upon the dismissal of an action in mandamus filed 9416
by such county executive committee, the county executive committee 9417
shall have thirty days to make and file another recommendation 9418
with the secretary of state for the appointment of a qualified 9419
elector. If no such recommendation is made within thirty days 9420
after either the secretary of state refuses the appointment of the 9421
county executive committee or the dismissal of an action in 9422
mandamus filed by such committee, the secretary of state shall 9423
make the appointment. This process shall be repeated, as needed, 9424
after each refusal of the secretary of state, until the 9425
appointment is made. 9426

If a vacancy on the board of elections is to be filled by a 9427
minor or an intermediate political party, authorized officials of 9428
that party may within fifteen days after the vacancy occurs 9429
recommend a qualified person to the secretary of state for 9430
appointment to such vacancy. 9431

Sec. 3501.10. (A) The board of elections shall, as an expense 9432
of the board, provide suitable rooms for its offices and records 9433
and the necessary and proper furniture and supplies for those 9434
rooms. The board may lease such offices and rooms, necessary to 9435
its operation, for the length of time and upon the terms the board 9436
deems in the best interests of the public, provided that the term 9437
of any such lease shall not exceed fifteen years. 9438

Thirty days prior to entering into such a lease, the board 9439

shall notify the board of county commissioners in writing of its 9440
intent to enter into the lease. The notice shall specify the terms 9441
and conditions of the lease. Prior to the thirtieth day after 9442
receiving that notice and before any lease is entered into, the 9443
board of county commissioners may reject the proposed lease by a 9444
majority vote. After receiving written notification of the 9445
rejection by the board of county commissioners, the board of 9446
elections shall not enter into the lease that was rejected, but 9447
may immediately enter into additional lease negotiations, subject 9448
to the requirements of this section. 9449

The board of elections in any county may, by resolution, 9450
request that the board of county commissioners submit to the 9451
electors of the county, in accordance with section 133.18 of the 9452
Revised Code, the question of issuing bonds for the acquisition of 9453
real estate and the construction on it of a suitable building with 9454
necessary furniture and equipment for the proper administration of 9455
the duties of the board of elections. The resolution declaring the 9456
necessity for issuing such bonds shall relate only to the 9457
acquisition of real estate and to the construction, furnishing, 9458
and equipping of a building as provided in this division. 9459

(B) The board of elections in each county shall keep its 9460
offices, or one or more of its branch registration offices, open 9461
for the performance of its duties until nine p.m. on the last day 9462
of registration before a general or primary election. At all other 9463
times during each week, the board shall keep its offices and rooms 9464
open for a period of time that the board considers necessary for 9465
the performance of its duties. 9466

(C) The board of elections may maintain permanent or 9467
temporary branch offices at any place within the county, ~~provided~~ 9468
~~that.~~ 9469

(1) For any election other than a general election or a 9470
primary election held in an even-numbered year, if the board of 9471

elections permits electors to vote at a branch office, electors 9472
shall not be permitted to vote at any other branch office or any 9473
other office of the board of elections. 9474

(2) For a general election or a primary election held in an 9475
even-numbered year, the board shall not employ more than three 9476
such locations, including the office of the board of elections and 9477
all branch offices of the board of elections, for the purpose of 9478
allowing voters to cast absent voter's ballots in person. 9479

A majority vote of the members of the board is required to 9480
establish more than one location at which voters may cast absent 9481
voter's ballots in person at a general election or at a primary 9482
election held in an even-numbered year. If the board votes to 9483
establish more than one location at which voters may cast absent 9484
voter's ballots in person, the board shall select locations in the 9485
county that are geographically diverse. If at least three members 9486
of the board do not agree to establish additional locations or do 9487
not agree on the geographic locations within the county, the board 9488
shall only permit absent voter's ballots to be voted in person at 9489
the office of the board of elections for that election. 9490

Sec. 3501.11. Each board of elections shall exercise by a 9491
majority vote all powers granted to the board by Title XXXV of the 9492
Revised Code, shall perform all the duties imposed by law, and 9493
shall do all of the following: 9494

(A) Establish, define, provide, rearrange, and combine 9495
election precincts; 9496

(B) Fix and provide the places for registration and for 9497
holding primaries and elections; 9498

(C) Provide for the purchase, preservation, and maintenance 9499
of booths, ballot boxes, books, maps, flags, blanks, cards of 9500
instructions, and other forms, papers, and equipment used in 9501

registration, nominations, and elections; 9502

(D) Appoint and remove its director, deputy director, and 9503
employees and all registrars, judges, and other officers of 9504
elections, fill vacancies, and designate the ward or district and 9505
precinct in which each shall serve; 9506

(E) Make and issue rules and instructions, not inconsistent 9507
with law or the rules, directives, or advisories issued by the 9508
secretary of state, as it considers necessary for the guidance of 9509
election officers and voters; 9510

(F) Advertise and contract for the printing of all ballots 9511
and other supplies used in registrations and elections, or provide 9512
for the acquisition of those supplies through the department of 9513
administrative services; 9514

(G) Provide for the issuance of all notices, advertisements, 9515
and publications concerning elections, except as otherwise 9516
provided in division (G) of section 3501.17 and divisions (F) and 9517
(G) of section 3505.062 of the Revised Code; 9518

(H) Provide for the delivery of ballots, pollbooks, and other 9519
required papers and material to the polling places; 9520

(I) Cause the polling places to be suitably provided with 9521
voting machines, marking devices, automatic tabulating equipment, 9522
stalls, and other required supplies. In fulfilling this duty, each 9523
board of a county that uses voting machines, marking devices, or 9524
automatic tabulating equipment shall conduct a full vote of the 9525
board during a public session of the board on the allocation and 9526
distribution of voting machines, marking devices, and automatic 9527
tabulating equipment for each precinct in the county. 9528

(J) Investigate irregularities, nonperformance of duties, or 9529
violations of Title XXXV of the Revised Code by election officers 9530
and other persons; administer oaths, issue subpoenas, summon 9531
witnesses, and compel the production of books, papers, records, 9532

and other evidence in connection with any such investigation; and 9533
report the facts to the prosecuting attorney or the secretary of 9534
state; 9535

(K) Review, examine, and certify the sufficiency and validity 9536
of petitions and nomination papers, and, after certification, 9537
return to the secretary of state all petitions and nomination 9538
papers that the secretary of state forwarded to the board; 9539

(L) Receive the returns of elections, canvass the returns, 9540
make abstracts of them, and transmit those abstracts to the proper 9541
authorities; 9542

(M) Issue certificates of election on forms to be prescribed 9543
by the secretary of state; 9544

(N) Make an annual report to the secretary of state, on the 9545
form prescribed by the secretary of state, containing a statement 9546
of the number of voters registered, elections held, votes cast, 9547
appropriations received, expenditures made, and other data 9548
required by the secretary of state; 9549

(O) Prepare and submit to the proper appropriating officer a 9550
budget estimating the cost of elections for the ensuing fiscal 9551
year; 9552

(P) Perform other duties as prescribed by law or the rules, 9553
directives, or advisories of the secretary of state; 9554

(Q) Investigate and determine the residence qualifications of 9555
electors; 9556

(R) Administer oaths in matters pertaining to the 9557
administration of the election laws; 9558

(S) Prepare and submit to the secretary of state, whenever 9559
the secretary of state requires, a report containing the names and 9560
residence addresses of all incumbent county, municipal, township, 9561
and board of education officials serving in their respective 9562

counties; 9563

(T) Establish and maintain a voter registration database of 9564
all qualified electors in the county who offer to register; 9565

(U) Maintain voter registration records, make reports 9566
concerning voter registration as required by the secretary of 9567
state, and remove ineligible electors from voter registration 9568
lists in accordance with law and directives of the secretary of 9569
state; 9570

(V) Give approval to ballot language for any local question 9571
or issue and transmit the language to the secretary of state for 9572
the secretary of state's final approval; 9573

(W) Prepare and cause the following notice to be displayed in 9574
a prominent location in every polling place: 9575

"NOTICE 9576

Ohio law prohibits any person from voting or attempting to 9577
vote more than once at the same election. 9578

Violators are guilty of a felony of the fourth degree and 9579
shall be imprisoned and additionally may be fined in accordance 9580
with law." 9581

(X) In all cases of a tie vote or a disagreement in the 9582
board, if no decision can be arrived at, the director or 9583
chairperson shall submit the matter in controversy, not later than 9584
fourteen days after the tie vote or the disagreement, to the 9585
secretary of state, who shall summarily decide the question, and 9586
the secretary of state's decision shall be final-; 9587

(Y) Assist each designated agency, deputy registrar of motor 9588
vehicles, public high school and vocational school, public 9589
library, and office of a county treasurer in the implementation of 9590
a program for registering voters at all voter registration 9591
locations as prescribed by the secretary of state. Under this 9592

program, each board of elections shall direct to the appropriate 9593
board of elections any voter registration applications for persons 9594
residing outside the county where the board is located within five 9595
days after receiving the applications. 9596

(Z) On any day on which an elector may vote in person at the 9597
office of the board or at another site designated by the board, 9598
consider the board or other designated site a polling place for 9599
that day. All requirements or prohibitions of law that apply to a 9600
polling place shall apply to the office of the board or other 9601
designated site on that day. 9602

Sec. 3501.22. (A) ~~On~~ (1) Except as otherwise provided in 9603
division (A)(2) of this section, on or before the fifteenth day of 9604
September in each year, the board of elections by a majority vote 9605
shall, after careful examination and investigation as to their 9606
qualifications, appoint for each election precinct four residents 9607
of the county in which the precinct is located, as judges. Except 9608
as otherwise provided in division (C) of this section, all judges 9609
of election shall be qualified electors. The judges shall 9610
constitute the election officers of the precinct. Not more than 9611
one-half of the total number of judges shall be members of the 9612
same political party. The term of such precinct officers shall be 9613
for one year. The board may, at any time, designate any number of 9614
election officers, not more than one-half of whom shall be members 9615
of the same political party, to perform their duties at any 9616
precinct in any election. The board may appoint additional 9617
officials, equally divided between the two major political 9618
parties, when necessary to expedite voting. 9619

Vacancies for unexpired terms shall be filled by the board. 9620
When new precincts have been created, the board shall appoint 9621
judges for those precincts for the unexpired term. Any judge may 9622
be summarily removed from office at any time by the board for 9623

neglect of duty, malfeasance, or misconduct in office or for any 9624
other good and sufficient reason. 9625

Precinct election officials shall perform all of the duties 9626
provided by law for receiving the ballots and supplies, opening 9627
and closing the polls, and overseeing the casting of ballots 9628
during the time the polls are open, and any other duties required 9629
by section 3501.26 of the Revised Code. 9630

A board of elections may designate two precinct election 9631
officials as counting officials to count and tally the votes cast 9632
and certify the results of the election at each precinct, and 9633
perform other duties as provided by law. To expedite the counting 9634
of votes at each precinct, the board may appoint additional 9635
officials, not more than one-half of whom shall be members of the 9636
same political party. 9637

The board shall designate one of the precinct election 9638
officials who is a member of the dominant political party to serve 9639
as a presiding judge, whose duty it is to deliver the returns of 9640
the election and all supplies to the office of the board. For 9641
these services, the presiding judge shall receive additional 9642
compensation in an amount, consistent with section 3501.28 of the 9643
Revised Code, determined by the board of elections. 9644

The board shall issue to each precinct election official a 9645
certificate of appointment, which the official shall present to 9646
the presiding judge at the time the polls are opened. 9647

(2) If the board of elections, by majority vote, opts to use 9648
multiple precinct polling locations in lieu of any or all 9649
individual precinct polling locations, the board may appoint 9650
election judges for the multiple precinct polling places as 9651
follows: 9652

(a) For the first precinct combined in a multiple precinct 9653
polling location, the board shall appoint four election judges, 9654

not more than one-half of whom shall be members of the same 9655
political party; 9656

(b) For each additional precinct combined in a multiple 9657
precinct polling location, the board shall appoint two election 9658
judges, not more than one of whom shall be a member of the same 9659
political party; 9660

(c) The board shall designate one of the judges appointed 9661
under division (A)(2)(a) or (b) of this section who is member of 9662
the political party whose candidate for governor received the 9663
highest number of votes in the most recent general election for 9664
that office in the precincts combined in the multiple precinct 9665
polling location as the single presiding judge for the multiple 9666
precinct polling location. 9667

(B) If the board of elections determines that not enough 9668
qualified electors in a precinct are available to serve as 9669
precinct officers, it may appoint persons to serve as precinct 9670
officers at a primary, special, or general election who are at 9671
least seventeen years of age and are registered to vote in 9672
accordance with section 3503.07 of the Revised Code. 9673

(C)(1) A board of elections, in conjunction with the board of 9674
education of a city, local, or exempted village school district, 9675
the governing authority of a community school established under 9676
Chapter 3314. of the Revised Code, or the chief administrator of a 9677
nonpublic school may establish a program permitting certain high 9678
school students to apply and, if appointed by the board of 9679
elections, to serve as precinct officers at a primary, special, or 9680
general election. 9681

In addition to the requirements established by division 9682
(C)(2) of this section, a board of education, governing authority, 9683
or chief administrator that establishes a program under this 9684
division in conjunction with a board of elections may establish 9685

additional criteria that students shall meet to be eligible to 9686
participate in that program. 9687

(2)(a) To be eligible to participate in a program established 9688
under division (C)(1) of this section, a student shall be a United 9689
States citizen, a resident of the county, at least seventeen years 9690
of age, and enrolled in the senior year of high school. 9691

(b) Any student applying to participate in a program 9692
established under division (C)(1) of this section, as part of the 9693
student's application process, shall declare the student's 9694
political party affiliation with the board of elections. 9695

(3) No student appointed as a precinct officer pursuant to a 9696
program established under division (C)(1) of this section shall be 9697
designated as a presiding judge. 9698

(4) Any student participating in a program established under 9699
division (C)(1) of this section shall be excused for that 9700
student's absence from school on the day of an election at which 9701
the student is serving as a precinct officer. 9702

(D) In any precinct with six or more precinct officers, up to 9703
two students participating in a program established under division 9704
(C)(1) of this section who are under eighteen years of age may 9705
serve as precinct officers. Not more than one precinct officer in 9706
any given precinct with fewer than six precinct officers shall be 9707
under eighteen years of age. 9708

Sec. 3501.301. A contract involving a cost in excess of ~~ten~~ 9709
twenty-five thousand dollars for printing and furnishing the 9710
supplies, other than the official ballots, required in section 9711
3501.30 of the Revised Code, shall not be let until the board of 9712
elections has caused notice to be published once in a newspaper of 9713
general circulation within the county or upon notice given by 9714
mail, addressed to the responsible suppliers within the state. The 9715

board of elections may require that each bid be accompanied by a 9716
bond, with at least two individual sureties, or a surety company, 9717
satisfactory to the board, in a sum double the amount of the bid, 9718
conditioned upon the faithful performance of the contract awarded 9719
and for the payment as damages by such bidder to the board of any 9720
excess of cost over the bid which it may be required to pay for 9721
such work by reason of the failure of the bidder to complete the 9722
contract. The contract shall be let to the lowest and best bidder. 9723

Sec. 3501.35. (A)(1) During an election and the counting of 9724
the ballots, no person shall do any of the following: 9725

~~(1)(a)~~ Loiter, congregate, or engage in any kind of election 9726
campaigning ~~within the area between the polling place and the~~ 9727
~~small flags of the United States placed on the thoroughfares and~~ 9728
~~walkways leading to the polling place, and if the line of electors~~ 9729
~~waiting to vote extends beyond those small flags, within ten fifty~~ 9730
~~feet of any elector in that line~~ the entrance to a polling place; 9731

~~(2)(b)~~ In any manner hinder or delay an elector in reaching 9732
or leaving the place fixed for casting the elector's ballot; 9733

~~(3)(c)~~ Give, tender, or exhibit any ballot or ticket to any 9734
person other than the elector's own ballot to the judge of 9735
election within the area between the polling place and the small 9736
flags of the United States placed on the thoroughfares and 9737
walkways leading to the polling place, and if the line of electors 9738
waiting to vote extends beyond those small flags, within ten feet 9739
of any elector in that line; 9740

~~(4)(d)~~ Exhibit any ticket or ballot which the elector intends 9741
to cast; 9742

~~(5)(e)~~ Solicit or in any manner attempt to influence any 9743
elector in casting the elector's vote. 9744

(2) Whoever violates division (A)(1)(a) of this section is 9745

guilty of a minor misdemeanor; if the person refuses to comply 9746
with the judges of election or law enforcement officers who are 9747
enforcing that division, the person is guilty of a misdemeanor of 9748
the first degree. 9749

(B) Except as otherwise provided in division (C) of section 9750
3503.23 of the Revised Code, no person who is not an election 9751
official, employee, observer, or police officer shall be allowed 9752
to enter the polling place during the election, except for the 9753
purpose of voting or assisting another person to vote as provided 9754
in section 3505.24 of the Revised Code. 9755

(C) No more electors shall be allowed to approach the voting 9756
shelves at any time than there are voting shelves provided. 9757

(D) The line of waiting voters and persons loitering, 9758
congregating, or campaigning near that line shall not impede the 9759
normal flow of traffic or access to the entrance or exit of any 9760
business or organization in the vicinity. 9761

(E) The judges of election and the police officer shall 9762
strictly enforce the observance of this section. 9763

Sec. 3501.39. (A) The secretary of state or a board of 9764
elections shall accept any petition described in section 3501.38 9765
of the Revised Code unless one of the following occurs: 9766

(1) A written protest against the petition or candidacy, 9767
naming specific objections, is filed, a hearing is held, and a 9768
determination is made by the election officials with whom the 9769
protest is filed that the petition is invalid, in accordance with 9770
any section of the Revised Code providing a protest procedure. 9771

(2) A written protest against the petition or candidacy, 9772
naming specific objections, is filed, a hearing is held, and a 9773
determination is made by the election officials with whom the 9774
protest is filed that the petition violates any requirement 9775

established by law. 9776

(3) The candidate's candidacy or the petition violates the 9777
requirements of this chapter, Chapter 3513. of the Revised Code, 9778
or any other requirements established by law. 9779

(B) Except as otherwise provided in division (C) of this 9780
section or section 3513.052 of the Revised Code, a board of 9781
elections shall not invalidate any declaration of candidacy or 9782
nominating petition under division (A)(3) of this section after 9783
the ~~fiftieth~~ sixtieth day prior to the election at which the 9784
candidate seeks nomination to office, if the candidate filed a 9785
declaration of candidacy, or election to office, if the candidate 9786
filed a nominating petition. 9787

(C)(1) If a petition is filed for the nomination or election 9788
of a candidate in a charter municipal corporation with a filing 9789
deadline that occurs after the ~~seventy-fifth~~ ninetieth day before 9790
the day of the election, a board of elections may invalidate the 9791
petition within fifteen days after the date of that filing 9792
deadline. 9793

(2) If a petition for the nomination or election of a 9794
candidate is invalidated under division (C)(1) of this section, 9795
that person's name shall not appear on the ballots for any office 9796
for which the person's petition has been invalidated. If the 9797
ballots have already been prepared, the board of elections shall 9798
remove the name of that person from the ballots to the extent 9799
practicable in the time remaining before the election. If the name 9800
is not removed from the ballots before the day of the election, 9801
the votes for that person are void and shall not be counted. 9802

Sec. 3501.90. (A) As used in this section: 9803

(1) "Harassment in violation of the election law" means 9804
~~either~~ any of the following: 9805

(a) Any of the following types of conduct in or about a polling place or a place of registration or election: obstructing access of an elector to a polling place; another improper practice or attempt tending to obstruct, intimidate, or interfere with an elector in registering or voting at a place of registration or election; molesting or otherwise engaging in violence against observers in the performance of their duties at a place of registration or election; or participating in a riot, violence, tumult, or disorder in and about a place of registration or election;

(b) A violation of division (A)(1)(a), ~~(2)~~, ~~(3)~~, ~~or (5)~~ (b), (c), or (e) or division (B) of section 3501.35 of the Revised Code;

(c) A violation of division (G)(2)(a) of section 3505.21 of the Revised Code.

(2) "Person" has the same meaning as in division (C) of section 1.59 of the Revised Code and also includes any organization that is not otherwise covered by that division.

(3) "Trier of fact" means the jury or, in a nonjury action, the court.

(B) An elector who has experienced harassment in violation of the election law has a cause of action against each person that committed the harassment in violation of the election law. In any civil action based on this cause of action, the elector may seek a declaratory judgment, an injunction, or other appropriate equitable relief. The civil action may be commenced by an elector who has experienced harassment in violation of the election law either alone or as a party to a class action under Civil Rule 23.

(C)(1) In addition to the equitable relief authorized by division (B) of this section, an elector who has experienced harassment in violation of the election law may be entitled to

relief under division (C)(2) or (3) of this section. 9837

(2) If the harassment in violation of the election law 9838
involved intentional or reckless threatening or causing of bodily 9839
harm to the elector while the elector was attempting to register 9840
to vote, to obtain an absent voter's ballot, or to vote, the 9841
elector may seek, in a civil action based on the cause of action 9842
created by division (B) of this section, monetary damages as 9843
prescribed in this division. The civil action may be commenced by 9844
the elector who has experienced harassment in violation of the 9845
election law either alone or as a party to a class action under 9846
Civil Rule 23. Upon proof by a preponderance of the evidence in 9847
the civil action that the harassment in violation of the election 9848
law involved intentional or reckless threatening or causing of 9849
bodily harm to the elector, the trier of fact shall award the 9850
elector the greater of three times of the amount of the elector's 9851
actual damages or one thousand dollars. The court also shall award 9852
a prevailing elector reasonable attorney's fees and court costs. 9853

(3) Whether a civil action on the cause of action created by 9854
division (B) of this section is commenced by an elector who has 9855
experienced harassment in violation of the election law alone or 9856
as a party to a class action under Civil Rule 23, if the defendant 9857
in the action is an organization that has previously been 9858
determined in a court of this state to have engaged in harassment 9859
in violation of the election law, the elector may seek an order of 9860
the court granting any of the following forms of relief upon proof 9861
by a preponderance of the evidence: 9862

(a) Divestiture of the organization's interest in any 9863
enterprise or in any real property; 9864

(b) Reasonable restrictions upon the future activities or 9865
investments of the organization, including, but not limited to, 9866
prohibiting the organization from engaging in any harassment in 9867
violation of the election law; 9868

(c) The dissolution or reorganization of the organization;	9869
(d) The suspension or revocation of any license, permit, or prior approval granted to the organization by any state agency;	9870 9871
(e) The revocation of the organization's authorization to do business in this state if the organization is a foreign corporation or other form of foreign entity.	9872 9873 9874
(D) It shall not be a defense in a civil action based on the cause of action created by division (B) of this section, whether commenced by an elector who has experienced harassment in violation of the election law alone or as a party to a class action under Civil Rule 23, that no criminal prosecution was commenced or conviction obtained in connection with the conduct alleged to be the basis of the civil action.	9875 9876 9877 9878 9879 9880 9881
(E) In a civil action based on the cause of action created by division (B) of this section, whether commenced by an elector who has experienced harassment in violation of the election law alone or as a party to a class action under Civil Rule 23, the elector may name as defendants each individual who engaged in conduct constituting harassment in violation of the election law as well as any person that employs, sponsors, or uses as an agent any such individual or that has organized a common scheme to cause harassment in violation of the election law.	9882 9883 9884 9885 9886 9887 9888 9889 9890
Sec. 3503.14. (A) <u>(1)</u> The secretary of state shall prescribe the form and content of the registration, change of residence, and change of name forms used in this state. The forms shall meet the requirements of the National Voter Registration Act of 1993 and shall include spaces for all of the following:	9891 9892 9893 9894 9895
(1) <u>(a)</u> The voter's name;	9896
(2) <u>(b)</u> The voter's address;	9897
(3) <u>(c)</u> The current date;	9898

(4)(d) The voter's date of birth;	9899
(5)(e) The voter to provide one or more of the following:	9900
(a)(i) The voter's driver's license number, if any;	9901
(b)(ii) The last four digits of the voter's social security number, if any;	9902 9903
(e)(iii) A copy of a current and valid photo identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and address.	9904 9905 9906 9907 9908 9909 9910 9911
(6)(f) <u>The voter to identify the political party, if any, with which the voter desires to be affiliated, if the form is a registration form. The space for identifying a political party shall be labeled "optional" on any form the secretary of state prescribes.</u>	9912 9913 9914 9915 9916
(g) The voter's signature.	9917
The registration form shall include a space on which the person registering an applicant shall sign the person's name and provide the person's address and a space on which the person registering an applicant shall name the employer who is employing that person to register the applicant.	9918 9919 9920 9921 9922
<u>(2) The registration form shall identify the qualifications for a person to be an elector, which shall appear on the form substantially as follows:</u>	9923 9924 9925
<u>"You are qualified to register to vote in Ohio if you meet all of the following requirements:</u>	9926 9927
<u>(a) You are a citizen of the United States.</u>	9928

(b) You will be at least eighteen years of age on or before the day of the general election. 9929
9930

(c) You will be a permanent resident of Ohio for at least thirty days immediately before the day of the election in which you want to vote, and you are not here on a temporary basis. 9931
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(d) You are not currently incarcerated in jail or prison for a felony conviction. 9934
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(e) You have not been declared incompetent by a probate court. 9936
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(f) You have not been permanently disenfranchised for violations of the election laws." 9938
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(3) Except for forms prescribed by the secretary of state under section 3503.11 of the Revised Code, the secretary of state shall permit boards of elections to produce forms that have subdivided spaces for each individual alphanumeric character of the information provided by the voter so as to accommodate the electronic reading and conversion of the voter's information to data and the subsequent electronic transfer of that data to the statewide voter registration database established under section 3503.15 of the Revised Code. 9940
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(B) None of the following persons who are registering an applicant in the course of that official's or employee's normal duties shall sign the person's name, provide the person's address, or name the employer who is employing the person to register an applicant on a form prepared under this section: 9949
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(1) An election official; 9954

(2) A county treasurer; 9955

(3) A deputy registrar of motor vehicles; 9956

(4) An employee of a designated agency; 9957

(5) An employee of a public high school; 9958

(6) An employee of a public vocational school;	9959
(7) An employee of a public library;	9960
(8) An employee of the office of a county treasurer;	9961
(9) An employee of the bureau of motor vehicles;	9962
(10) An employee of a deputy registrar of motor vehicles;	9963
(11) An employee of an election official.	9964
(C) Except as provided in section 3501.382 of the Revised Code, any applicant who is unable to sign the applicant's own name shall make an "X," if possible, which shall be certified by the signing of the name of the applicant by the person filling out the form, who shall add the person's own signature. If an applicant is unable to make an "X," the applicant shall indicate in some manner that the applicant desires to register to vote or to change the applicant's name or residence. The person registering the applicant shall sign the form and attest that the applicant indicated that the applicant desired to register to vote or to change the applicant's name or residence.	9965 9966 9967 9968 9969 9970 9971 9972 9973 9974 9975
(D) No registration, change of residence, or change of name form shall be rejected solely on the basis that a person registering an applicant failed to sign the person's name or failed to name the employer who is employing that person to register the applicant as required under division (A) of this section.	9976 9977 9978 9979 9980 9981
(E) As used in this section, "registering an applicant" includes any effort, for compensation, to provide voter registration forms or to assist persons in completing or returning those forms.	9982 9983 9984 9985
Sec. 3503.15. (A) The secretary of state shall establish and maintain a statewide voter registration database that shall be continuously available to each board of elections and to other	9986 9987 9988

agencies as authorized by law. 9989

(B) The statewide voter registration database established 9990
under this section shall be the official list of registered voters 9991
for all elections conducted in this state. 9992

(C) The statewide voter registration database established 9993
under this section shall, at a minimum, include all of the 9994
following: 9995

(1) An electronic network that connects all board of 9996
elections offices with the office of the secretary of state and 9997
with the offices of all other boards of elections; 9998

(2) A computer program that harmonizes the records contained 9999
in the database with records maintained by each board of 10000
elections; 10001

(3) An interactive computer program that allows access to the 10002
records contained in the database by each board of elections and 10003
by any persons authorized by the secretary of state to add, 10004
delete, modify, or print database records, and to conduct updates 10005
of the database; 10006

(4) A search program capable of verifying registered voters 10007
and their registration information by name, driver's license 10008
number, birth date, social security number, or current address; 10009

(5) Safeguards and components to ensure that the integrity, 10010
security, and confidentiality of the voter registration 10011
information is maintained. 10012

(D) The secretary of state shall adopt rules pursuant to 10013
Chapter 119. of the Revised Code doing all of the following: 10014

(1) Specifying the manner in which existing voter 10015
registration records maintained by boards of elections shall be 10016
converted to electronic files for inclusion in the statewide voter 10017
registration database; 10018

(2) Establishing a uniform method for entering voter registration records into the statewide voter registration database on an expedited basis, but not less than once per day, if new registration information is received;	10019 10020 10021 10022
(3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration database in accordance with section 3503.21 of the Revised Code;	10023 10024 10025
(4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database;	10026 10027 10028
(5) Establishing a process for annually auditing the information contained in the statewide voter registration database.	10029 10030 10031
(E) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D)(3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.	10032 10033 10034 10035 10036 10037
(F) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database.	10038 10039 10040 10041 10042
(G)(1) The statewide voter registration database established under this section shall be made available on a web site of the office of the secretary of state as follows:	10043 10044 10045
(a) Except as otherwise provided in division (G)(1)(b) of this section, only the following information from the statewide voter registration database regarding a registered voter shall be made available on the web site:	10046 10047 10048 10049

(i) The voter's name;	10050
(ii) The voter's address;	10051
(iii) The voter's precinct number;	10052
(iv) The voter's voting history.	10053
(b) During the thirty days before the day of a primary or general election, the web site interface of the statewide voter registration database shall permit a voter to search for the polling location at which that voter may cast a ballot.	10054 10055 10056 10057
<u>(c) Except for a voter's date of birth, social security number, or driver's license number, all information in the statewide voter registration database is a public record, including information identifying whether a mismatch exists between a person's voter registration record and motor vehicle records.</u>	10058 10059 10060 10061 10062 10063
(2) The secretary of state shall establish, by rule adopted under Chapter 119. of the Revised Code, a process for boards of elections to notify the secretary of state of changes in the locations of precinct polling places for the purpose of updating the information made available on the secretary of state's web site under division (G)(1)(b) of this section. Those rules shall require a board of elections, during the thirty days before the day of a primary or general election, to notify the secretary of state within one business day of any change to the location of a precinct polling place within the county.	10064 10065 10066 10067 10068 10069 10070 10071 10072 10073
(3) During the thirty days before the day of a primary or general election, not later than one business day after receiving a notification from a county pursuant to division (G)(2) of this section that the location of a precinct polling place has changed, the secretary of state shall update that information on the secretary of state's web site for the purpose of division (G)(1)(b) of this section.	10074 10075 10076 10077 10078 10079 10080

(H)(1) The secretary of state and the registrar of motor vehicles shall enter into an agreement to match information in the statewide voter registration database with motor vehicle records for the purpose of verifying the accuracy of the information in the statewide voter registration database and the information provided on voter registration applications, as required under 42 U.S.C. 15483. 10081
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(2) The secretary of state shall notify the applicable board of elections of any mismatches between voter registration information and motor vehicle records that the secretary of state receives under division (H)(1) of this section regarding persons registered to vote in the applicable county. 10088
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(3)(a) Upon notification of mismatches by the secretary of state under division (H)(2) of this section, the board of elections shall notify each affected voter of the mismatch regarding the voter's information. The board shall provide the voter with the opportunity to verify and correct the mismatched information. 10093
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(b) The secretary of state shall establish, by rule adopted under Chapter 119. of the Revised Code, procedures for boards of elections to notify affected voters of mismatches and to provide those voters with the opportunity to verify and correct the mismatched information under division (H)(3)(a) of this section. Rules adopted under this division shall conform to the voluntary guidelines for implementing statewide voter registration lists adopted by the United States election assistance commission. 10099
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(4) Notwithstanding any provision of the Revised Code to the contrary, a mismatch shall not be the sole reason for the removal of a voter from the statewide voter registration database. 10107
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(5) As used in this section, "mismatch" means any of the following data fields that are not identical to one another with 10110
10111

respect to a particular individual when information in the 10112
statewide voter registration database is compared to motor vehicle 10113
records: 10114

(a) Driver's license number; 10115

(b) Social security number; 10116

(c) Date of birth. 10117

Sec. 3503.19. (A) Persons qualified to register or to change 10118
their registration because of a change of address or change of 10119
name may register or change their registration in person at any 10120
state or local office of a designated agency, at the office of the 10121
registrar or any deputy registrar of motor vehicles, at a public 10122
high school or vocational school, at a public library, at the 10123
office of a county treasurer, or at a branch office established by 10124
the board of elections, or in person, through another person, or 10125
by mail at the office of the secretary of state or at the office 10126
of a board of elections. A registered elector may also change the 10127
elector's registration on election day at any polling place where 10128
the elector is eligible to vote, in the manner provided under 10129
section 3503.16 of the Revised Code. 10130

Any state or local office of a designated agency, the office 10131
of the registrar or any deputy registrar of motor vehicles, a 10132
public high school or vocational school, a public library, or the 10133
office of a county treasurer shall transmit any voter registration 10134
application or change of registration form that it receives to the 10135
board of elections of the county in which the state or local 10136
office is located, within five days after receiving the voter 10137
registration application or change of registration form. 10138

An otherwise valid voter registration application that is 10139
returned to the appropriate office other than by mail must be 10140
received by a state or local office of a designated agency, the 10141

office of the registrar or any deputy registrar of motor vehicles, 10142
a public high school or vocational school, a public library, the 10143
office of a county treasurer, the office of the secretary of 10144
state, or the office of a board of elections no later than the 10145
thirtieth day preceding a primary, special, or general election 10146
for the person to qualify as an elector eligible to vote at that 10147
election. An otherwise valid registration application received 10148
after that day entitles the elector to vote at all subsequent 10149
elections. 10150

Any state or local office of a designated agency, the office 10151
of the registrar or any deputy registrar of motor vehicles, a 10152
public high school or vocational school, a public library, or the 10153
office of a county treasurer shall date stamp a registration 10154
application or change of name or change of address form it 10155
receives using a date stamp that does not disclose the identity of 10156
the state or local office that receives the registration. 10157

Voter registration applications, if otherwise valid, that are 10158
returned by mail to the office of the secretary of state or to the 10159
office of a board of elections must be postmarked no later than 10160
the thirtieth day preceding a primary, special, or general 10161
election in order for the person to qualify as an elector eligible 10162
to vote at that election. If an otherwise valid voter registration 10163
application that is returned by mail does not bear a postmark or a 10164
legible postmark, the registration shall be valid for that 10165
election if received by the office of the secretary of state or 10166
the office of a board of elections no later than twenty-five days 10167
preceding any special, primary, or general election. 10168

(B)(1) Any person may apply in person, by telephone, by mail, 10169
or through another person for voter registration forms to the 10170
office of the secretary of state or the office of a board of 10171
elections. An individual who is eligible to vote as a uniformed 10172
services voter or an overseas voter in accordance with 42 U.S.C. 10173

1973ff-6 also may apply for voter registration forms by electronic means to the office of the secretary of state pursuant to section 3503.191 of the Revised Code.

(2)(a) An applicant may return the applicant's completed registration form in person or by mail to any state or local office of a designated agency, to a public high school or vocational school, to a public library, to the office of a county treasurer, to the office of the secretary of state, or to the office of a board of elections. An applicant who is eligible to vote as a uniformed services voter or an overseas voter in accordance with 42 U.S.C. 1973ff-6 also may return the applicant's completed voter registration form electronically to the office of the secretary of state pursuant to section 3503.191 of the Revised Code.

(b) Subject to division (B)(2)(c) of this section, an applicant may return the applicant's completed registration form through another person to any board of elections or the office of the secretary of state.

(c) A person who receives compensation for registering a voter shall return any registration form entrusted to that person by an applicant to any board of elections or to the office of the secretary of state.

(d) If a board of elections or the office of the secretary of state receives a registration form under division (B)(2)(b) or (c) of this section before the thirtieth day before an election, the board or the office of the secretary of state, as applicable, shall forward the registration to the board of elections of the county in which the applicant is seeking to register to vote within ten days after receiving the application. If a board of elections or the office of the secretary of state receives a registration form under division (B)(2)(b) or (c) of this section on or after the thirtieth day before an election, the board or the

office of the secretary of state, as applicable, shall forward the 10206
registration to the board of elections of the county in which the 10207
applicant is seeking to register to vote within thirty days after 10208
that election. 10209

(C)(1) A board of elections that receives a voter 10210
registration application and is satisfied as to the truth of the 10211
statements made in the registration form shall register the 10212
applicant not later than twenty business days after receiving the 10213
application, unless that application is received during the thirty 10214
days immediately preceding the day of an election. If, on that 10215
application, the applicant has identified a political party that 10216
is a political party, as defined in section 3517.01 of the Revised 10217
Code, with which the applicant desires to be affiliated, the board 10218
of elections shall register that voter as a member of that 10219
political party as if the voter had voted that party's primary 10220
election ballot. The board shall promptly notify the applicant in 10221
writing of each of the following: 10222

(a) The applicant's registration; 10223

(b) The precinct in which the applicant is to vote; 10224

(c) In bold type as follows: 10225

"Voters must bring identification to the polls in order to 10226
verify identity. Identification may include a current and valid 10227
photo identification, a military identification, or a copy of a 10228
current utility bill, bank statement, government check, paycheck, 10229
or other government document, other than this notification ~~or a~~ 10230
~~notification of an election mailed by a board of elections,~~ that 10231
shows the voter's name and current address. Voters who do not 10232
provide one of these documents will still be able to vote by 10233
providing the last four digits of the voter's social security 10234
number and by casting a provisional ballot. Voters who do not have 10235
any of the above forms of identification, including a social 10236

security number, will still be able to vote by signing an 10237
affirmation swearing to the voter's identity under penalty of 10238
election falsification and by casting a provisional ballot." 10239

The notification shall be by nonforwardable mail. If the mail 10240
is returned to the board, it shall investigate and cause the 10241
notification to be delivered to the correct address. 10242

(2) Except as otherwise provided in this division, if the 10243
board finds that the applicant failed to provide all of the 10244
required information, but provided enough information on the form 10245
to enable the board to identify and contact the applicant, the 10246
board shall immediately notify the applicant of the error and give 10247
the applicant an opportunity to correct the form. If the 10248
application was submitted after the end of the voter registration 10249
period for an election, the board of elections may notify the 10250
applicant of the error not later than twenty days after completion 10251
of the official canvass for that election. 10252

The applicant may provide the required information by mail, 10253
electronic mail, telephone, or facsimile transmission, through the 10254
internet, or in person at the office of the board of elections. If 10255
the application is missing a signature, the applicant may provide 10256
a signed statement that the applicant submitted the application. A 10257
signature provided on a signed statement under this division shall 10258
be considered the applicant's signature on the application for the 10259
purposes of processing an otherwise valid application for voter 10260
registration. 10261

The secretary of state shall prescribe uniform standards for 10262
processing additional information by mail, electronic mail, 10263
telephone, facsimile transmission, through the internet, or in 10264
person at the office of the board of elections under this 10265
division. 10266

If the applicant corrects the application not less than 10267

fifteen days before the day of an election and is determined by 10268
the board of elections to be eligible to vote, the applicant shall 10269
be considered registered as of the date the application was 10270
submitted, and the board shall permit such an otherwise eligible 10271
elector to vote a regular ballot at that election. 10272

If the board of elections finds that an applicant failed to 10273
correct the application at least fifteen days before the day of an 10274
election, voted a provisional ballot at that election, and 10275
provided on the provisional ballot affirmation information 10276
sufficient to correct the voter registration application, the 10277
applicant shall be considered registered as of the date the 10278
application was submitted, and the board shall count the otherwise 10279
valid provisional ballot. 10280

(3) If, after investigating as required under division (C)(1) 10281
of this section, the board is unable to verify the voter's correct 10282
address, it shall cause the voter's name in the official 10283
registration list and in the poll list or signature pollbook to be 10284
marked to indicate that the voter's notification was returned to 10285
the board. 10286

At the first election at which a voter whose name has been so 10287
marked appears to vote, the voter shall be required to provide 10288
identification to the election officials and to vote by 10289
provisional ballot under section 3505.181 of the Revised Code. If 10290
the provisional ballot is counted pursuant to division (B)(3) of 10291
section 3505.183 of the Revised Code, the board shall correct that 10292
voter's registration, if needed, and shall remove the indication 10293
that the voter's notification was returned from that voter's name 10294
on the official registration list and on the poll list or 10295
signature pollbook. If the provisional ballot is not counted 10296
pursuant to division (B)(4)(a)(i), (v), or (vi) of section 10297
3505.183 of the Revised Code, the voter's registration shall be 10298
canceled. The board shall notify the voter by United States mail 10299

of the cancellation. 10300

~~(3)~~(4) If a notice of the disposition of an otherwise valid 10301
registration application is sent by nonforwardable mail and is 10302
returned undelivered, the person shall be registered as provided 10303
in division (C)~~(2)~~(3) of this section and sent a confirmation 10304
notice by forwardable mail. If the person fails to respond to the 10305
confirmation notice, update the person's registration, or vote by 10306
provisional ballot as provided in division (C)~~(2)~~(3) of this 10307
section in any election during the period of two federal elections 10308
subsequent to the mailing of the confirmation notice, the person's 10309
registration shall be canceled. 10310

(D)(1) A person who is qualified to change the person's 10311
registration because of a change of address or change of name 10312
under division (A) of this section or section 3503.16 of the 10313
Revised Code shall not be eligible to change the person's 10314
political party affiliation on the person's change of registration 10315
form. 10316

(2) A person who is registering to vote shall only be 10317
eligible to select a political party affiliation upon either of 10318
the following: 10319

(a) The person's initial registration within a county; 10320

(b) The person's reregistration following the cancellation of 10321
the person's prior registration under section 3503.21 of the 10322
Revised Code. 10323

After a person selects a political party affiliation on the 10324
person's registration form, the person's political party 10325
affiliation shall be determined using the standards of affiliation 10326
specified in division (C) of section 3513.05 of the Revised Code. 10327

Sec. 3503.191. (A) The secretary of state shall establish 10328
procedures that allow any person who is eligible to vote as a 10329

uniformed services voter or an overseas voter in accordance with 10330
42 U.S.C. 1973ff-6 to request voter registration forms 10331
electronically from the office of the secretary of state. 10332

(B) The procedures shall allow such a person to express a 10333
preference for the manner in which the person will receive the 10334
requested voter registration forms, whether by mail, 10335
electronically, or in person. The registration forms shall be 10336
transmitted by the preferred method. If the requestor does not 10337
express a preferred method, the registration forms shall be 10338
delivered via standard mail. 10339

(C) The secretary of state shall, by rule, establish and 10340
maintain reasonable procedures necessary to protect the security, 10341
confidentiality, and integrity of personal information collected, 10342
stored, or otherwise used in the electronic voter registration 10343
form request process established under this section. To the extent 10344
practicable, the procedures shall protect the security and 10345
integrity of the electronic voter registration form request 10346
process and protect the privacy of the identity and personal data 10347
of the person when such forms are requested, processed, and sent. 10348

(D) In establishing procedures under this section, the 10349
secretary of state shall designate at least one means of 10350
electronic communication for use by such persons to request voter 10351
registration forms, for use by the state to send voter 10352
registration forms to those who have requested electronic 10353
delivery, and for providing public election and voting 10354
information. Such designated means of electronic communication 10355
shall be identified on all information and instructional materials 10356
that accompany balloting materials. 10357

Sec. 3505.01. (A)(1) Except as otherwise provided in section 10358
3519.08 of the Revised Code, on the ~~sixtieth~~ seventieth day before 10359

the day of the next general election, the secretary of state shall 10360
certify to the board of elections of each county the forms of the 10361
official ballots to be used at that general election, together 10362
with the names of the candidates to be printed on those ballots 10363
whose candidacy is to be submitted to the electors of the entire 10364
state. ~~In the case of the presidential ballot for a general~~ 10365
~~election, that certification shall be made on the fifty-fifth day~~ 10366
~~before the day of the general election.~~ On the ~~seventy-fifth~~ 10367
seventieth day before a special election to be held on the day 10368
specified by division (E) of section 3501.01 of the Revised Code 10369
for the holding of a primary election, designated by the general 10370
assembly for the purpose of submitting to the voters of the state 10371
constitutional amendments proposed by the general assembly, the 10372
secretary of state shall certify to the board of elections of each 10373
county the forms of the official ballots to be used at that 10374
election. 10375

(2) The board of the most populous county in each district 10376
comprised of more than one county but less than all of the 10377
counties of the state, in which there are candidates whose 10378
candidacies are to be submitted to the electors of that district, 10379
shall, on the ~~sixtieth~~ seventieth day before the day of the next 10380
general election, certify to the board of each county in the 10381
district the names of those candidates to be printed on such 10382
ballots. 10383

(3) The board of a county in which the major portion of a 10384
subdivision, located in more than one county, is located shall, on 10385
the ~~sixtieth~~ seventieth day before the day of the next general 10386
election, certify to the board of each county in which other 10387
portions of that subdivision are located the names of candidates 10388
whose candidacies are to be submitted to the electors of that 10389
subdivision, to be printed on such ballots. 10390

(B) If, subsequently to the ~~sixtieth~~ seventieth day before, 10391

~~or in the case of a presidential ballot for a general election the~~ 10392
~~fifty fifth day before,~~ and prior to the tenth day before the day 10393
of a general election, a certificate is filed with the secretary 10394
of state to fill a vacancy caused by the death of a candidate, the 10395
secretary of state shall forthwith make a supplemental 10396
certification to the board of each county amending and correcting 10397
the secretary of state's original certification provided for in 10398
the first paragraph of this section. If, within that time, such a 10399
certificate is filed with the board of the most populous county in 10400
a district comprised of more than one county but less than all of 10401
the counties of the state, or with the board of a county in which 10402
the major portion of the population of a subdivision, located in 10403
more than one county, is located, the board with which the 10404
certificate is filed shall forthwith make a supplemental 10405
certification to the board of each county in the district or to 10406
the board of each county in which other portions of the 10407
subdivision are located, amending and correcting its original 10408
certification provided for in ~~the second and third paragraphs~~ 10409
division (A)(2) or (3) of this section. If, at the time such 10410
supplemental certification is received by a board, ballots 10411
carrying the name of the deceased candidate have been printed, the 10412
board shall cause strips of paper bearing the name of the 10413
candidate certified to fill the vacancy to be printed and pasted 10414
on those ballots so as to cover the name of the deceased 10415
candidate, except that in voting places using marking devices, the 10416
board shall cause strips of paper bearing the revised list of 10417
candidates for the office, after certification of a candidate to 10418
fill the vacancy, to be printed and pasted on the ballot cards so 10419
as to cover the names of candidates shown prior to the new 10420
certification, before such ballots are delivered to electors. 10421

Sec. 3505.10. (A) On the presidential ballot below the stubs 10422
at the top of the face of the ballot shall be printed "Official 10423

Presidential Ballot" centered between the side edges of the 10424
ballot. Below "Official Presidential Ballot" shall be printed a 10425
heavy line centered between the side edges of the ballot. Below 10426
the line shall be printed "Instruction to Voters" centered between 10427
the side edges of the ballot, and below those words shall be 10428
printed the following instructions: 10429

"(1) To vote for the candidates for president and 10430
vice-president whose names are printed below, record your vote in 10431
the manner provided next to the names of such candidates. That 10432
recording of the vote will be counted as a vote for each of the 10433
candidates for presidential elector whose names have been 10434
certified to the secretary of state and who are members of the 10435
same political party as the nominees for president and 10436
vice-president. A recording of the vote for independent candidates 10437
for president and vice-president shall be counted as a vote for 10438
the presidential electors filed by such candidates with the 10439
secretary of state. 10440

(2) To vote for candidates for president and vice-president 10441
in the blank space below, record your vote in the manner provided 10442
and write the names of your choice for president and 10443
vice-president under the respective headings provided for those 10444
offices. Such write-in will be counted as a vote for the 10445
candidates' presidential electors whose names have been properly 10446
certified to the secretary of state. 10447

(3) If you tear, soil, deface, or erroneously mark this 10448
ballot, return it to the precinct election officers or, if you 10449
cannot return it, notify the precinct election officers, and 10450
obtain another ballot." 10451

(B) Below those instructions to the voter shall be printed a 10452
single vertical column of enclosed rectangular spaces equal in 10453
number to the number of presidential candidates plus one 10454
additional space for write-in candidates. Each of those 10455

rectangular spaces shall be enclosed by a heavy line along each of 10456
its four sides, and such spaces shall be separated from each other 10457
by one-half inch of open space. 10458

In each of those enclosed rectangular spaces, except the 10459
space provided for write-in candidates, shall be printed the names 10460
of the candidates for president and vice-president certified to 10461
the secretary of state or nominated in one of the following 10462
manners: 10463

(1) Nominated by the national convention of a political party 10464
to which delegates and alternates were elected in this state at 10465
the next preceding primary election. A political party certifying 10466
candidates so nominated shall certify the names of those 10467
candidates to the secretary of state on or before the ~~sixtieth~~ 10468
ninetieth day before the day of the general election. 10469

(2) Nominated by nominating petition in accordance with 10470
section 3513.257 of the Revised Code. Such a petition shall be 10471
filed on or before the ~~seventy-fifth~~ ninetieth day before the day 10472
of the general election to provide sufficient time to verify the 10473
sufficiency and accuracy of signatures on it. 10474

(3) Certified to the secretary of state for placement on the 10475
presidential ballot by authorized officials of an intermediate or 10476
minor political party that has held a state or national convention 10477
for the purpose of choosing those candidates or that may, without 10478
a convention, certify those candidates in accordance with the 10479
procedure authorized by its party rules. The officials shall 10480
certify the names of those candidates to the secretary of state on 10481
or before the ~~sixtieth~~ ninetieth day before the day of the general 10482
election. The certification shall be accompanied by a designation 10483
of a sufficient number of presidential electors to satisfy the 10484
requirements of law. 10485

The names of candidates for electors of president and 10486

vice-president shall not be placed on the ballot, but shall be certified to the secretary of state as required by sections 3513.11 and 3513.257 of the Revised Code. A vote for any candidates for president and vice-president shall be a vote for the electors of those candidates whose names have been certified to the secretary of state.

(C) The arrangement of the printing in each of the enclosed rectangular spaces shall be substantially as follows: Near the top and centered within the rectangular space shall be printed "For President" in ten-point boldface upper and lower case type. Below "For President" shall be printed the name of the candidate for president in twelve-point boldface upper case type. Below the name of the candidate for president shall be printed the name of the political party by which that candidate for president was nominated in eight-point lightface upper and lower case type. Below the name of such political party shall be printed "For Vice-President" in ten-point boldface upper and lower case type. Below "For Vice-President" shall be printed the name of the candidate for vice-president in twelve-point boldface upper case type. Below the name of the candidate for vice-president shall be printed the name of the political party by which that candidate for vice-president was nominated in eight-point lightface upper and lower case type. No political identification or name of any political party shall be printed below the names of presidential and vice-presidential candidates nominated by petition.

The rectangular spaces on the ballot described in this section shall be rotated and printed as provided in section 3505.03 of the Revised Code.

Sec. 3505.13. A contract for the printing of ballots involving a cost in excess of ~~ten~~ twenty-five thousand dollars shall not be let until after five days' notice published once in a

leading newspaper published in the county or upon notice given by 10518
mail by the board of elections, addressed to the responsible 10519
printing offices within the state. Except as otherwise provided in 10520
this section, each bid for such printing must be accompanied by a 10521
bond with at least two sureties, or a surety company, satisfactory 10522
to the board, in a sum double the amount of the bid, conditioned 10523
upon the faithful performance of the contract for such printing as 10524
is awarded and for the payment as damages by such bidder to the 10525
board of any excess of cost over the bid which it may be obliged 10526
to pay for such work by reason of the failure of the bidder to 10527
complete the contract. No bid unaccompanied by such bond shall be 10528
considered by the board. The board may, however, waive the 10529
requirement that each bid be accompanied by a bond if the cost of 10530
the contract is ~~ten~~ twenty-five thousand dollars or less. The 10531
contract shall be let to the lowest responsible bidder in the 10532
state. All ballots shall be printed within the state. 10533

Sec. 3505.184. A qualified elector who has been convicted of 10534
or pleaded guilty to a sexually oriented offense, a child-victim 10535
oriented offense, or any violation of a section in Chapter 2907. 10536
of the Revised Code and whose precinct polling location is located 10537
in a school shall not vote in that precinct polling location but 10538
may vote either an absent voter's ballot prior to the day of the 10539
election or a regular ballot at the office of the board of 10540
elections on the day of the election. 10541

As used in this section, "child-victim oriented offense" and 10542
"sexually oriented offense" have the same meanings as in section 10543
2950.01 of the Revised Code. 10544

Sec. 3505.21. (A) As used in this section, "during the 10545
casting of the ballots" includes any time during which a board of 10546
elections permits an elector to vote an absent voter's ballot in 10547
person at the office of the board or at another site designated by 10548

the board under division (C) of section 3501.10 of the Revised Code and any time ballots may be cast in a precinct polling place on the day of an election. 10549
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(B) At any primary, special, or general election, any political party supporting candidates to be voted upon at such election and any group of five or more candidates may appoint to the board of elections or to any of the precincts in the county or city one person, a qualified elector, who shall serve as observer for such party or such candidates during the casting of the ballots and during the counting of the ballots; provided that separate observers may be appointed to serve during the casting and during the counting of the ballots. No candidate, no uniformed peace officer as defined by section 2935.01 of the Revised Code, no uniformed state highway patrol trooper, no uniformed member of any fire department, no uniformed member of the armed services, no uniformed member of the organized militia, no person wearing any other uniform, and no person carrying a firearm or other deadly weapon shall serve as an observer, nor shall any candidate be represented by more than one observer at any one precinct or other voting location except that a candidate who is a member of a party controlling committee, as defined in section 3517.03 of the Revised Code, may serve as an observer. ~~Any~~ 10552
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(C) Any political party or group of candidates appointing observers shall notify the board of elections of the names and addresses of its appointees and ~~the precincts~~ each precinct or other location at which they shall serve. Notification of observers appointed to serve on the day of an election shall take place not less than eleven days before the day of the election on forms prescribed by the secretary of state and may be amended by filing an amendment with the board of elections at any time until four p.m. of the day before the election. Notification of observers appointed to serve at the office of the board or at 10571
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another location during the time absent voter's ballots may be 10581
cast in person shall take place not less than eleven days before 10582
absent voter's ballots are required to be ready for use pursuant 10583
to section 3509.01 of the Revised Code on forms prescribed by the 10584
secretary of state and may be amended by filing an amendment with 10585
the board of elections at any time until four p.m. of the day 10586
before the observer is appointed to serve. The observer serving on 10587
behalf of a political party shall be appointed in writing by the 10588
chairperson and secretary of the respective controlling party 10589
committee. Observers serving for any five or more candidates shall 10590
have their certificates signed by those candidates. Observers 10591
appointed to a precinct may file their certificates of appointment 10592
with the presiding judge of the precinct at the meeting on the 10593
evening prior to the election, or with the presiding judge of the 10594
precinct on the day of the election. ~~Upon~~ Observers appointed to 10595
the office of the board or another designated site to observe the 10596
casting of absent voter's ballots in person prior to the day of 10597
the election may file their certificates with the director of the 10598
board of elections the day before or on the day that the observers 10599
are scheduled to serve at the office of the board or other 10600
designated site. 10601

Upon the filing of a certificate, the person named as 10602
observer in the certificate shall be permitted to be in and about 10603
the applicable polling place ~~for the precinct~~ during the casting 10604
of the ballots and shall be permitted to watch every proceeding of 10605
the judges of elections from the time of the opening until the 10606
closing of the polls. The observer also may inspect the counting 10607
of all ballots in the polling place or board of elections from the 10608
time of the closing of the polls until the counting is completed 10609
and the final returns are certified and signed. Observers 10610
appointed to serve at the board of elections on the day of an 10611
election under this section may observe at the board of elections 10612
and may observe at any precinct in the county. The judges of 10613

elections shall protect such observers in all of the rights and 10614
privileges granted to them by Title XXXV of the Revised Code. 10615

(D) No persons other than the judges of elections, the 10616
observers, a police officer, other persons who are detailed to any 10617
precinct on request of the board of elections, or the secretary of 10618
state or the secretary of state's legal representative shall be 10619
admitted to the polling place, or any room in which a board of 10620
elections is counting ballots, after the closing of the polls 10621
until the counting, certifying, and signing of the final returns 10622
of each election have been completed. 10623

(E) Not later than four p.m. of the twentieth day prior to an 10624
election at which questions are to be submitted to a vote of the 10625
people, any committee that in good faith advocates or opposes a 10626
measure may file a petition with the board of any county asking 10627
that the petitioners be recognized as the committee entitled to 10628
appoint observers to the count at the election. If more than one 10629
committee alleging themselves to advocate or oppose the same 10630
measure file such a petition, the board shall decide and announce 10631
by registered mail to each committee not less than twelve days 10632
immediately preceding the election which committee is recognized 10633
as being entitled to appoint observers. The decision shall not be 10634
final, but any aggrieved party may institute mandamus proceedings 10635
in the court of common pleas of the county in which the board has 10636
jurisdiction to compel the judges of elections to accept the 10637
appointees of such aggrieved party. Any such recognized committee 10638
may appoint an observer to the count in each precinct. Committees 10639
appointing observers shall notify the board of elections of the 10640
names and addresses of its appointees and the precincts at which 10641
they shall serve. Notification shall take place not less than 10642
eleven days before the election on forms prescribed by the 10643
secretary of state and may be amended by filing an amendment with 10644
the board of elections at any time until four p.m. on the day 10645

before the election. A person so appointed shall file the person's
certificate of appointment with the presiding judge in the
precinct in which the person has been appointed to serve.
Observers shall file their certificates before the polls are
closed. In no case shall more than six observers be appointed for
any one election in any one precinct. If more than three questions
are to be voted on, the committees which have appointed observers
may agree upon not to exceed six observers, and the judges of
elections shall appoint such observers. If such committees fail to
agree, the judges of elections shall appoint six observers from
the appointees so certified, in such manner that each side of the
several questions shall be represented.

(F) No person shall serve as an observer at any precinct or
other voting location unless the board of elections of the county
in which such observer is to serve has first been notified of the
name, address, and precinct or other location at which such
observer is to serve. Notification to the board of elections shall
be given by the political party, group of candidates, or committee
appointing such observer as prescribed in this section. No such
observers shall receive any compensation from the county,
municipal corporation, or township, and they shall take the
following oath, to be administered by one of the judges of
elections:

"You do solemnly swear that you will faithfully and
impartially discharge the duties as an official observer, assigned
by law; that you will not cause any delay to persons offering to
vote; and that you will not disclose or communicate to any person
how any elector has voted at such election.

(G)(1) An observer who serves during the casting of the
ballots shall only be permitted to do the following:

(a) Watch and listen to the activities conducted by the
precinct election officials and the interactions between precinct

election officials and voters, as long as the precinct election officials are not delayed in performing the officials' prescribed duties and voters are not delayed in casting their ballots; 10678
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(b) Make notes on the observer's observations other than by means of a photographic, video, or audio recording. 10681
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(2)(a) No observer who serves during the casting of the ballots shall interact with any precinct election official or with any voter while the observer is inside the polling place, within the area between the polling place and the small flags of the United States placed on the thoroughfares and walkways leading to the polling place, or within ten feet of any elector in line waiting to vote, if the line of electors waiting to vote extends beyond those small flags. 10683
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(b) An observer does not violate division (G)(2)(a) of this section as a result of an incidental interaction with a voter or a precinct election official, such as an exchange of greetings. 10691
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Sec. 3505.23. No voter shall be allowed to occupy a voting compartment or use a voting machine more than ~~five~~ ten minutes when all the voting compartments or machines are in use and voters are waiting to occupy them. Except as otherwise provided by section 3505.24 of the Revised Code, no voter shall occupy a voting compartment or machine with another person or speak to anyone, nor shall anyone speak to the voter, while the voter is in a voting compartment or machine. 10694
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In precincts that do not use voting machines the following procedure shall be followed: 10702
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If a voter tears, soils, defaces, or erroneously marks a ballot the voter may return it to the precinct election officials and a second ballot shall be issued to the voter. Before returning a torn, soiled, defaced, or erroneously marked ballot, the voter 10704
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shall fold it so as to conceal any marks the voter made upon it, 10708
but the voter shall not remove Stub A therefrom. If the voter 10709
tears, soils, defaces, or erroneously marks such second ballot, 10710
the voter may return it to the precinct election officials, and a 10711
third ballot shall be issued to the voter. In no case shall more 10712
than three ballots be issued to a voter. Upon receiving a returned 10713
torn, soiled, defaced, or erroneously marked ballot the precinct 10714
election officials shall detach Stub A therefrom, write "Defaced" 10715
on the back of such ballot, and place the stub and the ballot in 10716
the separate containers provided therefor. 10717

No elector shall leave the polling place until the elector 10718
returns to the precinct election officials every ballot issued to 10719
the elector with Stub A on each ballot attached thereto, 10720
regardless of whether the elector has or has not placed any marks 10721
upon the ballot. 10722

Before leaving the voting compartment, the voter shall fold 10723
each ballot marked by the voter so that no part of the face of the 10724
ballot is visible, and so that the printing thereon indicating the 10725
kind of ballot it is and the facsimile signatures of the members 10726
of the board of elections are visible. The voter shall then leave 10727
the voting compartment, deliver the voter's ballots, and state the 10728
voter's name to the judge having charge of the ballot boxes, who 10729
shall announce the name, detach Stub A from each ballot, and 10730
announce the number on the stubs. The judges in charge of the poll 10731
lists or poll books shall check to ascertain whether the number so 10732
announced is the number on Stub B of the ballots issued to such 10733
voter, and if no discrepancy appears to exist, the judge in charge 10734
of the ballot boxes shall, in the presence of the voter, deposit 10735
each such ballot in the proper ballot box and shall place Stub A 10736
from each ballot in the container provided therefor. The voter 10737
shall then immediately leave the polling place. 10738

No ballot delivered by a voter to the judge in charge of the 10739

ballot boxes with Stub A detached therefrom, and only ballots 10740
provided in accordance with Title XXXV of the Revised Code, shall 10741
be voted or deposited in the ballot boxes. 10742

In marking a presidential ballot, the voter shall record the 10743
vote in the manner provided on the ballot next to the names of the 10744
candidates for the offices of president and vice-president. Such 10745
ballot shall be considered and counted as a vote for each of the 10746
candidates for election as presidential elector whose names were 10747
certified to the secretary of state by the political party of such 10748
nominees for president and vice-president. 10749

In marking an office type ballot or nonpartisan ballot, the 10750
voter shall record the vote in the manner provided on the ballot 10751
next to the name of each candidate for whom the voter desires to 10752
vote. 10753

In marking a primary election ballot, the voter shall record 10754
the vote in the manner provided on the ballot next to the name of 10755
each candidate for whom the voter desires to vote. If the voter 10756
desires to vote for the nomination of a person whose name is not 10757
printed on the primary election ballot, the voter may do so by 10758
writing such person's name on the ballot in the proper place 10759
provided for such purpose. 10760

In marking a questions and issues ballot, the voter shall 10761
record the vote in the manner provided on the ballot at the left 10762
or at the right of "YES" or "NO" or other words of similar import 10763
which are printed on the ballot to enable the voter to indicate 10764
how the voter votes in connection with each question or issue upon 10765
which the voter desires to vote. 10766

In marking any ballot on which a blank space has been 10767
provided wherein an elector may write in the name of a person for 10768
whom the elector desires to vote, the elector shall write such 10769
person's name in such blank space and on no other place on the 10770

ballot. Unless specific provision is made by statute, no blank 10771
space shall be provided on a ballot for write-in votes, and any 10772
names written on a ballot other than in a blank space provided 10773
therefor shall not be counted or recorded. 10774

Sec. 3505.32. (A) Except as otherwise provided in division 10775
(D) of this section, not earlier than the eleventh day or later 10776
than the fifteenth day after a general or special election ~~or, if~~ 10777
~~a special election was held on the day of a presidential primary~~ 10778
~~election, not earlier than the twenty first day or later than the~~ 10779
~~twenty fifth day after the special election,~~ the board of 10780
elections shall begin to canvass the election returns from the 10781
precincts in which electors were entitled to vote at that 10782
election. It shall continue the canvass daily until it is 10783
completed and the results of the voting in that election in each 10784
of the precincts are determined. 10785

The board shall complete the canvass not later than the 10786
twenty-first day after the day of the election, ~~or if a special~~ 10787
~~election was held on the day of a presidential primary election,~~ 10788
~~not later than the thirty first day after the day of the special~~ 10789
~~election.~~ Eighty-one days after the day of the election, ~~or~~ 10790
~~ninety one days after the day of a special election held on the~~ 10791
~~day of the presidential primary election,~~ the canvass of election 10792
returns shall be deemed final, and no amendments to the canvass 10793
may be made after that date. The secretary of state may specify an 10794
earlier date upon which the canvass of election returns shall be 10795
deemed final, and after which amendments to the final canvass may 10796
not be made, if so required by federal law. 10797

(B) The county executive committee of each political party, 10798
each committee designated in a petition nominating an independent 10799
or nonpartisan candidate for election at an election, each 10800
committee designated in a petition to represent the petitioners 10801

pursuant to which a question or issue was submitted at an 10802
election, and any committee opposing a question or issue submitted 10803
at an election that was permitted by section 3505.21 of the 10804
Revised Code to have a qualified elector serve as an observer 10805
during the counting of the ballots at each polling place at an 10806
election may designate a qualified elector who may be present and 10807
may observe the making of the official canvass. 10808

(C) The board shall first open all envelopes containing 10809
uncounted ballots and shall count and tally them. 10810

In connection with its investigation of any apparent or 10811
suspected error or defect in the election returns from a polling 10812
place, the board may cause subpoenas to be issued and served 10813
requiring the attendance before it of the election officials of 10814
that polling place, and it may examine them under oath regarding 10815
the manner in which the votes were cast and counted in that 10816
polling place, or the manner in which the returns were prepared 10817
and certified, or as to any other matters bearing upon the voting 10818
and the counting of the votes in that polling place at that 10819
election. 10820

Finally, the board shall open the sealed container containing 10821
the ballots that were counted in the polling place at the election 10822
and count those ballots, during the official canvass, in the 10823
presence of all of the members of the board and any other persons 10824
who are entitled to witness the official canvass. 10825

(D) Prior to the tenth day after a primary, general, or 10826
special election, the board may examine the pollbooks, poll lists, 10827
and tally sheets received from each polling place for its files 10828
and may compare the results of the voting in any polling place 10829
with the summary statement received from the polling place. If the 10830
board finds that any of these records or any portion of them is 10831
missing, or that they are incomplete, not properly certified, or 10832
ambiguous, or that the results of the voting in the polling place 10833

as shown on the summary statement from the polling place are 10834
different from the results of the voting in the polling place as 10835
shown by the pollbook, poll list, or tally sheet from the polling 10836
place, or that there is any other defect in the records, the board 10837
may make whatever changes to the pollbook, poll list, or tally 10838
sheet it determines to be proper in order to correct the errors or 10839
defects. 10840

Sec. 3506.02. Voting machines, marking devices, and automatic 10841
tabulating equipment may be adopted for use in elections in any 10842
county in the following manner: 10843

(A) By the board of elections; 10844

(B) By the board of county commissioners of such county on 10845
the recommendation of the board of elections; 10846

(C) By the affirmative vote of a majority of the electors of 10847
such county voting upon the question of the adoption of such 10848
equipment in such county. 10849

If a petition signed by electors equal in number to two per 10850
cent of the total votes cast in the county for the office of 10851
governor at the most recent general election for that office is 10852
filed with the board of elections, such board shall submit to the 10853
electors of such county at the next general election occurring not 10854
less than ~~seventy-five~~ ninety days thereafter the question "Shall 10855
voting machines, marking devices, and automatic tabulating 10856
equipment be adopted in the county of?" 10857
Upon the filing of such petition, the board of elections shall 10858
forthwith notify the board of county commissioners, and the board 10859
of county commissioners shall forthwith determine whether it would 10860
prefer to purchase or lease such equipment in whole or in part for 10861
cash and if so whether it will be necessary or advisable to issue 10862
bonds to provide funds for the purchase of such equipment, if 10863
adopted. If the board of county commissioners determines that it 10864

is necessary or advisable to issue bonds therefor, it shall by 10865
resolution provide for the submission on the same ballot, but as a 10866
separate issue, the question of issuing such bonds. The question 10867
of issuing such bonds shall be submitted as required by division 10868
(A) of section 3506.03 of the Revised Code. 10869

Sec. 3506.21. (A) As used in this section, "optical scan 10870
ballot" means a ballot that is marked by using a specified writing 10871
instrument to fill in a designated position to record a voter's 10872
candidate, question, or issue choice and that can be scanned and 10873
electronically read in order to tabulate the vote. 10874

(B)(1) In addition to marks that can be scanned and 10875
electronically read by automatic tabulating equipment, any of the 10876
following marks, if a majority of those marks are made in a 10877
consistent manner throughout an optical scan ballot, shall be 10878
counted as a valid vote: 10879

(a) A candidate, question, or issue choice that has been 10880
circled by the voter; 10881

(b) An oval beside the candidate, question, or issue choice 10882
that has been circled by the voter; 10883

(c) An oval beside the candidate, question, or issue choice 10884
that has been marked by the voter with an "x," a check mark, or 10885
other recognizable mark; 10886

(d) A candidate, question, or issue choice that has been 10887
marked with a writing instrument that cannot be recognized by 10888
automatic tabulating equipment. 10889

(2) Marks made on an optical scan ballot in accordance with 10890
division (B)(1) of this section shall be counted as valid votes 10891
only if that optical scan ballot contains no marks that can be 10892
scanned and electronically read by automatic tabulating equipment. 10893

(3) If automatic tabulating equipment detects that more marks 10894

were made on an optical scan ballot for a particular office, 10895
question, or issue than the number of selections that a voter is 10896
allowed by law to make for that office, question, or issue, the 10897
election officials shall not attempt to determine the voter's 10898
intent with regard to that office, question, or issue, and the 10899
voter's ballot shall be invalidated for that office, question, or 10900
issue. The ballot shall not be invalidated for any other office, 10901
question, or issue for which the automatic tabulating equipment 10902
detects a vote to have been cast, in accordance with the law. 10903

(C) The secretary of state may adopt rules under Chapter 119. 10904
of the Revised Code to authorize additional types of optical scan 10905
ballots and to specify the types of marks on those ballots that 10906
shall be counted as a valid vote to ensure consistency in the 10907
counting of ballots throughout the state. 10908

(D)(1) A board of elections of a county that uses optical 10909
scan ballots and automatic tabulating equipment as the primary 10910
voting system for the county shall not tabulate the unofficial 10911
results of optical scan ballots voted on election day at a central 10912
location. 10913

(2) A board of elections that provides for the tabulation at 10914
each precinct of voted ballots, and then, at a central location, 10915
combines those precinct ballot totals with ballot totals from 10916
other precincts, including optical scan ballots voted by absent 10917
voters, shall not be considered to be tabulating the unofficial 10918
results of optical scan ballots at a central location for the 10919
purpose of division (D)(1) of this section. 10920

Sec. 3509.01. (A) The board of elections of each county shall 10921
provide absent voter's ballots for use at every primary and 10922
general election, or special election to be held on the day 10923
specified by division (E) of section 3501.01 of the Revised Code 10924
for the holding of a primary election, designated by the general 10925

assembly for the purpose of submitting constitutional amendments 10926
proposed by the general assembly to the voters of the state. Those 10927
ballots shall be the same size, shall be printed on the same kind 10928
of paper, and shall be in the same form as has been approved for 10929
use at the election for which those ballots are to be voted; 10930
except that, in counties using marking devices, ballot cards may 10931
be used for absent voter's ballots, and those absent voters shall 10932
be instructed to record the vote in the manner provided on the 10933
ballot cards. In counties where punch card ballots are used, those 10934
absent voters shall be instructed to examine their marked ballot 10935
cards and to remove any chads that remain partially attached to 10936
them before returning them to election officials. 10937

(B) The rotation of names of candidates and questions and 10938
issues shall be substantially complied with on absent voter's 10939
ballots, within the limitation of time allotted. Those ballots 10940
shall be designated as "Absent Voter's Ballots." ~~and~~ Except as 10941
otherwise provided in division (D) of this section, those ballots 10942
shall be printed and ready for use as follows: 10943

(1) For overseas voters and absent uniformed services voters 10944
eligible to vote under the Uniformed and Overseas Citizens 10945
Absentee Voting Act, Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 10946
1973ff, et seq., as amended, ballots shall be printed and ready 10947
for use on the ~~thirty-fifth~~ forty-fifth day before the day of the 10948
election, ~~except that those ballots shall be printed and ready for~~ 10949
~~use on the twenty-fifth day before the day of a presidential~~ 10950
~~primary election.~~ 10951

(2) For all voters, other than overseas voters and absent 10952
uniformed services voters, who are applying to vote absent voter's 10953
ballots other than in person, ballots shall be printed and ready 10954
for use on the twenty-eighth day before the day of any election; 10955

(3) For all voters who are applying to vote absent voter's 10956
ballots in person, ballots shall be printed and ready for use 10957

beginning on the twentieth day before the day of the election and 10958
shall continue to be available for use through five p.m. on the 10959
last Saturday before the day of the election. 10960

(C) Absent voter's ballots provided for use at a general or 10961
primary election, or special election to be held on the day 10962
specified by division (E) of section 3501.01 of the Revised Code 10963
for the holding of a primary election, designated by the general 10964
assembly for the purpose of submitting constitutional amendments 10965
proposed by the general assembly to the voters of the state, shall 10966
include only those questions, issues, and candidacies that have 10967
been lawfully ordered submitted to the electors voting at that 10968
election. 10969

~~Absent (D) If the laws governing the holding of a special~~ 10970
~~election on a day other than the day on which a primary or general~~ 10971
~~election is held make it impossible for absent voter's ballots to~~ 10972
~~be printed and ready for use by the deadlines established in~~ 10973
~~division (B) of this section, absent voter's ballots for those~~ 10974
~~special elections held on days other than the day on which general~~ 10975
~~or primary elections are held shall be ready for use as many days~~ 10976
before the day of the election as reasonably possible under the 10977
laws governing the holding of that special election. 10978

(E) A copy of the absent voter's ballots shall be forwarded 10979
by the director of the board in each county to the secretary of 10980
state at least twenty-five days before the election. 10981

(F) As used in this section, "chad" and "punch card ballot" 10982
have the same meanings as in section 3506.16 of the Revised Code. 10983

Sec. 3509.03. Except as provided in section 3509.031 or 10984
division (B) of section 3509.08 of the Revised Code, any qualified 10985
elector desiring to vote absent voter's ballots at an election 10986
shall make written application for those ballots to the director 10987
of elections of the county in which the elector's voting residence 10988

is located. The application need not be in any particular form but 10989
shall contain all of the following: 10990

- (A) The elector's name; 10991
- (B) The elector's signature; 10992
- (C) The address at which the elector is registered to vote; 10993
- (D) The elector's date of birth; 10994
- (E) One of the following: 10995
 - (1) The elector's driver's license number; 10996
 - (2) The last four digits of the elector's social security 10997
number; 10998
 - (3) A copy of the elector's current and valid photo 10999
identification, a copy of a military identification, or a copy of 11000
a current utility bill, bank statement, government check, 11001
paycheck, or other government document, other than a notice of an 11002
election mailed by a board of elections under section 3501.19 of 11003
the Revised Code or a notice of voter registration mailed by a 11004
board of elections under section 3503.19 of the Revised Code, that 11005
shows the name and address of the elector. 11006
- (F) A statement identifying the election for which absent 11007
voter's ballots are requested; 11008
- (G) A statement that the person requesting the ballots is a 11009
qualified elector; 11010
- (H) If the request is for primary election ballots, the 11011
elector's party affiliation; 11012
- (I) If the elector desires ballots to be mailed to the 11013
elector, the address to which those ballots shall be mailed. 11014

~~A voter who will be outside the United States on the day of 11015
any election during a calendar year may use a single federal post 11016
card application to apply for absent voter's ballots. Those 11017~~

~~ballots shall be sent to the voter for use at the primary and 11018
general elections in that year and any special election to be held 11019
on the day in that year specified by division (E) of section 11020
3501.01 of the Revised Code for the holding of a primary election, 11021
designated by the general assembly for the purpose of submitting 11022
constitutional amendments proposed by the general assembly to the 11023
voters of the state unless the voter reports a change in the 11024
voter's voting status to the board of elections or the voter's 11025
intent to vote in any such election in the precinct in this state 11026
where the voter is registered to vote. A single federal postcard 11027
application shall be processed by the board of elections pursuant 11028
to section 3509.04 of the Revised Code the same as if the voter 11029
had applied separately for absent voter's ballots for each 11030
election. When mailing absent voter's ballots to a voter who 11031
applied for them by single federal post card application, the 11032
board shall enclose notification to the voter that the voter must 11033
report to the board subsequent changes in the voter's voting 11034
status or the voter's subsequent intent to vote in any such 11035
election in the precinct in this state where the voter is 11036
registered to vote. Such notification shall be in a form 11037
prescribed by the secretary of state. As used in this section, 11038
"voting status" means the voter's name at the time the voter 11039
applied for absent voter's ballots by single federal post card 11040
application and the voter's address outside the United States to 11041
which the voter requested that those ballots be sent. 11042~~

Each application for absent voter's ballots shall be 11043
delivered to the director not earlier than the first day of 11044
January of the year of the elections for which the absent voter's 11045
ballots are requested or not earlier than ninety days before the 11046
day of the election at which the ballots are to be voted, 11047
whichever is earlier, and not later than twelve noon of the third 11048
day before the day of the election at which the ballots are to be 11049
voted, or not later than the close of regular business hours on 11050

the day before the day of the election at which the ballots are to 11051
be voted if the application is delivered in person to the office 11052
of the board. 11053

Sec. 3509.04. (A) If a director of a board of elections 11054
receives an application for absent voter's ballots that does not 11055
contain all of the required information, the director promptly 11056
shall notify the applicant of the additional information required 11057
to be provided by the applicant to complete that application. The 11058
applicant may provide the required information by mail, electronic 11059
mail, telephone, or facsimile transmission, through the internet, 11060
or in person at the office of the board of elections. If the 11061
application is missing a signature, the applicant may provide a 11062
signed statement that the applicant submitted the application. A 11063
signature provided on a signed statement under this division shall 11064
be considered the applicant's signature on the application for the 11065
purposes of processing an otherwise valid application for absent 11066
voter's ballots. The secretary of state shall prescribe uniform 11067
standards for processing additional information by mail, 11068
electronic mail, telephone, facsimile transmission, through the 11069
internet, or in person at the office of the board of elections 11070
under this division. 11071

If the applicant provides the required information prior to 11072
the end of the period for voting by absent voter's ballots at that 11073
election, the board shall promptly process the application and 11074
deliver absent voter's ballots to the applicant. 11075

(B) Upon receipt by the director of elections of an 11076
application for absent voter's ballots that contain all of the 11077
required information, as provided by sections 3509.03 and 3509.031 11078
and division (G) of section 3503.16 of the Revised Code, the 11079
director, if the director finds that the applicant is a qualified 11080
elector, shall deliver to the applicant in person or mail directly 11081

to the applicant by special delivery mail, air mail, or regular 11082
mail, postage prepaid, proper absent voter's ballots. The director 11083
shall deliver or mail with the ballots an unsealed identification 11084
envelope upon the face of which shall be printed a the following 11085
form ~~substantially as follows~~: 11086

"Identification Envelope Statement of Voter 11087

I,(Name of voter), declare under 11088
penalty of election falsification that the within ballot or 11089
ballots contained no voting marks of any kind when I received 11090
them, and I caused the ballot or ballots to be marked, enclosed in 11091
the identification envelope, and sealed in that envelope. 11092

My voting residence in Ohio is 11093

..... 11094

(Street and Number, if any, or Rural Route and Number) 11095

of (City, Village, or Township) 11096

Ohio, which is in Ward Precinct 11097

in that city, village, or township. 11098

The primary election ballots, if any, within this envelope 11099

are primary election ballots of the Party. 11100

Ballots contained within this envelope are to be voted at the 11101

..... (general, special, or primary) election to be held on 11102

the day of, 11103

My date of birth is (Month and Day), 11104

..... (Year). 11105

(Voter must provide one of the following:) 11106

My driver's license number is (Driver's 11107

license number). 11108

The last four digits of my Social Security Number are 11109

..... (Last four digits of Social Security Number). 11110

..... In lieu of providing a driver's license number or the 11111

last four digits of my Social Security Number, I am enclosing a 11112
copy of one of the following in the return envelope in which this 11113
identification envelope will be mailed: a current and valid photo 11114
identification, a military identification, or a current utility 11115
bill, bank statement, government check, paycheck, or other 11116
government document, other than a notice of an election mailed by 11117
a board of elections under section 3501.19 of the Revised Code or 11118
a notice of voter registration mailed by a board of elections, 11119
that shows my name and address. 11120

I hereby declare, under penalty of election falsification, 11121
that the statements above are true, as I verily believe. 11122

..... 11123

(Signature of Voter) 11124

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 11125
THE FIFTH DEGREE." 11126

The board of elections shall use an internal tracking system 11127
for all delivered absent voter's ballots, which system shall allow 11128
the board of elections to locate a voter's registration 11129
information based on a returned absent voter's ballot 11130
identification envelope. The director shall mail with the ballots 11131
and the unsealed identification envelope an unsealed return 11132
envelope upon the face of which shall be printed the official 11133
title and post-office address of the director. In the upper left 11134
corner on the face of the return envelope, several blank lines 11135
shall be printed upon which the voter may write the voter's name 11136
and return address, ~~and beneath these lines there shall be printed~~ 11137
~~a box beside the words "check if out of country." The voter shall~~ 11138
~~check this box if the voter will be outside the United States on~~ 11139
~~the day of the election.~~ The return envelope shall be of such size 11140
that the identification envelope can be conveniently placed within 11141
it for returning the identification envelope to the director. The 11142
secretary of state shall determine, by rule, whether the boards of 11143

elections shall include return postage, prepay the postage, or 11144
omit any form of postage, for any return envelope sent or 11145
otherwise delivered to an elector under this section. The rule 11146
shall require that all electors be treated uniformly and 11147
consistently regarding the provision of return postage. The 11148
secretary of state shall only require a board of elections to 11149
include return postage or prepay the postage under this section if 11150
the general assembly has appropriated money to pay such postage 11151
costs. 11152

Sec. 3509.05. (A) When an elector receives an absent voter's 11153
ballot pursuant to the elector's application or request, the 11154
elector shall, before placing any marks on the ballot, note 11155
whether there are any voting marks on it. If there are any voting 11156
marks, the ballot shall be returned immediately to the board of 11157
elections; otherwise, the elector shall cause the ballot to be 11158
marked, folded in a manner that the stub on it and the 11159
indorsements and facsimile signatures of the members of the board 11160
of elections on the back of it are visible, and placed and sealed 11161
within the identification envelope received from the director of 11162
elections for that purpose. Then, the elector shall cause the 11163
statement of voter on the outside of the identification envelope 11164
to be completed and signed, under penalty of election 11165
falsification. 11166

If the elector does not provide the elector's driver's 11167
license number or the last four digits of the elector's social 11168
security number on the statement of voter on the identification 11169
envelope, the elector also shall include in the return envelope 11170
with the identification envelope a copy of the elector's current 11171
valid photo identification, a copy of a military identification, 11172
or a copy of a current utility bill, bank statement, government 11173
check, paycheck, or other government document, other than a notice 11174
of an election mailed by a board of elections under section 11175

3501.19 of the Revised Code or a notice of voter registration 11176
mailed by a board of elections under section 3503.19 of the 11177
Revised Code, that shows the name and address of the elector. 11178

The elector shall mail the identification envelope to the 11179
director from whom it was received in the return envelope, postage 11180
prepaid, or the elector may personally deliver it to the director, 11181
or the spouse of the elector, the father, mother, father-in-law, 11182
mother-in-law, grandfather, grandmother, brother, or sister of the 11183
whole or half blood, or the son, daughter, adopting parent, 11184
adopted child, stepparent, stepchild, uncle, aunt, nephew, or 11185
niece of the elector may deliver it to the director. The return 11186
envelope shall be transmitted to the director in no other manner, 11187
except as provided in section 3509.08 of the Revised Code. 11188

~~Each elector who will be outside the United States on the day 11189
of the election shall check the box on the return envelope 11190
indicating this fact. 11191~~

When absent voter's ballots are delivered to an elector at 11192
the office of the board, the elector may retire to a voting 11193
compartment provided by the board and there mark the ballots. 11194
Thereupon, the elector shall fold them, place them in the 11195
identification envelope provided, seal the envelope, fill in and 11196
sign the statement on the envelope under penalty of election 11197
falsification, and deliver the envelope to the director of the 11198
board. 11199

Except as otherwise provided in ~~divisions~~ division (B) ~~and~~ 11200
(C) of this section, all other envelopes containing marked absent 11201
voter's ballots shall be delivered to the director not later than 11202
the close of the polls on the day of an election. Absent voter's 11203
ballots delivered to the director later than the times specified 11204
shall not be counted, but shall be kept by the board in the sealed 11205
identification envelopes in which they are delivered to the 11206
director, until the time provided by section 3505.31 of the 11207

Revised Code for the destruction of all other ballots used at the 11208
election for which ballots were provided, at which time they shall 11209
be destroyed. 11210

~~(B)(1) Except as otherwise provided in division (B)(2) of 11211
this section, any return envelope that indicates that the voter 11212
will be outside the United States on the day of the election shall 11213
be delivered to the director prior to the eleventh day after the 11214
election. Ballots delivered in such envelopes that are received 11215
after the close of the polls on election day through the tenth day 11216
thereafter shall be counted on the eleventh day at the board of 11217
elections in the manner provided in divisions (C) and (D) of 11218
section 3509.06 of the Revised Code. Any such ballots that are 11219
signed or postmarked after the close of the polls on the day of 11220
the election or that are received by the director later than the 11221
tenth day following the election shall not be counted, but shall 11222
be kept by the board in the sealed identification envelopes as 11223
provided in division (A) of this section. 11224~~

~~(2) In any year in which a presidential primary election is 11225
held, any return envelope that indicates that the voter will be 11226
outside the United States on the day of the presidential primary 11227
election shall be delivered to the director prior to the 11228
twenty first day after that election. Ballots delivered in such 11229
envelopes that are received after the close of the polls on 11230
election day through the twentieth day thereafter shall be counted 11231
on the twenty first day at the board of elections in the manner 11232
provided in divisions (C) and (D) of section 3509.06 of the 11233
Revised Code. Any such ballots that are signed or postmarked after 11234
the close of the polls on the day of that election or that are 11235
received by the director later than the twentieth day following 11236
that election shall not be counted, but shall be kept by the board 11237
in the sealed identification envelopes as provided in division (A) 11238
of this section. 11239~~

~~(C)(1)~~ Except as otherwise provided in division ~~(C)(B)~~(2) of 11240
this section, any return envelope that is postmarked ~~within the~~ 11241
~~United States~~ prior to the day of the election shall be delivered 11242
to the director prior to the eleventh day after the election. 11243
Ballots delivered in envelopes postmarked prior to the day of the 11244
election that are received after the close of the polls on 11245
election day through the tenth day thereafter shall be counted on 11246
the eleventh day at the board of elections in the manner provided 11247
in divisions (C) and (D) of section 3509.06 of the Revised Code. 11248
Any such ballots that are received by the director later than the 11249
tenth day following the election shall not be counted, but shall 11250
be kept by the board in the sealed identification envelopes as 11251
provided in division (A) of this section. 11252

(2) Division ~~(C)(B)~~(1) of this section shall not apply to any 11253
mail that is postmarked using a postage evidencing system, 11254
including a postage meter, as defined in 39 C.F.R. 501.1. 11255

Sec. 3509.06. (A) The board of elections shall determine 11256
whether absent voter's ballots shall be counted in each precinct, 11257
at the office of the board, or at some other location designated 11258
by the board, and shall proceed accordingly under division (B) or 11259
(C) of this section. 11260

(B) When the board of elections determines that absent 11261
voter's ballots shall be counted in each precinct, the director 11262
shall deliver to the presiding judge of each precinct on election 11263
day identification envelopes purporting to contain absent voter's 11264
ballots of electors whose voting residence appears from the 11265
statement of voter on the outside of each of those envelopes, to 11266
be located in such presiding judge's precinct, and which were 11267
received by the director not later than the close of the polls on 11268
election day. The director shall deliver to such presiding judge a 11269
list containing the name and voting residence of each person whose 11270

voting residence is in such precinct to whom absent voter's 11271
ballots were mailed. 11272

(C) When the board of elections determines that absent 11273
voter's ballots shall be counted at the office of the board of 11274
elections or at another location designated by the board, special 11275
election judges shall be appointed by the board for that purpose 11276
having the same authority as is exercised by precinct judges. The 11277
votes so cast shall be added to the vote totals by the board, and 11278
the absent voter's ballots shall be preserved separately by the 11279
board, in the same manner and for the same length of time as 11280
provided by section 3505.31 of the Revised Code. 11281

(D) Each of the identification envelopes purporting to 11282
contain absent voter's ballots delivered to the presiding judge of 11283
the precinct or the special judge appointed by the board of 11284
elections shall be handled as follows: The election officials 11285
shall compare the signature of the elector on the outside of the 11286
identification envelope with the signature of that elector on the 11287
elector's registration form and verify that the absent voter's 11288
ballot is eligible to be counted under section 3509.07 of the 11289
Revised Code. Any of the precinct officials may challenge the 11290
right of the elector named on the identification envelope to vote 11291
the absent voter's ballots upon the ground that the signature on 11292
the envelope is not the same as the signature on the registration 11293
form, that the identification envelope statement of voter has not 11294
been completed, or upon any other of the grounds upon which the 11295
right of persons to vote may be lawfully challenged. If no such 11296
challenge is made, or if such a challenge is made and not 11297
sustained, the presiding judge shall open the envelope without 11298
defacing the statement of voter and without mutilating the ballots 11299
in it, and shall remove the ballots contained in it and proceed to 11300
count them. 11301

The name of each person voting who is entitled to vote only 11302

an absent voter's presidential ballot shall be entered in a 11303
pollbook or poll list or signature pollbook followed by the words 11304
"Absentee Presidential Ballot." The name of each person voting an 11305
absent voter's ballot, other than such persons entitled to vote 11306
only a presidential ballot, shall be entered in the pollbook or 11307
poll list or signature pollbook and the person's registration card 11308
marked to indicate that the person has voted. 11309

The date of such election shall also be entered on the 11310
elector's registration form. If any such challenge is made and 11311
sustained, the identification envelope of such elector shall not 11312
be opened, shall be endorsed "Not Counted" with the reasons the 11313
ballots were not counted, and shall be delivered to the board. 11314

(E) Special election judges, employees or members of the 11315
board of elections, or observers shall not disclose the count or 11316
any portion of the count of absent voter's ballots prior to the 11317
time of the closing of the polling places. No person shall 11318
recklessly disclose the count or any portion of the count of 11319
absent voter's ballots in such a manner as to jeopardize the 11320
secrecy of any individual ballot. 11321

(F) Observers may be appointed under section 3505.21 of the 11322
Revised Code to witness the examination and opening of 11323
identification envelopes and the counting of absent voters' 11324
ballots under this section. 11325

(G)(1) If the election officials find that the voter did not 11326
sign the statement of voter on the identification envelope or if 11327
the election officials are unable to determine the identity of the 11328
voter who returned the ballot, the election officials shall use 11329
any information provided on the identification envelope or the 11330
board's internal tracking system to identify the voter for 11331
notification under division (G)(2) of this section. 11332

(2) If the voter did not sign the statement of voter on the 11333

identification envelope or if the election officials are unable to 11334
determine the identity of the voter who returned the ballot, the 11335
board of elections shall notify the voter, by whatever means of 11336
contact the voter has provided on the identification envelope or 11337
using any available contact information in the voter's 11338
registration record, of the defect and request the voter to verify 11339
the voter's identity for the purpose of processing that absent 11340
voter's ballot. 11341

(3) The voter may verify that the voter was the person who 11342
returned the absent voter's ballot in any of the following ways: 11343

(a) By confirming by mail, electronic mail, telephone, or 11344
facsimile transmission, or through the internet the voter's date 11345
of birth and residence address in a manner that substantially 11346
conforms with the records of the board of elections; 11347

(b) By providing a statement by mail, electronic mail, or 11348
facsimile transmission, or through the internet that the voter 11349
submitted the ballot and by attaching the voter's signature to 11350
that statement. A signature attached to a statement made under 11351
this division shall be considered the voter's signature on the 11352
identification envelope for the purposes of verifying the validity 11353
of that ballot. 11354

(c) By appearing in person at the office of the board of 11355
elections and signing the identification envelope. 11356

(4) The secretary of state shall prescribe uniform standards 11357
for processing additional information by mail, electronic mail, 11358
telephone, facsimile transmission, through the internet, or in 11359
person at the office of the board of elections under division (G) 11360
of this section. 11361

(5) If the voter provides the required information within ten 11362
days after the day of the election, the election officials shall 11363
complete the processing of the absent voter's ballot in the same 11364

manner as if that information had been included on the statement 11365
of voter at the time the ballot was returned. 11366

Sec. 3509.07. If election officials find that the statement 11367
accompanying an absent voter's ballot or absent voter's 11368
presidential ballot is incomplete or insufficient, that the 11369
signatures do not correspond with the person's registration 11370
signature, that the applicant is not a qualified elector in the 11371
precinct, that the ballot envelope contains more than one ballot 11372
of any one kind, or any voted ballot that the elector is not 11373
entitled to vote, that Stub A is detached from the absent voter's 11374
ballot or absent voter's presidential ballot, or that the elector 11375
has not included with the elector's ballot any identification 11376
required under section 3509.05 or 3511.09 of the Revised Code, the 11377
vote shall not be accepted or counted. The vote of any absent 11378
voter may be challenged for cause in the same manner as other 11379
votes are challenged, and the election officials shall determine 11380
the legality of that ballot. Every ballot not counted shall be 11381
endorsed on its back "Not Counted" with the reasons the ballot was 11382
not counted, and shall be enclosed and returned to or retained by 11383
the board of elections along with the contested ballots. 11384

Sec. 3511.01. Any section of the Revised Code to the contrary 11385
notwithstanding, any person ~~servng in the armed forces of the~~ 11386
~~United States, or the spouse or dependent of any person serving in~~ 11387
~~the armed forces of the United States who resides outside this~~ 11388
~~state for the purpose of being with or near such service member~~ 11389
who qualifies as a uniformed services voter or an overseas voter, 11390
as defined in 42 U.S.C. 1973ff-6, who will be eighteen years of 11391
age or more on the day of a general or special election and who is 11392
a citizen of the United States, may vote ~~armed service~~ uniformed 11393
services or overseas absent voter's ballots in such general or 11394
special election as follows: 11395

(A) If ~~the service~~ an absent uniformed services member is the voter, ~~he~~ the service member may vote only in the precinct in which ~~he~~ the service member has a voting residence in the state, and that voting residence shall be that place in the precinct in which ~~he~~ the service member resided immediately preceding the commencement of such service, provided that the time during which ~~he~~ the service member continuously resided in the state immediately preceding the commencement of such service plus the time subsequent to such commencement and prior to the day of such general, special, or primary election is equal to or exceeds thirty days.

(B) If the spouse or dependent of ~~a service~~ an absent uniformed services member is the voter, ~~he~~ the spouse or dependent may vote only in the precinct in which ~~he~~ the spouse or dependent has a voting residence in the state, and that voting residence shall be that place in the precinct in which ~~he~~ the spouse or dependent resided immediately preceding the time of leaving the state for the purpose of being with or near the service member, provided that the time during which ~~he~~ the spouse or dependent continuously resided in the state immediately preceding the time of leaving the state for the purpose of being with or near the service member plus the time subsequent to such leaving and prior to the day of such general, special, or primary election is equal to or exceeds thirty days.

(C) If ~~the service~~ an absent uniformed services member or ~~his~~ the service member's spouse or dependent establishes a permanent residence in a precinct other than the precinct in which ~~he~~ the person resided immediately preceding the commencement of ~~his~~ the service member's service, the voting residence of both the service member and ~~his~~ the service member's spouse or dependent shall be the precinct of such permanent residence, provided that the time during which ~~he~~ the service member continuously resided in the

state immediately preceding the commencement of such service plus 11428
the time subsequent to such commencement and prior to the day of 11429
such general, special, or primary election is equal to or exceeds 11430
thirty days. 11431

(D) If an overseas voter who is not an absent uniformed 11432
services voter or the spouse or dependent of an absent uniformed 11433
services voter is the voter, the overseas voter may vote only in 11434
the precinct in which the overseas voter has a voting residence in 11435
the state, and that voting residence shall be that place in the 11436
precinct in which the overseas voter resided immediately before 11437
leaving the United States, provided that the time during which the 11438
overseas voter continuously resided in the state immediately 11439
preceding such departure and prior to the day of such general, 11440
special, or primary election is equal to or exceeds thirty days. 11441

Sec. 3511.02. Notwithstanding any section of the Revised Code 11442
to the contrary, whenever any person applies for registration as a 11443
voter on a form adopted in accordance with federal regulations 11444
relating to the "Uniformed and Overseas Citizens Absentee Voting 11445
Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application 11446
shall be sufficient for voter registration and as a request for an 11447
absent voter's ballot. ~~Armed service~~ Uniformed services or 11448
overseas absent voter's ballots may be obtained by any person 11449
meeting the requirements of section 3511.01 of the Revised Code by 11450
applying electronically to the secretary of state in accordance 11451
with section 3511.021 of the Revised Code or by applying to the 11452
director of the board of elections of the county in which the 11453
person's voting residence is located, in one of the following 11454
ways: 11455

(A) That person may make written application for those 11456
ballots. The person may personally deliver the application to the 11457
director or may mail it, send it by facsimile machine, or 11458

otherwise send it to the director. The application need not be in 11459
any particular form but shall contain all of the following 11460
information: 11461

(1) The elector's name; 11462

(2) The elector's signature; 11463

(3) The address at which the elector is registered to vote; 11464

(4) The elector's date of birth; 11465

(5) One of the following: 11466

(a) The elector's driver's license number; 11467

(b) The last four digits of the elector's social security 11468
number; 11469

(c) A copy of the elector's current and valid photo 11470
identification, a copy of a military identification, or a copy of 11471
a current utility bill, bank statement, government check, 11472
paycheck, or other government document, other than a notice of an 11473
election mailed by a board of elections under section 3501.19 of 11474
the Revised Code or a notice of voter registration mailed by a 11475
board of elections under section 3503.19 of the Revised Code, that 11476
shows the name and address of the elector. 11477

(6) A statement identifying the election for which absent 11478
voter's ballots are requested; 11479

(7) A statement that the person requesting the ballots is a 11480
qualified elector; 11481

(8) A statement that the elector is an absent uniformed 11482
services voter or overseas voter as defined in 42 U.S.C. 1973ff-6; 11483

(9) A statement of the elector's length of residence in the 11484
state immediately preceding the commencement of service ~~or~~ 11485
immediately preceding the date of leaving to be with or near the 11486
service member, or immediately preceding leaving the United 11487

States, whichever is applicable; 11488

(10) If the request is for primary election ballots, the 11489
elector's party affiliation; 11490

(11) If the elector desires ballots to be mailed to the 11491
elector, the address to which those ballots shall be mailed; 11492

(12) If the elector desires ballots to be sent to the elector 11493
by facsimile machine, the telephone number to which they shall be 11494
so sent. 11495

(B) A voter or any relative of a voter listed in division (C) 11496
of this section may use a single federal post card application to 11497
apply for ~~armed service~~ uniformed services or overseas absent 11498
voter's ballots for use at the primary and general elections in a 11499
given year and any special election to be held on the day in that 11500
year specified by division (E) of section 3501.01 of the Revised 11501
Code for the holding of a primary election, designated by the 11502
general assembly for the purpose of submitting constitutional 11503
amendments proposed by the general assembly to the voters of the 11504
state. A single federal postcard application shall be processed by 11505
the board of elections pursuant to section 3511.04 of the Revised 11506
Code the same as if the voter had applied separately for ~~armed~~ 11507
~~service~~ uniformed services or overseas absent voter's ballots for 11508
each election. 11509

(C) Application to have ~~armed service~~ uniformed services or 11510
overseas absent voter's ballots mailed or sent by facsimile 11511
machine to such a person may be made by the spouse ~~when the person~~ 11512
~~is a service member, or by the~~ father, mother, father-in-law, 11513
mother-in-law, grandfather, grandmother, brother or sister of the 11514
whole blood or half blood, son, daughter, adopting parent, adopted 11515
child, stepparent, stepchild, uncle, aunt, nephew, or niece of 11516
such a person. The application shall be in writing upon a blank 11517
form furnished only by the director or on a single federal post 11518

card as provided in division (B) of this section. The form of the application shall be prescribed by the secretary of state. The director shall furnish that blank form to any of the relatives specified in this division desiring to make the application, only upon the request of such a relative made in person at the office of the board or upon the written request of such a relative mailed to the office of the board. The application, subscribed and sworn to by the applicant, shall contain all of the following:

(1) The full name of the elector for whom ballots are requested;

(2) A statement that the elector is an absent uniformed services voter or overseas voter as defined in 42 U.S.C. 1973ff-6;

(3) The address at which the elector is registered to vote;

(4) A statement identifying the elector's length of residence in the state immediately preceding the commencement of service, ~~or~~ immediately preceding the date of leaving to be with or near a service member, or immediately preceding leaving the United States, as the case may be;

(5) The elector's date of birth;

(6) One of the following:

(a) The elector's driver's license number;

(b) The last four digits of the elector's social security number;

(c) A copy of the elector's current and valid photo identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that

shows the name and address of the elector. 11549

(7) A statement identifying the election for which absent voter's ballots are requested; 11550
11551

(8) A statement that the person requesting the ballots is a qualified elector; 11552
11553

(9) If the request is for primary election ballots, the elector's party affiliation; 11554
11555

(10) A statement that the applicant bears a relationship to the elector as specified in division (C) of this section; 11556
11557

(11) The address to which ballots shall be mailed or the telephone number to which ballots shall be sent by facsimile machine; 11558
11559
11560

(12) The signature and address of the person making the application. 11561
11562

Each application for ~~armed-service~~ uniformed services or overseas absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the ~~armed-service~~ uniformed services or overseas absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day preceding the day of the election, or not later than the close of regular business hours on the day before the day of the election at which those ballots are to be voted if the application is delivered in person to the office of the board. 11563
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(D) If the voter for whom the application is made is entitled to vote for presidential and vice-presidential electors only, the applicant shall submit to the director in addition to the requirements of divisions (A), (B), and (C) of this section, a statement to the effect that the voter is qualified to vote for 11574
11575
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presidential and vice-presidential electors and for no other 11579
offices. 11580

Sec. 3511.021. (A)(1) The secretary of state shall establish 11581
procedures that allow any person who is eligible to vote as a 11582
uniformed services voter or an overseas voter in accordance with 11583
42 U.S.C. 1973ff-6 to request a uniformed services or overseas 11584
absent voter's ballot electronically from the office of the 11585
secretary of state. 11586

(2) The procedures shall allow such a person who requests a 11587
uniformed services or overseas absent voter's ballot application 11588
to express a preference for the manner in which the person will 11589
receive the requested application, whether by mail or 11590
electronically. If the person completes and timely returns the 11591
application and the applicant is eligible to receive a ballot, the 11592
procedures shall allow the applicant to express a preference for 11593
the manner in which the person will receive the requested blank, 11594
unvoted ballots, whether by mail or electronically. The requested 11595
items shall be transmitted by the preferred method. If the 11596
requestor does not express a preferred method, the requested items 11597
shall be delivered via standard mail. 11598

(3) To the extent practicable, the procedures shall protect 11599
the security and integrity of the ballot request and delivery 11600
process, and protect the privacy of the identity and personal data 11601
of the person when such applications and ballots are requested, 11602
processed, and sent. 11603

(4) No person shall return by electronic means to the 11604
secretary of state, a board of elections, or any other entity a 11605
completed or voted uniformed services or overseas absent voter's 11606
ballot. If a ballot is so returned, the ballot shall not be 11607
accepted, processed, or counted. 11608

(B)(1) The secretary of state shall establish a free access 11609

system to allow such a person to determine the following: 11610

(a) Whether that person's request for a uniformed services or 11611
overseas absent voter's ballot was received and processed; 11612

(b) If the person's request was received and processed, when 11613
the uniformed services or overseas absent voter's ballot was sent; 11614

(c) Whether any uniformed services or overseas absent voter's 11615
ballot returned by that person has been received by election 11616
officials; 11617

(d) Whether the board of elections found any error on the 11618
identification envelope containing the person's returned uniformed 11619
services or overseas absent voter's ballot and, if so, how the 11620
person may correct such error within ten days after the day of an 11621
election; and 11622

(e) Whether the person's uniformed services or overseas 11623
absent voter's ballot was counted. 11624

(2) The appropriate state or local election official shall 11625
establish and maintain reasonable procedures necessary to protect 11626
the security, confidentiality, and integrity of personal 11627
information collected, stored, or otherwise used by the free 11628
access system established under division (B) of this section. 11629
Access to information about an individual ballot shall be 11630
restricted to the person who cast the ballot. To the extent 11631
practicable, the procedures shall protect the security and 11632
integrity of the process and protect the privacy of the identity 11633
and personal data of the person. 11634

Sec. 3511.03. The board of elections of each county shall 11635
provide ~~armed service~~ uniformed services or overseas absent 11636
voter's ballots for use at each election. Such ballots for general 11637
or primary elections shall be prescribed on the ~~sixtieth~~ 11638
seventieth day before the day of such elections and shall be the 11639

same as provided for absent voters in section 3509.01 of the Revised Code.

Sec. 3511.04. (A) If a director of a board of elections receives an application for ~~armed service~~ uniformed services or overseas absent voter's ballots that does not contain all of the required information, the director promptly shall notify the applicant of the additional information required to be provided by the applicant to complete that application. The applicant may provide the required information by mail, electronic mail, telephone, or facsimile transmission, through the internet, or in person at the office of the board of elections. If the application is missing a signature, the applicant may provide a signed statement that the applicant submitted the application. A signature provided on a signed statement under this division shall be considered the applicant's signature on the application for the purposes of processing an otherwise valid application for uniformed services or overseas absent voter's ballots. The secretary of state shall prescribe uniform standards for processing additional information by mail, electronic mail, telephone, facsimile transmission, through the internet, or in person at the office of the board of elections under this division.

If the applicant provides the required information prior to the end of the period for voting by uniformed services or overseas absent voter's ballots at that election, the board shall promptly process the application and deliver uniformed services or overseas absent voter's ballots to the applicant.

(B) ~~Not later than the twenty fifth day before the day of each presidential primary election and not later than the thirty fifth~~ forty-fifth day before the day of each general or ~~other~~ primary election, and at the earliest possible time before

the day of a special election held on a day other than the day on 11671
which a general or primary election is held, the director of the 11672
board of elections shall mail ~~or~~, send by facsimile machine ~~armed~~ 11673
~~service~~, or otherwise send uniformed services or overseas absent 11674
voter's ballots then ready for use as provided for in section 11675
3511.03 of the Revised Code and for which the director has 11676
received valid applications prior to that time. Thereafter, and 11677
until twelve noon of the third day preceding the day of election, 11678
the director shall promptly, upon receipt of valid applications 11679
for them, mail ~~or~~, send by facsimile machine, or otherwise send to 11680
the proper persons all ~~armed service~~ uniformed services or 11681
overseas absent voter's ballots then ready for use. 11682

If, after the ~~sixtieth~~ seventieth day before the day of a 11683
general or primary election, any other question, issue, or 11684
candidacy is lawfully ordered submitted to the electors voting at 11685
the general or primary election, the board shall promptly provide 11686
a separate official issue, special election, or other election 11687
ballot for submitting the question, issue, or candidacy to those 11688
electors, and the director shall promptly mail or send by 11689
facsimile machine each such separate ballot to each person to whom 11690
the director has previously mailed or sent by facsimile machine 11691
other ~~armed service~~ uniformed services or overseas absent voter's 11692
ballots. 11693

In mailing ~~armed service~~ uniformed services or overseas 11694
absent voter's ballots, the director shall use the fastest mail 11695
service available, but the director shall not mail them by 11696
certified mail. 11697

Sec. 3511.05. (A) The director of the board of elections 11698
shall place ~~armed service~~ uniformed services or overseas absent 11699
voter's ballots sent by mail in an unsealed identification 11700
envelope, gummed ready for sealing. The director shall include 11701

with ~~armed service~~ uniformed services or overseas absent voter's 11702
ballots sent electronically, including by facsimile machine, an 11703
instruction sheet for preparing a gummed envelope in which the 11704
ballots shall be returned. The envelope for returning ballots sent 11705
by either means shall have printed or written on its face ~~a~~ the 11706
following form ~~substantially as follows~~: 11707

"Identification Envelope Statement of Voter 11708

I,(Name of voter), declare under 11709
penalty of election falsification that the within ballot or 11710
ballots contained no voting marks of any kind when I received 11711
them, and I caused the ballot or ballots to be marked, enclosed in 11712
the identification envelope, and sealed in that envelope. 11713

My voting residence in Ohio is 11714

..... 11715

(Street and Number, if any, or Rural Route and Number) 11716

of (City, Village, or Township) 11717

Ohio, which is in Ward Precinct 11718

in that city, village, or township. 11719

The primary election ballots, if any, within this envelope 11720

are primary election ballots of the Party. 11721

Ballots contained within this envelope are to be voted at the 11722

..... (general, special, or primary) election to be held on 11723

the day of, 11724

My date of birth is (Month and Day), 11725

..... (Year). 11726

(Voter must provide one of the following:) 11727

My driver's license number is (Driver's 11728

license number). 11729

The last four digits of my Social Security Number are 11730

..... (Last four digits of Social Security Number). 11731

..... In lieu of providing a driver's license number or the 11732
last four digits of my Social Security Number, I am enclosing a 11733
copy of one of the following in the return envelope in which this 11734
identification envelope will be mailed: a current and valid photo 11735
identification, a military identification, or a current utility 11736
bill, bank statement, government check, paycheck, or other 11737
government document, other than a notice of an election mailed by 11738
a board of elections under section 3501.19 of the Revised Code or 11739
a notice of voter registration mailed by a board of elections, 11740
that shows my name and address. 11741

I hereby declare, under penalty of election falsification, 11742
that the statements above are true, as I verily believe. 11743

..... 11744

(Signature of Voter) 11745

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 11746
THE FIFTH DEGREE." 11747

(B) The director shall also mail with the ballots and the 11748
unsealed identification envelope sent by mail an unsealed return 11749
envelope, gummed, ready for sealing, for use by the voter in 11750
returning the voter's marked ballots to the director. The director 11751
shall send with the ballots and the instruction sheet for 11752
preparing a gummed envelope sent electronically, including by 11753
facsimile machine, an instruction sheet for preparing a second 11754
gummed envelope as described in this division, for use by the 11755
voter in returning that voter's marked ballots to the director. 11756
The return envelope shall have two parallel lines, each one 11757
quarter of an inch in width, printed across its face paralleling 11758
the top, with an intervening space of one quarter of an inch 11759
between such lines. The top line shall be one and one-quarter 11760
inches from the top of the envelope. Between the parallel lines 11761
shall be printed: "OFFICIAL ELECTION ~~ARMED SERVICE~~ UNIFORMED 11762
SERVICES OR OVERSEAS ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." 11763

Three blank lines shall be printed in the upper left corner on the face of the envelope for the use by the voter in placing the voter's complete military, naval, or mailing address on these lines, and beneath these lines there shall be printed a box beside the words "check if out-of-country." The voter shall check this box if the voter will be outside the United States on the day of the election. The official title and the post-office address of the director to whom the envelope shall be returned shall be printed on the face of such envelope in the lower right portion below the bottom parallel line. The secretary of state shall determine, by rule, whether the boards of elections shall include return postage, prepay the postage, or omit any form of postage, for any return envelope sent or otherwise delivered to an elector under this section. The rule shall require that all electors be treated uniformly and consistently regarding the provision of return postage. The secretary of state shall only require a board of elections to include return postage or prepay the postage under this section if the general assembly has appropriated money to pay such postage costs.

(C) On the back of each identification envelope and each return envelope shall be printed the following:

"Instructions to voter:

If the flap on this envelope is so firmly stuck to the back of the envelope when received by you as to require forcible opening in order to use it, open the envelope in the manner least injurious to it, and, after marking your ballots and enclosing same in the envelope for mailing them to the director of the board of elections, reclose the envelope in the most practicable way, by sealing or otherwise, and sign the blank form printed below.

The flap on this envelope was firmly stuck to the back of the envelope when received, and required forced opening before sealing and mailing.

..... 11796
(Signature of voter)" 11797

(D) Division (C) of this section does not apply when absent 11798
voter's ballots are sent electronically, including by facsimile 11799
machine. 11800

Sec. 3511.06. The return envelope provided for in section 11801
3511.05 of the Revised Code shall be of such size that the 11802
identification envelope can be conveniently placed within it for 11803
returning the identification envelope to the director. The 11804
envelope in which the two envelopes and the ~~armed-service~~ 11805
uniformed services or overseas absent voter's ballots are mailed 11806
to the elector shall have two parallel lines, each one quarter of 11807
an inch in width, printed across its face, paralleling the top, 11808
with an intervening space of one-quarter of an inch between such 11809
lines. The top line shall be one and one-quarter inches from the 11810
top of the envelope. Between the parallel lines shall be printed: 11811
"official ~~armed-service~~ uniformed services or overseas absent 11812
voter's balloting material--via air mail." The appropriate return 11813
address of the director of the board of elections shall be printed 11814
in the upper left corner on the face of such envelope. Several 11815
blank lines shall be printed on the face of such envelope in the 11816
lower right portion, below the bottom parallel line, for writing 11817
in the name and address of the elector to whom such envelope is 11818
mailed. 11819

Sec. 3511.08. The director of the board of elections shall 11820
keep a record of the name and address of each person to whom ~~he~~ 11821
the director mails or delivers ~~armed-service~~ uniformed services or 11822
overseas absent voter's ballots, the kinds of ballots so mailed or 11823
delivered, and the name and address of the person who made the 11824
application for such ballots. After ~~he~~ the director has mailed or 11825
delivered such ballots ~~he~~ the director shall not mail or deliver 11826

additional ballots of the same kind to such person pursuant to a 11827
subsequent request unless such subsequent request contains the 11828
statement that an earlier request had been sent to the director 11829
prior to the thirtieth day before the election and that the ~~armed~~ 11830
~~service~~ uniformed services or overseas absent voter's ballots so 11831
requested had not been received by such person prior to the 11832
fifteenth day before the election, and provided that the director 11833
has not received an identification envelope purporting to contain 11834
marked ~~armed-service~~ uniformed services or overseas absent voter's 11835
ballots from such person. 11836

Sec. 3511.09. Upon receiving ~~armed-service~~ uniformed services 11837
or overseas absent voter's ballots, the elector shall cause the 11838
questions on the face of the identification envelope to be 11839
answered, and, by writing the elector's usual signature in the 11840
proper place on the identification envelope, the elector shall 11841
declare under penalty of election falsification that the answers 11842
to those questions are true and correct to the best of the 11843
elector's knowledge and belief. Then, the elector shall note 11844
whether there are any voting marks on the ballot. If there are any 11845
voting marks, the ballot shall be returned immediately to the 11846
board of elections; otherwise, the elector shall cause the ballot 11847
to be marked, folded separately so as to conceal the markings on 11848
it, deposited in the identification envelope, and securely sealed 11849
in the identification envelope. The elector then shall cause the 11850
identification envelope to be placed within the return envelope, 11851
sealed in the return envelope, and mailed to the director of the 11852
board of elections to whom it is addressed. If the elector does 11853
not provide the elector's driver's license number or the last four 11854
digits of the elector's social security number on the statement of 11855
voter on the identification envelope, the elector also shall 11856
include in the return envelope with the identification envelope a 11857
copy of the elector's current valid photo identification, a copy 11858

of a military identification, or a copy of a current utility bill, 11859
bank statement, government check, paycheck, or other government 11860
document, other than a notice of an election mailed by a board of 11861
elections under section 3501.19 of the Revised Code or a notice of 11862
voter registration mailed by a board of elections under section 11863
3503.19 of the Revised Code, that shows the name and address of 11864
the elector. Each elector who will be outside the United States on 11865
the day of the election shall check the box on the return envelope 11866
indicating this fact and shall mail the return envelope to the 11867
director prior to the close of the polls on election day. 11868

Every ~~armed services~~ uniformed services or overseas absent 11869
voter's ballot identification envelope shall be accompanied by the 11870
following statement in boldface capital letters: WHOEVER COMMITS 11871
ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 11872

Sec. 3511.10. If, after the thirty-fifth day and before the 11873
close of the polls on the day of a general or primary election, a 11874
valid application for ~~armed service~~ uniformed services or overseas 11875
absent voter's ballots is delivered to the director of the board 11876
of elections at the office of the board by a person making the 11877
application ~~in his~~ on the person's own behalf, the director shall 11878
forthwith deliver to the person all ~~armed service~~ uniformed 11879
services or overseas absent voter's ballots then ready for use, 11880
together with an identification envelope. The person shall then 11881
immediately retire to a voting booth in the office of the board, 11882
and mark the ballots. ~~He~~ The person shall then fold each ballot 11883
separately so as to conceal ~~his~~ the person's markings thereon, and 11884
deposit all of the ballots in the identification envelope and 11885
securely seal it. Thereupon ~~he~~ the person shall fill in answers to 11886
the questions on the face of the identification envelope, and by 11887
writing ~~his~~ the person's usual signature in the proper place 11888
thereon, ~~he~~ the person shall declare under penalty of election 11889
falsification that the answers to those questions are true and 11890

correct to the best of ~~his~~ that person's knowledge and belief. He 11891
The person shall then deliver the identification envelope to the 11892
director. If thereafter, and before the third day preceding such 11893
election, the board provides additional separate official issue or 11894
special election ballots, as provided for in section 3511.04 of 11895
the Revised Code, the director shall promptly, and not later than 11896
twelve noon of the third day preceding the day of election, mail 11897
such additional ballots to such person at the address specified by 11898
~~him~~ that person for that purpose. 11899

In the event any person serving in the armed forces of the 11900
United States is discharged after the closing date of 11901
registration, and ~~he~~ that person or ~~his~~ that person's spouse, or 11902
both, meets all the other qualifications set forth in section 11903
3511.01 of the Revised Code, ~~he or she~~ the person or spouse shall 11904
be permitted to vote prior to the date of the election in the 11905
office of the board in ~~his~~ the person's or spouse's county, as set 11906
forth in this section. 11907

Sec. 3511.11. (A) Upon receipt of any return envelope bearing 11908
the designation "Official Election ~~Armed Service~~ Uniformed 11909
Services or Overseas Absent Voter's Ballot" prior to the 11910
~~twenty first day after the day of a presidential primary election~~ 11911
~~or prior to the~~ eleventh day after the day of any ~~other~~ election, 11912
the director of the board of elections shall open it but shall not 11913
open the identification envelope contained in it. If, upon so 11914
opening the return envelope, the director finds ballots in it that 11915
are not enclosed in and properly sealed in the identification 11916
envelope, the director shall not look at the markings upon the 11917
ballots and shall promptly place them in the identification 11918
envelope and promptly seal it. If, upon so opening the return 11919
envelope, the director finds that ballots are enclosed in the 11920
identification envelope but that it is not properly sealed, the 11921
director shall not look at the markings upon the ballots and shall 11922

promptly seal the identification envelope. 11923

(B) ~~Armed service~~ (1) If the election officials find that 11924
voter did not sign the statement of voter on the identification 11925
envelope or if the election officials are unable to determine the 11926
identity of the voter who returned the ballot, the election 11927
officials shall use any information provided on the identification 11928
envelope or the board's internal tracking system to identify the 11929
voter for notification under division (B)(2) of this section. 11930

(2) If the voter did not sign the statement of voter on the 11931
identification envelope or if the election officials are unable to 11932
determine the identity of the voter who returned the ballot, the 11933
board of elections shall notify the voter, by whatever means of 11934
contact the voter has provided on the identification envelope or 11935
using any available contact information in the voter's 11936
registration record, of the defect and request the voter to verify 11937
the voter's identity for the purpose of processing that uniformed 11938
services or overseas absent voter's ballot. 11939

(3) The voter may verify that the voter was the person who 11940
returned the uniformed services or overseas absent voter's ballot 11941
in any of the following ways: 11942

(a) By confirming by mail, electronic mail, telephone, or 11943
facsimile transmission, or through the internet the voter's date 11944
of birth and residence address in a manner that substantially 11945
conforms with the records of the board of elections; 11946

(b) By providing a statement by mail, electronic mail, or 11947
facsimile transmission, or through the internet that the voter 11948
submitted the ballot and by attaching the voter's signature to 11949
that statement. A signature attached to a statement made under 11950
this division shall be considered the voter's signature on the 11951
identification envelope for the purposes of verifying the validity 11952
of that ballot. 11953

(c) By appearing in person at the office of the board of elections and signing the identification envelope. 11954
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(4) The secretary of state shall prescribe uniform standards for processing additional information by mail, electronic mail, telephone, facsimile transmission, through the internet, or in person at the office of the board of elections under division (B) of this section. 11956
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(5) If the voter provides the required information within ten days after the day of the election, the election officials shall complete the processing of the uniformed services or overseas absent voter's ballot in the same manner as if that information had been included on the statement of voter at the time the ballot was returned. 11961
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(C) Uniformed services or overseas absent voter's ballots delivered to the director not later than the close of the polls on election day shall be counted in the manner provided in section 3509.06 of the Revised Code. 11967
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~~(C)~~(D) A return envelope that indicates that the voter will be outside of the United States on the day of an election is not required to be postmarked in order for ~~an armed service a~~ uniformed services or overseas absent voter's ballot contained in it to be valid. Except as otherwise provided in this division, whether or not the return envelope containing the ballot is postmarked or contains an illegible postmark, ~~an armed service a~~ uniformed services or overseas absent voter's ballot that is received after the close of the polls on election day through the tenth day after the election day ~~or, if the election was a presidential primary election, through the twentieth day after the election day,~~ and that is delivered in a return envelope that indicates that the voter will be outside the United States on the day of the election shall be counted on the eleventh day after the election day ~~or, if the election was a presidential primary~~ 11971
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election, on the twenty first day after the election day, at the 11986
office of the board of elections in the manner provided in 11987
divisions (C) and (D) of section 3509.06 of the Revised Code. 11988
However, if a return envelope containing ~~an armed service a~~ 11989
uniformed services or overseas absent voter's ballot is so 11990
received and so indicates, but it is postmarked, or the 11991
identification envelope in it is signed, after the close of the 11992
polls on election day, the ~~armed service~~ uniformed services or 11993
overseas absent voter's ballot shall not be counted. 11994

~~(D)~~(E)(1) Except as otherwise provided in division ~~(D)~~(E)(2) 11995
of this section, any return envelope containing ~~an armed service a~~ 11996
uniformed services or overseas absent voter's ballot that is 11997
postmarked within the United States prior to the day of the 11998
election shall be delivered to the director prior to the eleventh 11999
day after the election. ~~Armed service~~ Uniformed services or 12000
overseas absent voter's ballots delivered in envelopes postmarked 12001
prior to the day of the election that are received after the close 12002
of the polls on election day through the tenth day thereafter 12003
shall be counted on the eleventh day at the board of elections in 12004
the manner provided in divisions (C) and (D) of section 3509.06 of 12005
the Revised Code. Any such ballots that are received by the 12006
director later than the tenth day following the election shall not 12007
be counted, but shall be kept by the board in the sealed 12008
identification envelopes as provided in division (A) of this 12009
section. 12010

(2) Division ~~(D)~~(E)(1) of this section shall not apply to any 12011
mail that is postmarked using a postage evidencing system, 12012
including a postage meter, as defined in 39 C.F.R. 501.1. 12013

~~(E)~~(F) The following types of ~~armed service~~ uniformed 12014
services or overseas absent voter's ballots shall not be counted: 12015

(1) ~~Armed service~~ Uniformed services or overseas absent 12016
voter's ballots contained in return envelopes that bear the 12017

designation "Official Election ~~Armed Service~~ Uniformed Services or 12018
Overseas Absent Voter's Ballots," that are received by the 12019
director after the close of the polls on the day of the election, 12020
and that either are postmarked, or contain an identification 12021
envelope that is signed, on or after election day; 12022

(2) ~~Armed service~~ Uniformed services or overseas absent 12023
voter's ballots contained in return envelopes that bear that 12024
designation, that do not indicate they are from voters who will be 12025
outside the United States on the day of the election, and that are 12026
received after the tenth day following the election ~~or, if the~~ 12027
~~election was a presidential primary election, after the twentieth~~ 12028
~~day following the election;~~ 12029

(3) ~~Armed service~~ Uniformed services or overseas absent 12030
voter's ballots contained in return envelopes that bear that 12031
designation, that are received by the director within ten days 12032
after the day of the election, and that were postmarked before the 12033
day of the election using a postage evidencing system, including a 12034
postage meter, as defined in 39 C.F.R. 501.1. 12035

The uncounted ballots shall be preserved in their 12036
identification envelopes unopened until the time provided by 12037
section 3505.31 of the Revised Code for the destruction of all 12038
other ballots used at the election for which ballots were 12039
provided, at which time they shall be destroyed. 12040

Sec. 3511.12. In counting ~~armed service~~ uniformed services or 12041
overseas absent voter's ballots pursuant to section 3511.11 of the 12042
Revised Code, the name of each voter, followed by "~~Armed Service~~ 12043
Uniformed Services or Overseas Absent Voter's Ballot," shall be 12044
written in the poll book or poll list together with such notations 12045
as will indicate the kinds of ballots the envelope contained. If 12046
any challenge is made and sustained, the identification envelope 12047
of such voter shall not be opened and shall be indorsed "not 12048

counted" with the reasons therefor. 12049

Sec. 3511.13. (A) The poll list or signature pollbook for 12050
each precinct shall identify each registered elector in that 12051
precinct who has requested ~~an armed service~~ a uniformed services 12052
or overseas absent voter's ballot for that election. 12053

(B)(1) If a registered elector appears to vote in that 12054
precinct and that elector has requested ~~an armed service~~ a 12055
uniformed services or overseas absent voter's ballot for that 12056
election but the director has not received a sealed identification 12057
envelope purporting to contain that elector's voted ~~armed service~~ 12058
uniformed services or overseas absent voter's ballots for that 12059
election, the elector shall be permitted to cast a provisional 12060
ballot under section 3505.181 of the Revised Code in that precinct 12061
on the day of that election. 12062

(2) If a registered elector appears to vote in that precinct 12063
and that elector has requested ~~an armed service~~ a uniformed 12064
services or overseas absent voter's ballot for that election and 12065
the director has received a sealed identification envelope 12066
purporting to contain that elector's voted ~~armed service~~ uniformed 12067
services or overseas absent voter's ballots for that election, the 12068
elector shall be permitted to cast a provisional ballot under 12069
section 3505.181 of the Revised Code in that precinct on the day 12070
of that election. 12071

(C)(1) In counting ~~armed service~~ uniformed services or 12072
overseas absent voter's ballots under section 3511.11 of the 12073
Revised Code, the board of elections shall compare the signature 12074
of each elector from whom the director has received a sealed 12075
identification envelope purporting to contain that elector's voted 12076
~~armed service~~ uniformed services or overseas absent voter's 12077
ballots for that election to the signature on the elector's 12078
registration form. Except as otherwise provided in division (C)(3) 12079

of this section, if the board of elections determines that the
~~armed service~~ uniformed services or overseas absent voter's ballot
in the sealed identification envelope is valid, it shall be
counted. If the board of elections determines that the signature
on the sealed identification envelope purporting to contain the
elector's voted ~~armed service~~ uniformed services or overseas
absent voter's ballot does not match the signature on the
elector's registration form, the ballot shall be set aside and the
board shall examine, during the time prior to the beginning of the
official canvass, the poll list or signature pollbook from the
precinct in which the elector is registered to vote to determine
if the elector also cast a provisional ballot under section
3505.181 of the Revised Code in that precinct on the day of the
election.

(2) The board of elections shall count the provisional
ballot, instead of the ~~armed service~~ uniformed services or
overseas absent voter's ballot, of an elector from whom the
director has received an identification envelope purporting to
contain that elector's voted ~~armed service~~ uniformed services or
overseas absent voter's ballots, if both of the following apply:

(a) The board of elections determines that the signature of
the elector on the outside of the identification envelope in which
the ~~armed service~~ uniformed services or overseas absent voter's
ballots are enclosed does not match the signature of the elector
on the elector's registration form;

(b) The elector cast a provisional ballot in the precinct on
the day of the election.

(3) If the board of elections does not receive the sealed
identification envelope purporting to contain the elector's voted
~~armed service~~ uniformed services or overseas absent voter's ballot
by the applicable deadline established under section 3511.11 of
the Revised Code, the provisional ballot cast under section

3505.181 of the Revised Code in that precinct on the day of the 12112
election shall be counted as valid, if that provisional ballot is 12113
otherwise determined to be valid pursuant to section 3505.183 of 12114
the Revised Code. 12115

(D) If the board of elections counts a provisional ballot 12116
under division (C)(2) or (3) of this section, the returned 12117
identification envelope of that elector shall not be opened, and 12118
the ballot within that envelope shall not be counted. The 12119
identification envelope shall be endorsed "Not Counted" with the 12120
reason the ballot was not counted. 12121

Sec. 3511.14. A board of elections shall accept and process 12122
federal write-in ballots for all elections as required under "The 12123
Uniformed and Overseas Citizens Absentee Voting Act," Pub. L. No. 12124
99-410, 100 Stat. 924, 42 U.S.C. 1973ff, et seq., as amended. 12125

Sec. 3513.01. (A) Except as otherwise provided in this 12126
section, on the first Tuesday after the first Monday in March of 12127
2000 and every fourth year thereafter, and on the first Tuesday 12128
after the first Monday in May of every other year, primary 12129
elections shall be held for the purpose of nominating persons as 12130
candidates of political parties for election to offices to be 12131
voted for at the succeeding general election. 12132

(B) The manner of nominating persons as candidates for 12133
election as officers of a municipal corporation having a 12134
population of two thousand or more, as ascertained by the most 12135
recent federal census, shall be the same as the manner in which 12136
candidates were nominated for election as officers in the 12137
municipal corporation in 1989 unless the manner of nominating such 12138
candidates is changed under division (C), (D), or (E) of this 12139
section. 12140

(C) Primary elections shall not be held for the nomination of 12141

candidates for election as officers of any township, or any 12142
municipal corporation having a population of less than two 12143
thousand, unless a majority of the electors of any such township 12144
or municipal corporation, as determined by the total number of 12145
votes cast in such township or municipal corporation for the 12146
office of governor at the most recent regular state election, 12147
files with the board of elections of the county within which such 12148
township or municipal corporation is located, or within which the 12149
major portion of the population thereof is located, if the 12150
municipal corporation is situated in more than one county, not 12151
later than one hundred ~~five~~ twenty days before the day of a 12152
primary election, a petition signed by such electors asking that 12153
candidates for election as officers of such township or municipal 12154
corporation be nominated as candidates of political parties, in 12155
which event primary elections shall be held in such township or 12156
municipal corporation for the purpose of nominating persons as 12157
candidates of political parties for election as officers of such 12158
township or municipal corporation to be voted for at the 12159
succeeding regular municipal election. In a township or municipal 12160
corporation where a majority of the electors have filed a petition 12161
asking that candidates for election as officers of the township or 12162
municipal corporation be nominated as candidates of political 12163
parties, the nomination of candidates for a nonpartisan election 12164
may be reestablished in the manner prescribed in division (E) of 12165
this section. 12166

(D)(1) The electors in a municipal corporation having a 12167
population of two thousand or more, in which municipal officers 12168
were nominated in the most recent election by nominating petition 12169
and elected by nonpartisan election, may place on the ballot in 12170
the manner prescribed in division (D)(2) of this section the 12171
question of changing to the primary-election method of nominating 12172
persons as candidates for election as officers of the municipal 12173
corporation. 12174

(2) The board of elections of the county within which the municipal corporation is located, or, if the municipal corporation is located in more than one county, of the county within which the major portion of the population of the municipal corporation is located, shall, upon receipt of a petition signed by electors of the municipal corporation equal in number to at least ten per cent of the vote cast at the most recent regular municipal election, submit to the electors of the municipal corporation the question of changing to the primary-election method of nominating persons as candidates for election as officers of the municipal corporation. The ballot language shall be substantially as follows:

"Shall candidates for election as officers of
(name of municipal corporation) in the county of
(name of county) be nominated as candidates of political parties?
..... yes
..... no"

The question shall be placed on the ballot at the next general election in an even-numbered year occurring at least ~~seventy five~~ ninety days after the petition is filed with the board. If a majority of the electors voting on the question vote in the affirmative, candidates for election as officers of the municipal corporation shall thereafter be nominated as candidates of political parties in primary elections, under division (A) of this section, unless a change in the manner of nominating persons as candidates for election as officers of the municipal corporation is made under division (E) of this section.

(E)(1) The electors in a township or municipal corporation in which the township or municipal officers are nominated as candidates of political parties in a primary election may place on the ballot, in the manner prescribed in division (E)(2) of this

section, the question of changing to the nonpartisan method of 12206
nominating persons as candidates for election as officers of the 12207
township or municipal corporation. 12208

(2) The board of elections of the county within which the 12209
township or municipal corporation is located, or, if the municipal 12210
corporation is located in more than one county, of the county 12211
within which the major portion of the population of the municipal 12212
corporation is located, shall, upon receipt of a petition signed 12213
by electors of the township or municipal corporation equal in 12214
number to at least ten per cent of the vote cast at the most 12215
recent regular township or municipal election, as appropriate, 12216
submit to the electors of the township or municipal corporation, 12217
as appropriate, the question of changing to the nonpartisan method 12218
of nominating persons as candidates for election as officers of 12219
the township or municipal corporation. The ballot language shall 12220
be substantially as follows: 12221

"Shall candidates for election as officers of 12222
(name of the township or municipal corporation) in the county of 12223
..... (name of county) be nominated as candidates by 12224
nominating petition and be elected only in a nonpartisan election? 12225
..... yes 12226
..... no" 12227

The question shall appear on the ballot at the next general 12228
election in an even-numbered year occurring at least ~~seventy-five~~ 12229
ninety days after the petition is filed with the board. If a 12230
majority of electors voting on the question vote in the 12231
affirmative, candidates for officer of the township or municipal 12232
corporation shall thereafter be nominated by nominating petition 12233
and be elected only in a nonpartisan election, unless a change in 12234
the manner of nominating persons as candidates for election as 12235
officers of the township or municipal corporation is made under 12236

division (C) or (D) of this section. 12237

Sec. 3513.02. If, in any odd-numbered year, no valid 12238
declaration of candidacy is filed for nomination as a candidate of 12239
a political party for election to any of the offices to be voted 12240
for at the general election to be held in such year, or if the 12241
number of persons filing such declarations of candidacy for 12242
nominations as candidates of one political party for election to 12243
such offices does not exceed, as to any such office, the number of 12244
candidates which such political party is entitled to nominate as 12245
its candidates for election to such office, then no primary 12246
election shall be held for the purpose of nominating party 12247
candidates of such party for election to offices to be voted for 12248
at such general election and no primary ballots shall be provided 12249
for such party. If, however, the only office for which there are 12250
more valid declarations of candidacy filed than the number to be 12251
nominated by a political party, is the office of ~~councilman~~ 12252
councilperson in a ward, a primary election shall be held for such 12253
party only in the ward or wards in which there is a contest, and 12254
only the names of the candidates for the office of ~~councilman~~ 12255
councilperson in such ward shall appear on the primary ballot of 12256
such political party. 12257

The election officials whose duty it would have been to 12258
provide for and conduct the holding of such primary election, 12259
declare the results thereof, and issue certificates of nomination 12260
to the persons entitled thereto if such primary election had been 12261
held shall declare each of such persons to be nominated as of the 12262
date of the ~~seventy-fifth~~ ninetieth day before the primary 12263
election, issue appropriate certificates of nomination to each of 12264
them, and certify their names to the proper election officials, in 12265
order that their names may be printed on the official ballots 12266
provided for use in the succeeding general election in the same 12267
manner as though such primary election had been held and such 12268

persons had been nominated at such election. 12269

Sec. 3513.04. Candidates for party nominations to state, 12270
district, county, and municipal offices or positions, for which 12271
party nominations are provided by law, and for election as members 12272
of party controlling committees shall have their names printed on 12273
the official primary ballot by filing a declaration of candidacy 12274
and paying the fees specified for the office under divisions (A) 12275
and (B) of section 3513.10 of the Revised Code, except that the 12276
joint candidates for party nomination to the offices of governor 12277
and lieutenant governor shall, for the two of them, file one 12278
declaration of candidacy. The joint candidates also shall pay the 12279
fees specified for the joint candidates under divisions (A) and 12280
(B) of section 3513.10 of the Revised Code. 12281

The secretary of state shall not accept for filing the 12282
declaration of candidacy of a candidate for party nomination to 12283
the office of governor unless the declaration of candidacy also 12284
shows a joint candidate for the same party's nomination to the 12285
office of lieutenant governor, shall not accept for filing the 12286
declaration of candidacy of a candidate for party nomination to 12287
the office of lieutenant governor unless the declaration of 12288
candidacy also shows a joint candidate for the same party's 12289
nomination to the office of governor, and shall not accept for 12290
filing a declaration of candidacy that shows a candidate for party 12291
nomination to the office of governor or lieutenant governor who, 12292
for the same election, has already filed a declaration of 12293
candidacy or a declaration of intent to be a write-in candidate, 12294
or has become a candidate by the filling of a vacancy under 12295
section 3513.30 of the Revised Code for any other state office or 12296
any federal or county office. 12297

No person who seeks party nomination for an office or 12298
position at a primary election by declaration of candidacy or by 12299

declaration of intent to be a write-in candidate and no person who 12300
is a first choice for president of candidates seeking election as 12301
delegates and alternates to the national conventions of the 12302
different major political parties who are chosen by direct vote of 12303
the electors as provided in this chapter shall be permitted to 12304
become a candidate by nominating petition ~~or~~, by declaration of 12305
intent to be a write-in candidate, or by filing a vacancy under 12306
section 3513.31 of the Revised Code at the following general 12307
election for any office other than the office of member of the 12308
state board of education, office of member of a city, local, or 12309
exempted village board of education, office of member of a 12310
governing board of an educational service center, or office of 12311
township trustee. 12312

Sec. 3513.041. A write-in space shall be provided on the 12313
ballot for every office, except in an election for which the board 12314
of elections has received no valid declarations of intent to be a 12315
write-in candidate under this section. Write-in votes shall not be 12316
counted for any candidate who has not filed a declaration of 12317
intent to be a write-in candidate pursuant to this section. A 12318
qualified person who has filed a declaration of intent may receive 12319
write-in votes at either a primary or general election. Any 12320
candidate shall file a declaration of intent to be a write-in 12321
candidate before four p.m. of the ~~sixty-second~~ seventy-second day 12322
preceding the election at which such candidacy is to be 12323
considered. If the election is to be determined by electors of a 12324
county or a district or subdivision within the county, such 12325
declaration shall be filed with the board of elections of that 12326
county. If the election is to be determined by electors of a 12327
subdivision located in more than one county, such declaration 12328
shall be filed with the board of elections of the county in which 12329
the major portion of the population of such subdivision is 12330
located. If the election is to be determined by electors of a 12331

district comprised of more than one county but less than all of 12332
the counties of the state, such declaration shall be filed with 12333
the board of elections of the most populous county in such 12334
district. Any candidate for an office to be voted upon by electors 12335
throughout the entire state shall file a declaration of intent to 12336
be a write-in candidate with the secretary of state before four 12337
p.m. of the ~~sixty-second~~ seventy-second day preceding the election 12338
at which such candidacy is to be considered. In addition, 12339
candidates for president and vice-president of the United States 12340
shall also file with the secretary of state by that ~~sixty-second~~ 12341
seventy-second day a slate of presidential electors sufficient in 12342
number to satisfy the requirements of the United States 12343
constitution. 12344

A board of elections shall not accept for filing the 12345
declaration of intent to be a write-in candidate of a person 12346
seeking to become a candidate if that person, for the same 12347
election, has already filed a declaration of candidacy, a 12348
declaration of intent to be a write-in candidate, or a nominating 12349
petition, or has become a candidate through party nomination at a 12350
primary election or by the filling of a vacancy under section 12351
3513.30 or 3513.31 of the Revised Code, for any federal, state, or 12352
county office, if the declaration of intent to be a write-in 12353
candidate is for a state or county office, or for any municipal or 12354
township office, for member of a city, local, or exempted village 12355
board of education, or for member of a governing board of an 12356
educational service center, if the declaration of intent to be a 12357
write-in candidate is for a municipal or township office, or for 12358
member of a city, local, or exempted village board of education, 12359
or for member of a governing board of an educational service 12360
center. 12361

No person shall file a declaration of intent to be a write-in 12362
candidate for the office of governor unless the declaration also 12363

shows the intent of another person to be a write-in candidate for 12364
the office of lieutenant governor. No person shall file a 12365
declaration of intent to be a write-in candidate for the office of 12366
lieutenant governor unless the declaration also shows the intent 12367
of another person to be a write-in candidate for the office of 12368
governor. No person shall file a declaration of intent to be a 12369
write-in candidate for the office of governor or lieutenant 12370
governor if the person has previously filed a declaration of 12371
intent to be a write-in candidate to the office of governor or 12372
lieutenant governor at the same primary or general election. A 12373
write-in vote for the two candidates who file such a declaration 12374
shall be counted as a vote for them as joint candidates for the 12375
offices of governor and lieutenant governor. 12376

The secretary of state shall not accept for filing the 12377
declaration of intent to be a write-in candidate of a person for 12378
the office of governor unless the declaration also shows the 12379
intent of another person to be a write-in candidate for the office 12380
of lieutenant governor, shall not accept for filing the 12381
declaration of intent to be a write-in candidate of a person for 12382
the office of lieutenant governor unless the declaration also 12383
shows the intent of another person to be a write-in candidate for 12384
the office of governor, and shall not accept for filing the 12385
declaration of intent to be a write-in candidate of a person to 12386
the office of governor or lieutenant governor if that person, for 12387
the same election, has already filed a declaration of candidacy, a 12388
declaration of intent to be a write-in candidate, or a nominating 12389
petition, or has become a candidate through party nomination at a 12390
primary election or by the filling of a vacancy under section 12391
3513.30 or 3513.31 of the Revised Code, for any other state office 12392
or any federal or county office. 12393

Protests against the candidacy of any person filing a 12394
declaration of intent to be a write-in candidate may be filed by 12395

any qualified elector who is eligible to vote in the election at 12396
which the candidacy is to be considered. The protest shall be in 12397
writing and shall be filed not later than four p.m. of the 12398
~~fifty-seventh~~ sixty-seventh day before the day of the election. 12399
The protest shall be filed with the board of elections with which 12400
the declaration of intent to be a write-in candidate was filed. 12401
Upon the filing of the protest, the board with which it is filed 12402
shall promptly fix the time for hearing it and shall proceed in 12403
regard to the hearing in the same manner as for hearings set for 12404
protests filed under section 3513.05 of the Revised Code. At the 12405
time fixed, the board shall hear the protest and determine the 12406
validity or invalidity of the declaration of intent to be a 12407
write-in candidate. If the board finds that the candidate is not 12408
an elector of the state, district, county, or political 12409
subdivision in which the candidate seeks election to office or has 12410
not fully complied with the requirements of Title XXXV of the 12411
Revised Code in regard to the candidate's candidacy, the 12412
candidate's declaration of intent to be a write-in candidate shall 12413
be determined to be invalid and shall be rejected; otherwise, it 12414
shall be determined to be valid. The determination of the board is 12415
final. 12416

The secretary of state shall prescribe the form of the 12417
declaration of intent to be a write-in candidate. 12418

Sec. 3513.05. (A) Each person desiring to become a candidate 12419
for a party nomination or for election to an office or position to 12420
be voted for at a primary election, except persons desiring to 12421
become joint candidates for the offices of governor and lieutenant 12422
governor and except as otherwise provided in section 3513.051 of 12423
the Revised Code, shall, not later than four p.m. of the 12424
~~seventy-fifth~~ ninetieth day before the day of the primary 12425
election, ~~or if the primary election is a presidential primary~~ 12426
~~election, not later than four p.m. of the sixtieth day before the~~ 12427

~~day of the presidential primary election,~~ file a declaration of 12428
candidacy and petition and pay the fees required under divisions 12429
(A) and (B) of section 3513.10 of the Revised Code. The 12430
declaration of candidacy and all separate petition papers shall be 12431
filed at the same time as one instrument. When the offices are to 12432
be voted for at a primary election, persons desiring to become 12433
joint candidates for the offices of governor and lieutenant 12434
governor shall, not later than four p.m. of the ~~seventy-fifth~~ 12435
ninetieth day before the day of the primary election, comply with 12436
section 3513.04 of the Revised Code. The prospective joint 12437
candidates' declaration of candidacy and all separate petition 12438
papers of candidacies shall be filed at the same time as one 12439
instrument. The secretary of state or a board of elections shall 12440
not accept for filing a declaration of candidacy and petition of a 12441
person seeking to become a candidate if that person, for the same 12442
election, has already filed a declaration of candidacy or a 12443
declaration of intent to be a write-in candidate, or has become a 12444
candidate by the filling of a vacancy under section 3513.30 of the 12445
Revised Code for any federal, state, or county office, if the 12446
declaration of candidacy is for a state or county office, or for 12447
any municipal or township office, if the declaration of candidacy 12448
is for a municipal or township office. 12449

(B) If the declaration of candidacy declares a candidacy 12450
which is to be submitted to electors throughout the entire state, 12451
the petition, including a petition for joint candidates for the 12452
offices of governor and lieutenant governor, shall be signed by at 12453
least one thousand qualified electors who are members of the same 12454
political party as the candidate or joint candidates, and the 12455
declaration of candidacy and petition shall be filed with the 12456
secretary of state; provided that the secretary of state shall not 12457
accept or file any such petition appearing on its face to contain 12458
signatures of more than three thousand electors. 12459

Except as otherwise provided in this paragraph, if the 12460
declaration of candidacy is of one that is to be submitted only to 12461
electors within a district, political subdivision, or portion 12462
thereof, the petition shall be signed by not less than fifty 12463
qualified electors who are members of the same political party as 12464
the political party of which the candidate is a member. If the 12465
declaration of candidacy is for party nomination as a candidate 12466
for member of the legislative authority of a municipal corporation 12467
elected by ward, the petition shall be signed by not less than 12468
twenty-five qualified electors who are members of the political 12469
party of which the candidate is a member. 12470

No such petition, except the petition for a candidacy that is 12471
to be submitted to electors throughout the entire state, shall be 12472
accepted for filing if it appears to contain on its face 12473
signatures of more than three times the minimum number of 12474
signatures. When a petition of a candidate has been accepted for 12475
filing by a board of elections, the petition shall not be deemed 12476
invalid if, upon verification of signatures contained in the 12477
petition, the board of elections finds the number of signatures 12478
accepted exceeds three times the minimum number of signatures 12479
required. A board of elections may discontinue verifying 12480
signatures on petitions when the number of verified signatures 12481
equals the minimum required number of qualified signatures. 12482

If the declaration of candidacy declares a candidacy for 12483
party nomination or for election as a candidate of an intermediate 12484
or minor party, the minimum number of signatures on such petition 12485
is one-half the minimum number provided in this section, except 12486
that, when the candidacy is one for election as a member of the 12487
state central committee or the county central committee of a 12488
political party, the minimum number shall be the same for an 12489
intermediate or minor party as for a major party. 12490

If a declaration of candidacy is one for election as a member 12491

of the state central committee or the county central committee of 12492
a political party, the petition shall be signed by five qualified 12493
electors of the district, county, ward, township, or precinct 12494
within which electors may vote for such candidate. The electors 12495
signing such petition shall be members of the same political party 12496
as the political party of which the candidate is a member. 12497

(C) For purposes of signing or circulating a petition of 12498
candidacy for party nomination or election, an elector is 12499
considered to be a member of a political party if ~~the~~ any of the 12500
following apply: 12501

(1) The elector identified, on the elector's voter 12502
registration application, that the elector desires to be 12503
affiliated with that party and the elector has not subsequently 12504
voted in any other party's primary election; 12505

(2) The elector voted in that party's primary election within 12506
the preceding two calendar years, ~~or if the;~~ 12507

(3) The elector did not vote in any other party's primary 12508
election within the preceding two calendar years. 12509

(D) If the declaration of candidacy is of one that is to be 12510
submitted only to electors within a county, or within a district 12511
or subdivision or part thereof smaller than a county, the petition 12512
shall be filed with the board of elections of the county. If the 12513
declaration of candidacy is of one that is to be submitted only to 12514
electors of a district or subdivision or part thereof that is 12515
situated in more than one county, the petition shall be filed with 12516
the board of elections of the county within which the major 12517
portion of the population thereof, as ascertained by the next 12518
preceding federal census, is located. 12519

A petition shall consist of separate petition papers, each of 12520
which shall contain signatures of electors of only one county. 12521
Petitions or separate petition papers containing signatures of 12522

electors of more than one county shall not thereby be declared 12523
invalid. In case petitions or separate petition papers containing 12524
signatures of electors of more than one county are filed, the 12525
board shall determine the county from which the majority of 12526
signatures came, and only signatures from such county shall be 12527
counted. Signatures from any other county shall be invalid. 12528

Each separate petition paper shall be circulated by one 12529
person only, who shall be the candidate or a joint candidate or a 12530
member of the same political party as the candidate or joint 12531
candidates, and each separate petition paper shall be governed by 12532
the rules set forth in section 3501.38 of the Revised Code. 12533

(E) The secretary of state shall promptly transmit to each 12534
board such separate petition papers of each petition accompanying 12535
a declaration of candidacy filed with the secretary of state as 12536
purport to contain signatures of electors of the county of such 12537
board. The board of the most populous county of a district shall 12538
promptly transmit to each board within such district such separate 12539
petition papers of each petition accompanying a declaration of 12540
candidacy filed with it as purport to contain signatures of 12541
electors of the county of each such board. The board of a county 12542
within which the major portion of the population of a subdivision, 12543
situated in more than one county, is located, shall promptly 12544
transmit to the board of each other county within which a portion 12545
of such subdivision is located such separate petition papers of 12546
each petition accompanying a declaration of candidacy filed with 12547
it as purport to contain signatures of electors of the portion of 12548
such subdivision in the county of each such board. 12549

All petition papers so transmitted to a board and all 12550
petitions accompanying declarations of candidacy filed with a 12551
board shall, under proper regulations, be open to public 12552
inspection until four p.m. of the ~~seventieth~~ eightieth day before 12553
the day of the next primary election, ~~or if that next primary~~ 12554

~~election is a presidential primary election, the fifty fifth day~~ 12555
~~before that presidential primary election.~~ Each board shall, not 12556
~~later than the sixty eighth~~ seventy-eighth day before the day of 12557
~~that primary election, or if the primary election is a~~ 12558
~~presidential primary election, not later than the fifty third day~~ 12559
~~before such presidential primary election,~~ examine and determine 12560
the validity or invalidity of the signatures on the petition 12561
papers so transmitted to or filed with it and shall return to the 12562
secretary of state all petition papers transmitted to it by the 12563
secretary of state, together with its certification of its 12564
determination as to the validity or invalidity of signatures 12565
thereon, and shall return to each other board all petition papers 12566
transmitted to it by such board, together with its certification 12567
of its determination as to the validity or invalidity of the 12568
signatures thereon. All other matters affecting the validity or 12569
invalidity of such petition papers shall be determined by the 12570
secretary of state or the board with whom such petition papers 12571
were filed. 12572

(F) Protests against the candidacy of any person filing a 12573
declaration of candidacy for party nomination or for election to 12574
an office or position, as provided in this section, may be filed 12575
by any qualified elector who is a member of the same political 12576
party as the candidate and who is eligible to vote at the primary 12577
election for the candidate whose declaration of candidacy the 12578
elector objects to, or by the controlling committee of that 12579
political party. The protest shall be in writing, and shall be 12580
filed not later than four p.m. of the ~~sixty fourth~~ seventy-fourth 12581
day before the day of the primary election, ~~or if the primary~~ 12582
~~election is a presidential primary election, not later than four~~ 12583
~~p.m. of the forty ninth day before the day of the presidential~~ 12584
~~primary election.~~ The protest shall be filed with the election 12585
officials with whom the declaration of candidacy and petition was 12586
filed. Upon the filing of the protest, the election officials with 12587

whom it is filed shall promptly fix the time for hearing it, and 12588
shall forthwith mail notice of the filing of the protest and the 12589
time fixed for hearing to the person whose candidacy is so 12590
protested. They shall also forthwith mail notice of the time fixed 12591
for such hearing to the person who filed the protest. At the time 12592
fixed, such election officials shall hear the protest and 12593
determine the validity or invalidity of the declaration of 12594
candidacy and petition. If they find that such candidate is not an 12595
elector of the state, district, county, or political subdivision 12596
in which the candidate seeks a party nomination or election to an 12597
office or position, or has not fully complied with this chapter, 12598
the candidate's declaration of candidacy and petition shall be 12599
determined to be invalid and shall be rejected; otherwise, it 12600
shall be determined to be valid. That determination shall be 12601
final. 12602

A protest against the candidacy of any persons filing a 12603
declaration of candidacy for joint party nomination to the offices 12604
of governor and lieutenant governor shall be filed, heard, and 12605
determined in the same manner as a protest against the candidacy 12606
of any person filing a declaration of candidacy singly. 12607

(G) The secretary of state shall, on the ~~sixtieth~~ seventieth 12608
day before the day of a primary election, ~~or if the primary~~ 12609
~~election is a presidential primary election, on the forty fifth~~ 12610
~~day before the day of the presidential primary election,~~ certify 12611
to each board in the state the forms of the official ballots to be 12612
used at the primary election, together with the names of the 12613
candidates to be printed on the ballots whose nomination or 12614
election is to be determined by electors throughout the entire 12615
state and who filed valid declarations of candidacy and petitions. 12616

The board of the most populous county in a district comprised 12617
of more than one county but less than all of the counties of the 12618
state shall, on the ~~sixtieth~~ seventieth day before the day of a 12619

primary election, ~~or if the primary election is a presidential~~ 12620
~~primary election, on the forty fifth day before the day of a~~ 12621
~~presidential primary election,~~ certify to the board of each county 12622
in the district the names of the candidates to be printed on the 12623
official ballots to be used at the primary election, whose 12624
nomination or election is to be determined only by electors within 12625
the district and who filed valid declarations of candidacy and 12626
petitions. 12627

The board of a county within which the major portion of the 12628
population of a subdivision smaller than the county and situated 12629
in more than one county is located shall, on the ~~sixtieth~~ 12630
seventieth day before the day of a primary election, ~~or if the~~ 12631
~~primary election is a presidential primary election, on the~~ 12632
~~forty fifth day before the day of a presidential primary election,~~ 12633
certify to the board of each county in which a portion of that 12634
subdivision is located the names of the candidates to be printed 12635
on the official ballots to be used at the primary election, whose 12636
nomination or election is to be determined only by electors within 12637
that subdivision and who filed valid declarations of candidacy and 12638
petitions. 12639

Sec. 3513.052. (A) No person shall seek nomination or 12640
election to any of the following offices or positions at the same 12641
election by filing a declaration of candidacy and petition, a 12642
declaration of intent to be a write-in candidate, or a nominating 12643
petition, or by becoming a candidate through party nomination in a 12644
primary election, or by the filling of a vacancy under section 12645
3513.30 or 3513.31 of the Revised Code: 12646

- (1) Two or more state offices; 12647
- (2) Two or more county offices; 12648
- (3) A state office and a county office; 12649

- (4) A federal office and a state or county office; 12650
- (5) Any combination of two or more municipal or township 12651
offices, positions as a member of a city, local, or exempted 12652
village board of education, or positions as a member of a 12653
governing board of an educational service center. 12654
- (B) The secretary of state or a board of elections shall not 12655
accept for filing a declaration of candidacy and petition, a 12656
declaration of intent to be a write-in candidate, or a nominating 12657
petition of a person seeking to become a candidate if that person, 12658
for the same election, has already filed a declaration of 12659
candidacy, a declaration of intent to be a write-in candidate, or 12660
a nominating petition, or has become a candidate through party 12661
nomination at a primary election or by the filling of a vacancy 12662
under section 3513.30 or 3513.31 of the Revised Code for: 12663
- (1) Any federal, state, or county office, if the declaration 12664
of candidacy, declaration of intent to be a write-in candidate, or 12665
nominating petition is for a state or county office; 12666
- (2) Any municipal or township office, or for member of a 12667
city, local, or exempted village board of education, or for member 12668
of a governing board of an educational service center, if the 12669
declaration of candidacy, declaration of intent to be a write-in 12670
candidate, or nominating petition is for a municipal or township 12671
office, or for member of a city, local, or exempted village board 12672
of education, or for member of a governing board of an educational 12673
service center. 12674
- (C)(1) If the secretary of state determines, before the day 12675
of the primary election, that a person is seeking nomination to 12676
more than one office at that election in violation of division (A) 12677
of this section, the secretary of state shall do one of the 12678
following: 12679
- (a) If each office or the district for each office for which 12680

the person is seeking nomination is wholly within a single county 12681
and none of those offices is a federal office, the secretary of 12682
state shall notify the board of elections of that county. The 12683
board then shall determine the date on which the person first 12684
sought to become a candidate for each of those offices by filing a 12685
declaration of candidacy or a declaration of intent to be a 12686
write-in candidate or by the filling of a vacancy under section 12687
3513.30 of the Revised Code. The board shall vote promptly to 12688
disqualify that person as a candidate for each office for which 12689
the person sought to become a candidate after the date on which 12690
the person first sought to become a candidate for any of those 12691
offices. If the board determines that the person sought to become 12692
a candidate for more than one of those offices on the same date, 12693
the board shall vote promptly to disqualify that person as a 12694
candidate for each office that would be listed on the ballot below 12695
the highest office for which that person seeks nomination, 12696
according to the ballot order prescribed under section 3505.03 of 12697
the Revised Code. 12698

(b) If one or more of the offices for which the person is 12699
seeking nomination is a state office or an office with a district 12700
larger than a single county and none of the offices for which the 12701
person is seeking nomination is a federal office, the secretary of 12702
state shall determine the date on which the person first sought to 12703
become a candidate for each of those offices by filing a 12704
declaration of candidacy or a declaration of intent to be a 12705
write-in candidate or by the filling of a vacancy under section 12706
3513.30 of the Revised Code. The secretary of state shall order 12707
the board of elections of each county in which the person is 12708
seeking to appear on the ballot to disqualify that person as a 12709
candidate for each office for which the person sought to become a 12710
candidate after the date on which the person first sought to 12711
become a candidate for any of those offices. If the secretary of 12712
state determines that the person sought to become a candidate for 12713

more than one of those offices on the same date, the secretary of 12714
state shall order the board of elections of each county in which 12715
the person is seeking to appear on the ballot to disqualify that 12716
person as a candidate for each office that would be listed on the 12717
ballot below the highest office for which that person seeks 12718
nomination, according to the ballot order prescribed under section 12719
3505.03 of the Revised Code. Each board of elections so notified 12720
shall vote promptly to disqualify the person as a candidate in 12721
accordance with the order of the secretary of state. 12722

(c) If each office or the district for each office for which 12723
the person is seeking nomination is wholly within a single county 12724
and any of those offices is a federal office, the secretary of 12725
state shall notify the board of elections of that county. The 12726
board then shall vote promptly to disqualify that person as a 12727
candidate for each office that is not a federal office. 12728

(d) If one or more of the offices for which the person is 12729
seeking nomination is a state office and any of the offices for 12730
which the person is seeking nomination is a federal office, the 12731
secretary of state shall order the board of elections of each 12732
county in which the person is seeking to appear on the ballot to 12733
disqualify that person as a candidate for each office that is not 12734
a federal office. Each board of elections so notified shall vote 12735
promptly to disqualify the person as a candidate in accordance 12736
with the order of the secretary of state. 12737

(2) If a board of elections determines, before the day of the 12738
primary election, that a person is seeking nomination to more than 12739
one office at that election in violation of division (A) of this 12740
section, the board shall do one of the following: 12741

(a) If each office or the district for each office for which 12742
the person is seeking nomination is wholly within that county and 12743
none of those offices is a federal office, the board shall 12744
determine the date on which the person first sought to become a 12745

candidate for each of those offices by filing a declaration of 12746
candidacy or a declaration of intent to be a write-in candidate or 12747
by the filling of a vacancy under section 3513.30 of the Revised 12748
Code. The board shall vote promptly to disqualify that person as a 12749
candidate for each office for which the person sought to become a 12750
candidate after the date on which the person first sought to 12751
become a candidate for any of those offices. If the board 12752
determines that the person sought to become a candidate for more 12753
than one of those offices on the same date, the board shall vote 12754
promptly to disqualify that person as a candidate for each office 12755
that would be listed on the ballot below the highest office for 12756
which that person seeks nomination, according to the ballot order 12757
prescribed under section 3505.03 of the Revised Code. 12758

(b) If one or more of the offices for which the person is 12759
seeking nomination is a state office or an office with a district 12760
larger than a single county and none of the offices for which the 12761
person is seeking nomination is a federal office, the board shall 12762
notify the secretary of state. The secretary of state then shall 12763
determine the date on which the person first sought to become a 12764
candidate for each of those offices by filing a declaration of 12765
candidacy or a declaration of intent to be a write-in candidate or 12766
by the filling of a vacancy under section 3513.30 of the Revised 12767
Code. The secretary of state shall order the board of elections of 12768
each county in which the person is seeking to appear on the ballot 12769
to disqualify that person as a candidate for each office for which 12770
the person sought to become a candidate after the date on which 12771
the person first sought to become a candidate for any of those 12772
offices. If the secretary of state determines that the person 12773
sought to become a candidate for more than one of those offices on 12774
the same date, the secretary of state shall order the board of 12775
elections of each county in which the person is seeking to appear 12776
on the ballot to disqualify that person as a candidate for each 12777
office that would be listed on the ballot below the highest office 12778

for which that person seeks nomination, according to the ballot 12779
order prescribed under section 3505.03 of the Revised Code. Each 12780
board of elections so notified shall vote promptly to disqualify 12781
the person as a candidate in accordance with the order of the 12782
secretary of state. 12783

(c) If each office or the district for each office for which 12784
the person is seeking nomination is wholly within a single county 12785
and any of those offices is a federal office, the board shall vote 12786
promptly to disqualify that person as a candidate for each office 12787
that is not a federal office. 12788

(d) If one or more of the offices for which the person is 12789
seeking nomination is a state office and any of the offices for 12790
which the person is seeking nomination is a federal office, the 12791
board shall notify the secretary of state. The secretary of state 12792
then shall order the board of elections of each county in which 12793
the person is seeking to appear on the ballot to disqualify that 12794
person as a candidate for each office that is not a federal 12795
office. Each board of elections so notified shall vote promptly to 12796
disqualify the person as a candidate in accordance with the order 12797
of the secretary of state. 12798

(D)(1) If the secretary of state determines, after the day of 12799
the primary election and before the day of the general election, 12800
that a person is seeking election to more than one office at that 12801
election in violation of division (A) of this section, the 12802
secretary of state shall do one of the following: 12803

(a) If each office or the district for each office for which 12804
the person is seeking election is wholly within a single county 12805
and none of those offices is a federal office, the secretary of 12806
state shall notify the board of elections of that county. The 12807
board then shall determine the offices for which the person seeks 12808
to appear as a candidate on the ballot. The board shall vote 12809
promptly to disqualify that person as a candidate for each office 12810

that would be listed on the ballot below the highest office for 12811
which that person seeks election, according to the ballot order 12812
prescribed under section 3505.03 of the Revised Code. If the 12813
person sought nomination at a primary election and has not yet 12814
been issued a certificate of nomination, the board shall not issue 12815
that certificate for that person for any office that would be 12816
listed on the ballot below the highest office for which that 12817
person seeks election, according to the ballot order prescribed 12818
under section 3505.03 of the Revised Code. 12819

(b) If one or more of the offices for which the person is 12820
seeking election is a state office or an office with a district 12821
larger than a single county and none of the offices for which the 12822
person is seeking election is a federal office, the secretary of 12823
state shall promptly investigate and determine the offices for 12824
which the person seeks to appear as a candidate on the ballot. The 12825
secretary of state shall order the board of elections of each 12826
county in which the person is seeking to appear on the ballot to 12827
disqualify that person as a candidate for each office that would 12828
be listed on the ballot below the highest office for which that 12829
person seeks election, according to the ballot order prescribed 12830
under section 3505.03 of the Revised Code. Each board of elections 12831
so notified shall vote promptly to disqualify the person as a 12832
candidate in accordance with the order of the secretary of state. 12833
If the person sought nomination at a primary election and has not 12834
yet been issued a certificate of nomination, the board shall not 12835
issue that certificate for that person for any office that would 12836
be listed on the ballot below the highest office for which that 12837
person seeks election, according to the ballot order prescribed 12838
under section 3505.03 of the Revised Code. 12839

(c) If each office or the district for each office for which 12840
the person is seeking election is wholly within a single county 12841
and any of those offices is a federal office, the secretary of 12842

state shall notify the board of elections of that county. The 12843
board then shall vote promptly to disqualify that person as a 12844
candidate for each office that is not a federal office. If the 12845
person sought nomination at a primary election and has not yet 12846
been issued a certificate of nomination, the board shall not issue 12847
that certificate for that person for any office that is not a 12848
federal office. 12849

(d) If one or more of the offices for which the person is 12850
seeking election is a state office and any of the offices for 12851
which the person is seeking election is a federal office, the 12852
secretary of state shall order the board of elections of each 12853
county in which the person is seeking to appear on the ballot to 12854
disqualify that person as a candidate for each office that is not 12855
a federal office. Each board of elections so notified shall vote 12856
promptly to disqualify the person as a candidate in accordance 12857
with the order of the secretary of state. If the person sought 12858
nomination at a primary election and has not yet been issued a 12859
certificate of nomination, the board shall not issue that 12860
certificate for that person for any office that is not a federal 12861
office. 12862

(2) If a board of elections determines, after the day of the 12863
primary election and before the day of the general election, that 12864
a person is seeking election to more than one office at that 12865
election in violation of division (A) of this section, the board 12866
of elections shall do one of the following: 12867

(a) If each office or the district for each office for which 12868
the person is seeking election is wholly within that county and 12869
none of those offices is a federal office, the board shall 12870
determine the offices for which the person seeks to appear as a 12871
candidate on the ballot. The board shall vote promptly to 12872
disqualify that person as a candidate for each office that would 12873
be listed on the ballot below the highest office for which that 12874

person seeks election, according to the ballot order prescribed 12875
under section 3505.03 of the Revised Code. If the person sought 12876
nomination at a primary election and has not yet been issued a 12877
certificate of nomination, the board shall not issue that 12878
certificate for that person for any office that would be listed on 12879
the ballot below the highest office for which that person seeks 12880
election, according to the ballot order prescribed under section 12881
3505.03 of the Revised Code. 12882

(b) If one or more of the offices for which the person is 12883
seeking election is a state office or an office with a district 12884
larger than a single county and none of the offices for which the 12885
person is seeking election is a federal office, the board shall 12886
notify the secretary of state. The secretary of state promptly 12887
shall investigate and determine the offices for which the person 12888
seeks to appear as a candidate on the ballot. The secretary of 12889
state shall order the board of elections of each county in which 12890
the person is seeking to appear on the ballot to disqualify that 12891
person as a candidate for each office that would be listed on the 12892
ballot below the highest office for which that person seeks 12893
election, according to the ballot order prescribed under section 12894
3505.03 of the Revised Code. Each board of elections so notified 12895
shall vote promptly to disqualify the person as a candidate in 12896
accordance with the order of the secretary of state. If the person 12897
sought nomination at a primary election and has not yet been 12898
issued a certificate of nomination, the board shall not issue that 12899
certificate for that person for any office that would be listed on 12900
the ballot below the highest office for which that person seeks 12901
election, according to the ballot order prescribed under section 12902
3505.03 of the Revised Code. 12903

(c) If each office or the district for each office for which 12904
the person is seeking election is wholly within that county and 12905
any of those offices is a federal office, the board shall vote 12906

promptly to disqualify that person as a candidate for each office 12907
that is not a federal office. If the person sought nomination at a 12908
primary election and has not yet been issued a certificate of 12909
nomination, the board shall not issue that certificate for that 12910
person for any office that is not a federal office. 12911

(d) If one or more of the offices for which the person is 12912
seeking election is a state office and any of the offices for 12913
which the person is seeking election is a federal office, the 12914
board shall notify the secretary of state. The secretary of state 12915
shall order the board of elections of each county in which the 12916
person is seeking to appear on the ballot to disqualify that 12917
person as a candidate for each office that is not a federal 12918
office. Each board of elections so notified shall vote promptly to 12919
disqualify the person as a candidate in accordance with the order 12920
of the secretary of state. If the person sought nomination at a 12921
primary election and has not yet been issued a certificate of 12922
nomination, the board shall not issue that certificate for that 12923
person for any office that is not a federal office. 12924

(E) When a person is disqualified as a candidate under 12925
division (C) or (D) of this section, on or before the ~~sixtieth~~ 12926
seventieth day before the day of the applicable election, ~~or, if~~ 12927
~~the election is a presidential primary election, on or before the~~ 12928
~~forty fifth day before the day of the presidential primary~~ 12929
~~election,~~ the board of elections shall remove the person's name 12930
from the ballot for any office for which that person has been 12931
disqualified as a candidate according to the directions of the 12932
secretary of state. When a person is disqualified as a candidate 12933
under division (C) or (D) of this section after the ~~sixtieth~~ 12934
seventieth day before the day of the applicable election, ~~or, if~~ 12935
~~the election is a presidential primary election, after the~~ 12936
~~forty fifth day before the day of the presidential primary~~ 12937
~~election,~~ the board of elections shall not remove the person's 12938

name from the ballot for any office for which that person has been 12939
disqualified as a candidate. The board of elections shall post a 12940
notice at each polling location on the day of the applicable 12941
election, and shall enclose with each absent voter's ballot given 12942
or mailed after the candidate is disqualified, a notice that votes 12943
for the person for the office for which the person has been 12944
disqualified as a candidate will be void and will not be counted. 12945
If the name is not removed from the ballots before the day of the 12946
election, the votes for the disqualified candidate are void and 12947
shall not be counted. 12948

(F) Any vacancy created by the disqualification of a person 12949
as a candidate under division (C) or (D) of this section may be 12950
filled in the manner provided for in sections 3513.30 and 3513.31 12951
of the Revised Code. 12952

(G) Nothing in this section or section 3513.04, 3513.041, 12953
3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 12954
3513.259, or 3513.261 of the Revised Code prohibits, and the 12955
secretary of state or a board of elections shall not disqualify, a 12956
person from being a candidate for an office, if that person timely 12957
withdraws as a candidate for any offices specified in division (A) 12958
of this section for which that person first sought to become a 12959
candidate by filing a declaration of candidacy and petition, a 12960
declaration of intent to be a write-in candidate, or a nominating 12961
petition, by party nomination in a primary election, or by the 12962
filling of a vacancy under section 3513.30 or 3513.31 of the 12963
Revised Code. 12964

(H) As used in this section: 12965

(1) "State office" means the offices of governor, lieutenant 12966
governor, secretary of state, auditor of state, treasurer of 12967
state, attorney general, member of the state board of education, 12968
member of the general assembly, chief justice of the supreme 12969
court, and justice of the supreme court. 12970

(2) "Timely withdraws" means either of the following: 12971

(a) Withdrawing as a candidate before the applicable deadline 12972
for filing a declaration of candidacy, declaration of intent to be 12973
a write-in candidate, or nominating petition for the subsequent 12974
office for which the person is seeking to become a candidate at 12975
the same election; 12976

(b) Withdrawing as a candidate before the applicable deadline 12977
for the filling of a vacancy under section 3513.30 or 3513.31 of 12978
the Revised Code, if the person is seeking to become a candidate 12979
for a subsequent office at the same election under either of those 12980
sections. 12981

Sec. 3513.121. (A) Any candidate for the presidency of the 12982
United States who is eligible to receive payments under the 12983
"Presidential Primary Matching Payment Account Act," 88 Stat. 1297 12984
(1974), 26 U.S.C.A. 9031, et seq., as amended, may file with the 12985
secretary of state a declaration of candidacy not later than four 12986
p.m. of the ~~sixtieth~~ ninetieth day before the presidential primary 12987
election held in the same year the candidate is eligible to 12988
receive such payments. The candidate shall indicate on ~~his~~ the 12989
candidate's declaration of candidacy the congressional districts 12990
in this state where ~~his~~ the candidate's candidacy is to be 12991
submitted to the electors. Any candidate who files a declaration 12992
of candidacy pursuant to this division shall also file, or shall 12993
cause to be filed by a person authorized in writing to represent 12994
~~him~~ the candidate, not later than four p.m. of the ~~sixtieth~~ 12995
ninetieth day before the same primary election, a list of 12996
candidates for district delegate and alternate to the national 12997
convention of ~~his~~ the candidate's political party who have been 12998
selected in accordance with rules adopted by the state central 12999
committee of ~~his~~ the candidate's political party. The candidates 13000
for district delegate and alternate whose names appear on this 13001

list shall be represented on the ballot in accordance with section 13002
3513.151 of the Revised Code in every congressional district that 13003
the presidential candidate named in ~~his~~ the presidential 13004
candidate's declaration of candidacy, provided that such 13005
candidates meet the other requirements of this section. 13006

(B) Candidates for delegate at large and alternate at large 13007
to the national convention of a political party for a presidential 13008
candidate who submits a declaration of candidacy in accordance 13009
with division (A) of this section shall be selected in accordance 13010
with rules adopted by the state central committee of the 13011
presidential candidate's political party. 13012

(C) Each candidate for district delegate and alternate to the 13013
national convention of a political party selected pursuant to 13014
division (A) of this section shall file or shall cause to be filed 13015
with the secretary of state, not later than four p.m. of the 13016
~~sixtieth~~ ninetieth day before the presidential primary election in 13017
which ~~he~~ the person is a candidate, both of the following: 13018

(1) A declaration of candidacy in the form prescribed in 13019
section 3513.07 of the Revised Code, but not the petition 13020
prescribed in that section; 13021

(2) A statement in writing signed by the candidate in which 13022
~~he~~ the candidate states ~~his~~ the candidate's first and second 13023
choices for nomination as the candidate of ~~his~~ the candidate's 13024
party for the presidency of the United States. 13025

(D) A declaration of candidacy filed pursuant to division (A) 13026
of this section shall be in substantially the form prescribed in 13027
section 3513.07 of the Revised Code except that the secretary of 13028
state shall modify that form to include spaces for a presidential 13029
candidate to indicate in which congressional districts ~~he~~ the 13030
candidate wishes ~~his~~ the candidate's candidacy to be submitted to 13031
the electors and shall modify it in any other ways necessary to 13032

adapt it to use by presidential candidates. A candidate who files 13033
a declaration of candidacy pursuant to division (A) of this 13034
section shall not file the petition prescribed in section 3513.07 13035
of the Revised Code. 13036

(E) Section 3513.151 of the Revised Code applies in regard to 13037
candidates for delegate and alternate to the national convention 13038
of a political party selected pursuant to this section. The state 13039
central committee of the political party of any presidential 13040
candidate who files a declaration of candidacy pursuant to 13041
division (A) of this section shall file with the secretary of 13042
state the rules of its political party in accordance with division 13043
(E) of section 3513.151 of the Revised Code. 13044

(F) The procedures for the selection of candidates for 13045
delegate and alternate to the national convention of a political 13046
party set forth in this section and in section 3513.12 of the 13047
Revised Code are alternative procedures, and if the procedures of 13048
this section are followed, the procedures of section 3513.12 of 13049
the Revised Code need not be followed. 13050

Sec. 3513.122. Political parties shall be eligible to elect 13051
delegates and alternates to national conventions or conferences of 13052
their respective political parties, other than conventions 13053
provided for in section 3513.12 of the Revised Code, if they 13054
notify the secretary of state that they will elect such delegates. 13055
Such notification must be made prior to the ~~ninetieth~~ one hundred
fifth day before the day of the primary election which occurs in 13056
any year at which national convention or conference delegates and 13057
alternates are elected. 13058
13059

Petitions of candidacy for such delegates shall be filed in 13060
the form and manner provided by the secretary of state. 13061

Any political party electing delegates to a national 13062
convention or conference under this section in an odd-numbered 13063

year in which a statewide primary election is not otherwise 13064
required shall pay all expenses of that election. 13065

Sec. 3513.151. (A) Candidates for delegate and alternate to 13066
the national convention of a political party shall be represented 13067
on the ballot, or their names shall appear on the ballot, in 13068
accordance with this section, but only in a manner that enables an 13069
elector to record the vote in the space provided for it by the 13070
name of the first choice for president so that the recording of 13071
the vote is counted as a vote cast for each candidate for delegate 13072
or alternate who has declared such person as that candidate's 13073
first choice for president. 13074

(B) The names of candidates for delegate at large and 13075
alternate at large to the national convention of a political party 13076
shall not appear on the ballot. Such candidates shall be 13077
represented on the ballot by their stated first choice for 13078
president. 13079

(C) The state central committee of each major political 13080
party, through its chairperson, not later than ~~sixty~~ ninety days 13081
prior to the date of the presidential primary election, shall file 13082
with the secretary of state a statement that stipulates, in 13083
accordance with rules adopted by each state central committee at a 13084
meeting open to all members of the committee's party, whether or 13085
not the names of candidates for district delegate and district 13086
alternate to the national convention of that ~~chairpersons's~~ 13087
chairperson's party are to be printed on the ballot. The secretary 13088
of state shall prescribe the form of the ballot for the election 13089
of district delegates and district alternates of each political 13090
party in accordance with such statement. If the state central 13091
committee of a political party fails to so provide such statement, 13092
the secretary of state shall prescribe a form of ballot on which 13093
the names of candidates for delegate and alternate to such 13094

national convention do not appear on the ballot. Only the names of 13095
the presidential first choices of such candidates for delegates 13096
and alternates shall appear on the ballot. If only the names of 13097
presidential first choices are printed, the ballot shall provide 13098
the opportunity for an elector to record the vote in the 13099
appropriate space provided beside such names and such a vote cast 13100
shall be counted as a vote for each candidate for delegate and 13101
alternate who has declared such person as that candidate's first 13102
choice for president. 13103

If the number of candidates for district delegate or for 13104
district alternate to the national convention of a political party 13105
exceeds the number to be elected, the names of such candidates, 13106
when required to appear on the ballot, shall not be rotated, but 13107
shall be printed in a group on the ballot in alphabetical order 13108
immediately below or beside first choice for president. This form 13109
of the ballot shall be prescribed by the secretary so that the 13110
recording of the vote in the space provided beside the name of 13111
such choice for president shall be a vote for each candidate whose 13112
name is included in the grouping. 13113

(D) Candidates, grouped by first choice for president, shall 13114
be rotated in the same manner as though each grouping were a 13115
separate candidate. As many series of ballots shall be printed as 13116
the number of groups to be rotated, with the total number of 13117
ballots to be printed divided by the number of series to be 13118
printed in order to determine the number of ballots to be printed 13119
of each series. On the first series of ballots, the candidates 13120
shall be alphabetically grouped by their first choice for 13121
president. On each succeeding series, the group of candidates that 13122
was the first in the preceding series shall be last and each of 13123
the other groups shall be moved up one place. The ballots shall be 13124
rotated and printed as provided in section 3505.03 of the Revised 13125
Code, except that no indication of membership in or affiliation 13126

with a political party shall be printed after or under the 13127
candidate's name. 13128

(E) The state central committee of each major political 13129
party, through its chairperson, not later than the fifteenth day 13130
prior to the date of the presidential primary election, shall file 13131
with the secretary of state the rules of its political party 13132
adopted by the state central committee at a meeting open to all 13133
members of the committee's party, which affect the issuance of 13134
certificates of election to candidates for delegate or alternate 13135
to its party nominating convention, and the secretary of state 13136
shall issue certificates of election in accordance with such 13137
rules. 13138

(F) If party rules prescribe that fewer than all such 13139
candidates for delegate and alternate are to be elected, 13140
certificates of election shall be issued in the order preferred by 13141
the first choice for president and in such numbers that the number 13142
of delegates and alternates certified as elected reflects, as 13143
nearly as possible, the proportion to be elected under the party 13144
rules. 13145

(G) If the state central committee of a political party fails 13146
to file the rules with the secretary of state pursuant to this 13147
section, certificates of election shall be issued to the 13148
candidates for delegate and alternate receiving the highest number 13149
of votes. 13150

Sec. 3513.19. (A) It is the duty of any judge of elections, 13151
whenever any judge of elections doubts that a person attempting to 13152
vote at a primary election is legally entitled to vote at that 13153
election, to challenge the right of that person to vote. The right 13154
of a person to vote at a primary election may be challenged upon 13155
the following grounds: 13156

(1) That the person whose right to vote is challenged is not 13157

a legally qualified elector; 13158

(2) That the person has received or has been promised some 13159
valuable reward or consideration for the person's vote; 13160

(3) That the person is not affiliated with or is not a member 13161
of the political party whose ballot the person desires to vote. 13162
Such party affiliation shall be determined by examining the 13163
elector's political party preference as specified on the elector's 13164
voter registration application and the elector's voting record for 13165
the current year and the immediately preceding two calendar years 13166
as shown on the voter's registration card, using the standards of 13167
affiliation specified in ~~the seventh paragraph~~ division (C) of 13168
section 3513.05 of the Revised Code. Division (A)(3) of this 13169
section and ~~the seventh paragraph~~ division (C) of section 3513.05 13170
of the Revised Code do not prohibit a person who holds an elective 13171
office for which candidates are nominated at a party primary 13172
election from doing any of the following: 13173

(a) If the person registered to vote as a member of a 13174
different political party or voted as a member of a different 13175
political party at any primary election within the current year 13176
and the immediately preceding two calendar years, being a 13177
candidate for nomination at a party primary held during the times 13178
specified in division (C)(2) of section 3513.191 of the Revised 13179
Code provided that the person complies with the requirements of 13180
that section; 13181

(b) Circulating the person's own petition of candidacy for 13182
party nomination in the primary election. 13183

(B) When the right of a person to vote is challenged upon the 13184
ground set forth in division (A)(3) of this section, membership in 13185
or political affiliation with a political party shall be 13186
determined by the person's statement, made under penalty of 13187
election falsification, that the person desires to be affiliated 13188

with and supports the principles of the political party whose 13189
primary ballot the person desires to vote. 13190

Sec. 3513.191. (A) No person shall be a candidate for 13191
nomination or election at a party primary if the person registered 13192
to vote as or voted as a member of a different political party at 13193
any primary election within the current year and the immediately 13194
preceding two calendar years. 13195

(B) Notwithstanding division (A) of this section, either of 13196
the following persons may be candidates for nomination of any 13197
political party at a party primary: 13198

(1) A person who does not hold an elective office; 13199

(2) A person who holds an elective office other than one for 13200
which candidates are nominated at a party primary. 13201

(C)(1) Notwithstanding division (A) of this section, a person 13202
who holds an elective office for which candidates are nominated at 13203
a party primary may be a candidate at a primary election held 13204
during the times specified in division (C)(2) of this section for 13205
nomination as a candidate of a political party of which the person 13206
is prohibited from being a candidate for nomination under division 13207
(A) of this section if the person files a declaration of intent to 13208
seek the nomination of that party and if, by filing the 13209
declaration, the person has not violated division (C)(3) of this 13210
section. The declaration of intent shall: 13211

(a) Be filed not later than four p.m. of the thirtieth day 13212
before a declaration of candidacy and petition is required to be 13213
filed under section 3513.05 of the Revised Code; 13214

(b) Be filed with the same official with whom the person 13215
filing the declaration of intent is required to file a declaration 13216
of candidacy and petition; 13217

(c) Indicate the political party whose nomination in the 13218

primary election the person seeks; 13219

(d) Be on a form prescribed by the secretary of state. 13220

(2) No person filing a declaration of intent under division 13221
(C)(1) of this section shall be a candidate at any primary 13222
election for nomination for an elective office for which 13223
candidates are nominated at a party primary during the calendar 13224
year in which the person files the declaration or during the next 13225
calendar year except as a candidate of the party indicated under 13226
division (C)(1)(c) of this section. 13227

(3) No person who files a declaration of intent under 13228
division (C)(1) of this section shall file another such 13229
declaration for a period of ten years after the declaration is 13230
filed. 13231

(4) Notwithstanding ~~the seventh paragraph~~ division (C) of 13232
section 3513.05 of the Revised Code, a person who complies with 13233
this section may circulate that person's own petition of candidacy 13234
for party nomination at the party primary at which the person 13235
seeks nomination under this section. 13236

Sec. 3513.20. Before any challenged person shall be allowed 13237
to vote at a primary election, the person shall make a statement, 13238
under penalty of election falsification, before one of the 13239
precinct officials, blanks for which shall be furnished by the 13240
board of elections, giving name, age, residence, length of 13241
residence in the precinct, county, and state; stating that the 13242
person desires to be affiliated with and supports the principles 13243
of the political party whose ballot the person desires to vote; 13244
and giving all other facts necessary to determine whether the 13245
person is entitled to vote in that primary election. The statement 13246
shall be returned to the office of the board with the pollbooks 13247
and tally sheets. 13248

If a person challenged refuses to make that statement under 13249
penalty of election falsification, the person shall be permitted 13250
to vote a provisional ballot under section 3505.181 of the Revised 13251
Code. If a majority of the precinct officials finds that the 13252
statements of a person challenged or the person's voter 13253
registration, voting record, or other evidence shows that the 13254
person lacks any of the qualifications required to make the person 13255
a qualified elector at the primary election or that the person is 13256
not affiliated with or is not a member of the political party 13257
whose ballot the person desires to vote, the person shall be 13258
permitted to vote a provisional ballot under section 3505.181 of 13259
the Revised Code. 13260

Sec. 3513.251. Nominations of candidates for election as 13261
officers of a municipal corporation having a population of less 13262
than two thousand as ascertained by the next preceding federal 13263
census shall be made only by nominating petition and their 13264
election shall occur only in nonpartisan elections, unless a 13265
majority of the electors of such municipal corporation have 13266
petitioned for a primary election. Nominations of candidates for 13267
election as officers of a municipal corporation having a 13268
population of two thousand or more shall be made either by primary 13269
election in conjunction with a partisan general election or by 13270
nominating petition in conjunction with a nonpartisan general 13271
election, as determined under section 3513.01 of the Revised Code. 13272

The nominating petitions of nonpartisan candidates for 13273
election as officers of a municipal corporation having a 13274
population of less than two thousand, as ascertained by the most 13275
recent federal census, shall be signed by not less than ten 13276
qualified electors of the municipal corporation. Any nominating 13277
petition filed under this section shall be filed with the board of 13278
elections not later than four p.m. of the ~~seventy-fifth~~ ninetieth 13279
day before the day of the general election, provided that no such 13280

nominating petition shall be accepted for filing if it appears to 13281
contain signatures aggregating in number more than three times the 13282
minimum number of signatures required by this section. A board of 13283
elections shall not accept for filing a nominating petition of a 13284
person if that person, for the same election, has already filed a 13285
declaration of candidacy, a declaration of intent to be a write-in 13286
candidate, or a nominating petition, or has become a candidate 13287
through party nomination at a primary election or by the filling 13288
of a vacancy under section 3513.30 or 3513.31 of the Revised Code 13289
for any other municipal office, or for a township office, for 13290
member of a city, local, or exempted village board of education, 13291
or for member of a governing board of an educational service 13292
center. When a petition of a candidate has been accepted for 13293
filing by a board of elections, the petition shall not be deemed 13294
invalid if, upon verification of signatures contained in the 13295
petition, the board of elections finds the number of signatures 13296
accepted exceeds three times the minimum number of signatures 13297
required. A board of elections may discontinue verifying 13298
signatures when the number of verified signatures on a petition 13299
equals the minimum required number of qualified signatures. 13300

Nomination of nonpartisan candidates for election as officers 13301
of a municipal corporation having a population of two thousand or 13302
more, as ascertained by the next preceding federal census, shall 13303
be made only by nominating petition. Nominating petitions of 13304
nonpartisan candidates for election as officers of a municipal 13305
corporation having a population of two thousand or more but less 13306
than five thousand, as ascertained by the next preceding federal 13307
census, shall be signed by not less than fifty qualified electors 13308
of the municipal corporation or ward thereof in the case of the 13309
nominating petition of a candidate for election as ~~councilman~~ 13310
councilperson from such ward. Nominating petitions of nonpartisan 13311
candidates for election as officers of a municipal corporation 13312
having a population of five thousand or more, as ascertained by 13313

the next preceding federal census, shall be signed by not less 13314
than fifty qualified electors of the municipal corporation or ward 13315
thereof in the case of the nominating petition of a candidate for 13316
election as councilperson from such ward. 13317

Sec. 3513.253. Nominations of candidates for election as 13318
officers of a township shall be made only by nominating petitions, 13319
unless a majority of the electors of such township have petitioned 13320
for a primary election. The nominating petitions of nonpartisan 13321
candidates for township trustee and township fiscal officer shall 13322
be signed by not less than twenty-five qualified electors of the 13323
township. Such petition shall be filed with the board of elections 13324
not later than four p.m. of the ~~seventy-fifth~~ ninetieth day before 13325
the day of the general election, provided that no such nominating 13326
petition shall be accepted for filing if it appears to contain 13327
signatures aggregating in number more than three times the minimum 13328
number of signatures required by this section. A board of 13329
elections shall not accept for filing a nominating petition of a 13330
person if that person, for the same election, has already filed a 13331
declaration of candidacy, a declaration of intent to be a write-in 13332
candidate, or a nominating petition, or has become a candidate 13333
through party nomination at a primary election or by the filling 13334
of a vacancy under section 3513.30 or 3513.31 of the Revised Code 13335
for any other township office, or for a municipal office, for 13336
member of a city, local, or exempted village board of education, 13337
or for member of a governing board of an educational service 13338
center. When a petition of a candidate has been accepted for 13339
filing by a board of elections, the petition shall not be deemed 13340
invalid if, upon verification of signatures contained in the 13341
petition, the board of elections finds the number of signatures 13342
accepted exceeds three times the minimum number of signatures 13343
required. A board of elections may discontinue verifying 13344
signatures when the number of verified signatures on a petition 13345

equals the minimum required number of qualified signatures. 13346

Sec. 3513.254. (A) The name of each candidate for member of a 13347
city, local, or exempted village board of education shall appear 13348
on the nonpartisan ballot. Nominating petitions of candidates for 13349
member of a board of education of a local or exempted village 13350
school district shall be signed by twenty-five qualified electors 13351
of the school district. Nominating petitions for candidates for 13352
member of a board of education of a city school district having a 13353
population of less than twenty thousand, as ascertained by the 13354
next preceding federal census, shall be signed by twenty-five 13355
qualified electors of the school district. Nominating petitions 13356
for candidates for member of a board of education of a city school 13357
district having a population of twenty thousand or more but less 13358
than fifty thousand, as ascertained by the next preceding federal 13359
census, shall be signed by seventy-five qualified electors of the 13360
school district. Nominating petitions for candidates for member of 13361
a board of education of a city school district having a population 13362
of fifty thousand or more but less than one hundred thousand, as 13363
ascertained by the next preceding federal census, shall be signed 13364
by one hundred fifty qualified electors of the school district. 13365
Nominating petitions for candidates for member of a board of 13366
education of a city school district having a population of one 13367
hundred thousand or more, as ascertained by the next preceding 13368
federal census, shall be signed by three hundred qualified 13369
electors of the school district. 13370

(B) Nominating petitions shall be filed with the board of 13371
elections not later than four p.m. of the ~~seventy-fifth~~ ninetieth 13372
day before the day of the general election, provided that no such 13373
petition shall be accepted for filing if it appears to contain 13374
signatures aggregating in number more than three times the minimum 13375
number of signatures required by this section. A board of 13376
elections shall not accept for filing a nominating petition of a 13377

person if that person, for the same election, has already filed a 13378
declaration of candidacy, a declaration of intent to be a write-in 13379
candidate, or a nominating petition, or has become a candidate 13380
through party nomination at a primary election or by the filling 13381
of a vacancy under section 3513.30 or 3513.31 of the Revised Code 13382
for any other position as a member of a city, local, or exempted 13383
village board of education or position as a member of a governing 13384
board of an educational service center, or for a municipal or 13385
township office. When a petition of a candidate has been accepted 13386
for filing by a board of elections, the petition shall not be 13387
deemed invalid if, upon verification of signatures contained in 13388
the petition, the board of elections finds the number of 13389
signatures accepted exceeds three times the minimum number of 13390
signatures required. A board of elections may discontinue 13391
verifying petitions when the number of verified signatures equals 13392
the minimum required number of qualified signatures. 13393

(C) This section is subject to section 3513.256 of the 13394
Revised Code. 13395

Sec. 3513.255. This section is subject to section 3513.256 of 13396
the Revised Code. The name of each candidate for election as a 13397
member of a governing board of an educational service center shall 13398
appear on the nonpartisan ballot. Each nominating petition shall 13399
be signed by fifty qualified electors who reside in one of the 13400
following, as applicable: 13401

(A) The school districts over which the educational service 13402
center governing board has jurisdiction, in the case of any 13403
candidate running for a position on any educational service center 13404
governing board other than a governing board established in 13405
accordance with section 3311.054 of the Revised Code; 13406

(B) The subdistrict in which the candidate is running, in the 13407
case of a position on a governing board of an educational service 13408

center established in accordance with section 3311.054 of the Revised Code.

Each nominating petition shall be filed with the board of elections of the county in which the central administrative offices of the educational service center governing board are located not later than four p.m. of the ~~seventy-fifth~~ ninetieth day before the day of the general election, provided that no such petition shall be accepted for filing if it appears to contain signatures aggregating in number more than three times the minimum number of signatures required by this section. A board of elections shall not accept for filing a nominating petition of a person 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 other position as a member of a governing board of an educational service center or position as a member of a city, local, or exempted village board of education, or for a municipal or township office. When a petition of a candidate has been accepted for filing by a board of elections, the petition shall not be deemed invalid if, upon verification of signatures contained in the petition, the board of elections finds the number of signatures accepted exceeds three times the minimum signatures required. A board of elections may discontinue verifying petitions when the number of verified signatures equals the minimum required number of qualified signatures.

Sec. 3513.256. (A) Notwithstanding any provision of the Revised Code to the contrary, for the purpose of nominating candidates for a position as a member of the board of education of a city, local, or exempted village school district or a position as a member of a governing board of an educational service center,

the board may adopt, by resolution upon a three-fifths majority 13441
vote of its total membership, procedures for a nonpartisan primary 13442
election. Such procedures shall specify the following: 13443

(1) That the primary election for nominating candidates for a 13444
position as a member of that board shall be held on the same day 13445
as the primary election for nominating all other candidates for 13446
public office in that year; 13447

(2) That nominating petitions shall be filed with the board 13448
of elections not later than four p.m. of the ~~seventy-fifth~~ 13449
ninetieth day before the day of the primary election; 13450

(3) That the primary election shall take place only if the 13451
number of candidates for nomination for a position on that board, 13452
as verified by the board of elections, is at least one more than 13453
two times the number of available positions on that board at the 13454
general election; 13455

(4) That the number of candidates advancing from the primary 13456
election to the general election shall equal two times the number 13457
of available positions on that board at the general election. 13458

The board shall notify the board of elections upon adoption 13459
of a resolution under this division. No such resolution shall 13460
apply for a particular election unless the resolution is adopted 13461
at least one hundred twenty days prior to the deadline specified 13462
in the resolution to become a candidate for nomination at that 13463
election. Subject to division (B) of this section, the resolution 13464
shall apply to all subsequent nominations for a position as a 13465
member of that board. 13466

(B) Not earlier than five years after the adoption of a 13467
resolution under division (A) of this section, the board of 13468
education of a city, local, or exempted village school district or 13469
the governing board of an educational service center may rescind 13470
that resolution by subsequent resolution upon a three-fifths 13471

majority vote of its total membership. 13472

The board shall notify the board of elections of any 13473
resolution adopted under this division. No such resolution shall 13474
apply to a particular election unless the resolution is adopted at 13475
least one hundred twenty days prior to the deadline to become a 13476
candidate for nomination at that election under the nomination 13477
procedures the resolution is rescinding. Subject to division (D) 13478
of this section, the requirements of Chapter 3513. of the Revised 13479
Code shall apply to all subsequent nominations for a position as a 13480
member of that board. 13481

(C) Any candidate nominated pursuant to a resolution adopted 13482
under division (A) of this section shall appear on the nonpartisan 13483
ballot at the general election as prescribed in sections 3505.04, 13484
3513.254, and 3513.255 of the Revised Code. 13485

(D) Nothing in this section prohibits or shall be construed 13486
to prohibit the board of education of a city, local, or exempted 13487
village school district or the governing board of an educational 13488
service center that has rescinded a resolution under division (B) 13489
of this section from subsequently adopting the same or different 13490
procedures for a nonpartisan primary election by adopting a 13491
resolution under division (A) of this section. 13492

Sec. 3513.257. Each person desiring to become an independent 13493
candidate for an office for which candidates may be nominated at a 13494
primary election, except persons desiring to become independent 13495
joint candidates for the offices of governor and lieutenant 13496
governor and for the offices of president and vice-president of 13497
the United States, shall file no later than four p.m. of the day 13498
before the day of the primary election immediately preceding the 13499
general election at which such candidacy is to be voted for by the 13500
voters, a statement of candidacy and nominating petition as 13501
provided in section 3513.261 of the Revised Code. Persons desiring 13502

to become independent joint candidates for the offices of governor 13503
and lieutenant governor shall file, not later than four p.m. of 13504
the day before the day of the primary election, one statement of 13505
candidacy and one nominating petition for the two of them. Persons 13506
desiring to become independent joint candidates for the offices of 13507
president and vice-president of the United States shall file, not 13508
later than four p.m. of the ~~seventy-fifth~~ ninetieth day before the 13509
day of the general election at which the president and 13510
vice-president are to be elected, one statement of candidacy and 13511
one nominating petition for the two of them. The prospective 13512
independent joint candidates' statement of candidacy shall be 13513
filed with the nominating petition as one instrument. 13514

The statement of candidacy and separate petition papers of 13515
each candidate or pair of joint candidates shall be filed at the 13516
same time as one instrument. 13517

The nominating petition shall contain signatures of qualified 13518
electors of the district, political subdivision, or portion of a 13519
political subdivision in which the candidacy is to be voted on in 13520
an amount to be determined as follows: 13521

(A) If the candidacy is to be voted on by electors throughout 13522
the entire state, the nominating petition, including the 13523
nominating petition of independent joint candidates for the 13524
offices of governor and lieutenant governor, shall be signed by no 13525
less than five thousand qualified electors, provided that no 13526
petition shall be accepted for filing if it purports to contain 13527
more than fifteen thousand signatures. 13528

(B) If the candidacy is to be voted on by electors in any 13529
district, political subdivision, or part thereof in which less 13530
than five thousand electors voted for the office of governor at 13531
the most recent election for that office, the nominating petition 13532
shall contain signatures of not less than twenty-five qualified 13533
electors of the district, political subdivision, or part thereof, 13534

or a number of qualified signatures equal to at least five per 13535
cent of that vote, if this number is less than twenty-five. 13536

(C) If the candidacy is to be voted on by electors in any 13537
district, political subdivision, or part thereof in which five 13538
thousand or more electors voted for the office of governor at the 13539
most recent election for that office, the nominating petition 13540
shall contain a number of signatures equal to at least one per 13541
cent of those electors. 13542

All nominating petitions of candidates for offices to be 13543
voted on by electors throughout the entire state shall be filed in 13544
the office of the secretary of state. No nominating petition for 13545
the offices of president and vice-president of the United States 13546
shall be accepted for filing unless there is submitted to the 13547
secretary of state, at the time of filing the petition, a slate of 13548
presidential electors sufficient in number to satisfy the 13549
requirement of the United States Constitution. The secretary of 13550
state shall not accept for filing the statement of candidacy of a 13551
person who desires to be an independent candidate for the office 13552
of governor unless it also shows the joint candidacy of a person 13553
who desires to be an independent candidate for the office of 13554
lieutenant governor, shall not accept for filing the statement of 13555
candidacy of a person who desires to be an independent candidate 13556
for the office of lieutenant governor unless it also shows the 13557
joint candidacy of a person who desires to be an independent 13558
candidate for the office of governor, and shall not accept for 13559
filing the statement of candidacy of a person who desires to be an 13560
independent candidate to the office of governor or lieutenant 13561
governor who, for the same election, has already filed a 13562
declaration of candidacy, a declaration of intent to be a write-in 13563
candidate, or a statement of candidacy, or has become a candidate 13564
by the filling of a vacancy under section 3513.30 of the Revised 13565
Code for any other state office or any federal or county office. 13566

Nominating petitions of candidates for offices to be voted on 13567
by electors within a district or political subdivision comprised 13568
of more than one county but less than all counties of the state 13569
shall be filed with the boards of elections of that county or part 13570
of a county within the district or political subdivision which had 13571
a population greater than that of any other county or part of a 13572
county within the district or political subdivision according to 13573
the last federal decennial census. 13574

Nominating petitions for offices to be voted on by electors 13575
within a county or district smaller than a county shall be filed 13576
with the board of elections for such county. 13577

No petition other than the petition of a candidate whose 13578
candidacy is to be considered by electors throughout the entire 13579
state shall be accepted for filing if it appears on its face to 13580
contain more than three times the minimum required number of 13581
signatures. A board of elections shall not accept for filing a 13582
nominating petition of a person seeking to become a candidate if 13583
that person, for the same election, has already filed a 13584
declaration of candidacy, a declaration of intent to be a write-in 13585
candidate, or a nominating petition, or has become a candidate by 13586
the filling of a vacancy under section 3513.30 of the Revised Code 13587
for any federal, state, or county office, if the nominating 13588
petition is for a state or county office, or for any municipal or 13589
township office, for member of a city, local, or exempted village 13590
board of education, or for member of a governing board of an 13591
educational service center, if the nominating petition is for a 13592
municipal or township office, or for member of a city, local, or 13593
exempted village board of education, or for member of a governing 13594
board of an educational service center. When a petition of a 13595
candidate has been accepted for filing by a board of elections, 13596
the petition shall not be deemed invalid if, upon verification of 13597
signatures contained in the petition, the board of elections finds 13598

the number of signatures accepted exceeds three times the minimum 13599
number of signatures required. A board of elections may 13600
discontinue verifying signatures when the number of verified 13601
signatures on a petition equals the minimum required number of 13602
qualified signatures. 13603

Any nonjudicial candidate who files a nominating petition may 13604
request, at the time of filing, that the candidate be designated 13605
on the ballot as a nonparty candidate or as an other-party 13606
candidate, or may request that the candidate's name be placed on 13607
the ballot without any designation. Any such candidate who fails 13608
to request a designation either as a nonparty candidate or as an 13609
other-party candidate shall have the candidate's name placed on 13610
the ballot without any designation. 13611

The purpose of establishing a filing deadline for independent 13612
candidates prior to the primary election immediately preceding the 13613
general election at which the candidacy is to be voted on by the 13614
voters is to recognize that the state has a substantial and 13615
compelling interest in protecting its electoral process by 13616
encouraging political stability, ensuring that the winner of the 13617
election will represent a majority of the community, providing the 13618
electorate with an understandable ballot, and enhancing voter 13619
education, thus fostering informed and educated expressions of the 13620
popular will in a general election. The filing deadline for 13621
independent candidates required in this section prevents 13622
splintered parties and unrestrained factionalism, avoids political 13623
fragmentation, and maintains the integrity of the ballot. The 13624
deadline, one day prior to the primary election, is the least 13625
drastic or restrictive means of protecting these state interests. 13626
The general assembly finds that the filing deadline for 13627
independent candidates in primary elections required in this 13628
section is reasonably related to the state's purpose of ensuring 13629
fair and honest elections while leaving unimpaired the political, 13630

voting, and associational rights secured by the first and 13631
fourteenth amendments to the United States Constitution. 13632

Sec. 3513.259. Nominations of candidates for the office of 13633
member of the state board of education shall be made only by 13634
nominating petition. The nominating petition of a candidate for 13635
the office of member of the state board of education shall be 13636
signed by not less than one hundred qualified electors. 13637

No such nominating petition shall be accepted for filing if 13638
it appears on its face to contain signatures aggregating in number 13639
more than three times the minimum number of signatures required by 13640
this section. A board of elections shall not accept for filing a 13641
nominating petition of a person if that person, for the same 13642
election, has already filed a declaration of candidacy, a 13643
declaration of intent to be a write-in candidate, or a nominating 13644
petition, or has become a candidate through party nomination at a 13645
primary election or by the filling of a vacancy under section 13646
3513.30 or 3513.31 of the Revised Code, to be a candidate for any 13647
other state office or any federal or county office. When a 13648
petition of a candidate has been accepted for filing by a board of 13649
elections, the petition shall not be deemed invalid if, upon 13650
verification of signatures contained in the petition, the board of 13651
elections finds the number of signatures accepted exceeds three 13652
times the minimum number of signatures required. A board of 13653
elections may discontinue verifying signatures when the number of 13654
verified signatures equals the minimum required number of 13655
signatures. Such petition shall be filed with the board of 13656
elections of the most populous county in such district not later 13657
than four p.m. of the ~~seventy-fifth~~ ninetieth day before the day 13658
of the general election at which state board of education members 13659
are elected. 13660

Each nominating petition shall be signed by qualified 13661

electors residing in the district in which the candidate 13662
designated therein would be a candidate for election to the office 13663
of member of the state board of education. Each candidate shall be 13664
a qualified elector residing in the district in which the 13665
candidate seeks election to such office. 13666

As the word "district" is used in this section, it refers to 13667
a district created under section 3301.01 of the Revised Code. 13668

Sec. 3513.263. The nominating petitions of all candidates 13669
required to be filed before four p.m. of the ~~seventy-fifth~~ 13670
ninetieth day before the day of the general election, shall be 13671
processed as follows: 13672

If such petition is filed with the secretary of state, ~~he~~ the 13673
secretary of state shall promptly transmit to each board such 13674
separate petition papers as purports to contain signatures of 13675
electors of the county of such board. 13676

If such petition is filed with the board of a county in which 13677
the major portion of the population of a subdivision is located, 13678
such board shall promptly transmit to the board of each county in 13679
which other portions of such subdivision are located such separate 13680
petition papers of the petition as purport to contain signatures 13681
of electors of such county. 13682

All petition papers so transmitted to a board of elections, 13683
and all nominating petitions filed with a board of elections 13684
shall, under proper regulation, be open to public inspection until 13685
four p.m. of the ~~seventieth~~ eightieth day before the day of such 13686
general election. Each board shall, not later than the 13687
~~sixty-eighth~~ seventy-eighth day before the day of such general 13688
election examine and determine the sufficiency of the signatures 13689
on the petition papers transmitted to or filed with it and the 13690
validity or invalidity of petitions filed with it, and shall 13691
return to each other board all petition papers transmitted to it 13692

by such other board, together with its certification of its 13693
determination as to the validity or invalidity of signatures 13694
thereon. All other matters affecting the validity or invalidity of 13695
such petition papers shall be determined by the board with whom 13696
such petition papers were filed. 13697

Written protests against such nominating petitions may be 13698
filed by any qualified elector eligible to vote for the candidate 13699
whose nominating petition ~~he~~ the elector objects to, not later 13700
than the ~~sixty-fourth~~ seventy-fourth day before the general 13701
election. Such protests shall be filed with the election officials 13702
with whom the nominating petition was filed. Upon the filing of 13703
such protests, the election officials with whom it is filed shall 13704
promptly fix the time and place for hearing it, and shall 13705
forthwith mail notice of the filing of such protest and the time 13706
and place for hearing it to the person whose nomination is 13707
protested. They shall also forthwith mail notice of the time and 13708
place fixed for the hearing to the person who filed the protest. 13709
At the time and place fixed, such election officials shall hear 13710
the protest and determine the ~~validity~~ validity or invalidity of 13711
the petition. Such determination shall be final. 13712

Sec. 3513.30. (A)(1) If only one valid declaration of 13713
candidacy is filed for nomination as a candidate of a political 13714
party for an office and that candidate dies prior to the tenth day 13715
before the primary election, both of the following may occur: 13716

(a) The political party whose candidate died may fill the 13717
vacancy so created as provided in division (A)(2) of this section. 13718

(b) Any major political party other than the one whose 13719
candidate died may select a candidate as provided in division 13720
(A)(2) of this section under either of the following 13721
circumstances: 13722

(i) No person has filed a valid declaration of candidacy for 13723

nomination as that party's candidate at the primary election. 13724

(ii) Only one person has filed a valid declaration of 13725
candidacy for nomination as that party's candidate at the primary 13726
election, that person has withdrawn, died, or been disqualified 13727
under section 3513.052 of the Revised Code, and the vacancy so 13728
created has not been filled. 13729

(2) A vacancy may be filled under division (A)(1)(a) and a 13730
selection may be made under division (A)(1)(b) of this section by 13731
the appropriate committee of the political party in the same 13732
manner as provided in divisions (A) to (E) of section 3513.31 of 13733
the Revised Code for the filling of similar vacancies created by 13734
withdrawals or disqualifications under section 3513.052 of the 13735
Revised Code after the primary election, except that the 13736
certification required under that section may not be filed with 13737
the secretary of state, or with a board of the most populous 13738
county of a district, or with the board of a county in which the 13739
major portion of the population of a subdivision is located, later 13740
than four p.m. of the tenth day before the day of such primary 13741
election, or with any other board later than four p.m. of the 13742
fifth day before the day of such primary election. 13743

(3) If only one valid declaration of candidacy is filed for 13744
nomination as a candidate of a political party for an office and 13745
that candidate dies on or after the tenth day before the day of 13746
the primary election, that candidate is considered to have 13747
received the nomination of that candidate's political party at 13748
that primary election, and, for purposes of filling the vacancy so 13749
created, that candidate's death shall be treated as if that 13750
candidate died on the day after the day of the primary election. 13751

(B) Any person filing a declaration of candidacy may withdraw 13752
as such candidate at any time prior to the primary election, ~~or,~~ 13753
~~if the primary election is a presidential primary election, at any~~ 13754
~~time prior to the fiftieth day before the presidential primary~~ 13755

election. The withdrawal shall be effected and the statement of 13756
withdrawal shall be filed in accordance with the procedures 13757
prescribed in division (D) of this section for the withdrawal of 13758
persons nominated in a primary election or by nominating petition. 13759

(C) A person who is the first choice for president of the 13760
United States by a candidate for delegate or alternate to a 13761
national convention of a political party may withdraw consent for 13762
the selection of the person as such first choice no later than 13763
four p.m. of the ~~thirtieth~~ fortieth day before the day of the 13764
presidential primary election. Withdrawal of consent shall be for 13765
the entire slate of candidates for delegates and alternates who 13766
named such person as their presidential first choice and shall 13767
constitute withdrawal from the primary election by such delegates 13768
and alternates. The withdrawal shall be made in writing and 13769
delivered to the secretary of state. If the withdrawal is 13770
delivered to the secretary of state on or before the ~~sixtieth~~ 13771
seventieth day before the day of the primary election, ~~or, if the~~ 13772
~~election is a presidential primary election, on or before the~~ 13773
~~forty fifth day before the day of the presidential primary~~ 13774
~~election,~~ the boards of elections shall remove both the name of 13775
the withdrawn first choice and the names of such withdrawn 13776
candidates from the ballots according to the directions of the 13777
secretary of state. If the withdrawal is delivered to the 13778
secretary of state after the ~~sixtieth~~ seventieth day before the 13779
day of the primary election, ~~or, if the election is a presidential~~ 13780
~~primary election, after the forty fifth day before the day of the~~ 13781
~~presidential primary election,~~ the board of elections shall not 13782
remove the name of the withdrawn first choice and the names of the 13783
withdrawn candidates from the ballots. The board of elections 13784
shall post a notice at each polling location on the day of the 13785
primary election, and shall enclose with each absent voter's 13786
ballot given or mailed after the candidate withdraws, a notice 13787
that votes for the withdrawn first choice or the withdrawn 13788

candidates will be void and will not be counted. If such names are 13789
not removed from all ballots before the day of the election, the 13790
votes for the withdrawn first choice or the withdrawn candidates 13791
are void and shall not be counted. 13792

(D) Any person nominated in a primary election or by 13793
nominating petition as a candidate for election at the next 13794
general election may withdraw as such candidate at any time prior 13795
to the general election. Such withdrawal may be effected by the 13796
filing of a written statement by such candidate announcing the 13797
candidate's withdrawal and requesting that the candidate's name 13798
not be printed on the ballots. If such candidate's declaration of 13799
candidacy or nominating petition was filed with the secretary of 13800
state, the candidate's statement of withdrawal shall be addressed 13801
to and filed with the secretary of state. If such candidate's 13802
declaration of candidacy or nominating petition was filed with a 13803
board of elections, the candidate's statement of withdrawal shall 13804
be addressed to and filed with such board. 13805

(E) When a person withdraws under division (B) or (D) of this 13806
section on or before the ~~sixtieth~~ seventieth day before the day of 13807
the primary election, ~~or, if the election is a presidential~~ 13808
~~primary election, on or before the forty fifth day before the day~~ 13809
~~of the presidential primary election,~~ the board of elections shall 13810
remove the name of the withdrawn candidate from the ballots 13811
according to the directions of the secretary of state. When a 13812
person withdraws under division (B) or (D) of this section after 13813
the ~~sixtieth~~ seventieth day before the day of the primary 13814
election, ~~or, if the election is a presidential primary election,~~ 13815
~~after the forty fifth day before the day of the presidential~~ 13816
~~primary election,~~ the board of elections shall not remove the name 13817
of the withdrawn candidate from the ballots. The board of 13818
elections shall post a notice at each polling place on the day of 13819
the primary election, and shall enclose with each absent voter's 13820

ballot given or mailed after the candidate withdraws, a notice 13821
that votes for the withdrawn candidate will be void and will not 13822
be counted. If the name is not removed from all ballots before the 13823
day of the election, the votes for the withdrawn candidate are 13824
void and shall not be counted. 13825

Sec. 3513.31. (A) If a person nominated in a primary election 13826
as a candidate for election at the next general election, whose 13827
candidacy is to be submitted to the electors of the entire state, 13828
withdraws as that candidate or is disqualified as that candidate 13829
under section 3513.052 of the Revised Code, the vacancy in the 13830
party nomination so created may be filled by the state central 13831
committee of the major political party that made the nomination at 13832
the primary election, if the committee's chairperson and secretary 13833
certify the name of the person selected to fill the vacancy by the 13834
time specified in this division, at a meeting called for that 13835
purpose. The meeting shall be called by the chairperson of that 13836
committee, who shall give each member of the committee at least 13837
two days' notice of the time, place, and purpose of the meeting. 13838
If a majority of the members of the committee are present at the 13839
meeting, a majority of those present may select a person to fill 13840
the vacancy. The chairperson and secretary of the meeting shall 13841
certify in writing and under oath to the secretary of state, not 13842
later than the ~~seventy-sixth~~ eighty-sixth day before the day of 13843
the general election, the name of the person selected to fill the 13844
vacancy. The certification must be accompanied by the written 13845
acceptance of the nomination by the person whose name is 13846
certified. A vacancy that may be filled by an intermediate or 13847
minor political party shall be filled in accordance with the 13848
party's rules by authorized officials of the party. Certification 13849
must be made as in the manner provided for a major political 13850
party. 13851

(B) If a person nominated in a primary election as a party 13852

candidate for election at the next general election, whose 13853
candidacy is to be submitted to the electors of a district 13854
comprised of more than one county but less than all of the 13855
counties of the state, withdraws as that candidate or is 13856
disqualified as that candidate under section 3513.052 of the 13857
Revised Code, the vacancy in the party nomination so created may 13858
be filled by a district committee of the major political party 13859
that made the nomination at the primary election, if the 13860
committee's chairperson and secretary certify the name of the 13861
person selected to fill the vacancy by the time specified in this 13862
division, at a meeting called for that purpose. The district 13863
committee shall consist of the chairperson and secretary of the 13864
county central committee of such political party in each county in 13865
the district. The district committee shall be called by the 13866
chairperson of the county central committee of such political 13867
party of the most populous county in the district, who shall give 13868
each member of the district committee at least two days' notice of 13869
the time, place, and purpose of the meeting. If a majority of the 13870
members of the district committee are present at the district 13871
committee meeting, a majority of those present may select a person 13872
to fill the vacancy. The chairperson and secretary of the meeting 13873
shall certify in writing and under oath to the board of elections 13874
of the most populous county in the district, not later than four 13875
p.m. of the ~~seventy-sixth~~ eighty-sixth day before the day of the 13876
general election, the name of the person selected to fill the 13877
vacancy. The certification must be accompanied by the written 13878
acceptance of the nomination by the person whose name is 13879
certified. A vacancy that may be filled by an intermediate or 13880
minor political party shall be filled in accordance with the 13881
party's rules by authorized officials of the party. Certification 13882
must be made as in the manner provided for a major political 13883
party. 13884

(C) If a person nominated in a primary election as a party 13885

candidate for election at the next general election, whose 13886
candidacy is to be submitted to the electors of a county, 13887
withdraws as that candidate or is disqualified as that candidate 13888
under section 3513.052 of the Revised Code, the vacancy in the 13889
party nomination so created may be filled by the county central 13890
committee of the major political party that made the nomination at 13891
the primary election, or by the county executive committee if so 13892
authorized, if the committee's chairperson and secretary certify 13893
the name of the person selected to fill the vacancy by the time 13894
specified in this division, at a meeting called for that purpose. 13895
The meeting shall be called by the chairperson of that committee, 13896
who shall give each member of the committee at least two days' 13897
notice of the time, place, and purpose of the meeting. If a 13898
majority of the members of the committee are present at the 13899
meeting, a majority of those present may select a person to fill 13900
the vacancy. The chairperson and secretary of the meeting shall 13901
certify in writing and under oath to the board of that county, not 13902
later than four p.m. of the ~~seventy-sixth~~ eighty-sixth day before 13903
the day of the general election, the name of the person selected 13904
to fill the vacancy. The certification must be accompanied by the 13905
written acceptance of the nomination by the person whose name is 13906
certified. A vacancy that may be filled by an intermediate or 13907
minor political party shall be filled in accordance with the 13908
party's rules by authorized officials of the party. Certification 13909
must be made as in the manner provided for a major political 13910
party. 13911

(D) If a person nominated in a primary election as a party 13912
candidate for election at the next general election, whose 13913
candidacy is to be submitted to the electors of a district within 13914
a county, withdraws as that candidate or is disqualified as that 13915
candidate under section 3513.052 of the Revised Code, the vacancy 13916
in the party nomination so created may be filled by a district 13917
committee consisting of those members of the county central 13918

committee or, if so authorized, those members of the county 13919
executive committee in that county of the major political party 13920
that made the nomination at the primary election who represent the 13921
precincts or the wards and townships within the district, if the 13922
committee's chairperson and secretary certify the name of the 13923
person selected to fill the vacancy by the time specified in this 13924
division, at a meeting called for that purpose. The district 13925
committee meeting shall be called by the chairperson of the county 13926
central committee or executive committee, as appropriate, who 13927
shall give each member of the district committee at least two 13928
days' notice of the time, place, and purpose of the meeting. If a 13929
majority of the members of the district committee are present at 13930
the district committee meeting, a majority of those present may 13931
select a person to fill the vacancy. The chairperson and secretary 13932
of the district committee meeting shall certify in writing and 13933
under oath to the board of the county, not later than four p.m. of 13934
the ~~seventy-sixth~~ eighty-sixth day before the day of the general 13935
election, the name of the person selected to fill the vacancy. The 13936
certification must be accompanied by the written acceptance of the 13937
nomination by the person whose name is certified. A vacancy that 13938
may be filled by an intermediate or minor political party shall be 13939
filled in accordance with the party's rules by authorized 13940
officials of the party. Certification must be made as in the 13941
manner provided for a major political party. 13942

(E) If a person nominated in a primary election as a party 13943
candidate for election at the next general election, whose 13944
candidacy is to be submitted to the electors of a subdivision 13945
within a county, withdraws as that candidate or is disqualified as 13946
that candidate under section 3513.052 of the Revised Code, the 13947
vacancy in the party nomination so created may be filled by a 13948
subdivision committee consisting of those members of the county 13949
central committee or, if so authorized, those members of the 13950
county executive committee in that county of the major political 13951

party that made the nomination at that primary election who 13952
represent the precincts or the wards and townships within that 13953
subdivision, if the committee's chairperson and secretary certify 13954
the name of the person selected to fill the vacancy by the time 13955
specified in this division, at a meeting called for that purpose. 13956

The subdivision committee meeting shall be called by the 13957
chairperson of the county central committee or executive 13958
committee, as appropriate, who shall give each member of the 13959
subdivision committee at least two days' notice of the time, 13960
place, and purpose of the meeting. If a majority of the members of 13961
the subdivision committee are present at the subdivision committee 13962
meeting, a majority of those present may select a person to fill 13963
the vacancy. The chairperson and secretary of the subdivision 13964
committee meeting shall certify in writing and under oath to the 13965
board of the county, not later than four p.m. of the ~~seventy-sixth~~ 13966
eighty-sixth day before the day of the general election, the name 13967
of the person selected to fill the vacancy. The certification must 13968
be accompanied by the written acceptance of the nomination by the 13969
person whose name is certified. A vacancy that may be filled by an 13970
intermediate or minor political party shall be filled in 13971
accordance with the party's rules by authorized officials of the 13972
party. Certification must be made in the manner provided for a 13973
major political party. 13974

(F) If a person nominated by petition as an independent or 13975
nonpartisan candidate for election at the next general election 13976
withdraws as that candidate or is disqualified as that candidate 13977
under section 3513.052 of the Revised Code, the vacancy so created 13978
may be filled by a majority of the committee of five, as 13979
designated on the candidate's nominating petition, if a member of 13980
that committee certifies in writing and under oath to the election 13981
officials with whom the candidate filed the candidate's nominating 13982
petition, not later than the ~~seventy-sixth~~ eighty-sixth day before 13983

the day of the general election, the name of the person selected 13984
to fill the vacancy. The certification shall be accompanied by the 13985
written acceptance of the nomination by the person whose name is 13986
certified and shall be made in the manner provided for a major 13987
political party. 13988

(G) If a person nominated in a primary election as a party 13989
candidate for election at the next general election dies, the 13990
vacancy so created may be filled by the same committee in the same 13991
manner as provided in this section for the filling of similar 13992
vacancies created by withdrawals or disqualifications under 13993
section 3513.052 of the Revised Code, except that the 13994
certification, when filling a vacancy created by death, may not be 13995
filed with the secretary of state, or with a board of the most 13996
populous county of a district, or with the board of a county in 13997
which the major portion of the population of a subdivision is 13998
located, later than four p.m. of the tenth day before the day of 13999
such general election, or with any other board later than four 14000
p.m. of the fifth day before the day of such general election. 14001

(H) If a person nominated by petition as an independent or 14002
nonpartisan candidate for election at the next general election 14003
dies prior to the tenth day before the day of that general 14004
election, the vacancy so created may be filled by a majority of 14005
the committee of five designated in the nominating petition to 14006
represent the candidate named in it. To fill the vacancy a member 14007
of the committee shall, not later than four p.m. of the fifth day 14008
before the day of the general election, file with the election 14009
officials with whom the petition nominating the person was filed, 14010
a certificate signed and sworn to under oath by a majority of the 14011
members, designating the person they select to fill the vacancy. 14012
The certification must be accompanied by the written acceptance of 14013
the nomination by the person whose name is so certified. 14014

(I) If a person holding an elective office dies or resigns 14015

subsequent to the ~~one hundredth~~ one hundred fifteenth day before 14016
the day of a primary election and prior to the ~~seventy-sixth~~ 14017
eighty-sixth day before the day of the next general election, and 14018
if, under the laws of this state, a person may be elected at that 14019
general election to fill the unexpired term of the person who has 14020
died or resigned, the appropriate committee of each political 14021
party, acting as in the case of a vacancy in a party nomination, 14022
as provided in divisions (A) to (D) of this section, may select a 14023
person as the party candidate for election for such unexpired term 14024
at that general election, and certify the person's name to the 14025
appropriate election official not later than four p.m. on the 14026
~~seventy-sixth~~ eighty-sixth day before the day of that general 14027
election, or on the tenth day following the day on which the 14028
vacancy occurs, whichever is later. When the vacancy occurs on or 14029
subsequent to the ~~seventy-sixth~~ eighty-sixth day and ~~six or more~~ 14030
~~days~~ prior to the ~~fortieth~~ fifty-sixth day before the general 14031
election, the appropriate committee may select a person as the 14032
party candidate and certify the person's name, as provided in the 14033
preceding sentence, not later than four p.m. on the ~~tenth day~~ 14034
~~following the day on which the vacancy occurs. When the vacancy~~ 14035
~~occurs fewer than six days before the fortieth day before the~~ 14036
~~general election, the deadline for filing shall be four p.m. on~~ 14037
~~the thirty-sixth~~ fiftieth day before the general election. 14038
Thereupon the name shall be printed as the party candidate under 14039
proper titles and in the proper place on the proper ballots for 14040
use at the election. If a person has been nominated in a primary 14041
election, the authorized committee of that political party shall 14042
not select and certify a person as the party candidate. 14043

(J) Each person desiring to become an independent candidate 14044
to fill the unexpired term shall file a statement of candidacy and 14045
nominating petition, as provided in section 3513.261 of the 14046
Revised Code, with the appropriate election official not later 14047
than four p.m. on the tenth day following the day on which the 14048

vacancy occurs, provided that when the vacancy occurs fewer than 14049
six days before the ~~fortieth~~ fifty-sixth day before the general 14050
election, the deadline for filing shall be four p.m. on the 14051
~~thirty-sixth~~ fiftieth day before the general election. The 14052
nominating petition shall contain at least seven hundred fifty 14053
signatures and no more than one thousand five hundred signatures 14054
of qualified electors of the district, political subdivision, or 14055
portion of a political subdivision in which the office is to be 14056
voted upon, or the amount provided for in section 3513.257 of the 14057
Revised Code, whichever is less. 14058

(K) When a person nominated as a candidate by a political 14059
party in a primary election or by nominating petition for an 14060
elective office for which candidates are nominated at a party 14061
primary election withdraws, dies, or is disqualified under section 14062
3513.052 of the Revised Code prior to the general election, the 14063
appropriate committee of any other major political party or 14064
committee of five that has not nominated a candidate for that 14065
office, or whose nominee as a candidate for that office has 14066
withdrawn, died, or been disqualified without the vacancy so 14067
created having been filled, may, acting as in the case of a 14068
vacancy in a party nomination or nomination by petition as 14069
provided in divisions (A) to (F) of this section, whichever is 14070
appropriate, select a person as a candidate of that party or of 14071
that committee of five for election to the office. 14072

Sec. 3513.311. (A) If a candidate for lieutenant governor 14073
dies, withdraws, or is disqualified as a candidate prior to the 14074
~~sixtieth~~ seventieth day before the day of a primary election, the 14075
vacancy on the ballot shall be filled by appointment by the joint 14076
candidate for the office of governor. Such candidate for governor 14077
shall certify in writing and under oath to the secretary of state 14078
not later than the ~~fifty-fifth~~ sixty-fifth day before the day of 14079
such election the name and residence address of the person 14080

selected to fill such vacancy. 14081

(B) If a candidate for governor dies, withdraws, or is 14082
disqualified as a candidate prior to the ~~sixtieth~~ seventieth day 14083
before the day of a primary election, the vacancy on the ballot 14084
shall be filled by appointment by the joint candidate for the 14085
office of lieutenant governor. Such candidate for lieutenant 14086
governor shall certify in writing and under oath to the secretary 14087
of state not later than the ~~fifty-fifth~~ sixty-fifth day before the 14088
day of such election the name and residence address of the person 14089
selected to fill such vacancy. 14090

(C) If a candidate for the office of lieutenant governor dies 14091
on or after the ~~sixtieth~~ seventieth day, but prior to the tenth 14092
day, before a primary election, the vacancy so created shall be 14093
filled by appointment by the joint candidate for the office of 14094
governor. Such candidate for governor shall certify in writing and 14095
under oath to the secretary of state not later than the fifth day 14096
before the day of such election the name and residence address of 14097
the person selected to fill such vacancy. 14098

(D) If a candidate for the office of governor dies on or 14099
after the ~~sixtieth~~ seventieth day, but prior to the tenth day, 14100
before a primary election, the vacancy so created shall be filled 14101
by appointment by the joint candidate for the office of lieutenant 14102
governor. Such candidate for lieutenant governor shall certify in 14103
writing and under oath to the secretary of state not later than 14104
the fifth day before the day of such election the name and 14105
residence address of the person selected to fill such vacancy. 14106

(E) If a person nominated in a primary election as a 14107
candidate for election to the office of governor or lieutenant 14108
governor at the next general election withdraws as such candidate 14109
prior to the ~~eightieth~~ ninetieth day before the day of the general 14110
election or dies prior to the tenth day before the day of such 14111
general election, the vacancy so created shall be filled in the 14112

manner provided for by section 3513.31 of the Revised Code. 14113

(F) If a person nominated by petition as a candidate for 14114
election to the office of governor or lieutenant governor 14115
withdraws as such candidate prior to the ~~eightieth~~ ninetieth day 14116
before the day of the general election or dies prior to the tenth 14117
day before the day of such general election, the vacancy so 14118
created shall be filled by the candidates' committee in the manner 14119
provided for, as in the case of death, by section 3513.31 of the 14120
Revised Code, except that, in the case of withdrawal of candidacy, 14121
the name and residence address of the replacement candidate shall 14122
be certified in writing and under oath to the secretary of state 14123
not later than the ~~seventy-sixth~~ eighty-sixth day before the day 14124
of the general election. 14125

(G) If the vacancy in a joint candidacy for governor and 14126
lieutenant governor can be filled in accordance with this section 14127
and is not so filled, the joint candidacy which has not been 14128
vacated shall be invalidated and shall not be presented for 14129
election. 14130

(H) Any replacement candidate appointed or selected pursuant 14131
to this section shall be one who has the qualifications of an 14132
elector. 14133

Sec. 3513.312. (A) Notwithstanding section 3513.31 of the 14134
Revised Code, if a person nominated in a primary election as a 14135
party candidate for the office of representative to congress for 14136
election at the next general election withdraws as such candidate 14137
prior to the ~~eightieth~~ ninetieth day before the day of such 14138
general election, or dies prior to the ~~eightieth~~ ninetieth day 14139
before the day of such general election, the vacancy in the party 14140
nomination so created shall be filled by a special election held 14141
in accordance with division (B) of this section. 14142

(B) The boards of elections of all the counties contained in 14143

whole or in part within the congressional district in which a 14144
vacancy occurs as described in division (A) of this section shall, 14145
as soon as reasonably practicable, conduct the special election 14146
and give notice of the time and places of holding such election as 14147
provided in section 3501.03 of the Revised Code. Such election 14148
shall be held and conducted and returns thereof made as in the 14149
case of a primary election. 14150

(C) The state shall pay all costs of any special election 14151
held pursuant to this section. 14152

Sec. 3515.09. A contest of election shall be commenced by the 14153
filing of a petition with the clerk of the appropriate court 14154
signed by at least twenty-five voters who voted at the last 14155
election for or against a candidate for the office or for or 14156
against the issue being contested, or by the defeated candidate 14157
for said nomination or election, within fifteen days after the 14158
results of any such nomination or election have been ascertained 14159
and announced by the proper authority, or if there is a recount, 14160
within ten days after the results of the recount of such 14161
nomination or election have been ascertained and announced by the 14162
proper authority. Such petition shall be verified by the oath of 14163
at least two such petitioners, or by the oath of the defeated 14164
candidate filing the petition, and shall set forth the grounds for 14165
such contest. 14166

Said petition shall be accompanied by a bond with surety to 14167
be approved by the clerk of the appropriate court in a sum 14168
sufficient, as determined by ~~him~~ the clerk, to pay all the costs 14169
of the contest. In no event shall the amount of the bond be less 14170
than ten thousand dollars. If it becomes apparent during the 14171
course of the proceedings that the bond is insufficient to pay all 14172
the costs of the contest, any party to the contest may request the 14173
court considering the contest to adjust the required bond. The 14174

court shall promptly render a decision on such a request. The 14175
contestor and the person whose right to the nomination or election 14176
to such office is being contested, to be known as the contestee, 14177
shall be liable to the officers and witnesses for the costs made 14178
by them respectively; but if the results of the nomination or 14179
election are confirmed or the petition is dismissed or the 14180
prosecution fails, judgment shall be rendered against the 14181
contestor for the costs; and if the judgment is against the 14182
contestee or if the results of the nomination or election are set 14183
aside, the county shall pay the costs as other election expenses 14184
are paid. 14185

Sec. 3519.08. (A) Notwithstanding division (I)(2) of section 14186
3501.38 of the Revised Code, at any time prior to the ~~sixtieth~~ 14187
seventieth day before the day of an election at which an 14188
initiative or referendum is scheduled to appear on the ballot, a 14189
majority of the members of the committee named to represent the 14190
petitioners in the petition proposing that initiative or 14191
referendum under section 3519.02 of the Revised Code may withdraw 14192
the petition by giving written notice of the withdrawal to the 14193
secretary of state. 14194

(B) After a majority of the members of the committee named to 14195
represent the petitioners gives notice to the secretary of state 14196
that the petition proposing the initiative or referendum is 14197
withdrawn under division (A) of this section, all of the following 14198
shall apply: 14199

(1) If the Ohio ballot board has not already certified the 14200
ballot language at the time a majority of the members of the 14201
committee gives the written notice of withdrawal, the board shall 14202
not certify ballot language for that proposed initiative or 14203
referendum to the secretary of state. 14204

(2) The secretary of state shall not certify a ballot form or 14205

wording to the boards of elections under sections 3501.05 and 14206
3505.01 of the Revised Code that includes ballot language for that 14207
proposed initiative or referendum. 14208

(3) The proposed initiative or referendum shall not appear on 14209
the ballot. 14210

(C) No petition that has been filed, and subsequently 14211
withdrawn under this section, may be resubmitted. 14212

Sec. 3519.16. The circulator of any part-petition, the 14213
committee interested in the petition, or any elector may file with 14214
the board of elections a protest against the board's findings made 14215
pursuant to section 3519.15 of the Revised Code. Protests shall be 14216
in writing and shall specify reasons for the protest. Protests for 14217
all initiative and referendum petitions other than those to be 14218
voted on by electors throughout the entire state shall be filed 14219
not later than four p.m. of the ~~sixty-fourth~~ seventy-fourth day 14220
before the day of the election. Once a protest is filed, the board 14221
shall proceed to establish the sufficiency or insufficiency of the 14222
signatures and of the verification of those signatures in an 14223
action before the court of common pleas in the county. The action 14224
shall be brought within three days after the protest is filed, and 14225
it shall be heard forthwith by a judge of that court, whose 14226
decision shall be certified to the board. The signatures that are 14227
adjudged sufficient or the part-petitions that are adjudged 14228
properly verified shall be included with the others by the board, 14229
and those found insufficient and all those part-petitions that are 14230
adjudged not properly verified shall not be included. 14231

The properly verified part-petitions, together with the 14232
report of the board, shall be returned to the secretary of state 14233
not less than ~~fifty~~ sixty days before the election, provided that, 14234
in the case of an initiated law to be presented to the general 14235
assembly, the boards shall promptly check and return the petitions 14236

together with their report. The secretary of state shall notify 14237
the chairperson of the committee in charge of the circulation as 14238
to the sufficiency or insufficiency of the petition and the extent 14239
of the insufficiency. 14240

If the petition is found insufficient because of an 14241
insufficient number of valid signatures, the committee shall be 14242
allowed ten additional days after the notification by the 14243
secretary of state for the filing of additional signatures to the 14244
petition. The part-petitions of the supplementary petition that 14245
appear to the secretary of state to be properly verified, upon 14246
their receipt by the secretary of state, shall forthwith be 14247
forwarded to the boards of the several counties together with the 14248
part-petitions of the original petition that have been properly 14249
verified. They shall be immediately examined and passed upon as to 14250
the validity and sufficiency of the signatures on them by each of 14251
the boards and returned within five days to the secretary of state 14252
with the report of each board. No signature on a supplementary 14253
part-petition that is the same as a signature on an original 14254
part-petition shall be counted. The number of signatures in both 14255
the original and supplementary petitions, properly verified, shall 14256
be used by the secretary of state in determining the total number 14257
of signatures to the petition that the secretary of state shall 14258
record and announce. If they are sufficient, the amendment, 14259
proposed law, or law shall be placed on the ballot as required by 14260
law. If the petition is found insufficient, the secretary of state 14261
shall notify the committee in charge of the circulation of the 14262
petition. 14263

Sec. 3709.051. Two or more contiguous city health districts 14264
may be united to form a single city health district by a majority 14265
affirmative vote of the legislative authority of each city 14266
affected by the union. 14267

If at least three per cent of the qualified electors residing within each of two or more contiguous city health districts sign a petition proposing a union into a single city health district, an election shall be held as provided in this section to determine whether a single city health district shall be formed. The petition for union may specify regarding the board of health of the new district:

(A) The qualifications for membership;

(B) The term of office;

(C) The number of members or a method by which the number may be determined from time to time;

(D) The method of appointment.

Such petition shall be filed with the boards of county commissioners of the respective counties affected, subject to approval of the director of health, and such boards shall promptly certify the text of the proposal to the boards of election for the purpose of having the proposal placed on the ballot at the next general election occurring more than ~~seventy-five~~ ninety days after such certification. The election procedures provided in Chapter 3505. of the Revised Code for questions and issues shall apply to the election. If a majority of the electors voting on the proposal in each of the health districts affected vote in favor thereof, the union of such districts into a single city health district shall be established on the second succeeding first day of January.

Sec. 3709.071. If at least three per cent of the qualified electors residing within each of one or more city health districts and a general health district sign a petition for union into a single general health district, an election shall be held as provided in this section to determine whether a single general

health district shall be formed. The petition for union may 14298
specify regarding the board of health of the new district: 14299

- (A) The qualifications for membership; 14300
- (B) The term of office; 14301
- (C) The number of members or a method by which the number may 14302
be determined from time to time; 14303
- (D) The method of appointment. 14304

Such petition shall be filed with the boards of county 14305
commissioners of the respective counties affected, subject to 14306
approval of the director of health, and such boards shall promptly 14307
certify the text of the proposal to the boards of election for the 14308
purpose of having the proposal placed on the ballot at the next 14309
general election occurring more than ~~seventy-five~~ ninety days 14310
after the filing of the petition with the boards of election. The 14311
election procedures provided in Chapter 3505. of the Revised Code 14312
for questions and issues shall be followed. If a majority of the 14313
electors voting on the proposal in each of the health districts 14314
affected vote in favor thereof, the union of such districts into a 14315
single general health district shall be established on the second 14316
succeeding January 1. 14317

When the establishment of a combined health district has been 14318
approved by the electors of a general health district and one or 14319
more city health districts, the ~~chairman~~ chairperson of the 14320
district advisory council and the chief executive of each city 14321
uniting with the general health district shall enter into a 14322
contract for the administration of health affairs in the combined 14323
district. Such contract shall conform to the provisions of section 14324
3709.07 of the Revised Code regarding the contract for the 14325
administration of health affairs in a combined district, except 14326
that the date of the change of administration shall be as provided 14327
in this section and except for the specifications as to the board 14328

of health of the new district contained in the petition and 14329
submitted to the electors in the proposal to establish such 14330
district. 14331

Sec. 3709.29. If the estimated amount of money necessary to 14332
meet the expenses of a general health district program will not be 14333
forthcoming to the board of health of such district out of the 14334
district health fund because the taxes within the ten-mill 14335
limitation will be insufficient, the board of health shall certify 14336
the fact of such insufficiency to the board of county 14337
commissioners of the county in which such district is located. 14338
Such board of county commissioners is hereby ordained to be a 14339
special taxing authority for the purposes of this section only, 14340
and, notwithstanding any other law to the contrary, the board of 14341
county commissioners of any county in which a general health 14342
district is located is the taxing authority for such special levy 14343
outside the ten-mill limitation. The board of county commissioners 14344
shall thereupon, in the year preceding that in which such health 14345
program will be effective, by vote of two-thirds of all the 14346
members of that body, declare by resolution that the amount of 14347
taxes which may be raised within the ten-mill limitation will be 14348
insufficient to provide an adequate amount for the necessary 14349
requirements of such district within the county, and that it is 14350
necessary to levy a tax in excess of such limitation in order to 14351
provide the board of health with sufficient funds to carry out 14352
such health program. Such resolution shall be filed with the board 14353
of elections not later than four p.m. of the ~~seventy-fifth~~ 14354
ninetieth day before the day of election. 14355

Such resolution shall specify the amount of increase in rate 14356
which it is necessary to levy and the number of years during which 14357
such increase shall be in effect, which shall not be for a longer 14358
period than ten years. 14359

The resolution shall conform to section 5705.191 of the Revised Code and be certified and submitted in the manner provided in section 5705.25 of the Revised Code, provided that the proposal shall be placed on the ballot at the next primary or general election occurring more than ~~seventy-five~~ ninety days after the resolution is filed with the board of elections.

Sec. 3767.05. (A) The civil action provided for in section 3767.03 of the Revised Code shall be set down for trial at the earliest possible time and shall have precedence over all other cases except those involving crimes, election contests, or injunctions regardless of the position of the proceedings on the calendar of the court. In the civil action, evidence of the general reputation of the place where the nuisance is alleged to exist or an admission or finding of guilt of any person under the criminal laws against prostitution, lewdness, assignation, or other prohibited conduct at the place is admissible for the purpose of proving the existence of the nuisance and is prima-facie evidence of the nuisance and of knowledge of and of acquiescence and participation in the nuisance on the part of the person charged with maintaining it.

(B) If the complaint for the permanent injunction is filed by a person who is a citizen of the county, it shall not be dismissed unless the complainant and the complainant's attorney submit a sworn statement setting forth the reasons why the civil action should be dismissed and the dismissal is approved by the prosecuting attorney in writing or in open court. If the person who files the complaint for the permanent ~~injunction~~ injunction is a citizen of the county, if that person refuses or otherwise fails to prosecute the complaint to judgment, and if the civil action is not dismissed pursuant to this division, then, with the approval of the court, the attorney general, the prosecuting attorney of the county in which the nuisance exists, or the village solicitor,

city director of law, or other similar chief legal officer of the 14392
municipal corporation in which the nuisance exists, may be 14393
substituted for the complainant and prosecute the civil action to 14394
judgment. 14395

(C) If the civil action is commenced by a person who is a 14396
citizen of the county where the nuisance is alleged to exist and 14397
the court finds that there were no reasonable grounds or cause for 14398
the civil action, the costs may be taxed to that person. 14399

(D) If the existence of the nuisance is established upon the 14400
trial of the civil action, a judgment shall be entered that 14401
perpetually enjoins the defendant and any other person from 14402
further maintaining the nuisance at the place complained of and 14403
the defendant from maintaining the nuisance elsewhere. 14404

(E) If the court finds that a nuisance described in division 14405
(C)(3) of section 3767.01 of the Revised Code exists, the court 14406
shall order the nuisance to be abated, and, in entering judgment 14407
for nuisance, the court shall do all of the following: 14408

(1) Specify that judgment is entered pursuant to division (E) 14409
of this section; 14410

(2) Order that no beer or intoxicating liquor may be 14411
manufactured, sold, bartered, possessed, kept, or stored in the 14412
room, house, building, structure, place, boat, or vehicle or any 14413
part thereof. The court need not find that the property was being 14414
unlawfully used at the time of the hearing on the matter if the 14415
court finds there existed a nuisance as described in division 14416
(C)(3) of section 3767.01 of the Revised Code. 14417

(3) Order that the room, house, building, boat, vehicle, 14418
structure, or place not be occupied or used for one year after the 14419
judgment is rendered. The court may permit the premises to be 14420
occupied by a person other than the defendant or a business 14421
affiliate of the defendant in the nuisance action, or an agent of, 14422

or entity owned in whole or part by, the defendant, if the person, 14423
lessee, tenant, or occupant of the location posts a bond with 14424
sufficient surety, to be approved by the court issuing the order, 14425
in the sum of not less than one thousand nor more than five 14426
thousand dollars, payable to the state of Ohio, on the condition 14427
that no beer or intoxicating liquor thereafter shall be 14428
manufactured, sold, bartered, possessed, kept, stored, 14429
transported, or otherwise disposed of on the premises, and the 14430
person agrees to pay all fines, costs, and damages that may be 14431
assessed for a violation. A reasonable sum shall be allowed an 14432
officer by the issuing court for the cost of closing and keeping 14433
closed the premises that is the subject of the nuisance action. 14434

(4) Send notice of the judgment entered to the division of 14435
liquor control, the liquor control commission, and the liquor 14436
enforcement division of the department of public safety. 14437

(F) A defendant found to have maintained a nuisance as 14438
described in division (C)(3) of section 3767.01 of the Revised 14439
Code also is subject to liability and penalties under sections 14440
4301.74 and 4399.09 of the Revised Code. The abatement of a 14441
nuisance under section 4399.09 of the Revised Code is in addition 14442
to and does not prevent the abatement of a nuisance under division 14443
(D) or (E) of this section. 14444

(G) If a court enters judgment pursuant to division (D) or 14445
(E) of this section finding that a nuisance exists at a liquor 14446
permit premises or as a result of the operation of a liquor permit 14447
premises, except in the case of a nuisance found as a result of a 14448
violation of a local zoning ordinance or resolution, the certified 14449
copy of the judgment required under division (A) of section 14450
4301.331 of the Revised Code shall be filed with the board of 14451
elections in the county in which the nuisance exists, not later 14452
than four p.m. of the ~~seventy-fifth~~ ninetieth day before the day 14453
of the next general or primary election. However, no election 14454

shall be conducted on sales at the liquor permit premises under 14455
section 4301.352 of the Revised Code until all appeals on the 14456
judgment are resolved. The court of appeals shall render a 14457
decision on any appeal of the judgment within six months after the 14458
date of the filing of the appeal of the judgment with the clerk of 14459
the court of appeals, and the supreme court shall render a 14460
decision on any appeal of the judgment within six months after the 14461
date of the filing of the appeal of the judgment with the clerk of 14462
the supreme court. 14463

Sec. 3769.27. (A) If a petition is presented, not later than 14464
four p.m. of the ~~seventy-fifth~~ ninetieth day before the day of a 14465
general or primary election, to the board of elections of any 14466
county, signed by qualified electors of the county equal in number 14467
to at least ten per cent of the total number of votes cast in the 14468
county for the office of governor at the preceding general 14469
election for that office, but signed by at least five hundred 14470
electors, requesting that there be submitted the question "shall 14471
satellite facilities that receive simulcasts of live horse races 14472
and that conduct wagering on those simulcasts be prohibited 14473
throughout this county for a period of (not to exceed 14474
five) years?", the board of elections shall submit this question 14475
to the electors of the county on the day of the next general or 14476
primary election, whichever occurs first, in the manner provided 14477
by law for the submission of questions and issues. The board of 14478
elections shall notify the state racing commission of the results 14479
of the election on the question. 14480

(B) If a majority of the electors voting on the question set 14481
forth in division (A) of this section vote "yes," the state racing 14482
commission shall have no jurisdiction thereafter to approve 14483
satellite facilities in that county for the number of years, not 14484
exceeding five, specified in the petition. If a majority of the 14485
electors voting on the question set forth in division (A) of this 14486

section vote "no," this question shall not again be submitted to a 14487
vote in the county until the expiration of the time set forth in 14488
the petition. When the board of elections of any county has 14489
received a petition and accepted it as valid, it shall so notify 14490
the commission and the commission shall not approve a satellite 14491
facility in that county between this notification and the day of 14492
the general or primary election. 14493

(C) Once a proposed satellite facility receives the approval 14494
of the appropriate local legislative authority, a petition seeking 14495
an election under this section in the county where the proposed 14496
satellite facility will be located is invalid unless the date of 14497
signing of each signature on the petition that is counted by the 14498
board of elections to meet the number of signatures required by 14499
division (A) of this section is a date within ninety days after 14500
the date of the approval of the appropriate local legislative 14501
authority for the proposed satellite facility. 14502

Sec. 4301.33. (A) The board of elections shall provide to a 14503
petitioner circulating a petition for an election for the 14504
submission of one or more of the questions specified in divisions 14505
(A) to (D) of section 4301.35 or section 4301.351 of the Revised 14506
Code, at the time of taking out the petition, the names of the 14507
streets and, if appropriate, the address numbers of residences and 14508
business establishments within the precinct in which the election 14509
is sought, and a form prescribed by the secretary of state for 14510
notifying affected permit holders and liquor agency stores of the 14511
circulation of a petition for an election for the submission of 14512
one or more of the questions specified in divisions (A) to (D) of 14513
section 4301.35 or section 4301.351 of the Revised Code. The 14514
petitioner shall, not less than ~~forty-five~~ fifty-five days before 14515
the petition-filing deadline for the election, as provided in this 14516
section, file with the division of liquor control the information 14517
regarding names of streets and, if appropriate, address numbers of 14518

residences and business establishments provided by the board of 14519
elections, and specify to the division the precinct that is 14520
concerned and that would be affected by the results of the 14521
election and the filing deadline. The division shall, within a 14522
reasonable period of time and not later than ~~fifteen~~ twenty-five 14523
days before the filing deadline, supply the petitioner with a list 14524
of the names and addresses of permit holders and liquor agency 14525
stores, if any, that would be affected by the election. The list 14526
shall contain a heading with the following words: "Liquor permit 14527
holders and liquor agency stores that would be affected by the 14528
question(s) set forth on petition for a local option election." 14529

Within five days after a petitioner has received from the 14530
division the list of liquor permit holders and liquor agency 14531
stores, if any, that would be affected by the question or 14532
questions set forth on a petition for local option election, the 14533
petitioner shall, using the form provided by the board of 14534
elections, notify by certified mail each permit holder and liquor 14535
agency store whose name appears on that list. The form for 14536
notifying affected permit holders and liquor agency stores shall 14537
require the petitioner to state the petitioner's name and street 14538
address and shall contain a statement that a petition is being 14539
circulated for an election for the submission of the question or 14540
questions specified in divisions (A) to (D) of section 4301.35 or 14541
section 4301.351 of the Revised Code. The form shall require the 14542
petitioner to state the question or questions to be submitted as 14543
they appear on the petition. 14544

The petitioner shall attach a copy of the list provided by 14545
the division to each petition paper. A part petition paper 14546
circulated at any time without the list of affected permit holders 14547
and liquor agency stores attached to it is invalid. 14548

At the time the petitioner files the petition with the board 14549
of elections, the petitioner shall provide to the board the list 14550

supplied by the division and an affidavit certifying that the
petitioner notified all affected permit holders and liquor agency
stores, if any, on the list in the manner and within the time
required in this section and that, at the time each signer of the
petition affixed the signer's signature to the petition, the
petition paper contained a copy of the list of affected permit
holders and liquor agency stores.

Within five days after receiving a petition calling for an
election for the submission of one or more of the questions
specified in divisions (A) to (D) of section 4301.35 or section
4301.351 of the Revised Code, the board shall give notice by
certified mail that it has received the petition to all liquor
permit holders and liquor agency stores, if any, whose names
appear on the list of affected permit holders and liquor agency
stores filed by the petitioner. Failure of the petitioner to
supply the affidavit required by this section and a complete and
accurate list of liquor permit holders and liquor agency stores,
if any, invalidates the entire petition. The board of elections
shall provide to a permit holder or liquor agency store that would
be affected by a proposed local option election, on the permit
holder's or liquor agency store's request, the names of the
streets, and, if appropriate, the address numbers of residences
and business establishments within the precinct in which the
election is sought that would be affected by the results of the
election. The board may charge a reasonable fee for this
information when provided to the petitioner and the permit holder
or liquor agency store.

(B) Upon the presentation of a petition, not later than four
p.m. of the ~~seventy-fifth~~ ninetieth day before the day of a
general or primary election, to the board of elections of the
county where the precinct is located, designating whether it is a
petition for an election for the submission of one or more of the

questions specified in section 4301.35 of the Revised Code, or a 14583
petition for the submission of one or more of the questions 14584
specified in section 4301.351 of the Revised Code, designating the 14585
particular question or questions specified in section 4301.35 or 14586
4301.351 of the Revised Code that are to be submitted, and signed 14587
by the qualified electors of the precinct concerned, equal in 14588
number to thirty-five per cent of the total number of votes cast 14589
in the precinct concerned for the office of governor at the 14590
preceding general election for that office, the board shall submit 14591
the question or questions specified in the petition to the 14592
electors of the precinct concerned, on the day of the next general 14593
or primary election, whichever occurs first and shall proceed as 14594
follows: 14595

(1) Such board shall, not later than the ~~sixty-eighth~~ 14596
seventy-eighth day before the day of the election for which the 14597
question or questions on the petition would qualify for submission 14598
to the electors of the precinct, examine and determine the 14599
sufficiency of the signatures and review, examine, and determine 14600
the validity of the petition and, in case of overlapping precinct 14601
petitions presented within that period, determine which of the 14602
petitions shall govern the further proceedings of the board. In 14603
the case where the board determines that two or more overlapping 14604
petitions are valid, the earlier filed petition shall govern. The 14605
board shall certify the sufficiency and validity of any petition 14606
determined to be valid. The board shall determine the validity of 14607
the petition as of the time of certification as described in this 14608
division. 14609

(2) If a petition is sufficient, and, in case of overlapping 14610
precinct petitions, after the board has determined the governing 14611
petition, the board to which the petition has been presented shall 14612
order the holding of a special election in the precinct for the 14613
submission of whichever of the questions specified in section 14614

4301.35 or 4301.351 of the Revised Code are designated in the petition, on the day of the next general or primary election, whichever occurs first.

(3) All petitions filed with a board of elections under this section shall be open to public inspection under rules adopted by the board.

(4) Protest against local option petitions may be filed by any elector eligible to vote on the question or questions described in the petitions or by a permit holder or liquor agency store in the precinct as described in the petitions, not later than four p.m. of the ~~sixty-fourth~~ seventy-fourth day before the day of the general or primary election for which the petition qualified. The protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon filing of the protest, the election officials with whom it is filed shall promptly fix the time for hearing it, and shall mail notice of the filing of the protest and the time and place for hearing it to the person who filed the petition and to the person who filed the protest. At the time and place fixed, the election officials shall hear the protest and determine the validity of the petition.

Sec. 4301.331. (A) The privilege of local option conferred by section 4301.321 of the Revised Code shall be exercised if a certified copy of the judgment issued pursuant to division (D) or (E) of section 3767.05 of the Revised Code that is the basis for the exercise of the local option privilege is filed pursuant to division (G) of section 3767.05 of the Revised Code indicating that a liquor permit premises has been adjudged a nuisance. The certified copy of the judgment shall be filed in accordance with this section by the person or public official who brought the action under section 3763.03 of the Revised Code.

(B) The certified copy of the judgment prescribed under 14646
division (A) of this section shall be filed with the board of 14647
elections of the county in which the nuisance was adjudged to 14648
exist pursuant to division (D) or (E) of section 3767.05 of the 14649
Revised Code not later than four p.m. of the ~~seventy-fifth~~ 14650
ninetieth day before the day of the next general or primary 14651
election. 14652

(C) The statement prescribed under division (A) of this 14653
section shall contain both of the following: 14654

(1) A notice that the statement is for the submission of the 14655
question set forth in section 4301.352 of the Revised Code; 14656

(2) The name of a class C or D permit holder and the address 14657
of the permit holder's permit premises. If the business conducted 14658
by a class C or D permit holder at the permit premises has a name 14659
different from the permit holder's personal or corporate name, the 14660
name of the permit holder's business shall be stated along with 14661
the permit holder's personal or corporate name. 14662

(D) Not later than five days after the certified copy of the 14663
judgment prescribed under division (A) of this section is filed, 14664
the board shall give notice by certified mail that it has received 14665
the certified copy of the judgment to the liquor permit holder 14666
whose permit would be affected by the results of the election 14667
required by the filing of the certified copy of the judgment. 14668
Failure of the petitioner to supply a complete and accurate 14669
address of the liquor permit holder to the board of elections 14670
invalidates the election. 14671

For purposes of this section, "complete and accurate address" 14672
means all of the following: 14673

(1) The address of the liquor permit premises; 14674

(2) The address of the statutory agent of the liquor permit 14675
holder, if applicable; 14676

(3) The address of the liquor permit holder if different from 14677
the liquor permit premises address. 14678

(E) Not later than the ~~sixty-eighth~~ seventy-eighth day before 14679
the day of the next general or primary election, whichever occurs 14680
first, the board shall certify the sufficiency and validity of the 14681
certified copy of the judgment, make such determination as of the 14682
time of certification, and order the holding of an election in the 14683
precinct on the day of that general or primary election for the 14684
submission of the question set forth in section 4301.352 of the 14685
Revised Code. 14686

(F) A certified copy of the judgment filed with the board of 14687
elections under division (A) of this section shall be open to 14688
public inspection under rules adopted by the board. 14689

An elector who is eligible to vote on the question set forth 14690
in section 4301.352 of the Revised Code or the permit holder named 14691
on the certified copy of the judgment, not later than four p.m. of 14692
the ~~sixty-fourth~~ seventy-fourth day before the day of the election 14693
at which the question will be submitted to the electors, may file 14694
a protest against a local option petition. The protest shall be in 14695
writing and shall be filed with the election officials with whom 14696
the certified copy of the judgment was filed. Upon the filing of 14697
the protest, the election officials with whom it is filed shall 14698
promptly fix a time and place for hearing the protest, and shall 14699
mail notice of the time and place for hearing it to the person who 14700
filed the certified copy of the judgment and to the person who 14701
filed the protest. At the time and place fixed, the election 14702
officials shall hear the protest and determine the validity of the 14703
certified copy of the judgment. 14704

Sec. 4301.332. (A) The board of elections shall provide to a 14705
petitioner circulating a petition for an election for the 14706
submission of one or more of the questions specified in section 14707

4301.353 or 4301.354 of the Revised Code, at the time of taking 14708
out the petition, the names of the streets and, if appropriate, 14709
the address numbers of residences and business establishments 14710
within the precinct that would be affected by the results of the 14711
election, and a form prescribed by the secretary of state for 14712
notifying affected permit holders of the circulation of a petition 14713
for an election for the submission of one or more of the questions 14714
specified in section 4301.353 or 4301.354 of the Revised Code. The 14715
petitioner shall, not less than ~~forty-five~~ fifty-five days before 14716
the petition-filing deadline for the election, as provided in this 14717
section, file with the division of liquor control the information 14718
regarding names of streets and, if appropriate, address numbers of 14719
residences and business establishments provided by the board of 14720
elections, and specify to the division the portion of the precinct 14721
that would be affected by the results of the election and the 14722
filing deadline. The division shall, within a reasonable period of 14723
time and not later than ~~fifteen~~ twenty-five days before the filing 14724
deadline, supply the petitioner with a list of the names and 14725
addresses of permit holders, if any, who would be affected by the 14726
election. The list shall contain a heading with the following 14727
words: "Liquor permit holders who would be affected by the 14728
question(s) set forth on petition for a local option election." 14729

Within five days after a petitioner has received from the 14730
division the list of liquor permit holders, if any, who would be 14731
affected by the question or questions set forth on a petition for 14732
local option election, the petitioner, using the form provided by 14733
the board of elections, shall notify by certified mail each permit 14734
holder whose name appears on that list. The form for notifying 14735
affected permit holders shall require the petitioner to state the 14736
petitioner's name and street address and shall contain a statement 14737
that a petition is being circulated for an election for the 14738
submission of the question or questions specified in section 14739
4301.353 or 4301.354 of the Revised Code. The form shall require 14740

the petitioner to state the question or questions to be submitted 14741
as they appear on the petition. 14742

The petitioner shall attach a copy of the list provided by 14743
the division to each petition paper. A part petition paper 14744
circulated at any time without the list of affected permit holders 14745
attached to it is invalid. 14746

At the time the petitioner files the petition with the board 14747
of elections, the petitioner shall provide to the board the list 14748
supplied by the division and an affidavit certifying that the 14749
petitioner notified all affected permit holders, if any, on the 14750
list in the manner and within the time required in this section 14751
and that, at the time each signer of the petition affixed the 14752
signer's signature to the petition, the petition paper contained a 14753
copy of the list of affected permit holders. 14754

Within five days after receiving a petition calling for an 14755
election for the submission of one or more of the questions 14756
specified in section 4301.353 or 4301.354 of the Revised Code, the 14757
board shall give notice by certified mail that it has received the 14758
petition to all liquor permit holders, if any, whose names appear 14759
on the list of affected permit holders filed by the petitioner as 14760
furnished by the division. Failure of the petitioner to supply the 14761
affidavit required by this section and a complete and accurate 14762
list of liquor permit holders as furnished by the division 14763
invalidates the entire petition. The board of elections shall 14764
provide to a permit holder who would be affected by a proposed 14765
local option election, on the permit holder's request, the names 14766
of the streets, and, if appropriate, the address numbers of 14767
residences and business establishments within the portion of the 14768
precinct that would be affected by the results of the election. 14769
The board may charge a reasonable fee for this information when 14770
provided to the petitioner and the permit holder. 14771

This division does not apply to an election held under 14772

section 4301.353 or 4301.354 of the Revised Code if the results of 14773
the election would not affect any permit holder. 14774

(B) Upon the presentation of a petition, not later than four 14775
p.m. of the ~~seventy-fifth~~ ninetieth day before the day of a 14776
general or primary election, to the board of elections of the 14777
county where the precinct is located, designating whether it is a 14778
petition for an election for the submission of one or both of the 14779
questions specified in section 4301.353 of the Revised Code, or a 14780
petition for the submission of one or more of the questions 14781
specified in section 4301.354 of the Revised Code, designating the 14782
particular question or questions specified in section 4301.353 or 14783
4301.354 of the Revised Code that are to be submitted, and signed 14784
by the qualified electors of the precinct concerned, equal in 14785
number to thirty-five per cent of the total number of votes cast 14786
in the precinct concerned for the office of governor at the 14787
preceding general election for that office, the board shall submit 14788
the question or questions specified in the petition to the 14789
electors of the precinct concerned, on the day of the next general 14790
or primary election, whichever occurs first and shall proceed as 14791
follows: 14792

(1) Such board shall, not later than the ~~sixty-eighth~~ 14793
seventy-eighth day before the day of the election for which the 14794
question or questions on the petition would qualify for submission 14795
to the electors of the precinct, examine and determine the 14796
sufficiency of the signatures and review, examine, and determine 14797
the validity of the petition and, in case of overlapping precinct 14798
petitions presented within that period, determine which of the 14799
petitions shall govern the further proceedings of the board. In 14800
the case where the board determines that two or more overlapping 14801
petitions are valid, the earlier filed petition shall govern. The 14802
board shall certify the sufficiency and validity of any petition 14803
determined to be valid. The board shall determine the validity of 14804

the petition as of the time of certification as described in this 14805
division. 14806

(2) If a petition is sufficient, and, in case of overlapping 14807
precinct petitions, after the board has determined the governing 14808
petition, the board to which the petition has been presented shall 14809
order the holding of a special election in the precinct for the 14810
submission of whichever of the questions specified in section 14811
4301.353 or 4301.354 of the Revised Code are designated in the 14812
petition, on the day of the next general or primary election, 14813
whichever occurs first. 14814

(C) All petitions filed with a board of elections under this 14815
section shall be open to public inspection under rules adopted by 14816
the board. 14817

(D) Protest against local option petitions may be filed by 14818
any elector eligible to vote on the question or questions 14819
described in the petitions or by a permit holder in the precinct 14820
as described in the petitions, not later than four p.m. of the 14821
~~sixty-fourth~~ seventy-fourth day before the day of the general or 14822
primary election for which the petition qualified. The protest 14823
shall be in writing and shall be filed with the election officials 14824
with whom the petition was filed. Upon filing of the protest, the 14825
election officials with whom it is filed shall promptly fix the 14826
time for hearing it, and shall mail notice of the filing of the 14827
protest and the time and place for hearing it to the person who 14828
filed the petition and to the person who filed the protest. At the 14829
time and place fixed, the election officials shall hear the 14830
protest and determine the validity of the petition. 14831

Sec. 4301.333. (A) The privilege of local option conferred by 14832
section 4301.323 of the Revised Code may be exercised if, not 14833
later than four p.m. of the ~~seventy-fifth~~ ninetieth day before the 14834
day of a general or primary election, a petition is presented to 14835

the board of elections of the county in which the precinct is situated by a petitioner who is one of the following:

(1) An applicant for the issuance or transfer of a liquor permit at, or to, a particular location within the precinct;

(2) The holder of a liquor permit at a particular location within the precinct;

(3) A person who operates or seeks to operate a liquor agency store at a particular location within the precinct;

(4) The designated agent for an applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section.

(B) The petition shall be signed by the electors of the precinct equal in number to at least thirty-five per cent of the total number of votes cast in the precinct for the office of governor at the preceding general election for that office and shall contain all of the following:

(1) A notice that the petition is for the submission of the question or questions set forth in section 4301.355 of the Revised Code;

(2) The name of the applicant for the issuance or transfer, or the holder, of the liquor permit or, if applicable, the name of the liquor agency store, including any trade or fictitious names under which the applicant, holder, or liquor agency store either intends to do or does business at the particular location;

(3) The address and proposed use of the particular location within the election precinct to which the results of the question or questions specified in section 4301.355 of the Revised Code shall apply. For purposes of this division, "use" means all of the following:

(a) The type of each liquor permit applied for by the

applicant or held by the liquor permit holder as described in 14866
sections 4303.11 to 4303.183 of the Revised Code, including a 14867
description of the type of beer or intoxicating liquor sales 14868
authorized by each permit as provided in those sections; 14869

(b) If a liquor agency store, the fact that the business 14870
operated as a liquor agency store authorized to operate by this 14871
state; 14872

(c) A description of the general nature of the business of 14873
the applicant, liquor permit holder, or liquor agency store. 14874

(4) If the petition seeks approval of Sunday sales under 14875
question (B)(2) as set forth in section 4301.355 of the Revised 14876
Code, a statement indicating whether the hours of sale sought are 14877
between ten a.m. and midnight or between eleven a.m. and midnight. 14878

(C)(1) At the time the petitioner files the petition with the 14879
board of elections, the petitioner shall provide to the board both 14880
of the following: 14881

(a) An affidavit that is signed by the petitioner and that 14882
states the proposed use of the location following the election 14883
held to authorize the sale of beer or intoxicating liquor 14884
authorized by each permit as provided in sections 4303.11 to 14885
4303.183 of the Revised Code; 14886

(b) Written evidence of the designation of an agent by the 14887
applicant, liquor permit holder, or liquor agency store described 14888
in division (A)(1), (2), or (3) of this section for the purpose of 14889
petitioning for the local option election, if the petitioner is 14890
the designated agent of the applicant, liquor permit holder, or 14891
liquor agency store. 14892

(2) Failure to supply the affidavit, or the written evidence 14893
of the designation of the agent if the petitioner for the local 14894
option election is the agent of the applicant, liquor permit 14895
holder, or liquor agency store described in division (A)(1), (2), 14896

or (3) of this section, at the time the petition is filed 14897
invalidates the entire petition. 14898

(D) Not later than the ~~sixty-eighth~~ seventy-eighth day before 14899
the day of the next general or primary election, whichever occurs 14900
first, the board shall examine and determine the sufficiency of 14901
the signatures and the validity of the petition. If the board 14902
finds that the petition contains sufficient signatures and in 14903
other respects is valid, it shall order the holding of an election 14904
in the precinct on the day of the next general or primary 14905
election, whichever occurs first, for the submission of the 14906
question or questions set forth in section 4301.355 of the Revised 14907
Code. 14908

(E) A petition filed with the board of elections under this 14909
section shall be open to public inspection under rules adopted by 14910
the board. 14911

(F) An elector who is eligible to vote on the question or 14912
questions set forth in section 4301.355 of the Revised Code may 14913
file, not later than four p.m. of the ~~sixty-fourth~~ seventy-fourth 14914
day before the day of the election at which the question or 14915
questions will be submitted to the electors, a protest against a 14916
local option petition circulated and filed pursuant to this 14917
section. The protest shall be in writing and shall be filed with 14918
the election officials with whom the petition was filed. Upon the 14919
filing of the protest, the election officials with whom it is 14920
filed shall promptly establish a time and place for hearing the 14921
protest and shall mail notice of the time and place for the 14922
hearing to the applicant for, or the holder of, the liquor permit 14923
who is specified in the petition and to the elector who filed the 14924
protest. At the time and place established in the notice, the 14925
election officials shall hear the protest and determine the 14926
validity of the petition. 14927

Sec. 4301.334. (A) The privilege of local option conferred by 14928
section 4301.324 of the Revised Code may be exercised if, not 14929
later than four p.m. of the ~~seventy-fifth~~ ninetieth day before the 14930
day of a general or primary election, a petition and other 14931
information required by division (B) of this section are presented 14932
to the board of elections of the county in which the community 14933
facility named in the petition is located. The petition shall be 14934
signed by electors of the municipal corporation or unincorporated 14935
area of the township in which the community facility is located 14936
equal in number to at least ten per cent of the total number of 14937
votes cast in the municipal corporation or unincorporated area of 14938
the township in which the community facility is located for the 14939
office of governor at the most recent general election for that 14940
office and shall contain both of the following: 14941

(1) A notice that the petition is for the submission of the 14942
question set forth in section 4301.356 of the Revised Code and a 14943
statement indicating whether the hours of Sunday sales sought in 14944
the local option election are between ten a.m. and midnight or 14945
between eleven a.m. and midnight; 14946

(2) The name and address of the community facility for which 14947
the local option election is sought and, if the community facility 14948
is a community entertainment district, the boundaries of the 14949
district. 14950

(B) Upon the request of a petitioner, a board of elections of 14951
a county shall furnish to the petitioner a copy of the 14952
instructions prepared by the secretary of state under division (P) 14953
of section 3501.05 of the Revised Code and, within fifteen days 14954
after the request, a certificate indicating the number of valid 14955
signatures that will be required on a petition to hold an election 14956
in the municipal corporation or unincorporated area of the 14957
township in which the community facility is located on the 14958

question specified in section 4301.356 of the Revised Code. 14959

The petitioner shall, not less than thirty days before the 14960
petition-filing deadline for an election on the question specified 14961
in section 4301.356 of the Revised Code, specify to the division 14962
of liquor control the name and address of the community facility 14963
for which the election is sought and, if the community facility is 14964
a community entertainment district, the boundaries of the 14965
district, the municipal corporation or unincorporated area of a 14966
township in which the election is sought, and the filing deadline. 14967
The division shall, within a reasonable period of time and not 14968
later than ten days before the filing deadline, supply the 14969
petitioner with the name and address of any permit holder for or 14970
within the community facility. 14971

The petitioner shall file the name and address of any permit 14972
holder who would be affected by the election at the time the 14973
petitioner files the petition with the board of elections. Within 14974
five days after receiving the petition, the board shall give 14975
notice by certified mail to any permit holder within the community 14976
facility that it has received the petition. Failure of the 14977
petitioner to supply the name and address of any permit holder for 14978
or within the community facility as furnished to the petitioner by 14979
the division invalidates the petition. 14980

(C) Not later than the ~~sixty-eighth~~ seventy-eighth day before 14981
the day of the next general or primary election, whichever occurs 14982
first, the board shall examine and determine the sufficiency of 14983
the signatures on the petition. If the board finds that the 14984
petition is valid, it shall order the holding of an election in 14985
the municipal corporation or unincorporated area of a township on 14986
the day of the next general or primary election, whichever occurs 14987
first, for the submission of the question set forth in section 14988
4301.356 of the Revised Code. 14989

(D) A petition filed with a board of elections under this 14990

section shall be open to public inspection under rules adopted by 14991
the board. 14992

(E) An elector who is eligible to vote on the question set 14993
forth in section 4301.356 of the Revised Code or any permit holder 14994
for or within the community facility may, not later than four p.m. 14995
of the ~~sixty-fourth~~ seventy-fourth day before the day of the 14996
election at which the question will be submitted to the electors, 14997
file a written protest against the local option petition with the 14998
board of elections with which the petition was filed. Upon the 14999
filing of the protest, the board shall promptly fix a time and 15000
place for hearing the protest and shall mail notice of the time 15001
and place to the person who filed the petition and to the person 15002
who filed the protest. At the time and place fixed, the board 15003
shall hear the protest and determine the validity of the petition. 15004

Sec. 4301.356. If a petition is filed under section 4301.334 15005
of the Revised Code for the submission of the question set forth 15006
in this section, an election shall be held in the municipal 15007
corporation or unincorporated area of a township as ordered by the 15008
board of elections under that section. 15009

Except as otherwise provided in this section, if the 15010
legislative authority of a municipal corporation in whose 15011
territory, or the board of township trustees of a township in 15012
whose unincorporated area, a community facility is located 15013
submits, not later than four p.m. of the ~~seventy-fifth~~ ninetieth 15014
day before the day of a primary or general election, to the board 15015
of elections of the county in which the community facility is 15016
located an ordinance or resolution requesting the submission of 15017
the question set forth in this section to the electors of the 15018
municipal corporation or unincorporated area of the township, the 15019
board of elections shall order that an election be held on that 15020
question in the municipal corporation or the unincorporated area 15021

of the township on the day of the next primary or general 15022
election, whichever occurs first. The legislative authority or 15023
board of township trustees shall submit the name and address of 15024
any permit holder who would be affected by the results of the 15025
election to the board of elections at the same time it submits the 15026
ordinance or resolution. The board of elections, within five days 15027
after receiving the name and address, shall give notice by 15028
certified mail to each permit holder that it has received the 15029
ordinance or resolution. Failure of the legislative authority or 15030
board of township trustees to supply the name and address of each 15031
permit holder to the board of elections invalidates the effect of 15032
the ordinance or resolution. 15033

At the election, the following question shall be submitted to 15034
the electors of the municipal corporation or unincorporated area 15035
of a township: 15036

"Shall the sale of beer and intoxicating liquor be permitted 15037
on days of the week other than Sunday and between the hours of 15038
..... (insert "ten a.m." or "eleven a.m.") and midnight on 15039
Sunday, at (insert name of community facility), a 15040
community facility as defined by section 4301.01 of the Revised 15041
Code, and located at (insert the address of the community 15042
facility and, if the community facility is a community 15043
entertainment district, the boundaries of the district, as set 15044
forth in the petition)?" 15045

The board of elections shall furnish printed ballots at the 15046
election as provided under section 3505.06 of the Revised Code, 15047
except that a separate ballot shall be used for the election under 15048
this section. The question set forth in this section shall be 15049
printed on each ballot, and the board shall insert in the question 15050
appropriate words to complete it, subject to the approval of the 15051
secretary of state. Votes shall be cast as provided under section 15052
3505.06 of the Revised Code. 15053

Sec. 4301.421. (A) For the purposes of section 307.696 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for those purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on the sale of beer at a rate not to exceed sixteen cents per gallon, on the sale of cider at a rate not to exceed twenty-four cents per gallon, and on the sale of wine and mixed beverages at a rate not to exceed thirty-two cents per gallon. The tax shall be imposed on all beer, cider, wine, and mixed beverages sold for resale at retail in the county, and on all beer, cider, wine, and mixed beverages sold at retail in the county by the manufacturer, bottler, importer, or other person upon which the tax has not been paid. The tax shall not be levied on the sale of wine to be used for known sacramental purposes. The tax may be levied for any number of years not exceeding twenty. The tax shall be in addition to the taxes imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code. The tax shall not be considered a cost in any computation required under rules of the liquor control commission regulating minimum prices or mark-ups.

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Only one sale of the same article shall be used in computing, reporting, and paying the amount of tax due.

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The tax shall be levied pursuant to a resolution of the county commissioners approved by a majority of the electors in the county voting on the question of levying the tax, which resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general election or special election held not sooner than ~~seventy-five~~ ninety days after the date the board certifies its resolution to the board of elections.

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If approved by the electors, the tax shall take effect on the 15086
first day of the month specified in the resolution but not sooner 15087
than the first day of the month that is at least sixty days after 15088
the certification of the election results by the board of 15089
elections. A copy of the resolution levying the tax and the 15090
certification of the board of elections shall be certified to the 15091
tax commissioner at least sixty days prior to the date on which 15092
the tax is to become effective. 15093

A resolution under this section may be joined on the ballot 15094
as a single question with a resolution adopted under section 15095
307.697 or 5743.024 of the Revised Code to levy a tax for the same 15096
purposes and for the purpose of paying the expenses of 15097
administering the tax. The form of the ballot in an election held 15098
pursuant to this section shall be as prescribed in section 307.697 15099
of the Revised Code. 15100

(B) The board of county commissioners of a county in which a 15101
tax is imposed under this section on July 19, 1995, may levy a tax 15102
for the purpose of section 307.673 of the Revised Code regardless 15103
of whether or not the cooperative agreement authorized under that 15104
section has been entered into prior to the day the resolution 15105
adopted under division (B)(1) or (2) of this section is adopted, 15106
and for the purpose of reimbursing a county for costs incurred in 15107
the construction of a sports facility pursuant to an agreement 15108
entered into by the county under section 307.696 of the Revised 15109
Code. The tax shall be levied and approved in one of the manners 15110
prescribed by division (B)(1) or (2) of this section. 15111

(1) The tax may be levied pursuant to a resolution adopted by 15112
a majority of the members of the board of county commissioners not 15113
later than September 2, 1995. A board of county commissioners 15114
approving a tax under division (B)(1) of this section may approve 15115
a tax under division (D)(1) of section 307.697 or division (C)(1) 15116
of section 5743.024 of the Revised Code at the same time. Subject 15117

to the resolution being submitted to a referendum under sections 15118
305.31 to 305.41 of the Revised Code, the resolution shall take 15119
effect immediately, but the tax levied pursuant to the resolution 15120
shall not be levied prior to the day following the last day the 15121
tax levied pursuant to division (A) of this section may be levied. 15122

(2) The tax may be levied pursuant to a resolution adopted by 15123
a majority of the members of the board of county commissioners not 15124
later than September 2, 1995, and approved by a majority of the 15125
electors of the county voting on the question of levying the tax 15126
at the next succeeding general election following July 19, 1995. 15127
The board of county commissioners shall certify a copy of the 15128
resolution to the board of elections immediately upon adopting a 15129
resolution under division (D)(2) of this section, and the board of 15130
elections shall place the question of levying the tax on the 15131
ballot at that election. The form of the ballot shall be as 15132
prescribed by division (C) of section 307.697 of the Revised Code, 15133
except that the phrase "paying not more than one-half of the costs 15134
of providing a sports facility together with related redevelopment 15135
and economic development projects" shall be replaced by the phrase 15136
"paying the costs of constructing or renovating a sports facility 15137
and reimbursing a county for costs incurred by the county in the 15138
construction of a sports facility," and the phrase ", beginning 15139
..... (here insert the earliest date the tax would take 15140
effect)" shall be appended after "years." A board of county 15141
commissioners submitting the question of a tax under division 15142
(B)(2) of this section may submit the question of a tax under 15143
division (D)(2) of section 307.697 or division (C)(2) of section 15144
5743.024 of the Revised Code as a single question, and the form of 15145
the ballot shall include each of the proposed taxes. 15146

If approved by a majority of electors voting on the question, 15147
the tax shall take effect on the day specified on the ballot, 15148
which shall not be earlier than the day following the last day the 15149

tax levied pursuant to division (A) of this section may be levied. 15150

The rate of a tax levied pursuant to division (B)(1) or (2) 15151
of this section shall not exceed the rate specified in division 15152
(A) of this section. A tax levied pursuant to division (B)(1) or 15153
(2) of this section may be levied for any number of years not 15154
exceeding twenty. 15155

A board of county commissioners adopting a resolution under 15156
division (B)(1) or (2) of this section shall certify a copy of the 15157
resolution to the tax commissioner immediately upon adoption of 15158
the resolution. 15159

(C) No tax shall be levied under this section on or after ~~the~~ 15160
~~effective date of the amendment of this section by of the~~ 15161
~~127th general assembly~~ September 23, 2008. This division does not 15162
prevent the collection of any tax levied under this section before 15163
that date so long as that tax remains effective. 15164

Sec. 4301.424. (A) For the purpose of section 351.26 of the 15165
Revised Code and to pay any or all of the charge the board of 15166
elections makes against the county to hold the election on the 15167
question of levying the tax, the board of county commissioners, in 15168
the manner prescribed by division (A) of section 351.26 of the 15169
Revised Code, may levy a tax on each gallon of spirituous liquor; 15170
on the sale of beer; and on the sale of wine and mixed beverages. 15171
The tax on spirituous liquor shall be imposed on spirituous liquor 15172
sold to or purchased by liquor permit holders for resale, and sold 15173
at retail by the division of liquor control, in the county at a 15174
rate not greater than three dollars per gallon; the tax on beer, 15175
wine, and mixed beverages shall be imposed on all beer, wine, and 15176
mixed beverages sold for resale at retail in the county, and on 15177
all beer, wine, and mixed beverages sold at retail in the county 15178
by the manufacturer, bottler, importer, or other person and upon 15179
which the tax has not been paid. The rate of the tax on beer shall 15180

not exceed sixteen cents per gallon, and the rate of the tax on 15181
wine and mixed beverages shall not exceed thirty-two cents per 15182
gallon. Only one sale of the same article shall be used in 15183
computing, reporting, and paying the amount of tax due. The tax 15184
may be levied for any number of years not exceeding twenty. 15185

The tax shall be levied pursuant to a resolution of the board 15186
of county commissioners adopted as prescribed by division (A) of 15187
section 351.26 of the Revised Code and approved by a majority of 15188
the electors in the county voting on the question of levying the 15189
tax. The resolution shall specify the rates of the tax, the number 15190
of years the tax will be levied, and the purposes for which the 15191
tax is levied. Such election may be held on the date of a general 15192
or special election held not sooner than ~~seventy-five~~ ninety days 15193
after the date the board certifies its resolution to the board of 15194
elections. If approved by the electors, the tax takes effect on 15195
the first day of the month specified in the resolution but not 15196
sooner than the first day of the month that is at least sixty days 15197
after the certification of the election results by the board of 15198
elections. A copy of the resolution levying the tax shall be 15199
certified to the division of liquor control and the tax 15200
commissioner at least sixty days prior to the date on which the 15201
tax is to become effective. 15202

(B) A resolution under this section may be joined on the 15203
ballot as a single question with a resolution adopted under 15204
section 5743.026 of the Revised Code to levy a tax for the same 15205
purposes, and for the purpose of paying the expenses of 15206
administering that tax. 15207

(C) The form of the ballot in an election held on the 15208
question of levying a tax proposed pursuant to this section shall 15209
be as prescribed by section 351.26 of the Revised Code. 15210

(D) No tax shall be levied under this section on or after ~~the~~ 15211
~~effective date of the amendment of this section by the capital~~ 15212

~~appropriations act of the 127th general assembly~~ September 23, 15213
2008. This division does not prevent the collection of any tax 15214
levied under this section before that date so long as that tax 15215
remains effective. 15216

Sec. 4303.29. (A) No permit, other than an H permit, shall be 15217
issued to a firm or partnership unless all the members of the firm 15218
or partnership are citizens of the United States. No permit, other 15219
than an H permit, shall be issued to an individual who is not a 15220
citizen of the United States. No permit, other than an E or H 15221
permit, shall be issued to any corporation organized under the 15222
laws of any country, territory, or state other than this state 15223
until it has furnished the division of liquor control with 15224
evidence that it has complied with the laws of this state relating 15225
to the transaction of business in this state. 15226

The division may refuse to issue any permit to or refuse to 15227
renew any permit of any person convicted of any felony that is 15228
reasonably related to the person's fitness to operate a liquor 15229
permit business in this state. No holder of a permit shall sell, 15230
assign, transfer, or pledge the permit without the written consent 15231
of the division. 15232

(B)(1) No D-3 permit shall be issued to any club unless the 15233
club has been continuously engaged in the activity specified in 15234
section 4303.15 of the Revised Code, as a qualification for that 15235
class of permit, for two years at the time the permit is issued. 15236

(2)(a) Subject to division (B)(2)(b) of this section, upon 15237
application by properly qualified persons, one C-1 and C-2 permit 15238
shall be issued for each one thousand population or part of that 15239
population, and one D-1 and D-2 permit shall be issued for each 15240
two thousand population or part of that population, in each 15241
municipal corporation and in the unincorporated area of each 15242
township. 15243

Subject to division (B)(2)(b) of this section, not more than 15244
one D-3, D-4, or D-5 permit shall be issued for each two thousand 15245
population or part of that population in any municipal corporation 15246
and in the unincorporated area of any township, except that, in 15247
any city of a population of fifty-five thousand or more, one D-3 15248
permit may be issued for each fifteen hundred population or part 15249
of that population. 15250

(b)(i) Division (B)(2)(a) of this section does not prohibit 15251
the transfer of location or the transfer of ownership and location 15252
of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal 15253
corporation or the unincorporated area of a township in which the 15254
number of permits of that class exceeds the number of such permits 15255
authorized to be issued under division (B)(2)(a) of this section 15256
to an economic development project located in another municipal 15257
corporation or the unincorporated area of another township in 15258
which no additional permits of that class may be issued to the 15259
applicant under division (B)(2)(a) of this section, but the 15260
transfer of location or transfer of ownership and location of the 15261
permit may occur only if the applicant notifies the municipal 15262
corporation or township to which the location of the permit will 15263
be transferred regarding the transfer and that municipal 15264
corporation or township acknowledges in writing to the division of 15265
liquor control, at the time the application for the transfer of 15266
location or transfer of ownership and location of the permit is 15267
filed, that the transfer will be to an economic development 15268
project. This acknowledgment by the municipal corporation or 15269
township does not prohibit it from requesting a hearing under 15270
section 4303.26 of the Revised Code. The applicant is eligible to 15271
apply for and receive the transfer of location of the permit under 15272
division (B)(2)(b) of this section if all permits of that class 15273
that may be issued under division (B)(2)(a) of this section in the 15274
applicable municipal corporation or unincorporated area of the 15275
township have already been issued or if the number of applications 15276

filed for permits of that class in that municipal corporation or 15277
the unincorporated area of that township exceed the number of 15278
permits of that class that may be issued there under division 15279
(B)(2)(a) of this section. 15280

A permit transferred under division (B)(2)(b) of this section 15281
may be subsequently transferred to a different owner at the same 15282
location, or to the same owner or a different owner at a different 15283
location in the same municipal corporation or in the 15284
unincorporated area of the same township, as long as the same or 15285
new location meets the economic development project criteria set 15286
forth in this section. 15287

(ii) Factors that shall be used to determine the designation 15288
of an economic development project include, but are not limited 15289
to, architectural certification of the plans and the cost of the 15290
project, the number of jobs that will be created by the project, 15291
projected earnings of the project, projected tax revenues for the 15292
political subdivisions in which the project will be located, and 15293
the amount of financial investment in the project. The 15294
superintendent of liquor control shall determine whether the 15295
existing or proposed business that is seeking a permit described 15296
in division (B)(2)(b) of this section qualifies as an economic 15297
development project and, if the superintendent determines that it 15298
so qualifies, shall designate the business as an economic 15299
development project. 15300

(3) Nothing in this section shall be construed to restrict 15301
the issuance of a permit to a municipal corporation for use at a 15302
municipally owned airport at which commercial airline companies 15303
operate regularly scheduled flights on which space is available to 15304
the public. A municipal corporation applying for a permit for such 15305
a municipally owned airport is exempt, in regard to that 15306
application, from the population restrictions contained in this 15307
section and from population quota restrictions contained in any 15308

rule of the liquor control commission. A municipal corporation 15309
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a 15310
municipally owned airport is subject to section 4303.31 of the 15311
Revised Code. 15312

(4) Nothing in this section shall be construed to prohibit 15313
the issuance of a D permit to the board of trustees of a soldiers' 15314
memorial for a premises located at a soldiers' memorial 15315
established pursuant to Chapter 345. of the Revised Code. An 15316
application for a D permit by the board for those premises is 15317
exempt from the population restrictions contained in this section 15318
and from the population quota restrictions contained in any rule 15319
of the liquor control commission. The location of a D permit 15320
issued to the board for those premises shall not be transferred. A 15321
board of trustees of a soldiers' memorial applying for a D-1, D-2, 15322
D-3, D-4, or D-5 permit for the soldiers' memorial is subject to 15323
section 4303.31 of the Revised Code. 15324

(5) Nothing in this section shall be construed to restrict 15325
the issuance of a permit for a premises located at a golf course 15326
owned by a municipal corporation, township, or county, owned by a 15327
park district created under Chapter 1545. of the Revised Code, or 15328
owned by the state. The location of such a permit issued on or 15329
after September 26, 1984, for a premises located at such a golf 15330
course shall not be transferred. Any application for such a permit 15331
is exempt from the population quota restrictions contained in this 15332
section and from the population quota restrictions contained in 15333
any rule of the liquor control commission. A municipal 15334
corporation, township, county, park district, or state agency 15335
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf 15336
course is subject to section 4303.31 of the Revised Code. 15337

(6) As used in division (B)(6) of this section, "fair" has 15338
the same meaning as in section 991.01 of the Revised Code; "state 15339
fairgrounds" means the property that is held by the state for the 15340

purpose of conducting fairs, expositions, and exhibits and that is 15341
maintained and managed by the Ohio expositions commission under 15342
section 991.03 of the Revised Code; "capitol square" has the same 15343
meaning as in section 105.41 of the Revised Code; and "Ohio 15344
judicial center" means the site of the Ohio supreme court and its 15345
grounds. 15346

Nothing in this section shall be construed to restrict the 15347
issuance of one or more D permits to one or more applicants for 15348
all or a part of the state fairgrounds, capitol square, or the 15349
Ohio judicial center. An application for a D permit for the state 15350
fairgrounds, capitol square, or the Ohio judicial center is exempt 15351
from the population quota restrictions contained in this section 15352
and from the population quota restrictions contained in any rule 15353
of the liquor control commission. The location of a D permit 15354
issued for the state fairgrounds, capitol square, or the Ohio 15355
judicial center shall not be transferred. An applicant for a D-1, 15356
D-2, D-3, or D-5 permit for the state fairgrounds is not subject 15357
to section 4303.31 of the Revised Code. 15358

Pursuant to section 1711.09 of the Revised Code, the holder 15359
of a D permit issued for the state fairgrounds shall not deal in 15360
spirituous liquor at the state fairgrounds during, or for one week 15361
before or for three days after, any fair held at the state 15362
fairgrounds. 15363

(7) Nothing in this section shall be construed to prohibit 15364
the issuance of a D permit for a premises located at a zoological 15365
park at which sales have been approved in an election held under 15366
former section 4301.356 of the Revised Code. An application for a 15367
D permit for such a premises is exempt from the population 15368
restrictions contained in this section, from the population quota 15369
restrictions contained in any rule of the liquor control 15370
commission, and from section 4303.31 of the Revised Code. The 15371
location of a D permit issued for a premises at such a zoological 15372

park shall not be transferred, and no quota or other restrictions 15373
shall be placed on the number of D permits that may be issued for 15374
a premises at such a zoological park. 15375

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 15376
any election precinct in any municipal corporation or in any 15377
election precinct in the unincorporated area of any township, in 15378
which at the November, 1933, election a majority of the electors 15379
voting thereon in the municipal corporation or in the 15380
unincorporated area of the township voted against the repeal of 15381
Section 9 of Article XV, Ohio Constitution, unless the sale of 15382
spirituous liquor by the glass is authorized by a majority vote of 15383
the electors voting on the question in the precinct at an election 15384
held pursuant to this section or by a majority vote of the 15385
electors of the precinct voting on question (C) at a special local 15386
option election held in the precinct pursuant to section 4301.35 15387
of the Revised Code. Upon the request of an elector, the board of 15388
elections of the county that encompasses the precinct shall 15389
furnish the elector with a copy of the instructions prepared by 15390
the secretary of state under division (P) of section 3501.05 of 15391
the Revised Code and, within fifteen days after the request, a 15392
certificate of the number of signatures required for a valid 15393
petition under this section. 15394

Upon the petition of thirty-five per cent of the total number 15395
of voters voting in any such precinct for the office of governor 15396
at the preceding general election, filed with the board of 15397
elections of the county in which such precinct is located not 15398
later than ~~seventy-five~~ ninety days before a general election, the 15399
board shall prepare ballots and hold an election at such general 15400
election upon the question of allowing spirituous liquor to be 15401
sold by the glass in such precinct. The ballots shall be approved 15402
in form by the secretary of state. The results of the election 15403
shall be certified by the board to the secretary of state, who 15404

shall certify the results to the division. 15405

(2) No holder of a class D-3 permit issued for a boat or 15406
vessel shall sell spirituous liquor in any precinct, in which the 15407
election provided for in this section may be held, unless the sale 15408
of spirituous liquor by the drink has been authorized by vote of 15409
the electors as provided in this section or in section 4301.35 of 15410
the Revised Code. 15411

(D) Any holder of a C or D permit whose permit premises were 15412
purchased in 1986 or 1987 by the state or any state agency for 15413
highway purposes shall be issued the same permit at another 15414
location notwithstanding any quota restrictions contained in this 15415
chapter or in any rule of the liquor control commission. 15416

Sec. 4305.14. (A) The following questions regarding the sale 15417
of beer by holders of C or D permits may be presented to the 15418
qualified electors of an election precinct: 15419

(1) "Shall the sale of beer as defined in section 4305.08 of 15420
the Revised Code under permits which authorize sale for 15421
off-premises consumption only be permitted within this precinct?" 15422

(2) "Shall the sale of beer as defined in section 4305.08 of 15423
the Revised Code under permits which authorize sale for 15424
on-premises consumption only, and under permits which authorize 15425
sale for both on-premises and off-premises consumption, be 15426
permitted in this precinct?" 15427

The exact wording of the question as submitted and form of 15428
ballot as printed shall be determined by the board of elections in 15429
the county wherein the election is held, subject to approval of 15430
the secretary of state. 15431

Upon the request of an elector, a board of elections of a 15432
county that encompasses an election precinct shall furnish to the 15433
elector a copy of the instructions prepared by the secretary of 15434

state under division (P) of section 3501.05 of the Revised Code 15435
and, within fifteen days after the request, with a certificate 15436
indicating the number of valid signatures that will be required on 15437
a petition to hold a special election in that precinct on either 15438
or both of the questions specified in this section. 15439

The board shall provide to a petitioner, at the time the 15440
petitioner takes out a petition, the names of the streets and, if 15441
appropriate, the address numbers of residences and business 15442
establishments within the precinct in which the election is 15443
sought, and a form prescribed by the secretary of state for 15444
notifying affected permit holders of the circulation of a petition 15445
for an election for the submission of one or more of the questions 15446
specified in division (A) of this section. The petitioner shall, 15447
not less than ~~forty-five~~ fifty-five days before the 15448
petition-filing deadline for an election provided for in this 15449
section, file with the division of liquor control the information 15450
regarding names of streets and, if appropriate, address numbers of 15451
residences and business establishments provided by the board of 15452
elections, and specify to the division the precinct that is 15453
concerned or that would be affected by the results of the election 15454
and the filing deadline. The division shall, within a reasonable 15455
period of time and not later than ~~fifteen~~ twenty-five days before 15456
the filing deadline, supply the petitioner with a list of the 15457
names and addresses of permit holders who would be affected by the 15458
election. The list shall contain a heading with the following 15459
words: "liquor permit holders who would be affected by the 15460
question(s) set forth on a petition for a local option election." 15461

Within five days after receiving from the division the list 15462
of liquor permit holders who would be affected by the question or 15463
questions set forth on a petition for local option election, the 15464
petitioner shall, using the form provided by the board of 15465
elections, notify by certified mail each permit holder whose name 15466

appears on that list. The form for notifying affected permit holders shall require the petitioner to state the petitioner's name and street address and shall contain a statement that a petition is being circulated for an election for the submission of the question or questions specified in division (B) of this section. The form shall require the petitioner to state the question or questions to be submitted as they appear on the petition.

The petitioner shall attach a copy of the list provided by the division to each petition paper. A part petition paper circulated at any time without the list of affected permit holders attached to it is invalid.

At the time of filing the petition with the board of elections, the petitioner shall provide to the board of elections the list supplied by the division and an affidavit certifying that the petitioner notified all affected permit holders on the list in the manner and within the time required in this section and that, at the time each signer of the petition signed the petition, the petition paper contained a copy of the list of affected permit holders.

Within five days after receiving a petition calling for an election for the submission of the question or questions set forth in this section, the board of elections shall give notice by certified mail that it has received the petition to all liquor permit holders whose names appear on the list of affected permit holders filed by the petitioner. Failure of the petitioner to supply the affidavit required by this section and a complete and accurate list of liquor permit holders invalidates the entire petition. The board of elections shall provide to a permit holder who would be affected by a proposed local option election, on the permit holder's request, the names of the streets, and, if appropriate, the address numbers of residences and business

establishments within the precinct in which the election is sought 15499
and that would be affected by the results of the election. The 15500
board may charge a reasonable fee for this information when 15501
provided to the petitioner and the permit holder. 15502

Upon presentation not later than four p.m. of the 15503
~~seventy-fifth~~ ninetieth day before the day of a general or primary 15504
election, of a petition to the board of elections of the county 15505
wherein such election is sought to be held, requesting the holding 15506
of such election on either or both of the questions specified in 15507
this section, signed by qualified electors of the precinct 15508
concerned equal in number to thirty-five per cent of the total 15509
number of votes cast in the precinct concerned for the office of 15510
governor at the preceding general election for that office, such 15511
board shall submit the question or questions specified in the 15512
petition to the electors of the precinct concerned, on the day of 15513
the next general or primary election, whichever occurs first. 15514

(B) The board shall proceed as follows: 15515

(1) Such board shall, upon the filing of a petition under 15516
this section, but not later than the ~~sixty-eighth~~ seventy-eighth 15517
day before the day of the election for which the question or 15518
questions on the petition would qualify for submission to the 15519
electors of the precinct, examine and determine the sufficiency of 15520
the signatures and review, examine, and determine the validity of 15521
such petition and, in case of overlapping precinct petitions 15522
presented within that period, determine which of the petitions 15523
shall govern the further proceedings of the board. In the case 15524
where the board determines that two or more overlapping petitions 15525
are valid, the earlier petition shall govern. The board shall 15526
certify the sufficiency of signatures contained in the petition as 15527
of the time of filing and the validity of the petition as of the 15528
time of certification as described in division (C)(1) of this 15529
section if the board finds the petition to be both sufficient and 15530

valid. 15531

(2) If the petition contains sufficient signatures and is 15532
valid, and, in case of overlapping precinct petitions, after the 15533
board has determined the governing petition, the board shall order 15534
the holding of a special election in the precinct for the 15535
submission of the question or questions specified in the petition, 15536
on the day of the next general or primary election, whichever 15537
occurs first. 15538

(3) All petitions filed with a board of elections under this 15539
section shall be open to public inspection under rules adopted by 15540
the board. 15541

(C) Protest against a local option petition may be filed by 15542
any qualified elector eligible to vote on the question or 15543
questions specified in the petition or by a permit holder in the 15544
precinct as described in the petition, not later than four p.m. of 15545
the ~~sixty-fourth~~ seventy-fourth day before the day of such general 15546
or primary election for which the petition qualified. Such protest 15547
shall be in writing and shall be filed with the election officials 15548
with whom the petition was filed. Upon filing of such protest the 15549
election officials with whom it is filed shall promptly fix the 15550
time for hearing it, and shall forthwith mail notice of the filing 15551
of the protest and the time for hearing it to the person who filed 15552
the petition which is protested and to the person who filed the 15553
protest. At the time and place fixed, the election officials shall 15554
hear the protest and determine the validity of the petition. 15555

(D) If a majority of the electors voting on the question in 15556
the precinct vote "yes" on question (1) or (2) as set forth in 15557
division (A) of this section, the sale of beer as specified in 15558
that question shall be permitted in the precinct and no subsequent 15559
election shall be held in the precinct under this section on the 15560
same question for a period of at least four years from the date of 15561
the most recent election. 15562

If a majority of the electors voting on the question in the precinct vote "no" on question (1) or (2) as set forth in division (A) of this section, no C or D permit holder shall sell beer as specified in that question within the precinct during the period the election is in effect and no subsequent election shall be held in the precinct under this section on the same question for a period of at least four years from the date of the most recent election.

Sec. 4504.021. The question of repeal of a county permissive tax adopted as an emergency measure pursuant to section 4504.02, 4504.15, or 4504.16 of the Revised Code may be initiated by filing with the board of elections of the county not less than ~~seventy-five~~ ninety days before the general election in any year a petition requesting that an election be held on such question. Such petition shall be signed by qualified electors residing in the county equal in number to ten per cent of those voting for governor at the most recent gubernatorial election.

After determination by it that such petition is valid, the board of elections shall submit the question to the electors of the county at the next general election. The election shall be conducted, canvassed, and certified in the same manner as regular elections for county offices in the county. Notice of the election shall be published in a newspaper of general circulation in the district once a week for two consecutive weeks prior to the election and, if the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The notice shall state the purpose, time, and place of the election. The form of the ballot cast at such election shall be prescribed by the secretary of state. The question covered by such petition shall be submitted as a separate proposition, but it may be printed on the same ballot with any other proposition submitted at the same election

other than the election of officers. If a majority of the 15595
qualified electors voting on the question of repeal approve the 15596
repeal, the result of the election shall be certified immediately 15597
after the canvass by the board of elections to the county 15598
commissioners, who shall thereupon, after the current year, cease 15599
to levy the tax. 15600

Sec. 4504.15. For the purpose of paying the costs of 15601
enforcing and administering the tax provided for in this section; 15602
for the various purposes stated in section 4504.02 of the Revised 15603
Code; and to supplement revenue already available for those 15604
purposes, any county may, by resolution adopted by its board of 15605
county commissioners, levy an annual license tax, that shall be in 15606
addition to the tax levied by sections 4503.02, 4503.07, and 15607
4503.18 of the Revised Code, upon the operation of motor vehicles 15608
upon the public roads and highways. The tax shall be at the rate 15609
of five dollars per motor vehicle on all motor vehicles the 15610
district of registration of which, as defined in section 4503.10 15611
of the Revised Code, is located in the county levying the tax but 15612
is not located within any municipal corporation levying the tax 15613
authorized by section 4504.17 of the Revised Code, and shall be in 15614
addition to the taxes at the rates specified in sections 4503.04 15615
and 4503.16 of the Revised Code, subject to reductions in the 15616
manner provided in section 4503.11 of the Revised Code and the 15617
exemptions provided in sections 4503.16, 4503.17, 4503.171, 15618
4503.41, and 4503.43 of the Revised Code. 15619

Prior to the adoption of any resolution under this section, 15620
the board of county commissioners shall conduct two public 15621
hearings thereon, the second hearing to be not less than three nor 15622
more than ten days after the first. Notice of the date, time, and 15623
place of such hearings shall be given by publication in a 15624
newspaper of general circulation in the county once a week for two 15625
consecutive weeks, the second publication being not less than ten 15626

nor more than thirty days prior to the first hearing. 15627

No resolution under this section shall become effective 15628
sooner than thirty days following its adoption, and such 15629
resolution is subject to a referendum as provided in sections 15630
305.31 to 305.41 of the Revised Code, unless the resolution is 15631
adopted as an emergency measure necessary for the immediate 15632
preservation of the public peace, health, or safety, in which case 15633
it shall go into immediate effect. The emergency measure must 15634
receive an affirmative vote of all of the members of the board of 15635
county commissioners, and shall state the reasons for the 15636
necessity. A resolution may direct the board of elections to 15637
submit the question of levying the tax to the electors of the 15638
county at the next primary or general election occurring not less 15639
than ~~seventy-five~~ ninety days after the resolution is certified to 15640
the board; no such resolution shall go into effect unless approved 15641
by a majority of those voting upon it. A county is not required to 15642
enact the tax authorized by section 4504.02 of the Revised Code in 15643
order to levy the tax authorized by this section, but no county 15644
may have in effect the tax authorized by this section if it 15645
repeals the tax authorized by section 4504.02 of the Revised Code 15646
after April 1, 1987. 15647

Sec. 4504.16. For the purpose of paying the costs of 15648
enforcing and administering the tax provided for in this section; 15649
for the various purposes stated in section 4504.02 of the Revised 15650
Code; and to supplement revenue already available for those 15651
purposes, any county that currently levies the tax authorized by 15652
section 4504.15 of the Revised Code may, by resolution adopted by 15653
its board of county commissioners, levy an annual license tax, 15654
that shall be in addition to the tax levied by that section and by 15655
sections 4503.02, 4503.07, and 4503.18 of the Revised Code, upon 15656
the operation of motor vehicles upon the public roads and 15657
highways. The tax shall be at the rate of five dollars per motor 15658

vehicle on all motor vehicles the district of registration of 15659
which, as defined in section 4503.10 of the Revised Code, is 15660
located in the county levying the tax but is not located within 15661
any municipal corporation levying the tax authorized by section 15662
4504.171 of the Revised Code, and shall be in addition to the 15663
taxes at the rates specified in sections 4503.04 and 4503.16 of 15664
the Revised Code, subject to reductions in the manner provided in 15665
section 4503.11 of the Revised Code and the exemptions provided in 15666
sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of the 15667
Revised Code. 15668

Prior to the adoption of any resolution under this section, 15669
the board of county commissioners shall conduct two public 15670
hearings thereon, the second hearing to be not less than three nor 15671
more than ten days after the first. Notice of the date, time, and 15672
place of such hearings shall be given by publication in a 15673
newspaper of general circulation in the county once a week for two 15674
consecutive weeks, the second publication being not less than ten 15675
nor more than thirty days prior to the first hearing. 15676

No resolution under this section shall become effective 15677
sooner than thirty days following its adoption, and such 15678
resolution is subject to a referendum as provided in sections 15679
305.31 to 305.41 of the Revised Code, unless the resolution is 15680
adopted as an emergency measure necessary for the immediate 15681
preservation of the public peace, health, or safety, in which case 15682
it shall go into immediate effect. The emergency measure must 15683
receive an affirmative vote of all of the members of the board of 15684
county commissioners, and shall state the reasons for the 15685
necessity. A resolution may direct the board of elections to 15686
submit the question of levying the tax to the electors of the 15687
county at the next primary or general election occurring not less 15688
than ~~seventy-five~~ ninety days after the resolution is certified to 15689
the board; no such resolution shall go into effect unless approved 15690

by a majority of those voting upon it. 15691

Nothing in this section or in section 4504.15 of the Revised 15692
Code shall be interpreted as preventing a county from levying the 15693
county motor vehicle license taxes authorized by such sections in 15694
a single resolution. 15695

Sec. 4504.21. (A) For the purpose of paying the costs and 15696
expenses of enforcing and administering the tax provided for in 15697
this section; for planning, constructing, reconstructing, 15698
improving, maintaining, and repairing roads, bridges, and 15699
culverts; for purchasing, erecting, and maintaining traffic signs, 15700
markers, lights, and signals; for paying debt service charges on 15701
obligations issued for those purposes; and to supplement revenue 15702
already available for those purposes, a transportation improvement 15703
district created in accordance with section 5540.02 of the Revised 15704
Code may levy an annual license tax upon the operation of motor 15705
vehicles on the public roads and highways in the territory of the 15706
district. The tax shall be levied in increments of five dollars 15707
and shall not exceed twenty dollars per motor vehicle on all motor 15708
vehicles the owners of which reside in the district and shall be 15709
in addition to all other taxes levied under this chapter, subject 15710
to reduction in the manner provided in division (B)(2) of section 15711
4503.11 of the Revised Code. The tax may be levied in all or part 15712
of the territory of the district. 15713

(B) The board of trustees of a transportation improvement 15714
district proposing to levy a motor vehicle license tax under this 15715
section shall put the question of the tax to the electors of the 15716
district or of that part of the district in which the tax would be 15717
levied. The election shall be held on the date of a primary or 15718
general election held not less than ~~seventy-five~~ ninety days after 15719
the board of trustees certifies to the county board of elections 15720
its resolution proposing the tax. The resolution shall specify the 15721

rate of the tax. The board of elections shall submit the question 15722
of the tax to the electors at the primary or general election. The 15723
secretary of state shall prescribe the form of the ballot for the 15724
election. If approved by a majority of the electors voting on the 15725
question of the tax, the board of trustees shall levy the tax as 15726
provided in the resolution. 15727

(C) A transportation improvement district license tax levied 15728
under this section shall continue in effect until repealed, or 15729
until the dissolution of the transportation improvement district 15730
that levied it. 15731

(D) Money received by the registrar of motor vehicles 15732
pursuant to sections 4501.03 and 4504.09 of the Revised Code that 15733
consists of the taxes levied under this section shall be deposited 15734
in the auto registration distribution fund created by section 15735
4501.03 of the Revised Code and distributed to the transportation 15736
improvement district levying such tax. The registrar may assign to 15737
the transportation improvement district a unique code to 15738
facilitate the distribution of such money, which may be the same 15739
unique code assigned to a county under section 4501.03 of the 15740
Revised Code. 15741

Sec. 4928.20. (A) The legislative authority of a municipal 15742
corporation may adopt an ordinance, or the board of township 15743
trustees of a township or the board of county commissioners of a 15744
county may adopt a resolution, under which, on or after the 15745
starting date of competitive retail electric service, it may 15746
aggregate in accordance with this section the retail electrical 15747
loads located, respectively, within the municipal corporation, 15748
township, or unincorporated area of the county and, for that 15749
purpose, may enter into service agreements to facilitate for those 15750
loads the sale and purchase of electricity. The legislative 15751
authority or board also may exercise such authority jointly with 15752

any other such legislative authority or board. For customers that 15753
are not mercantile customers, an ordinance or resolution under 15754
this division shall specify whether the aggregation will occur 15755
only with the prior, affirmative consent of each person owning, 15756
occupying, controlling, or using an electric load center proposed 15757
to be aggregated or will occur automatically for all such persons 15758
pursuant to the opt-out requirements of division (D) of this 15759
section. The aggregation of mercantile customers shall occur only 15760
with the prior, affirmative consent of each such person owning, 15761
occupying, controlling, or using an electric load center proposed 15762
to be aggregated. Nothing in this division, however, authorizes 15763
the aggregation of the retail electric loads of an electric load 15764
center, as defined in section 4933.81 of the Revised Code, that is 15765
located in the certified territory of a nonprofit electric 15766
supplier under sections 4933.81 to 4933.90 of the Revised Code or 15767
an electric load center served by transmission or distribution 15768
facilities of a municipal electric utility. 15769

(B) If an ordinance or resolution adopted under division (A) 15770
of this section specifies that aggregation of customers that are 15771
not mercantile customers will occur automatically as described in 15772
that division, the ordinance or resolution shall direct the board 15773
of elections to submit the question of the authority to aggregate 15774
to the electors of the respective municipal corporation, township, 15775
or unincorporated area of a county at a special election on the 15776
day of the next primary or general election in the municipal 15777
corporation, township, or county. The legislative authority or 15778
board shall certify a copy of the ordinance or resolution to the 15779
board of elections not less than ~~seventy-five~~ ninety days before 15780
the day of the special election. No ordinance or resolution 15781
adopted under division (A) of this section that provides for an 15782
election under this division shall take effect unless approved by 15783
a majority of the electors voting upon the ordinance or resolution 15784
at the election held pursuant to this division. 15785

(C) Upon the applicable requisite authority under divisions 15786
(A) and (B) of this section, the legislative authority or board 15787
shall develop a plan of operation and governance for the 15788
aggregation program so authorized. Before adopting a plan under 15789
this division, the legislative authority or board shall hold at 15790
least two public hearings on the plan. Before the first hearing, 15791
the legislative authority or board shall publish notice of the 15792
hearings once a week for two consecutive weeks in a newspaper of 15793
general circulation in the jurisdiction. The notice shall 15794
summarize the plan and state the date, time, and location of each 15795
hearing. 15796

(D) No legislative authority or board, pursuant to an 15797
ordinance or resolution under divisions (A) and (B) of this 15798
section that provides for automatic aggregation of customers that 15799
are not mercantile customers as described in division (A) of this 15800
section, shall aggregate the electrical load of any electric load 15801
center located within its jurisdiction unless it in advance 15802
clearly discloses to the person owning, occupying, controlling, or 15803
using the load center that the person will be enrolled 15804
automatically in the aggregation program and will remain so 15805
enrolled unless the person affirmatively elects by a stated 15806
procedure not to be so enrolled. The disclosure shall state 15807
prominently the rates, charges, and other terms and conditions of 15808
enrollment. The stated procedure shall allow any person enrolled 15809
in the aggregation program the opportunity to opt out of the 15810
program every three years, without paying a switching fee. Any 15811
such person that opts out before the commencement of the 15812
aggregation program pursuant to the stated procedure shall default 15813
to the standard service offer provided under section 4928.14 or 15814
division (D) of section 4928.35 of the Revised Code until the 15815
person chooses an alternative supplier. 15816

(E)(1) With respect to a governmental aggregation for a 15817

municipal corporation that is authorized pursuant to divisions (A) 15818
to (D) of this section, resolutions may be proposed by initiative 15819
or referendum petitions in accordance with sections 731.28 to 15820
731.41 of the Revised Code. 15821

(2) With respect to a governmental aggregation for a township 15822
or the unincorporated area of a county, which aggregation is 15823
authorized pursuant to divisions (A) to (D) of this section, 15824
resolutions may be proposed by initiative or referendum petitions 15825
in accordance with sections 731.28 to 731.40 of the Revised Code, 15826
except that: 15827

(a) The petitions shall be filed, respectively, with the 15828
township fiscal officer or the board of county commissioners, who 15829
shall perform those duties imposed under those sections upon the 15830
city auditor or village clerk. 15831

(b) The petitions shall contain the signatures of not less 15832
than ten per cent of the total number of electors in, 15833
respectively, the township or the unincorporated area of the 15834
county who voted for the office of governor at the preceding 15835
general election for that office in that area. 15836

(F) A governmental aggregator under division (A) of this 15837
section is not a public utility engaging in the wholesale purchase 15838
and resale of electricity, and provision of the aggregated service 15839
is not a wholesale utility transaction. A governmental aggregator 15840
shall be subject to supervision and regulation by the public 15841
utilities commission only to the extent of any competitive retail 15842
electric service it provides and commission authority under this 15843
chapter. 15844

(G) This section does not apply in the case of a municipal 15845
corporation that supplies such aggregated service to electric load 15846
centers to which its municipal electric utility also supplies a 15847
noncompetitive retail electric service through transmission or 15848

distribution facilities the utility singly or jointly owns or	15849
operates.	15850
(H) A governmental aggregator shall not include in its	15851
aggregation the accounts of any of the following:	15852
(1) A customer that has opted out of the aggregation;	15853
(2) A customer in contract with a certified electric services	15854
company;	15855
(3) A customer that has a special contract with an electric	15856
distribution utility;	15857
(4) A customer that is not located within the governmental	15858
aggregator's governmental boundaries;	15859
(5) Subject to division (C) of section 4928.21 of the Revised	15860
Code, a customer who appears on the "do not aggregate" list	15861
maintained under that section.	15862
(I) Customers that are part of a governmental aggregation	15863
under this section shall be responsible only for such portion of a	15864
surcharge under section 4928.144 of the Revised Code that is	15865
proportionate to the benefits, as determined by the commission,	15866
that electric load centers within the jurisdiction of the	15867
governmental aggregation as a group receive. The proportionate	15868
surcharge so established shall apply to each customer of the	15869
governmental aggregation while the customer is part of that	15870
aggregation. If a customer ceases being such a customer, the	15871
otherwise applicable surcharge shall apply. Nothing in this	15872
section shall result in less than full recovery by an electric	15873
distribution utility of any surcharge authorized under section	15874
4928.144 of the Revised Code.	15875
(J) On behalf of the customers that are part of a	15876
governmental aggregation under this section and by filing written	15877
notice with the public utilities commission, the legislative	15878

authority that formed or is forming that governmental aggregation 15879
may elect not to receive standby service within the meaning of 15880
division (B)(2)(d) of section 4928.143 of the Revised Code from an 15881
electric distribution utility in whose certified territory the 15882
governmental aggregation is located and that operates under an 15883
approved electric security plan under that section. Upon the 15884
filing of that notice, the electric distribution utility shall not 15885
charge any such customer to whom competitive retail electric 15886
generation service is provided by another supplier under the 15887
governmental aggregation for the standby service. Any such 15888
consumer that returns to the utility for competitive retail 15889
electric service shall pay the market price of power incurred by 15890
the utility to serve that consumer plus any amount attributable to 15891
the utility's cost of compliance with the alternative energy 15892
resource provisions of section 4928.64 of the Revised Code to 15893
serve the consumer. Such market price shall include, but not be 15894
limited to, capacity and energy charges; all charges associated 15895
with the provision of that power supply through the regional 15896
transmission organization, including, but not limited to, 15897
transmission, ancillary services, congestion, and settlement and 15898
administrative charges; and all other costs incurred by the 15899
utility that are associated with the procurement, provision, and 15900
administration of that power supply, as such costs may be approved 15901
by the commission. The period of time during which the market 15902
price and alternative energy resource amount shall be so assessed 15903
on the consumer shall be from the time the consumer so returns to 15904
the electric distribution utility until the expiration of the 15905
electric security plan. However, if that period of time is 15906
expected to be more than two years, the commission may reduce the 15907
time period to a period of not less than two years. 15908

(K) The commission shall adopt rules to encourage and promote 15909
large-scale governmental aggregation in this state. For that 15910
purpose, the commission shall conduct an immediate review of any 15911

rules it has adopted for the purpose of this section that are in 15912
effect on the effective date of the amendment of this section by 15913
S.B. 221 of the 127th general assembly, July 31, 2008. Further, 15914
within the context of an electric security plan under section 15915
4928.143 of the Revised Code, the commission shall consider the 15916
effect on large-scale governmental aggregation of any 15917
nonbypassable generation charges, however collected, that would be 15918
established under that plan, except any nonbypassable generation 15919
charges that relate to any cost incurred by the electric 15920
distribution utility, the deferral of which has been authorized by 15921
the commission prior to the effective date of the amendment of 15922
this section by S.B. 221 of the 127th general assembly, July 31, 15923
2008. 15924

Sec. 4929.26. (A)(1) The legislative authority of a municipal 15925
corporation may adopt an ordinance, or the board of township 15926
trustees of a township or the board of county commissioners of a 15927
county may adopt a resolution, under which, in accordance with 15928
this section and except as otherwise provided in division (A)(2) 15929
of this section, the legislative authority or board may aggregate 15930
automatically, subject to the opt-out requirements of division (D) 15931
of this section, competitive retail natural gas service for the 15932
retail natural gas loads that are located, respectively, within 15933
the municipal corporation, township, or unincorporated area of the 15934
county and for which there is a choice of supplier of that service 15935
as a result of revised schedules approved under division (C) of 15936
section 4929.29 of the Revised Code, a rule or order adopted or 15937
issued by the commission under Chapter 4905. of the Revised Code, 15938
or an exemption granted by the commission under sections 4929.04 15939
to 4929.08 of the Revised Code. An ordinance or a resolution 15940
adopted under this section shall expressly state that it is 15941
adopted pursuant to the authority conferred by this section. The 15942
legislative authority or board also may exercise its authority 15943

under this section jointly with any other such legislative 15944
authority or board. For the purpose of the aggregation, the 15945
legislative authority or board may enter into service agreements 15946
to facilitate the sale and purchase of the service for the retail 15947
natural gas loads. 15948

(2)(a) No aggregation under an ordinance or resolution 15949
adopted under division (A)(1) of this section shall include the 15950
retail natural gas load of any person that meets any of the 15951
following criteria: 15952

(i) The person is both a distribution service customer and a 15953
mercantile customer on the date of commencement of service to the 15954
aggregated load, or the person becomes a distribution service 15955
customer after that date and also is a mercantile customer. 15956

(ii) The person is supplied with commodity sales service 15957
pursuant to a contract with a retail natural gas supplier that is 15958
in effect on the effective date of the ordinance or resolution. 15959

(iii) The person is supplied with commodity sales service as 15960
part of a retail natural gas load aggregation provided for 15961
pursuant to a rule or order adopted or issued by the commission 15962
under this chapter or Chapter 4905. of the Revised Code. 15963

(b) Nothing in division (A)(2)(a) of this section precludes a 15964
governmental aggregation under this section from permitting the 15965
retail natural gas load of a person described in division 15966
(A)(2)(a) of this section from being included in the aggregation 15967
upon the expiration of any contract or aggregation as described in 15968
division (A)(2)(a)(ii) or (iii) of this section or upon the person 15969
no longer being a customer as described in division (A)(2)(a)(i) 15970
of this section or qualifying to be included in an aggregation 15971
described under division (A)(2)(a)(iii) of this section. 15972

(B) An ordinance or resolution adopted under division (A) of 15973

this section shall direct the board of elections to submit the 15974
question of the authority to aggregate to the electors of the 15975
respective municipal corporation, township, or unincorporated area 15976
of a county at a special election on the day of the next primary 15977
or general election in the municipal corporation, township, or 15978
county. The legislative authority or board shall certify a copy of 15979
the ordinance or resolution to the board of elections not less 15980
than ~~seventy-five~~ ninety days before the day of the special 15981
election. No ordinance or resolution adopted under division (A) of 15982
this section that provides for an election under this division 15983
shall take effect unless approved by a majority of the electors 15984
voting upon the ordinance or resolution at the election held 15985
pursuant to this division. 15986

(C) Upon the applicable requisite authority under divisions 15987
(A) and (B) of this section, the legislative authority or board 15988
shall develop a plan of operation and governance for the 15989
aggregation program so authorized. Before adopting a plan under 15990
this division, the legislative authority or board shall hold at 15991
least two public hearings on the plan. Before the first hearing, 15992
the legislative authority or board shall publish notice of the 15993
hearings once a week for two consecutive weeks in a newspaper of 15994
general circulation in the jurisdiction. The notice shall 15995
summarize the plan and state the date, time, and location of each 15996
hearing. 15997

(D) No legislative authority or board, pursuant to an 15998
ordinance or resolution under divisions (A) and (B) of this 15999
section, shall aggregate any retail natural gas load located 16000
within its jurisdiction unless it in advance clearly discloses to 16001
the person whose retail natural gas load is to be so aggregated 16002
that the person will be enrolled automatically in the aggregation 16003
and will remain so enrolled unless the person affirmatively elects 16004
by a stated procedure not to be so enrolled. The disclosure shall 16005

state prominently the rates, charges, and other terms and 16006
conditions of enrollment. The stated procedure shall allow any 16007
person enrolled in the aggregation the opportunity to opt out of 16008
the aggregation every two years, without paying a switching fee. 16009
Any such person that opts out of the aggregation pursuant to the 16010
stated procedure shall default to the natural gas company 16011
providing distribution service for the person's retail natural gas 16012
load, until the person chooses an alternative supplier. 16013

(E)(1) With respect to a governmental aggregation for a 16014
municipal corporation that is authorized pursuant to divisions (A) 16015
to (D) of this section, resolutions may be proposed by initiative 16016
or referendum petitions in accordance with sections 731.28 to 16017
731.41 of the Revised Code. 16018

(2) With respect to a governmental aggregation for a township 16019
or the unincorporated area of a county, which aggregation is 16020
authorized pursuant to divisions (A) to (D) of this section, 16021
resolutions may be proposed by initiative or referendum petitions 16022
in accordance with sections 731.28 to 731.40 of the Revised Code, 16023
except that: 16024

(a) The petitions shall be filed, respectively, with the 16025
township fiscal officer or the board of county commissioners, who 16026
shall perform those duties imposed under those sections upon the 16027
city auditor or village clerk. 16028

(b) The petitions shall contain the signatures of not less 16029
than ten per cent of the total number of electors in the township 16030
or the unincorporated area of the county, respectively, who voted 16031
for the office of governor at the preceding general election for 16032
that office in that area. 16033

(F) A governmental aggregator under division (A) of this 16034
section is not a public utility engaging in the wholesale purchase 16035
and resale of natural gas, and provision of the aggregated service 16036

is not a wholesale utility transaction. A governmental aggregator 16037
shall be subject to supervision and regulation by the public 16038
utilities commission only to the extent of any competitive retail 16039
natural gas service it provides and commission authority under 16040
this chapter. 16041

Sec. 4931.51. (A)(1) For the purpose of paying the costs of 16042
establishing, equipping, and furnishing one or more public safety 16043
answering points as part of a countywide 9-1-1 system effective 16044
under division (B) of section 4931.44 of the Revised Code and 16045
paying the expense of administering and enforcing this section, 16046
the board of county commissioners of a county, in accordance with 16047
this section, may fix and impose, on each lot or parcel of real 16048
property in the county that is owned by a person, municipal 16049
corporation, township, or other political subdivision and is 16050
improved, or is in the process of being improved, reasonable 16051
charges to be paid by each such owner. The charges shall be 16052
sufficient to pay only the estimated allowed costs and shall be 16053
equal in amount for all such lots or parcels. 16054

(2) For the purpose of paying the costs of operating and 16055
maintaining the answering points and paying the expense of 16056
administering and enforcing this section, the board, in accordance 16057
with this section, may fix and impose reasonable charges to be 16058
paid by each owner, as provided in division (A)(1) of this 16059
section, that shall be sufficient to pay only the estimated 16060
allowed costs and shall be equal in amount for all such lots or 16061
parcels. The board may fix and impose charges under this division 16062
pursuant to a resolution adopted for the purposes of both 16063
divisions (A)(1) and (2) of this section or pursuant to a 16064
resolution adopted solely for the purpose of division (A)(2) of 16065
this section, and charges imposed under division (A)(2) of this 16066
section may be separately imposed or combined with charges imposed 16067
under division (A)(1) of this section. 16068

(B) Any board adopting a resolution under this section 16069
pursuant to a final plan initiating the establishment of a 9-1-1 16070
system or pursuant to an amendment to a final plan shall adopt the 16071
resolution within sixty days after the board receives the final 16072
plan for the 9-1-1 system pursuant to division (C) of section 16073
4931.43 of the Revised Code. The board by resolution may change 16074
any charge imposed under this section whenever the board considers 16075
it advisable. Any resolution adopted under this section shall 16076
declare whether securities will be issued under Chapter 133. of 16077
the Revised Code in anticipation of the collection of unpaid 16078
special assessments levied under this section. 16079

(C) The board shall adopt a resolution under this section at 16080
a public meeting held in accordance with section 121.22 of the 16081
Revised Code. Additionally, the board, before adopting any such 16082
resolution, shall hold at least two public hearings on the 16083
proposed charges. Prior to the first hearing, the board shall 16084
publish notice of the hearings once a week for two consecutive 16085
weeks in a newspaper of general circulation in the county. The 16086
notice shall include a listing of the charges proposed in the 16087
resolution and the date, time, and location of each of the 16088
hearings. The board shall hear any person who wishes to testify on 16089
the charges or the resolution. 16090

(D) No resolution adopted under this section shall be 16091
effective sooner than thirty days following its adoption nor shall 16092
any such resolution be adopted as an emergency measure. The 16093
resolution is subject to a referendum in accordance with sections 16094
305.31 to 305.41 of the Revised Code unless, in the resolution, 16095
the board of county commissioners directs the board of elections 16096
of the county to submit the question of imposing the charges to 16097
the electors of the county at the next primary or general election 16098
in the county occurring not less than ~~seventy-five~~ ninety days 16099
after the resolution is certified to the board. No resolution 16100

shall go into effect unless approved by a majority of those voting upon it in any election allowed under this division.

(E) To collect charges imposed under division (A) of this section, the board of county commissioners shall certify them to the county auditor of the county who then shall place them upon the real property duplicate against the properties to be assessed, as provided in division (A) of this section. Each assessment shall bear interest at the same rate that securities issued in anticipation of the collection of the assessments bear, is a lien on the property assessed from the date placed upon the real property duplicate by the auditor, and shall be collected in the same manner as other taxes.

(F) All money collected by or on behalf of a county under this section shall be paid to the county treasurer of the county and kept in a separate and distinct fund to the credit of the county. The fund shall be used to pay the costs allowed in division (A) of this section and specified in the resolution adopted under that division. In no case shall any surplus so collected be expended for other than the use and benefit of the county.

Sec. 4931.52. (A) This section applies only to a county that meets both of the following conditions:

(1) A final plan for a countywide 9-1-1 system either has not been approved in the county under section 4931.44 of the Revised Code or has been approved but has not been put into operation because of a lack of funding;

(2) The board of county commissioners, at least once, has submitted to the electors of the county the question of raising funds for a 9-1-1 system under section 4931.51, 5705.19, or 5739.026 of the Revised Code, and a majority of the electors has disapproved the question each time it was submitted.

(B) A board of county commissioners may adopt a resolution 16132
imposing a monthly charge on telephone access lines to pay for the 16133
equipment costs of establishing and maintaining no more than three 16134
public safety answering points of a countywide 9-1-1 system, which 16135
public safety answering points shall be only twenty-four-hour 16136
dispatching points already existing in the county. The resolution 16137
shall state the amount of the charge, which shall not exceed fifty 16138
cents per month, and the month the charge will first be imposed, 16139
which shall be no earlier than four months after the special 16140
election held pursuant to this section. Each residential and 16141
business telephone company customer within the area served by the 16142
9-1-1 system shall pay the monthly charge for each of its 16143
residential or business customer access lines or their equivalent. 16144

Before adopting a resolution under this division, the board 16145
of county commissioners shall hold at least two public hearings on 16146
the proposed charge. Before the first hearing, the board shall 16147
publish notice of the hearings once a week for two consecutive 16148
weeks in a newspaper of general circulation in the county. The 16149
notice shall state the amount of the proposed charge, an 16150
explanation of the necessity for the charge, and the date, time, 16151
and location of each of the hearings. 16152

(C) A resolution adopted under division (B) of this section 16153
shall direct the board of elections to submit the question of 16154
imposing the charge to the electors of the county at a special 16155
election on the day of the next primary or general election in the 16156
county. The board of county commissioners shall certify a copy of 16157
the resolution to the board of elections not less than 16158
~~seventy-five~~ ninety days before the day of the special election. 16159
No resolution adopted under division (B) of this section shall 16160
take effect unless approved by a majority of the electors voting 16161
upon the resolution at an election held pursuant to this section. 16162

In any year, the board of county commissioners may impose a 16163

lesser charge than the amount originally approved by the electors. 16164
The board may change the amount of the charge no more than once a 16165
year. The board may not impose a charge greater than the amount 16166
approved by the electors without first holding an election on the 16167
question of the greater charge. 16168

(D) Money raised from a monthly charge on telephone access 16169
lines under this section shall be deposited into a special fund 16170
created in the county treasury by the board of county 16171
commissioners pursuant to section 5705.12 of the Revised Code, to 16172
be used only for the necessary equipment costs of establishing and 16173
maintaining no more than three public safety answering points of a 16174
countywide 9-1-1 system pursuant to a resolution adopted under 16175
division (B) of this section. In complying with this division, any 16176
county may seek the assistance of the public utilities commission 16177
with regard to operating and maintaining a 9-1-1 system. 16178

(E) Pursuant to the voter approval required by division (C) 16179
of this section, the final plan for a countywide 9-1-1 system that 16180
will be funded through a monthly charge imposed in accordance with 16181
this section shall be amended by the existing 9-1-1 planning 16182
committee, and the amendment of such a final plan is not an 16183
amendment of a final plan for the purpose of division (A) of 16184
section 4931.45 of the Revised Code. 16185

Sec. 4931.53. (A) This section applies only to a county that 16186
has a final plan for a countywide 9-1-1 system that either has not 16187
been approved in the county under section 4931.44 of the Revised 16188
Code or has been approved but has not been put into operation 16189
because of a lack of funding. 16190

(B) A board of county commissioners may adopt a resolution 16191
imposing a monthly charge on telephone access lines to pay for the 16192
operating and equipment costs of establishing and maintaining no 16193
more than one public safety answering point of a countywide 9-1-1 16194

system. The resolution shall state the amount of the charge, which 16195
shall not exceed fifty cents per month, and the month the charge 16196
will first be imposed, which shall be no earlier than four months 16197
after the special election held pursuant to this section. Each 16198
residential and business telephone company customer within the 16199
area of the county served by the 9-1-1 system shall pay the 16200
monthly charge for each of its residential or business customer 16201
access lines or their equivalent. 16202

Before adopting a resolution under this division, the board 16203
of county commissioners shall hold at least two public hearings on 16204
the proposed charge. Before the first hearing, the board shall 16205
publish notice of the hearings once a week for two consecutive 16206
weeks in a newspaper of general circulation in the county. The 16207
notice shall state the amount of the proposed charge, an 16208
explanation of the necessity for the charge, and the date, time, 16209
and location of each of the hearings. 16210

(C) A resolution adopted under division (B) of this section 16211
shall direct the board of elections to submit the question of 16212
imposing the charge to the electors of the county at a special 16213
election on the day of the next primary or general election in the 16214
county. The board of county commissioners shall certify a copy of 16215
the resolution to the board of elections not less than 16216
~~seventy five~~ ninety days before the day of the special election. 16217
No resolution adopted under division (B) of this section shall 16218
take effect unless approved by a majority of the electors voting 16219
upon the resolution at an election held pursuant to this section. 16220

In any year, the board of county commissioners may impose a 16221
lesser charge than the amount originally approved by the electors. 16222
The board may change the amount of the charge no more than once a 16223
year. The board shall not impose a charge greater than the amount 16224
approved by the electors without first holding an election on the 16225
question of the greater charge. 16226

(D) Money raised from a monthly charge on telephone access 16227
lines under this section shall be deposited into a special fund 16228
created in the county treasury by the board of county 16229
commissioners pursuant to section 5705.12 of the Revised Code, to 16230
be used only for the necessary operating and equipment costs of 16231
establishing and maintaining no more than one public safety 16232
answering point of a countywide 9-1-1 system pursuant to a 16233
resolution adopted under division (B) of this section. In 16234
complying with this division, any county may seek the assistance 16235
of the public utilities commission with regard to operating and 16236
maintaining a 9-1-1 system. 16237

(E) Nothing in sections 4931.40 to 4931.53 of the Revised 16238
Code precludes a final plan adopted in accordance with those 16239
sections from being amended to provide that, by agreement included 16240
in the plan, a public safety answering point of another countywide 16241
9-1-1 system is the public safety answering point of a countywide 16242
9-1-1 system funded through a monthly charge imposed in accordance 16243
with this section. In that event, the county for which the public 16244
safety answering point is provided shall be deemed the subdivision 16245
operating the public safety answering point for purposes of 16246
sections 4931.40 to 4931.53 of the Revised Code, except that, for 16247
the purpose of division (D) of section 4931.41 of the Revised 16248
Code, the county shall pay only so much of the costs associated 16249
with establishing, equipping, furnishing, operating, or 16250
maintaining the public safety answering point specified in the 16251
agreement included in the final plan. 16252

(F) Pursuant to the voter approval required by division (C) 16253
of this section, the final plan for a countywide 9-1-1 system that 16254
will be funded through a monthly charge imposed in accordance with 16255
this section, or that will be amended to include an agreement 16256
described in division (E) of this section, shall be amended by the 16257
existing 9-1-1 planning committee, and the amendment of such a 16258

final plan is not an amendment of a final plan for the purpose of 16259
division (A) of section 4931.45 of the Revised Code. 16260

Sec. 4951.44. The officials in charge of the general election 16261
shall arrange, provide for, and conduct the submission of the 16262
question of a grant as provided in section 4951.43 of the Revised 16263
Code to such electors. The question whether the grant shall be 16264
made shall be submitted to the electors of such city at the 16265
succeeding general election occurring more than ~~seventy-five~~ 16266
ninety days after the expiration of the sixty days provided in 16267
such section. If the grant is for the construction of elevated 16268
tracks, the ballots shall read "Elevated Railroad Grant--Yes", 16269
"Elevated Railroad Grant--No". If the grant is for the 16270
construction of underground tracks, the ballots shall read 16271
"Underground Railroad Grant--Yes", "Underground Railroad 16272
Grant--No". If the grant is for the construction of partly 16273
elevated and partly underground tracks, the ballots shall read 16274
"Elevated and Underground Railroad Grant--Yes", "Elevated and 16275
Underground Railroad Grant--No". If at such election a majority of 16276
the votes cast on such question is against such grant, such grant 16277
is void. 16278

Sec. 4955.05. The officials in charge of general elections, 16279
in accordance with the laws relating to elections, shall arrange 16280
for and conduct the submission of the question referred to in 16281
section 4955.04 of the Revised Code to the electors. The question 16282
whether the grant shall be made shall be submitted to the electors 16283
of such municipal corporation at the succeeding general election 16284
occurring more than ~~seventy-five~~ ninety days after the expiration 16285
of the sixty days referred to in such section. The ballots at such 16286
election shall read "Elevated Railroad Grant--Yes;" "Elevated 16287
Railroad Grant--No." If at the election a majority of the votes 16288
cast on such question is against the grant, it shall be void. 16289

Sec. 5705.19. This section does not apply to school districts 16290
or county school financing districts. 16291

The taxing authority of any subdivision at any time and in 16292
any year, by vote of two-thirds of all the members of the taxing 16293
authority, may declare by resolution and certify the resolution to 16294
the board of elections not less than ~~seventy-five~~ ninety days 16295
before the election upon which it will be voted that the amount of 16296
taxes that may be raised within the ten-mill limitation will be 16297
insufficient to provide for the necessary requirements of the 16298
subdivision and that it is necessary to levy a tax in excess of 16299
that limitation for any of the following purposes: 16300

(A) For current expenses of the subdivision, except that the 16301
total levy for current expenses of a detention facility district 16302
or district organized under section 2151.65 of the Revised Code 16303
shall not exceed two mills and that the total levy for current 16304
expenses of a combined district organized under sections 2151.65 16305
and 2152.41 of the Revised Code shall not exceed four mills; 16306

(B) For the payment of debt charges on certain described 16307
bonds, notes, or certificates of indebtedness of the subdivision 16308
issued subsequent to January 1, 1925; 16309

(C) For the debt charges on all bonds, notes, and 16310
certificates of indebtedness issued and authorized to be issued 16311
prior to January 1, 1925; 16312

(D) For a public library of, or supported by, the subdivision 16313
under whatever law organized or authorized to be supported; 16314

(E) For a municipal university, not to exceed two mills over 16315
the limitation of one mill prescribed in section 3349.13 of the 16316
Revised Code; 16317

(F) For the construction or acquisition of any specific 16318
permanent improvement or class of improvements that the taxing 16319

authority of the subdivision may include in a single bond issue;	16320
(G) For the general construction, reconstruction,	16321
resurfacing, and repair of streets, roads, and bridges in	16322
municipal corporations, counties, or townships;	16323
(H) For parks and recreational purposes;	16324
(I) For the purpose of providing and maintaining fire	16325
apparatus, appliances, buildings, or sites therefor, or sources of	16326
water supply and materials therefor, or the establishment and	16327
maintenance of lines of fire alarm telegraph, or the payment of	16328
permanent, part-time, or volunteer firefighters or firefighting	16329
companies to operate the same, including the payment of the	16330
firefighter employers' contribution required under section 742.34	16331
of the Revised Code, or the purchase of ambulance equipment, or	16332
the provision of ambulance, paramedic, or other emergency medical	16333
services operated by a fire department or firefighting company;	16334
(J) For the purpose of providing and maintaining motor	16335
vehicles, communications, other equipment, buildings, and sites	16336
for such buildings used directly in the operation of a police	16337
department, or the payment of salaries of permanent police	16338
personnel, including the payment of the police officer employers'	16339
contribution required under section 742.33 of the Revised Code, or	16340
the payment of the costs incurred by townships as a result of	16341
contracts made with other political subdivisions in order to	16342
obtain police protection, or the provision of ambulance or	16343
emergency medical services operated by a police department;	16344
(K) For the maintenance and operation of a county home or	16345
detention facility;	16346
(L) For community mental retardation and developmental	16347
disabilities programs and services pursuant to Chapter 5126. of	16348
the Revised Code, except that the procedure for such levies shall	16349
be as provided in section 5705.222 of the Revised Code;	16350

(M) For regional planning;	16351
(N) For a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or both of those sections;	16352 16353 16354 16355 16356
(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods;	16357 16358 16359
(P) For maintaining and operating sewage disposal plants and facilities;	16360 16361
(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code;	16362 16363 16364 16365 16366 16367 16368
(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2151.65 or 2152.41 of the Revised Code or both of those sections;	16369 16370 16371 16372
(S) For the prevention, control, and abatement of air pollution;	16373 16374
(T) For maintaining and operating cemeteries;	16375
(U) For providing ambulance service, emergency medical service, or both;	16376 16377
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	16378 16379
(W) For the payment of the police officer employers'	16380

contribution or the firefighter employers' contribution required 16381
under sections 742.33 and 742.34 of the Revised Code; 16382

(X) For the construction and maintenance of a drainage 16383
improvement pursuant to section 6131.52 of the Revised Code; 16384

(Y) For providing or maintaining senior citizens services or 16385
facilities as authorized by section 307.694, 307.85, 505.70, or 16386
505.706 or division (EE) of section 717.01 of the Revised Code; 16387

(Z) For the provision and maintenance of zoological park 16388
services and facilities as authorized under section 307.76 of the 16389
Revised Code; 16390

(AA) For the maintenance and operation of a free public 16391
museum of art, science, or history; 16392

(BB) For the establishment and operation of a 9-1-1 system, 16393
as defined in section 4931.40 of the Revised Code; 16394

(CC) For the purpose of acquiring, rehabilitating, or 16395
developing rail property or rail service. As used in this 16396
division, "rail property" and "rail service" have the same 16397
meanings as in section 4981.01 of the Revised Code. This division 16398
applies only to a county, township, or municipal corporation. 16399

(DD) For the purpose of acquiring property for, constructing, 16400
operating, and maintaining community centers as provided for in 16401
section 755.16 of the Revised Code; 16402

(EE) For the creation and operation of an office or joint 16403
office of economic development, for any economic development 16404
purpose of the office, and to otherwise provide for the 16405
establishment and operation of a program of economic development 16406
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 16407
the extent that the expenses of a county land reutilization 16408
corporation organized under Chapter 1724. of the Revised Code are 16409
found by the board of county commissioners to constitute the 16410

promotion of economic development, for the payment of such 16411
operations and expenses; 16412

(FF) For the purpose of acquiring, establishing, 16413
constructing, improving, equipping, maintaining, or operating, or 16414
any combination of the foregoing, a township airport, landing 16415
field, or other air navigation facility pursuant to section 505.15 16416
of the Revised Code; 16417

(GG) For the payment of costs incurred by a township as a 16418
result of a contract made with a county pursuant to section 16419
505.263 of the Revised Code in order to pay all or any part of the 16420
cost of constructing, maintaining, repairing, or operating a water 16421
supply improvement; 16422

(HH) For a board of township trustees to acquire, other than 16423
by appropriation, an ownership interest in land, water, or 16424
wetlands, or to restore or maintain land, water, or wetlands in 16425
which the board has an ownership interest, not for purposes of 16426
recreation, but for the purposes of protecting and preserving the 16427
natural, scenic, open, or wooded condition of the land, water, or 16428
wetlands against modification or encroachment resulting from 16429
occupation, development, or other use, which may be styled as 16430
protecting or preserving "greenspace" in the resolution, notice of 16431
election, or ballot form. Except as otherwise provided in this 16432
division, land is not acquired for purposes of recreation, even if 16433
the land is used for recreational purposes, so long as no 16434
building, structure, or fixture used for recreational purposes is 16435
permanently attached or affixed to the land. Except as otherwise 16436
provided in this division, land that previously has been acquired 16437
in a township for these greenspace purposes may subsequently be 16438
used for recreational purposes if the board of township trustees 16439
adopts a resolution approving that use and no building, structure, 16440
or fixture used for recreational purposes is permanently attached 16441
or affixed to the land. The authorization to use greenspace land 16442

for recreational use does not apply to land located in a township 16443
that had a population, at the time it passed its first greenspace 16444
levy, of more than thirty-eight thousand within a county that had 16445
a population, at that time, of at least eight hundred sixty 16446
thousand. 16447

(II) For the support by a county of a crime victim assistance 16448
program that is provided and maintained by a county agency or a 16449
private, nonprofit corporation or association under section 307.62 16450
of the Revised Code; 16451

(JJ) For any or all of the purposes set forth in divisions 16452
(I) and (J) of this section. This division applies only to a 16453
township. 16454

(KK) For a countywide public safety communications system 16455
under section 307.63 of the Revised Code. This division applies 16456
only to counties. 16457

(LL) For the support by a county of criminal justice services 16458
under section 307.45 of the Revised Code; 16459

(MM) For the purpose of maintaining and operating a jail or 16460
other detention facility as defined in section 2921.01 of the 16461
Revised Code; 16462

(NN) For purchasing, maintaining, or improving, or any 16463
combination of the foregoing, real estate on which to hold 16464
agricultural fairs. This division applies only to a county. 16465

(OO) For constructing, rehabilitating, repairing, or 16466
maintaining sidewalks, walkways, trails, bicycle pathways, or 16467
similar improvements, or acquiring ownership interests in land 16468
necessary for the foregoing improvements; 16469

(PP) For both of the purposes set forth in divisions (G) and 16470
(OO) of this section. 16471

(QQ) For both of the purposes set forth in divisions (H) and 16472

(HH) of this section. This division applies only to a township. 16473

(RR) For the legislative authority of a municipal 16474
corporation, board of county commissioners of a county, or board 16475
of township trustees of a township to acquire agricultural 16476
easements, as defined in section 5301.67 of the Revised Code, and 16477
to supervise and enforce the easements. 16478

(SS) For both of the purposes set forth in divisions (BB) and 16479
(KK) of this section. This division applies only to a county. 16480

(TT) For the maintenance and operation of a facility that is 16481
organized in whole or in part to promote the sciences and natural 16482
history under section 307.761 of the Revised Code. 16483

(UU) For the creation and operation of a county land 16484
reutilization corporation and for any programs or activities of 16485
the corporation found by the board of directors of the corporation 16486
to be consistent with the purposes for which the corporation is 16487
organized. 16488

The resolution shall be confined to the purpose or purposes 16489
described in one division of this section, to which the revenue 16490
derived therefrom shall be applied. The existence in any other 16491
division of this section of authority to levy a tax for any part 16492
or all of the same purpose or purposes does not preclude the use 16493
of such revenues for any part of the purpose or purposes of the 16494
division under which the resolution is adopted. 16495

The resolution shall specify the amount of the increase in 16496
rate that it is necessary to levy, the purpose of that increase in 16497
rate, and the number of years during which the increase in rate 16498
shall be in effect, which may or may not include a levy upon the 16499
duplicate of the current year. The number of years may be any 16500
number not exceeding five, except as follows: 16501

(1) When the additional rate is for the payment of debt 16502
charges, the increased rate shall be for the life of the 16503

indebtedness. 16504

(2) When the additional rate is for any of the following, the 16505
increased rate shall be for a continuing period of time: 16506

(a) For the current expenses for a detention facility 16507
district, a district organized under section 2151.65 of the 16508
Revised Code, or a combined district organized under sections 16509
2151.65 and 2152.41 of the Revised Code; 16510

(b) For providing a county's share of the cost of maintaining 16511
and operating schools, district detention facilities, forestry 16512
camps, or other facilities, or any combination thereof, 16513
established under section 2151.65 or 2152.41 of the Revised Code 16514
or under both of those sections. 16515

(3) When the additional rate is for either of the following, 16516
the increased rate may be for a continuing period of time: 16517

(a) For the purposes set forth in division (I), (J), (U), or 16518
(KK) of this section; 16519

(b) For the maintenance and operation of a joint recreation 16520
district. 16521

(4) When the increase is for the purpose or purposes set 16522
forth in division (D), (G), (H), (CC), or (PP) of this section, 16523
the tax levy may be for any specified number of years or for a 16524
continuing period of time, as set forth in the resolution. 16525

(5) When the additional rate is for the purpose described in 16526
division (Z) of this section, the increased rate shall be for any 16527
number of years not exceeding ten. 16528

A levy for one of the purposes set forth in division (G), 16529
(I), (J), or (U) of this section may be reduced pursuant to 16530
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 16531
the purposes set forth in division (G), (I), (J), or (U) of this 16532
section may also be terminated or permanently reduced by the 16533

taxing authority if it adopts a resolution stating that the 16534
continuance of the levy is unnecessary and the levy shall be 16535
terminated or that the millage is excessive and the levy shall be 16536
decreased by a designated amount. 16537

A resolution of a detention facility district, a district 16538
organized under section 2151.65 of the Revised Code, or a combined 16539
district organized under both sections 2151.65 and 2152.41 of the 16540
Revised Code may include both current expenses and other purposes, 16541
provided that the resolution shall apportion the annual rate of 16542
levy between the current expenses and the other purpose or 16543
purposes. The apportionment need not be the same for each year of 16544
the levy, but the respective portions of the rate actually levied 16545
each year for the current expenses and the other purpose or 16546
purposes shall be limited by the apportionment. 16547

Whenever a board of county commissioners, acting either as 16548
the taxing authority of its county or as the taxing authority of a 16549
sewer district or subdistrict created under Chapter 6117. of the 16550
Revised Code, by resolution declares it necessary to levy a tax in 16551
excess of the ten-mill limitation for the purpose of constructing, 16552
improving, or extending sewage disposal plants or sewage systems, 16553
the tax may be in effect for any number of years not exceeding 16554
twenty, and the proceeds of the tax, notwithstanding the general 16555
provisions of this section, may be used to pay debt charges on any 16556
obligations issued and outstanding on behalf of the subdivision 16557
for the purposes enumerated in this paragraph, provided that any 16558
such obligations have been specifically described in the 16559
resolution. 16560

The resolution shall go into immediate effect upon its 16561
passage, and no publication of the resolution is necessary other 16562
than that provided for in the notice of election. 16563

When the electors of a subdivision have approved a tax levy 16564
under this section, the taxing authority of the subdivision may 16565

anticipate a fraction of the proceeds of the levy and issue 16566
anticipation notes in accordance with section 5705.191 or 5705.193 16567
of the Revised Code. 16568

Sec. 5705.191. The taxing authority of any subdivision, other 16569
than the board of education of a school district or the taxing 16570
authority of a county school financing district, by a vote of 16571
two-thirds of all its members, may declare by resolution that the 16572
amount of taxes that may be raised within the ten-mill limitation 16573
by levies on the current tax duplicate will be insufficient to 16574
provide an adequate amount for the necessary requirements of the 16575
subdivision, and that it is necessary to levy a tax in excess of 16576
such limitation for any of the purposes in section 5705.19 of the 16577
Revised Code, or to supplement the general fund for the purpose of 16578
making appropriations for one or more of the following purposes: 16579
public assistance, human or social services, relief, welfare, 16580
hospitalization, health, and support of general hospitals, and 16581
that the question of such additional tax levy shall be submitted 16582
to the electors of the subdivision at a general, primary, or 16583
special election to be held at a time therein specified. Such 16584
resolution shall not include a levy on the current tax list and 16585
duplicate unless such election is to be held at or prior to the 16586
general election day of the current tax year. Such resolution 16587
shall conform to the requirements of section 5705.19 of the 16588
Revised Code, except that a levy to supplement the general fund 16589
for the purposes of public assistance, human or social services, 16590
relief, welfare, hospitalization, health, or the support of 16591
general or tuberculosis hospitals may not be for a longer period 16592
than ten years. All other levies under this section may not be for 16593
a longer period than five years unless a longer period is 16594
permitted by section 5705.19 of the Revised Code, and the 16595
resolution shall specify the date of holding such election, which 16596
shall not be earlier than ~~seventy-five~~ ninety days after the 16597

adoption and certification of such resolution. The resolution 16598
shall go into immediate effect upon its passage and no publication 16599
of the same is necessary other than that provided for in the 16600
notice of election. A copy of such resolution, immediately after 16601
its passage, shall be certified to the board of elections of the 16602
proper county or counties in the manner provided by section 16603
5705.25 of the Revised Code, and such section shall govern the 16604
arrangements for the submission of such question and other matters 16605
with respect to such election, to which section 5705.25 of the 16606
Revised Code refers, excepting that such election shall be held on 16607
the date specified in the resolution, which shall be consistent 16608
with the requirements of section 3501.01 of the Revised Code, 16609
provided that only one special election for the submission of such 16610
question may be held in any one calendar year and provided that a 16611
special election may be held upon the same day a primary election 16612
is held. Publication of notice of that election shall be made in 16613
one or more newspapers of general circulation in the county once a 16614
week for two consecutive weeks prior to the election, and, if the 16615
board of elections operates and maintains a web site, the board of 16616
elections shall post notice of the election on its web site for 16617
thirty days prior to the election. 16618

If a majority of the electors voting on the question vote in 16619
favor thereof, the taxing authority of the subdivision may make 16620
the necessary levy within such subdivision at the additional rate 16621
or at any lesser rate outside the ten-mill limitation on the tax 16622
list and duplicate for the purpose stated in the resolution. Such 16623
tax levy shall be included in the next annual tax budget that is 16624
certified to the county budget commission. 16625

After the approval of such a levy by the electors, the taxing 16626
authority of the subdivision may anticipate a fraction of the 16627
proceeds of such levy and issue anticipation notes. In the case of 16628
a continuing levy that is not levied for the purpose of current 16629

expenses, notes may be issued at any time after approval of the 16630
levy in an amount not more than fifty per cent of the total 16631
estimated proceeds of the levy for the succeeding ten years, less 16632
an amount equal to the fraction of the proceeds of the levy 16633
previously anticipated by the issuance of anticipation notes. In 16634
the case of a levy for a fixed period that is not for the purpose 16635
of current expenses, notes may be issued at any time after 16636
approval of the levy in an amount not more than fifty per cent of 16637
the total estimated proceeds of the levy throughout the remaining 16638
life of the levy, less an amount equal to the fraction of the 16639
proceeds of the levy previously anticipated by the issuance of 16640
anticipation notes. In the case of a levy for current expenses, 16641
notes may be issued after the approval of the levy by the electors 16642
and prior to the time when the first tax collection from the levy 16643
can be made. Such notes may be issued in an amount not more than 16644
fifty per cent of the total estimated proceeds of the levy 16645
throughout the term of the levy in the case of a levy for a fixed 16646
period, or fifty per cent of the total estimated proceeds for the 16647
first ten years of the levy in the case of a continuing levy. 16648

No anticipation notes that increase the net indebtedness of a 16649
county may be issued without the prior consent of the board of 16650
county commissioners of that county. The notes shall be issued as 16651
provided in section 133.24 of the Revised Code, shall have 16652
principal payments during each year after the year of their 16653
issuance over a period not exceeding the life of the levy 16654
anticipated, and may have a principal payment in the year of their 16655
issuance. 16656

"Taxing authority" and "subdivision" have the same meanings 16657
as in section 5705.01 of the Revised Code. 16658

This section is supplemental to and not in derogation of 16659
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 16660

Sec. 5705.195. Within five days after the resolution is 16661
certified to the county auditor as provided by section 5705.194 of 16662
the Revised Code, the auditor shall calculate and certify to the 16663
taxing authority the annual levy, expressed in dollars and cents 16664
for each one hundred dollars of valuation as well as in mills for 16665
each one dollar of valuation, throughout the life of the levy 16666
which will be required to produce the annual amount set forth in 16667
the resolution assuming that the amount of the tax list of such 16668
subdivision remains throughout the life of the levy the same as 16669
the amount of the tax list for the current year, and if this is 16670
not determined, the estimated amount submitted by the auditor to 16671
the county budget commission. When considering the tangible 16672
personal property component of the tax valuation of the 16673
subdivision, the county auditor shall take into account the 16674
assessment percentages prescribed in section 5711.22 of the 16675
Revised Code. The tax commissioner may issue rules, orders, or 16676
instructions directing how the assessment percentages must be 16677
utilized. 16678

Upon receiving the certification from the county auditor, if 16679
the taxing authority desires to proceed with the submission of the 16680
question it shall, not less than ~~seventy-five~~ ninety days before 16681
the day of such election, certify its resolution, together with 16682
the amount of the average tax levy, expressed in dollars and cents 16683
for each one hundred dollars of valuation as well as in mills for 16684
each one dollar of valuation, estimated by the auditor, and the 16685
number of years the levy is to run to the board of elections of 16686
the county which shall prepare the ballots and make other 16687
necessary arrangements for the submission of the question to the 16688
voters of the subdivision. 16689

Sec. 5705.199. (A) At any time the board of education of a 16690
city, local, exempted village, cooperative education, or joint 16691

vocational school district, by a vote of two-thirds of all its members, may declare by resolution that the revenue that will be raised by all tax levies that the district is authorized to impose, when combined with state and federal revenues, will be insufficient to provide for the necessary requirements of the school district, and that it is therefore necessary to levy a tax in excess of the ten-mill limitation for the purpose of providing for the necessary requirements of the school district. Such a levy shall be proposed as a substitute for all or a portion of one or more existing levies imposed under sections 5705.194 to 5705.197 of the Revised Code or under this section, by levying a tax as follows:

(1) In the initial year the levy is in effect, the levy shall be in a specified amount of money equal to the aggregate annual dollar amount of proceeds derived from the levy or levies, or portion thereof, being substituted.

(2) In each subsequent year the levy is in effect, the levy shall be in a specified amount of money equal to the sum of the following:

(a) The dollar amount of the proceeds derived from the levy in the prior year; and

(b) The dollar amount equal to the product of the total taxable value of all taxable real property in the school district in the then-current year, excluding carryover property as defined in section 319.301 of the Revised Code, multiplied by the annual levy, expressed in mills for each one dollar of valuation, that was required to produce the annual dollar amount of the levy under this section in the prior year; provided, that the amount under division (A)(2)(b) of this section shall not be less than zero.

(B) The resolution proposing the substitute levy shall specify the annual dollar amount the levy is to produce in its

initial year; the first calendar year in which the levy will be 16723
due; and the term of the levy expressed in years, which may be any 16724
number not exceeding ten, or for a continuing period of time. The 16725
resolution shall specify the date of holding the election, which 16726
shall not be earlier than ~~seventy-five~~ ninety days after 16727
certification of the resolution to the board of elections, and 16728
which shall be consistent with the requirements of section 3501.01 16729
of the Revised Code. If two or more existing levies are to be 16730
included in a single substitute levy, but are not scheduled to 16731
expire in the same year, the resolution shall specify that the 16732
existing levies to be substituted shall not be levied after the 16733
year preceding the year in which the substitute levy is first 16734
imposed. 16735

The resolution shall go into immediate effect upon its 16736
passage, and no publication of the resolution shall be necessary 16737
other than that provided for in the notice of election. A copy of 16738
the resolution shall immediately after its passage be certified to 16739
the county auditor in the manner provided by section 5705.195 of 16740
the Revised Code, and sections 5705.194 and 5705.196 of the 16741
Revised Code shall govern the arrangements for the submission of 16742
the question and other matters concerning the notice of election 16743
and the election, except as may be provided otherwise in this 16744
section. 16745

(C) The form of the ballot to be used at the election on the 16746
question of a levy under this section shall be as follows: 16747

"Shall a tax levy substituting for an existing levy be 16748
imposed by the (here insert name of school district) 16749
for the purpose of providing for the necessary requirements of the 16750
school district in the initial sum of (here insert the 16751
annual dollar amount the levy is to produce in its initial year), 16752
and a levy of taxes be made outside of the ten-mill limitation 16753
estimated by the county auditor to require (here insert 16754

number of mills) mills for each one dollar of valuation, which 16755
amounts to (here insert rate expressed in dollars and 16756
cents) for each one hundred dollars of valuation for the initial 16757
year of the tax, for a period of (here insert the 16758
number of years the levy is to be imposed, or that it will be 16759
levied for a continuing period of time), commencing in 16760
(first year the tax is to be levied), first due in calendar year 16761
..... (first calendar year in which the tax shall be due), 16762
with the sum of such tax to increase only if and as new land or 16763
real property improvements not previously taxed by the school 16764
district are added to its tax list? 16765

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

16766

16767

16768

16769

If the levy submitted is a proposal to substitute all or a 16770
portion of more than one existing levy, the form of the ballot may 16771
be changed so long as the ballot reflects the number of levies to 16772
be substituted and that none of the existing levies to be 16773
substituted will be levied after the year preceding the year in 16774
which the substitute levy is first imposed. The form of the ballot 16775
shall be modified by substituting the statement "Shall a tax levy 16776
substituting for an existing levy" with "Shall a tax levy 16777
substituting for existing levies" and adding the following 16778
statement after "added to its tax list?" and before "For the Tax 16779
Levy": 16780

"If approved, any remaining tax years on any of the 16781
..... (here insert the number of existing levies) existing 16782
levies will not be collected after (here insert the 16783
current tax year or, if not the current tax year, the applicable 16784
tax year)." 16785

(D) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(E) If a majority of the electors voting on the question so submitted in an election vote in favor of the levy, the board of education may make the necessary levy within the school district at the rate and for the purpose stated in the resolution. The tax levy shall be included in the next tax budget that is certified to the county budget commission.

(F) A levy for a continuing period of time may be decreased pursuant to section 5705.261 of the Revised Code.

(G) A levy under this section substituting for all or a portion of one or more existing levies imposed under sections 5705.194 to 5705.197 of the Revised Code or under this section shall be treated as having renewed the levy or levies being substituted for purposes of the payments made under sections 5751.20 to 5751.22 of the Revised Code.

(H) After the approval of a levy on the current tax list and duplicate, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy. The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

Sec. 5705.20. The board of county commissioners of any county, in any year, after providing the normal and customary percentage of the total general fund appropriations for the

support of the tuberculosis treatment specified under section 16817
339.73 of the Revised Code or for the support of tuberculosis 16818
clinics established pursuant to section 339.76 of the Revised 16819
Code, by vote of two-thirds of all the members of said board may 16820
declare by resolution that the amount of taxes which may be raised 16821
within the ten-mill limitation will be insufficient to provide an 16822
adequate amount for that support, and that it is necessary to levy 16823
a tax in excess of the ten-mill limitation to supplement such 16824
general fund appropriations for such purpose, but the total levy 16825
for this purpose shall not exceed sixty-five one hundredths of a 16826
mill. 16827

Such resolution shall conform to section 5705.19 of the 16828
Revised Code and be certified to the board of elections not less 16829
than ~~seventy-five~~ ninety days before the general election and 16830
submitted in the manner provided in section 5705.25 of the Revised 16831
Code. 16832

If the majority of electors voting on a levy to supplement 16833
general fund appropriations for the support of the tuberculosis 16834
treatment specified under section 339.73 of the Revised Code or 16835
for the support of tuberculosis clinics established pursuant to 16836
section 339.76 of the Revised Code, vote in favor thereof, the 16837
board of said county may levy a tax within such county at the 16838
additional rate in excess of the ten-mill limitation during the 16839
period and for the purpose stated in the resolution or at any less 16840
rate or for any of said years. 16841

If a tax was levied under this section for the support of 16842
tuberculosis clinics before ~~the effective date of this amendment~~ 16843
October 10, 2000, the levy may be renewed for that purpose on or 16844
after ~~the effective date of this amendment~~ October 10, 2000, in 16845
accordance with section 5705.25 of the Revised Code. 16846

Sec. 5705.21. (A) At any time, the board of education of any 16847

city, local, exempted village, cooperative education, or joint 16848
vocational school district, by a vote of two-thirds of all its 16849
members, may declare by resolution that the amount of taxes which 16850
may be raised within the ten-mill limitation by levies on the 16851
current tax duplicate will be insufficient to provide an adequate 16852
amount for the necessary requirements of the school district, that 16853
it is necessary to levy a tax in excess of such limitation for one 16854
of the purposes specified in division (A), (D), (F), (H), or (DD) 16855
of section 5705.19 of the Revised Code, for general permanent 16856
improvements, for the purpose of operating a cultural center, or 16857
for the purpose of providing education technology, and that the 16858
question of such additional tax levy shall be submitted to the 16859
electors of the school district at a special election on a day to 16860
be specified in the resolution. 16861

As used in this section, "cultural center" means a 16862
freestanding building, separate from a public school building, 16863
that is open to the public for educational, musical, artistic, and 16864
cultural purposes; "education technology" means, but is not 16865
limited to, computer hardware, equipment, materials, and 16866
accessories, equipment used for two-way audio or video, and 16867
software; and "general permanent improvements" means permanent 16868
improvements without regard to the limitation of division (F) of 16869
section 5705.19 of the Revised Code that the improvements be a 16870
specific improvement or a class of improvements that may be 16871
included in a single bond issue. 16872

The submission of questions to the electors under this 16873
section is subject to the limitation on the number of election 16874
dates established by section 5705.214 of the Revised Code. 16875

(B) Such resolution shall be confined to a single purpose and 16876
shall specify the amount of the increase in rate that it is 16877
necessary to levy, the purpose of the levy, and the number of 16878
years during which the increase in rate shall be in effect. The 16879

number of years may be any number not exceeding five or, if the 16880
levy is for current expenses of the district or for general 16881
permanent improvements, for a continuing period of time. The 16882
resolution shall specify the date of holding such election, which 16883
shall not be earlier than ~~seventy-five~~ ninety days after the 16884
adoption and certification of the resolution and which shall be 16885
consistent with the requirements of section 3501.01 of the Revised 16886
Code. 16887

The resolution may propose to renew one or more existing 16888
levies imposed under this section or to increase or decrease a 16889
single levy imposed under this section. If the board of education 16890
imposes one or more existing levies for the purpose specified in 16891
division (F) of section 5705.19 of the Revised Code, the 16892
resolution may propose to renew one or more of those existing 16893
levies, or to increase or decrease a single such existing levy, 16894
for the purpose of general permanent improvements. If the 16895
resolution proposes to renew two or more existing levies, the 16896
levies shall be levied for the same purpose. The resolution shall 16897
identify those levies and the rates at which they are levied. The 16898
resolution also shall specify that the existing levies shall not 16899
be extended on the tax lists after the year preceding the year in 16900
which the renewal levy is first imposed, regardless of the years 16901
for which those levies originally were authorized to be levied. 16902

The resolution shall go into immediate effect upon its 16903
passage, and no publication of the resolution shall be necessary 16904
other than that provided for in the notice of election. A copy of 16905
the resolution shall immediately after its passing be certified to 16906
the board of elections of the proper county in the manner provided 16907
by section 5705.25 of the Revised Code, and that section shall 16908
govern the arrangements for the submission of such question and 16909
other matters concerning such election, to which that section 16910
refers, except that such election shall be held on the date 16911

specified in the resolution. Publication of notice of that 16912
election shall be made in one or more newspapers of general 16913
circulation in the county once a week for two consecutive weeks 16914
prior to the election, and, if the board of elections operates and 16915
maintains a web site, the board of elections shall post notice of 16916
the election on its web site for thirty days prior to the 16917
election. If a majority of the electors voting on the question so 16918
submitted in an election vote in favor of the levy, the board of 16919
education may make the necessary levy within the school district 16920
at the additional rate, or at any lesser rate in excess of the 16921
ten-mill limitation on the tax list, for the purpose stated in the 16922
resolution. A levy for a continuing period of time may be reduced 16923
pursuant to section 5705.261 of the Revised Code. The tax levy 16924
shall be included in the next tax budget that is certified to the 16925
county budget commission. 16926

(C)(1) After the approval of a levy on the current tax list 16927
and duplicate for current expenses, for recreational purposes, for 16928
community centers provided for in section 755.16 of the Revised 16929
Code, or for a public library of the district and prior to the 16930
time when the first tax collection from the levy can be made, the 16931
board of education may anticipate a fraction of the proceeds of 16932
the levy and issue anticipation notes in a principal amount not 16933
exceeding fifty per cent of the total estimated proceeds of the 16934
levy to be collected during the first year of the levy. 16935

(2) After the approval of a levy for general permanent 16936
improvements for a specified number of years, or for permanent 16937
improvements having the purpose specified in division (F) of 16938
section 5705.19 of the Revised Code, the board of education may 16939
anticipate a fraction of the proceeds of the levy and issue 16940
anticipation notes in a principal amount not exceeding fifty per 16941
cent of the total estimated proceeds of the levy remaining to be 16942
collected in each year over a period of five years after the 16943

issuance of the notes. 16944

The notes shall be issued as provided in section 133.24 of 16945
the Revised Code, shall have principal payments during each year 16946
after the year of their issuance over a period not to exceed five 16947
years, and may have a principal payment in the year of their 16948
issuance. 16949

(3) After approval of a levy for general permanent 16950
improvements for a continuing period of time, the board of 16951
education may anticipate a fraction of the proceeds of the levy 16952
and issue anticipation notes in a principal amount not exceeding 16953
fifty per cent of the total estimated proceeds of the levy to be 16954
collected in each year over a specified period of years, not 16955
exceeding ten, after the issuance of the notes. 16956

The notes shall be issued as provided in section 133.24 of 16957
the Revised Code, shall have principal payments during each year 16958
after the year of their issuance over a period not to exceed ten 16959
years, and may have a principal payment in the year of their 16960
issuance. 16961

Sec. 5705.211. (A) As used in this section: 16962

(1) "Adjusted charge-off increase" for a tax year means two 16963
per cent of the cumulative carryover property value increase. If 16964
the cumulative carryover property value increase is computed on 16965
the basis of a school district's recognized valuation for a fiscal 16966
year before fiscal year 2014, the adjusted charge-off increase 16967
shall be adjusted to account for the greater charge-off rates 16968
prescribed for such fiscal years under sections 3317.022 and 16969
3306.13 of the Revised Code. 16970

(2) "Cumulative carryover property value increase" means the 16971
sum of the increases in carryover value certified under division 16972
(B)(2) of section 3317.015 of the Revised Code and included in a 16973

school district's total taxable value in the computation of 16974
recognized valuation under division (B) of that section for all 16975
fiscal years from the fiscal year that ends in the first tax year 16976
a levy under this section is extended on the tax list of real and 16977
public utility property until and including the fiscal year that 16978
ends in the current tax year. 16979

(3) "Taxes charged and payable" means the taxes charged and 16980
payable from a tax levy extended on the real and public utility 16981
property tax list and the general list of personal property before 16982
any reduction under section 319.302, 323.152, or 323.158 of the 16983
Revised Code. 16984

(B) The board of education of a city, local, or exempted 16985
village school district may adopt a resolution proposing the levy 16986
of a tax in excess of the ten-mill limitation for the purpose of 16987
paying the current operating expenses of the district. If the 16988
resolution is approved as provided in division (D) of this 16989
section, the tax may be levied at such a rate each tax year that 16990
the total taxes charged and payable from the levy equals the 16991
adjusted charge-off increase for the tax year or equals a lesser 16992
amount as prescribed under division (C) of this section. The tax 16993
may be levied for a continuing period of time or for a specific 16994
number of years, but not fewer than five years, as provided in the 16995
resolution. The tax may not be placed on the tax list for a tax 16996
year beginning before the first day of January following adoption 16997
of the resolution. A board of education may not adopt a resolution 16998
under this section proposing to levy a tax under this section 16999
concurrently with any other tax levied by the board under this 17000
section. 17001

(C) After the first year a tax is levied under this section, 17002
the rate of the tax in any year shall not exceed the rate, 17003
estimated by the county auditor, that would cause the sums levied 17004
from the tax against carryover property to exceed one hundred four 17005

per cent of the sums levied from the tax against carryover 17006
property in the preceding year. A board of education imposing a 17007
tax under this section may specify in the resolution imposing the 17008
tax that the percentage shall be less than one hundred four per 17009
cent, but the percentage shall not be less than one hundred per 17010
cent. At any time after a resolution adopted under this section is 17011
approved by a majority of electors as provided in division (D) of 17012
this section, the board of education, by resolution, may decrease 17013
the percentage specified in the resolution levying the tax. 17014

(D) A resolution adopted under this section shall state that 17015
the purpose of the tax is to pay current operating expenses of the 17016
district, and shall specify the first year in which the tax is to 17017
be levied, the number of years the tax will be levied or that it 17018
will be levied for a continuing period of time, and the election 17019
at which the question of the tax is to appear on the ballot, which 17020
shall be a general or special election consistent with the 17021
requirements of section 3501.01 of the Revised Code. If the board 17022
of education specifies a percentage less than one hundred four per 17023
cent pursuant to division (C) of this section, the percentage 17024
shall be specified in the resolution. 17025

Upon adoption of the resolution, the board of education may 17026
certify a copy of the resolution to the proper county board of 17027
elections. The copy of the resolution shall be certified to the 17028
board of elections not later than ~~seventy-five~~ ninety days before 17029
the day of the election at which the question of the tax is to 17030
appear on the ballot. Upon receiving a timely certified copy of 17031
such a resolution, the board of elections shall make the necessary 17032
arrangements for the submission of the question to the electors of 17033
the school district, and the election shall be conducted, 17034
canvassed, and certified in the same manner as regular elections 17035
in the school district for the election of members of the board of 17036
education. Notice of the election shall be published in one or 17037

more newspapers of general circulation in the school district once 17038
per week for four consecutive weeks. The notice shall state that 17039
the purpose of the tax is for the current operating expenses of 17040
the school district, the first year the tax is to be levied, the 17041
number of years the tax is to be levied or that it is to be levied 17042
for a continuing period of time, that the tax is to be levied each 17043
year in an amount estimated to offset decreases in state base cost 17044
funding caused by appreciation in real estate values, and that the 17045
estimated additional tax in any year shall not exceed the previous 17046
year's by more than four per cent, or a lesser percentage 17047
specified in the resolution levying the tax, except for increases 17048
caused by the addition of new taxable property. 17049

The question shall be submitted as a separate proposition but 17050
may be printed on the same ballot with any other proposition 17051
submitted at the same election other than the election of 17052
officers. 17053

The form of the ballot shall be substantially as follows: 17054

"An additional tax for the benefit of (name of school 17055
district) for the purpose of paying the current operating expenses 17056
of the district, for (number of years or for continuing 17057
period of time), at a rate sufficient to offset any reduction in 17058
basic state funding caused by appreciation in real estate values? 17059
This levy will permit variable annual growth in revenue up to 17060
..... (amount specified by school district) per cent for the 17061
duration of the levy. 17062

	For the tax levy
	Against the tax levy

"

If a majority of the electors of the school district voting 17067
on the question vote in favor of the question, the board of 17068

elections shall certify the results of the election to the board 17069
of education and to the tax commissioner immediately after the 17070
canvass. 17071

(E) When preparing any estimate of the contemplated receipts 17072
from a tax levied pursuant to this section for the purposes of 17073
sections 5705.28 to 5705.40 of the Revised Code, and in preparing 17074
to certify the tax under section 5705.34 of the Revised Code, a 17075
board of education authorized to levy such a tax shall use 17076
information supplied by the department of education to determine 17077
the adjusted charge-off increase for the tax year for which that 17078
certification is made. If the board levied a tax under this 17079
section in the preceding tax year, the sum to be certified for 17080
collection from the tax shall not exceed the sum that would exceed 17081
the limitation imposed under division (C) of this section. At the 17082
request of the board of education or the treasurer of the school 17083
district, the county auditor shall assist the board of education 17084
in determining the rate or sum that may be levied under this 17085
section. 17086

The board of education shall certify the sum authorized to be 17087
levied to the county auditor, and, for the purpose of the county 17088
auditor determining the rate at which the tax is to be levied in 17089
the tax year, the sum so certified shall be the sum to be raised 17090
by the tax unless the sum exceeds the limitation imposed by 17091
division (C) of this section. A tax levied pursuant to this 17092
section shall not be levied at a rate in excess of the rate 17093
estimated by the county auditor to produce the sum certified by 17094
the board of education before the reductions under sections 17095
319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding 17096
section 5705.34 of the Revised Code, a board of education 17097
authorized to levy a tax under this section shall certify the tax 17098
to the county auditor before the first day of October of the tax 17099
year in which the tax is to be levied, or at a later date as 17100

approved by the tax commissioner. 17101

Sec. 5705.212. (A)(1) The board of education of any school 17102
district, at any time and by a vote of two-thirds of all of its 17103
members, may declare by resolution that the amount of taxes that 17104
may be raised within the ten-mill limitation will be insufficient 17105
to provide an adequate amount for the present and future 17106
requirements of the school district, that it is necessary to levy 17107
not more than five taxes in excess of that limitation for current 17108
expenses, and that each of the proposed taxes first will be levied 17109
in a different year, over a specified period of time. The board 17110
shall identify the taxes proposed under this section as follows: 17111
the first tax to be levied shall be called the "original tax." 17112
Each tax subsequently levied shall be called an "incremental tax." 17113
The rate of each incremental tax shall be identical, but the rates 17114
of such incremental taxes need not be the same as the rate of the 17115
original tax. The resolution also shall state that the question of 17116
these additional taxes shall be submitted to the electors of the 17117
school district at a special election. The resolution shall 17118
specify separately for each tax proposed: the amount of the 17119
increase in rate that it is necessary to levy, expressed 17120
separately for the original tax and each incremental tax; that the 17121
purpose of the levy is for current expenses; the number of years 17122
during which the original tax shall be in effect; a specification 17123
that the last year in which the original tax is in effect shall 17124
also be the last year in which each incremental tax shall be in 17125
effect; and the year in which each tax first is proposed to be 17126
levied. The original tax may be levied for any number of years not 17127
exceeding ten, or for a continuing period of time. The resolution 17128
shall specify the date of holding the special election, which 17129
shall not be earlier than ~~seventy-five~~ ninety days after the 17130
adoption and certification of the resolution and shall be 17131
consistent with the requirements of section 3501.01 of the Revised 17132

Code. 17133

(2) The board of education, by a vote of two-thirds of all of 17134
its members, may adopt a resolution proposing to renew taxes 17135
levied other than for a continuing period of time under division 17136
(A)(1) of this section. Such a resolution shall provide for 17137
levying a tax and specify all of the following: 17138

(a) That the tax shall be called and designated on the ballot 17139
as a renewal levy; 17140

(b) The rate of the renewal tax, which shall be a single rate 17141
that combines the rate of the original tax and each incremental 17142
tax into a single rate. The rate of the renewal tax shall not 17143
exceed the aggregate rate of the original and incremental taxes. 17144

(c) The number of years, not to exceed ten, that the renewal 17145
tax will be levied, or that it will be levied for a continuing 17146
period of time; 17147

(d) That the purpose of the renewal levy is for current 17148
expenses; 17149

(e) Subject to the certification and notification 17150
requirements of section 5705.251 of the Revised Code, that the 17151
question of the renewal levy shall be submitted to the electors of 17152
the school district at the general election held during the last 17153
year the original tax may be extended on the real and public 17154
utility property tax list and duplicate or at a special election 17155
held during the ensuing year. 17156

(3) A resolution adopted under division (A)(1) or (2) of this 17157
section shall go into immediate effect upon its adoption and no 17158
publication of the resolution is necessary other than that 17159
provided for in the notice of election. Immediately after its 17160
adoption, a copy of the resolution shall be certified to the board 17161
of elections of the proper county in the manner provided by 17162
division (A) of section 5705.251 of the Revised Code, and that 17163

division shall govern the arrangements for the submission of the 17164
question and other matters concerning the election to which that 17165
section refers. The election shall be held on the date specified 17166
in the resolution. If a majority of the electors voting on the 17167
question so submitted in an election vote in favor of the taxes or 17168
a renewal tax, the board of education, if the original or a 17169
renewal tax is authorized to be levied for the current year, 17170
immediately may make the necessary levy within the school district 17171
at the authorized rate, or at any lesser rate in excess of the 17172
ten-mill limitation, for the purpose stated in the resolution. No 17173
tax shall be imposed prior to the year specified in the resolution 17174
as the year in which it is first proposed to be levied. The rate 17175
of the original tax and the rate of each incremental tax shall be 17176
cumulative, so that the aggregate rate levied in any year is the 17177
sum of the rates of both the original tax and all incremental 17178
taxes levied in or prior to that year under the same proposal. A 17179
tax levied for a continuing period of time under this section may 17180
be reduced pursuant to section 5705.261 of the Revised Code. 17181

(4) The submission of questions to the electors under this 17182
section is subject to the limitation on the number of election 17183
dates established by section 5705.214 of the Revised Code. 17184

(B) Notwithstanding sections 133.30 and 133.301 of the 17185
Revised Code, after the approval of a tax to be levied in the 17186
current or the succeeding year and prior to the time when the 17187
first tax collection from that levy can be made, the board of 17188
education may anticipate a fraction of the proceeds of the levy 17189
and issue anticipation notes in an amount not to exceed fifty per 17190
cent of the total estimated proceeds of the levy to be collected 17191
during the first year of the levy. The notes shall be sold as 17192
provided in Chapter 133. of the Revised Code. If anticipation 17193
notes are issued, they shall mature serially and in substantially 17194
equal amounts during each year over a period not to exceed five 17195

years; and the amount necessary to pay the interest and principal 17196
as the anticipation notes mature shall be deemed appropriated for 17197
those purposes from the levy, and appropriations from the levy by 17198
the board of education shall be limited each fiscal year to the 17199
balance available in excess of that amount. 17200

If the auditor of state has certified a deficit pursuant to 17201
section 3313.483 of the Revised Code, the notes authorized under 17202
this section may be sold in accordance with Chapter 133. of the 17203
Revised Code, except that the board may sell the notes after 17204
providing a reasonable opportunity for competitive bidding. 17205

Sec. 5705.213. (A)(1) The board of education of any school 17206
district, at any time and by a vote of two-thirds of all of its 17207
members, may declare by resolution that the amount of taxes that 17208
may be raised within the ten-mill limitation will be insufficient 17209
to provide an adequate amount for the present and future 17210
requirements of the school district and that it is necessary to 17211
levy a tax in excess of that limitation for current expenses. The 17212
resolution also shall state that the question of the additional 17213
tax shall be submitted to the electors of the school district at a 17214
special election. The resolution shall specify, for each year the 17215
levy is in effect, the amount of money that the levy is proposed 17216
to raise, which may, for years after the first year the levy is 17217
made, be expressed in terms of a dollar or percentage increase 17218
over the prior year's amount. The resolution also shall specify 17219
that the purpose of the levy is for current expenses, the number 17220
of years during which the tax shall be in effect which may be for 17221
any number of years not exceeding ten, and the year in which the 17222
tax first is proposed to be levied. The resolution shall specify 17223
the date of holding the special election, which shall not be 17224
earlier than ~~eighty~~ ninety-five days after the adoption and 17225
certification of the resolution to the county auditor and not 17226
earlier than ~~seventy-five~~ ninety days after certification to the 17227

board of elections. The date of the election shall be consistent 17228
with the requirements of section 3501.01 of the Revised Code. 17229

(2) The board of education, by a vote of two-thirds of all of 17230
its members, may adopt a resolution proposing to renew a tax 17231
levied under division (A)(1) of this section. Such a resolution 17232
shall provide for levying a tax and specify all of the following: 17233

(a) That the tax shall be called and designated on the ballot 17234
as a renewal levy; 17235

(b) The amount of the renewal tax, which shall be no more 17236
than the amount of tax levied during the last year the tax being 17237
renewed is authorized to be in effect; 17238

(c) The number of years, not to exceed ten, that the renewal 17239
tax will be levied, or that it will be levied for a continuing 17240
period of time; 17241

(d) That the purpose of the renewal levy is for current 17242
expenses; 17243

(e) Subject to the certification and notification 17244
requirements of section 5705.251 of the Revised Code, that the 17245
question of the renewal levy shall be submitted to the electors of 17246
the school district at the general election held during the last 17247
year the tax being renewed may be extended on the real and public 17248
utility property tax list and duplicate or at a special election 17249
held during the ensuing year. 17250

(3) A resolution adopted under division (A)(1) or (2) of this 17251
section shall go into immediate effect upon its adoption and no 17252
publication of the resolution is necessary other than that 17253
provided for in the notice of election. Immediately after its 17254
adoption, a copy of the resolution shall be certified to the 17255
county auditor of the proper county, who shall, within five days, 17256
calculate and certify to the board of education the estimated 17257
levy, for the first year, and for each subsequent year for which 17258

the tax is proposed to be in effect. The estimates shall be made 17259
both in mills for each dollar of valuation, and in dollars and 17260
cents for each one hundred dollars of valuation. In making the 17261
estimates, the auditor shall assume that the amount of the tax 17262
list remains throughout the life of the levy, the same as the tax 17263
list for the current year. If the tax list for the current year is 17264
not determined, the auditor shall base ~~his~~ the auditor's estimates 17265
on the estimated amount of the tax list for the current year as 17266
submitted to the county budget commission. 17267

If the board desires to proceed with the submission of the 17268
question, it shall certify its resolution, with the estimated tax 17269
levy expressed in mills and dollars and cents per hundred dollars 17270
of valuation for each year that the tax is proposed to be in 17271
effect, to the board of elections of the proper county in the 17272
manner provided by division (A) of section 5705.251 of the Revised 17273
Code. Section 5705.251 of the Revised Code shall govern the 17274
arrangements for the submission of the question and other matters 17275
concerning the election to which that section refers. The election 17276
shall be held on the date specified in the resolution. If a 17277
majority of the electors voting on the question so submitted in an 17278
election vote in favor of the tax, and if the tax is authorized to 17279
be levied for the current year, the board of education immediately 17280
may make the additional levy necessary to raise the amount 17281
specified in the resolution or a lesser amount for the purpose 17282
stated in the resolution. 17283

(4) The submission of questions to the electors under this 17284
section is subject to the limitation on the number of election 17285
dates established by section 5705.214 of the Revised Code. 17286

(B) Notwithstanding sections 133.30 and 133.301 of the 17287
Revised Code, after the approval of a tax to be levied in the 17288
current or the succeeding year and prior to the time when the 17289
first tax collection from that levy can be made, the board of 17290

education may anticipate a fraction of the proceeds of the levy 17291
and issue anticipation notes in an amount not to exceed fifty per 17292
cent of the total estimated proceeds of the levy to be collected 17293
during the first year of the levy. The notes shall be sold as 17294
provided in Chapter 133. of the Revised Code. If anticipation 17295
notes are issued, they shall mature serially and in substantially 17296
equal amounts during each year over a period not to exceed five 17297
years; and the amount necessary to pay the interest and principal 17298
as the anticipation notes mature shall be deemed appropriated for 17299
those purposes from the levy, and appropriations from the levy by 17300
the board of education shall be limited each fiscal year to the 17301
balance available in excess of that amount. 17302

If the auditor of state has certified a deficit pursuant to 17303
section 3313.483 of the Revised Code, the notes authorized under 17304
this section may be sold in accordance with Chapter 133. of the 17305
Revised Code, except that the board may sell the notes after 17306
providing a reasonable opportunity for competitive bidding. 17307

Sec. 5705.217. (A) The board of education of a city, local, 17308
or exempted village school district, at any time by a vote of 17309
two-thirds of all its members, may declare by resolution that the 17310
amount of taxes that can be raised within the ten-mill limitation 17311
will be insufficient to provide an adequate amount for the present 17312
and future requirements of the school district; that it is 17313
necessary to levy an additional tax in excess of that limitation 17314
for the purposes of providing funds for current operating expenses 17315
and for the acquisition, construction, enlargement, renovation, 17316
and financing of permanent improvements; and that the question of 17317
the tax shall be submitted to the electors of the district at a 17318
special election. The tax may be levied for a specified number of 17319
years not exceeding five or, if the tax is for current operating 17320
expenses or for general, on-going permanent improvements, for a 17321
continuing period of time. The resolution shall specify the 17322

proposed tax rate, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time. The resolution shall apportion the annual rate of the tax between current operating expenses and permanent improvements. The apportionment may but need not be the same for each year of the tax, but the respective portions of the rate actually levied each year for current operating expenses and permanent improvements shall be limited by the apportionment.

The resolution shall specify the date of holding the special election, which shall not be earlier than ~~seventy-five~~ ninety days after certification of the resolution to the board of elections and shall be consistent with the requirements of section 3501.01 of the Revised Code. The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution to the board of elections immediately after its adoption. Section 5705.25 of the Revised Code governs the arrangements and form of the ballot for the submission of the question to the electors.

If a majority of the electors voting on the question vote in favor of the tax, the board of education may make the levy at the additional rate, or at any lesser rate in excess of the ten-mill limitation. If the tax is for a continuing period of time, it may be decreased in accordance with section 5705.261 of the Revised Code.

(B)(1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy.

(2) After the approval of a tax under this section for permanent improvements having a specific purpose, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a period of five years after issuance of the notes.

(3) After the approval of a tax for general, on-going permanent improvements under this section, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected in each year over a specified period of years, not exceeding ten, after issuance of the notes.

Anticipation notes under this section shall be issued as provided in section 133.24 of the Revised Code. Notes issued under division (B)(1) or (2) of this section shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance. Notes issued under division (B)(3) of this section shall have principal payments during each year after the year of their issuance over a period not to exceed ten years, and may have a principal payment in the year of their issuance.

(C) The submission of a question to the electors under this section is subject to the limitation on the number of elections that can be held in a year under section 5705.214 of the Revised Code.

Sec. 5705.218. (A) The board of education of a city, local, or exempted village school district, at any time by a vote of two-thirds of all its members, may declare by resolution that it

may be necessary for the school district to issue general 17386
obligation bonds for permanent improvements. The resolution shall 17387
state all of the following: 17388

(1) The necessity and purpose of the bond issue; 17389

(2) The date of the special election at which the question 17390
shall be submitted to the electors; 17391

(3) The amount, approximate date, estimated rate of interest, 17392
and maximum number of years over which the principal of the bonds 17393
may be paid; 17394

(4) The necessity of levying a tax outside the ten-mill 17395
limitation to pay debt charges on the bonds and any anticipatory 17396
securities. 17397

On adoption of the resolution, the board shall certify a copy 17398
of it to the county auditor. The county auditor promptly shall 17399
estimate and certify to the board the average annual property tax 17400
rate required throughout the stated maturity of the bonds to pay 17401
debt charges on the bonds, in the same manner as under division 17402
(C) of section 133.18 of the Revised Code. 17403

(B) After receiving the county auditor's certification under 17404
division (A) of this section, the board of education of the city, 17405
local, or exempted village school district, by a vote of 17406
two-thirds of all its members, may declare by resolution that the 17407
amount of taxes that can be raised within the ten-mill limitation 17408
will be insufficient to provide an adequate amount for the present 17409
and future requirements of the school district; that it is 17410
necessary to issue general obligation bonds of the school district 17411
for permanent improvements and to levy an additional tax in excess 17412
of the ten-mill limitation to pay debt charges on the bonds and 17413
any anticipatory securities; that it is necessary for a specified 17414
number of years or for a continuing period of time to levy 17415
additional taxes in excess of the ten-mill limitation to provide 17416

funds for the acquisition, construction, enlargement, renovation, 17417
and financing of permanent improvements or to pay for current 17418
operating expenses, or both; and that the question of the bonds 17419
and taxes shall be submitted to the electors of the school 17420
district at a special election, which shall not be earlier than 17421
~~seventy-five~~ ninety days after certification of the resolution to 17422
the board of elections, and the date of which shall be consistent 17423
with section 3501.01 of the Revised Code. The resolution shall 17424
specify all of the following: 17425

(1) The county auditor's estimate of the average annual 17426
property tax rate required throughout the stated maturity of the 17427
bonds to pay debt charges on the bonds; 17428

(2) The proposed rate of the tax, if any, for current 17429
operating expenses, the first year the tax will be levied, and the 17430
number of years it will be levied, or that it will be levied for a 17431
continuing period of time; 17432

(3) The proposed rate of the tax, if any, for permanent 17433
improvements, the first year the tax will be levied, and the 17434
number of years it will be levied, or that it will be levied for a 17435
continuing period of time. 17436

The resolution shall apportion the annual rate of the tax 17437
between current operating expenses and permanent improvements, if 17438
both taxes are proposed. The apportionment may but need not be the 17439
same for each year of the tax, but the respective portions of the 17440
rate actually levied each year for current operating expenses and 17441
permanent improvements shall be limited by the apportionment. The 17442
resolution shall go into immediate effect upon its passage, and no 17443
publication of it is necessary other than that provided in the 17444
notice of election. The board of education shall certify a copy of 17445
the resolution, along with copies of the auditor's estimate and 17446
its resolution under division (A) of this section, to the board of 17447
elections immediately after its adoption. 17448

(C) The board of elections shall make the arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers. The resolution shall be put before the electors as one ballot question, with a favorable vote indicating approval of the bond issue, the levy to pay debt charges on the bonds and any anticipatory securities, the current operating expenses levy, and the permanent improvements levy, if either or both levies are proposed. The board of elections shall publish notice of the election in one or more newspapers of general circulation in the school district once a week for two consecutive weeks prior to the election, and, if a board of elections operates and maintains a web site, that board also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following:

- (1) The principal amount of the proposed bond issue;
- (2) The permanent improvements for which the bonds are to be issued;
- (3) The maximum number of years over which the principal of the bonds may be paid;
- (4) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;
- (5) The proposed rate of the additional tax, if any, for current operating expenses;
- (6) The number of years the current operating expenses tax will be in effect, or that it will be in effect for a continuing period of time;
- (7) The proposed rate of the additional tax, if any, for

permanent improvements;	17480
(8) The number of years the permanent improvements tax will	17481
be in effect, or that it will be in effect for a continuing period	17482
of time;	17483
(9) The time and place of the special election.	17484
(D) The form of the ballot for an election under this section	17485
is as follows:	17486
"Shall the school district be authorized to do the	17487
following:	17488
(1) Issue bonds for the purpose of in the	17489
principal amount of \$....., to be repaid annually over a maximum	17490
period of years, and levy a property tax outside the	17491
ten-mill limitation, estimated by the county auditor to average	17492
over the bond repayment period mills for each one dollar of	17493
tax valuation, which amounts to (rate expressed in cents or	17494
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of	17495
tax valuation, to pay the annual debt charges on the bonds, and to	17496
pay debt charges on any notes issued in anticipation of those	17497
bonds?"	17498
If either a levy for permanent improvements or a levy for	17499
current operating expenses is proposed, or both are proposed, the	17500
ballot also shall contain the following language, as appropriate:	17501
"(2) Levy an additional property tax to provide funds for the	17502
acquisition, construction, enlargement, renovation, and financing	17503
of permanent improvements at a rate not exceeding mills	17504
for each one dollar of tax valuation, which amounts to	17505
(rate expressed in cents or dollars and cents) for each \$100 of	17506
tax valuation, for (number of years of the levy, or a	17507
continuing period of time)?	17508
(3) Levy an additional property tax to pay current operating	17509

expenses at a rate not exceeding mills for each one dollar 17510
of tax valuation, which amounts to (rate expressed in 17511
cents or dollars and cents) for each \$100 of tax valuation, for 17512
..... (number of years of the levy, or a continuing period of 17513
time)? 17514

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)		17516
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)	"	17517

17515
17518

(E) The board of elections promptly shall certify the results 17519
of the election to the tax commissioner and the county auditor of 17520
the county in which the school district is located. If a majority 17521
of the electors voting on the question vote for it, the board of 17522
education may proceed with issuance of the bonds and with the levy 17523
and collection of the property tax or taxes at the additional rate 17524
or any lesser rate in excess of the ten-mill limitation. Any 17525
securities issued by the board of education under this section are 17526
Chapter 133. securities, as that term is defined in section 133.01 17527
of the Revised Code. 17528

(F)(1) After the approval of a tax for current operating 17529
expenses under this section and prior to the time the first 17530
collection and distribution from the levy can be made, the board 17531
of education may anticipate a fraction of the proceeds of such 17532
levy and issue anticipation notes in a principal amount not 17533
exceeding fifty per cent of the total estimated proceeds of the 17534
tax to be collected during the first year of the levy. 17535

(2) After the approval of a tax under this section for 17536
permanent improvements having a specific purpose, the board of 17537
education may anticipate a fraction of the proceeds of such tax 17538
and issue anticipation notes in a principal amount not exceeding 17539
fifty per cent of the total estimated proceeds of the tax 17540

remaining to be collected in each year over a period of five years 17541
after issuance of the notes. 17542

(3) After the approval of a tax for general, on-going 17543
permanent improvements under this section, the board of education 17544
may anticipate a fraction of the proceeds of such tax and issue 17545
anticipation notes in a principal amount not exceeding fifty per 17546
cent of the total estimated proceeds of the tax to be collected in 17547
each year over a specified period of years, not exceeding ten, 17548
after issuance of the notes. 17549

Anticipation notes under this section shall be issued as 17550
provided in section 133.24 of the Revised Code. Notes issued under 17551
division (F)(1) or (2) of this section shall have principal 17552
payments during each year after the year of their issuance over a 17553
period not to exceed five years, and may have a principal payment 17554
in the year of their issuance. Notes issued under division (F)(3) 17555
of this section shall have principal payments during each year 17556
after the year of their issuance over a period not to exceed ten 17557
years, and may have a principal payment in the year of their 17558
issuance. 17559

(G) A tax for current operating expenses or for permanent 17560
improvements levied under this section for a specified number of 17561
years may be renewed or replaced in the same manner as a tax for 17562
current operating expenses or for permanent improvements levied 17563
under section 5705.21 of the Revised Code. A tax for current 17564
operating expenses or for permanent improvements levied under this 17565
section for a continuing period of time may be decreased in 17566
accordance with section 5705.261 of the Revised Code. 17567

(H) The submission of a question to the electors under this 17568
section is subject to the limitation on the number of elections 17569
that can be held in a year under section 5705.214 of the Revised 17570
Code. 17571

(I) A school district board of education proposing a ballot measure under this section to generate local resources for a project under the school building assistance expedited local partnership program under section 3318.36 of the Revised Code may combine the questions under division (D) of this section with a question for the levy of a property tax to generate moneys for maintenance of the classroom facilities acquired under that project as prescribed in section 3318.361 of the Revised Code.

Sec. 5705.219. (A) As used in this section:

(1) "Eligible school district" means a city, local, or exempted village school district in which the taxes charged and payable for current expenses on residential/agricultural real property in the tax year preceding the year in which the levy authorized by this section will be submitted for elector approval or rejection are greater than two per cent of the taxable value of the residential/agricultural real property.

(2) "Residential/agricultural real property" and "nonresidential/agricultural real property" means the property classified as such under section 5713.041 of the Revised Code.

(3) "Effective tax rate" and "taxes charged and payable" have the same meanings as in division (B) of section 319.301 of the Revised Code.

(B) On or after January 1, 2010, but before January 1, 2015, the board of education of an eligible school district, by a vote of two-thirds of all its members, may adopt a resolution proposing to convert existing levies imposed for the purpose of current expenses into a levy raising a specified amount of tax money by repealing all or a portion of one or more of those existing levies and imposing a levy in excess of the ten-mill limitation that will raise a specified amount of money for current expenses of the district.

The board of education shall certify a copy of the resolution 17603
to the tax commissioner not later than ~~ninety~~ one hundred five 17604
days before the election upon which the repeal and levy authorized 17605
by this section will be proposed to the electors. Within ten days 17606
after receiving the copy of the resolution, the tax commissioner 17607
shall determine each of the following and certify the 17608
determinations to the board of education: 17609

(1) The dollar amount to be raised by the proposed levy, 17610
which shall be the product of: 17611

(a) The difference between the aggregate effective tax rate 17612
for residential/agricultural real property for the tax year 17613
preceding the year in which the repeal and levy will be proposed 17614
to the electors and twenty mills per dollar of taxable value; 17615

(b) The total taxable value of all property on the tax list 17616
of real and public utility property for the tax year preceding the 17617
year in which the repeal and levy will be proposed to the 17618
electors. 17619

(2) The estimated tax rate of the proposed levy. 17620

(3) The existing levies and any portion of an existing levy 17621
to be repealed upon approval of the question. Levies shall be 17622
repealed in reverse chronological order from most recently imposed 17623
to least recently imposed until the sum of the effective tax rates 17624
repealed for residential/agricultural real property is equal to 17625
the difference calculated in division (B)(1)(a) of this section. 17626

(4) The sum of the following: 17627

(a) The total taxable value of nonresidential/agricultural 17628
real property for the tax year preceding the year in which the 17629
repeal and levy will be proposed to the electors multiplied by the 17630
difference between (i) the aggregate effective tax rate for 17631
nonresidential/agricultural real property for the existing levies 17632
and any portion of an existing levy to be repealed and (ii) the 17633

amount determined under division (B)(1)(a) of this section, but 17634
not less than zero; 17635

(b) The total taxable value of public utility tangible 17636
personal property for the tax year preceding the year in which the 17637
repeal and levy will be proposed to the electors multiplied by the 17638
difference between (i) the aggregate voted tax rate for the 17639
existing levies and any portion of an existing levy to be repealed 17640
and (ii) the amount determined under division (B)(1)(a) of this 17641
section, but not less than zero. 17642

(C) Upon receipt of the certification from the tax 17643
commissioner under division (B) of this section, a majority of the 17644
members of the board of education may adopt a resolution proposing 17645
the repeal of the existing levies as identified in the 17646
certification and the imposition of a levy in excess of the 17647
ten-mill limitation that will raise annually the amount certified 17648
by the commissioner. If the board determines that the tax should 17649
be for an amount less than that certified by the commissioner, the 17650
board may request that the commissioner redetermine the rate under 17651
division (B)(2) of this section on the basis of the lesser amount 17652
the levy is to raise as specified by the board. The amount 17653
certified under division (B)(4) and the levies to be repealed as 17654
certified under division (B)(3) of this section shall not be 17655
redetermined. Within ten days after receiving a timely request 17656
specifying the lesser amount to be raised by the levy, the 17657
commissioner shall redetermine the rate and recertify it to the 17658
board as otherwise provided in division (B) of this section. Only 17659
one such request may be made by the board of education of an 17660
eligible school district. 17661

The resolution shall state the first calendar year in which 17662
the levy will be due; the existing levies and any portion of an 17663
existing levy that will be repealed, as certified by the 17664
commissioner; the term of the levy expressed in years, which may 17665

be any number not exceeding ten, or that it will be levied for a 17666
continuing period of time; and the date of the election, which 17667
shall be the date of a primary or general election. 17668

Immediately upon its passage, the resolution shall go into 17669
effect and shall be certified by the board of education to the 17670
county auditor of the proper county. The county auditor and the 17671
board of education shall proceed as required under section 17672
5705.195 of the Revised Code. No publication of the resolution is 17673
necessary other than that provided for in the notice of election. 17674
Section 5705.196 of the Revised Code shall govern the matters 17675
concerning the election. The submission of a question to the 17676
electors under this section is subject to the limitation on the 17677
number of election dates established by section 5705.214 of the 17678
Revised Code. 17679

(D) The form of the ballot to be used at the election 17680
provided for in this section shall be as follows: 17681

"Shall the existing levy of (insert the voted 17682
millage rate of the levy to be repealed), currently being charged 17683
against residential and agricultural property by the 17684
(insert the name of school district) at a rate of 17685
(insert the residential/agricultural real property effective tax 17686
rate of the levy being repealed) for the purpose of 17687
(insert the purpose of the existing levy) be repealed, and shall a 17688
levy be imposed by the (insert the name of school 17689
district) in excess of the ten-mill limitation for the necessary 17690
requirements of the school district in the sum of 17691
(insert the annual amount the levy is to produce), estimated by 17692
the tax commissioner to require (insert the number of 17693
mills) mills for each one dollar of valuation, which amounts to 17694
..... (insert the rate expressed in dollars and cents) for 17695
each one hundred dollars of valuation for the initial year of the 17696
tax, for a period of (insert the number of years the 17697

levy is to be imposed, or that it will be levied for a continuing 17698
 period of time), commencing in (insert the first year 17699
 the tax is to be levied), first due in calendar year 17700
 (insert the first calendar year in which the tax shall be due)? 17701

	FOR THE REPEAL AND TAX
	AGAINST THE REPEAL AND TAX

"

If the question submitted is a proposal to repeal all or a 17706
 portion of more than one existing levy, the form of the ballot 17707
 shall be modified by substituting the statement "shall the 17708
 existing levy of" with "shall existing levies of" and inserting 17709
 the aggregate voted and aggregate effective tax rates to be 17710
 repealed. 17711

(E) If a majority of the electors voting on the question 17712
 submitted in an election vote in favor of the repeal and levy, the 17713
 result shall be certified immediately after the canvass by the 17714
 board of elections to the board of education. The board of 17715
 education may make the levy necessary to raise the amount 17716
 specified in the resolution for the purpose stated in the 17717
 resolution and shall certify it to the county auditor, who shall 17718
 extend it on the current year tax lists for collection. After the 17719
 first year, the levy shall be included in the annual tax budget 17720
 that is certified to the county budget commission. 17721

(F) A levy imposed under this section for a continuing period 17722
 of time may be decreased or repealed pursuant to section 5705.261 17723
 of the Revised Code. If a levy imposed under this section is 17724
 decreased, the amount calculated under division (B)(4) of this 17725
 section and paid under section 5705.2110 of the Revised Code shall 17726
 be decreased by the same proportion as the levy is decreased. If 17727
 the levy is repealed, no further payments shall be made to the 17728

district under that section. 17729

(G) At any time, the board of education, by a vote of 17730
two-thirds of all of its members, may adopt a resolution to renew 17731
a tax levied under this section. The resolution shall provide for 17732
levying the tax and specifically all of the following: 17733

(1) That the tax shall be called, and designated on the 17734
ballot as, a renewal levy; 17735

(2) The amount of the renewal tax, which shall be no more 17736
than the amount of tax previously collected; 17737

(3) The number of years, not to exceed ten, that the renewal 17738
tax will be levied, or that it will be levied for a continuing 17739
period of time; 17740

(4) That the purpose of the renewal tax is for current 17741
expenses. 17742

The board shall certify a copy of the resolution to the board 17743
of elections not later than ~~seventy-five~~ ninety days before the 17744
date of the election at which the question is to be submitted, 17745
which shall be the date of a primary or general election. 17746

(H) The form of the ballot to be used at the election on the 17747
question of renewing a levy under this section shall be as 17748
follows: 17749

"Shall a tax levy renewing an existing levy of 17750
(insert the annual dollar amount the levy is to produce each 17751
year), estimated to require (insert the number of 17752
mills) mills for each one dollar of valuation be imposed by the 17753
..... (insert the name of school district) for the purpose of 17754
current expenses for a period of (insert the number of 17755
years the levy is to be imposed, or that it will be levied for a 17756
continuing period of time), commencing in (insert the 17757
first year the tax is to be levied), first due in calendar year 17758

..... (insert the first calendar year in which the tax shall be due)?

	FOR THE RENEWAL OF THE TAX LEVY	
	AGAINST THE RENEWAL OF THE TAX LEVY	"

If the levy submitted is to be for less than the amount of money previously collected, the form of the ballot shall be modified to add "and reducing" after "renewing" and to add before "estimated to require" the statement "be approved at a tax rate necessary to produce (insert the lower annual dollar amount the levy is to produce each year)."

Sec. 5705.2111. (A) If the board of directors of a regional student education district created under section 3313.83 of the Revised Code desires to levy a tax in excess of the ten-mill limitation throughout the district for the purpose of funding the services to be provided by the district to students enrolled in the school districts of which the district is composed and their immediate family members, the board shall propose the levy to each of the boards of education of those school districts. The proposal shall specify the rate or amount of the tax, the number of years the tax will be levied or that it will be levied for a continuing period of time, and that the aggregate rate of the tax shall not exceed three mills per dollar of taxable value in the regional student education district.

(B)(1) If a majority of the boards of education of the school districts of which the regional student education district is composed approves the proposal for the tax levy, the board of directors of the regional student education district may adopt a resolution approved by a majority of the board's full membership declaring the necessity of levying the proposed tax in excess of

the ten-mill limitation throughout the district for the purpose of 17790
funding the services to be provided by the district to students 17791
enrolled in the school districts of which the district is composed 17792
and their immediate family members. The resolution shall provide 17793
for the question of the tax to be submitted to the electors of the 17794
district at a general, primary, or special election on a day to be 17795
specified in the resolution that is consistent with the 17796
requirements of section 3501.01 of the Revised Code and that 17797
occurs at least ~~seventy-five~~ ninety days after the resolution is 17798
certified to the board of elections. The resolution shall specify 17799
the rate or amount of the tax and the number of years the tax will 17800
be levied or that the tax will be levied for a continuing period 17801
of time. The aggregate rate of tax levied by a regional student 17802
education district under this section at any time shall not exceed 17803
three mills per dollar of taxable value in the district. A tax 17804
levied under this section may be renewed, subject to section 17805
5705.25 of the Revised Code, or replaced as provided in section 17806
5705.192 of the Revised Code. 17807

(2) The resolution shall take effect immediately upon 17808
passage, and no publication of the resolution is necessary other 17809
than that provided in the notice of election. The resolution shall 17810
be certified and submitted in the manner provided under section 17811
5705.25 of the Revised Code, and that section governs the 17812
arrangements governing submission of the question and other 17813
matters concerning the election. 17814

Sec. 5705.22. The board of county commissioners of any 17815
county, at any time and in any year, after providing the normal 17816
and customary percentages of the total general fund appropriations 17817
for the support of county hospitals, by vote of two-thirds of all 17818
members of said board, may declare by resolution that the amount 17819
of taxes which may be raised within the ten-mill limitation will 17820
be insufficient to provide an adequate amount for the support of 17821

county hospitals, and that it is necessary to levy a tax in excess 17822
of the ten-mill limitation to supplement such general fund 17823
appropriations for such purpose, but the total levy for this 17824
purpose shall not exceed sixty-five one hundredths of a mill. 17825

Such resolution shall conform to the requirements of section 17826
5705.19 of the Revised Code, and shall be certified to the board 17827
of elections not less than ~~seventy-five~~ ninety days before the 17828
general election and submitted in the manner provided in section 17829
5705.25 of the Revised Code. 17830

If the majority of electors voting on a levy to supplement 17831
the general fund appropriations for the support of county 17832
hospitals vote in favor of the levy, the board of said county may 17833
levy a tax within such county at the additional rate in excess of 17834
the ten-mill limitation during the period for the purpose stated 17835
in the resolution or at any less rate or for any of the said 17836
years. 17837

Sec. 5705.221. (A) At any time, the board of county 17838
commissioners of any county by a majority vote of the full 17839
membership may declare by resolution and certify to the board of 17840
elections of the county that the amount of taxes which may be 17841
raised within the ten-mill limitation by levies on the current tax 17842
duplicate will be insufficient to provide the necessary 17843
requirements of the county's alcohol, drug addiction, and mental 17844
health service district established pursuant to Chapter 340. of 17845
the Revised Code, or the county's contribution to a joint-county 17846
district of which the county is a part, and that it is necessary 17847
to levy a tax in excess of such limitation for the operation of 17848
alcohol and drug addiction programs and mental health programs and 17849
the acquisition, construction, renovation, financing, maintenance, 17850
and operation of alcohol and drug addiction facilities and mental 17851
health facilities. 17852

Such resolution shall conform to section 5705.19 of the Revised Code, except that the increased rate may be in effect for any number of years not exceeding ten.

The resolution shall be certified and submitted in the manner provided in section 5705.25 of the Revised Code, except that it may be placed on the ballot in any election, and shall be certified to the board of elections not less than ~~seventy-five~~ ninety days before the election at which it will be voted upon.

If the majority of the electors voting on a levy to supplement general fund appropriations for the support of the comprehensive alcohol and drug addiction and mental health program vote in favor of the levy, the board may levy a tax within the county at the additional rate outside the ten-mill limitation during the specified or continuing period, for the purpose stated in the resolution.

(B) When electors have approved a tax levy under this section, the board of county commissioners may anticipate a fraction of the proceeds of the levy and, from time to time, issue anticipation notes in accordance with section 5705.191 or 5705.193 of the Revised Code.

(C) The county auditor who is the fiscal officer of the alcohol, drug addiction, and mental health service district, upon receipt of a resolution from the board of alcohol, drug addiction, and mental health services, shall establish for the district a capital improvements account or a reserve balance account, or both, as specified in the resolution. The capital improvements account shall be a contingency fund for the necessary acquisition, replacement, renovation, or construction of facilities and movable and fixed equipment. Upon the request of the board, funds not needed to pay for current expenses may be appropriated to the capital improvements account, in amounts such that the account does not exceed twenty-five per cent of the replacement value of

all capital facilities and equipment currently used by the board 17885
for programs and services. Other funds which are available for 17886
current capital expenses from federal, state, or local sources may 17887
also be appropriated to this account. 17888

The reserve balance account shall contain those funds that 17889
are not needed to pay for current operating expenses and not 17890
deposited in the capital improvements account but that will be 17891
needed to pay for operating expenses in the future. Upon the 17892
request of a board, such funds shall be appropriated to the 17893
reserve balance account. Payments from the capital improvements 17894
account and the reserve balance account shall be made by the 17895
county treasurer who is the custodian of funds for the district 17896
upon warrants issued by the county auditor who is the fiscal 17897
officer of the district pursuant to orders of the board. 17898

Sec. 5705.222. (A) At any time the board of county 17899
commissioners of any county by a majority vote of the full 17900
membership may declare by resolution and certify to the board of 17901
elections of the county that the amount of taxes which may be 17902
raised within the ten-mill limitation by levies on the current tax 17903
duplicate will be insufficient to provide the necessary 17904
requirements of the county board of developmental disabilities 17905
established pursuant to Chapter 5126. of the Revised Code and that 17906
it is necessary to levy a tax in excess of such limitation for the 17907
operation of programs and services by county boards of 17908
developmental disabilities and for the acquisition, construction, 17909
renovation, financing, maintenance, and operation of mental 17910
retardation and developmental disabilities facilities. 17911

Such resolution shall conform to section 5705.19 of the 17912
Revised Code, except that the increased rate may be in effect for 17913
any number of years not exceeding ten or for a continuing period 17914
of time. 17915

The resolution shall be certified and submitted in the manner 17916
provided in section 5705.25 of the Revised Code, except that it 17917
may be placed on the ballot in any election, and shall be 17918
certified to the board of elections not less than ~~seventy-five~~ 17919
ninety days before the election at which it will be voted upon. 17920

If the majority of the electors voting on a levy for the 17921
support of the programs and services of the county board of 17922
developmental disabilities vote in favor of the levy, the board of 17923
county commissioners may levy a tax within the county at the 17924
additional rate outside the ten-mill limitation during the 17925
specified or continuing period, for the purpose stated in the 17926
resolution. The county board of developmental disabilities, within 17927
its budget and with the approval of the board of county 17928
commissioners through annual appropriations, shall use the 17929
proceeds of a levy approved under this section solely for the 17930
purposes authorized by this section. 17931

(B) When electors have approved a tax levy under this 17932
section, the county commissioners may anticipate a fraction of the 17933
proceeds of the levy and issue anticipation notes in accordance 17934
with section 5705.191 or 5705.193 of the Revised Code. 17935

(C) The county auditor, upon receipt of a resolution from the 17936
county board of developmental disabilities, shall establish a 17937
capital improvements account or a reserve balance account, or 17938
both, as specified in the resolution. The capital improvements 17939
account shall be a contingency account for the necessary 17940
acquisition, replacement, renovation, or construction of 17941
facilities and movable and fixed equipment. Upon the request of 17942
the county board of developmental disabilities, moneys not needed 17943
to pay for current expenses may be appropriated to this account, 17944
in amounts such that this account does not exceed twenty-five per 17945
cent of the replacement value of all capital facilities and 17946
equipment currently used by the county board of developmental 17947

disabilities for mental retardation and developmental disabilities 17948
programs and services. Other moneys available for current capital 17949
expenses from federal, state, or local sources may also be 17950
appropriated to this account. 17951

The reserve balance account shall contain those moneys that 17952
are not needed to pay for current operating expenses and not 17953
deposited in the capital improvements account but that will be 17954
needed to pay for operating expenses in the future. Upon the 17955
request of a county board of developmental disabilities, the board 17956
of county commissioners may appropriate moneys to the reserve 17957
balance account. 17958

Sec. 5705.23. The board of library trustees of any county, 17959
municipal corporation, school district, or township public library 17960
by a vote of two-thirds of all its members may at any time declare 17961
by resolution that the amount of taxes which may be raised within 17962
the ten-mill limitation by levies on the current tax duplicate 17963
will be insufficient to provide an adequate amount for the 17964
necessary requirements of the public library, that it is necessary 17965
to levy a tax in excess of such limitation for current expenses of 17966
the public library or for the construction of any specific 17967
permanent improvement or class of improvements which the board of 17968
library trustees is authorized to make or acquire and which could 17969
be included in a single issue of bonds, and that the question of 17970
such additional tax levy shall be submitted by the taxing 17971
authority of the political subdivision to whose jurisdiction the 17972
board is subject, to the electors of the subdivision, or, if the 17973
resolution so states, to the electors residing within the 17974
boundaries of the library district, as defined by the state 17975
library board pursuant to section 3375.01 of the Revised Code, on 17976
the day specified by division (E) of section 3501.01 of the 17977
Revised Code for the holding of a primary election or at an 17978
election on another day to be specified in the resolution. No more 17979

than two elections shall be held under authority of this section 17980
in any one calendar year. Such resolution shall conform to section 17981
5705.19 of the Revised Code, except that the tax levy may be in 17982
effect for any specified number of years or for a continuing 17983
period of time, as set forth in the resolution, and the resolution 17984
shall specify the date of holding the election, which shall not be 17985
earlier than ~~seventy-five~~ ninety days after the adoption and 17986
certification of the resolution to the taxing authority of the 17987
political subdivision to whose jurisdiction the board is subject, 17988
and which shall be consistent with the requirements of section 17989
3501.01 of the Revised Code. The resolution shall not include a 17990
levy on the current tax list and duplicate unless the election is 17991
to be held at or prior to the first Tuesday after the first Monday 17992
in November of the current tax year. 17993

Upon receipt of the resolution, the taxing authority of the 17994
political subdivision to whose jurisdiction the board is subject 17995
shall adopt a resolution providing for the submission of such 17996
additional tax levy to the electors of the subdivision, or, if the 17997
resolution so states, to the electors residing within the 17998
boundaries of the library district, as defined by the state 17999
library board pursuant to section 3375.01 of the Revised Code, on 18000
the date specified in the resolution of the board of library 18001
trustees. The resolution adopted by the taxing authority shall 18002
otherwise conform to the resolution certified to it by the board. 18003
The resolution of the taxing authority shall be certified to the 18004
board of elections of the proper county not less than ~~seventy-five~~ 18005
ninety days before the date of such election. Such resolution 18006
shall go into immediate effect upon its passage, and no 18007
publication of the resolution shall be necessary other than that 18008
provided in the notice of election. Section 5705.25 of the Revised 18009
Code shall govern the arrangements for the submission of such 18010
question and other matters concerning the election, to which that 18011
section refers, except that if the resolution so states, the 18012

question shall be submitted to the electors residing within the 18013
boundaries of the library district, as defined by the state 18014
library board pursuant to section 3375.01 of the Revised Code, and 18015
except that such election shall be held on the date specified in 18016
the resolution. If a majority of the electors voting on the 18017
question so submitted in an election vote in favor of such levy, 18018
the taxing authority may forthwith make the necessary levy within 18019
the subdivision or within the boundaries of the library district, 18020
as defined by the state library board pursuant to section 3375.01 18021
of the Revised Code, at the additional rate in excess of the 18022
ten-mill limitation on the tax list, for the purpose stated in 18023
such resolutions. Such tax levy shall be included in the next 18024
annual tax budget that is certified to the county budget 18025
commission. The proceeds of any library levy in excess of the 18026
ten-mill limitation shall be used for purposes of the board in 18027
accordance with the law applicable to the board. 18028

After the approval of a levy on the current tax list and 18029
duplicate to provide an increase in current expenses, and prior to 18030
the time when the first tax collection from such levy can be made, 18031
the taxing authority at the request of the board of library 18032
trustees may anticipate a fraction of the proceeds of such levy 18033
and issue anticipation notes in an amount not exceeding fifty per 18034
cent of the total estimated proceeds of the levy to be collected 18035
during the first year of the levy. 18036

After the approval of a levy to provide revenues for the 18037
construction or acquisition of any specific permanent improvement 18038
or class of improvements, the taxing authority at the request of 18039
the board of library trustees may anticipate a fraction of the 18040
proceeds of such levy and issue anticipation notes in a principal 18041
amount not exceeding fifty per cent of the total estimated 18042
proceeds of the levy to be collected in each year over a period of 18043
ten years after the issuance of such notes. 18044

The notes shall be issued as provided in section 133.24 of 18045
the Revised Code, shall have principal payments during each year 18046
after the year of their issuance over a period not to exceed ten 18047
years, and may have a principal payment in the year of their 18048
issuance. 18049

When a board of public library trustees of a county library 18050
district, appointed under section 3375.22 of the Revised Code, 18051
requests the submission of such special levy, the taxing authority 18052
shall submit the levy to the voters of the county library district 18053
only. For the purposes of this section, and of the board of public 18054
library trustees only, the words "electors of the subdivision," as 18055
used in this section and in section 5705.25 of the Revised Code, 18056
mean "electors of the county library district." Any levy approved 18057
by the electors of the county library district shall be made 18058
within the county library district only. 18059

Sec. 5705.24. The board of county commissioners of any 18060
county, at any time and in any year, after providing the normal 18061
and customary percentage of the total general fund appropriations 18062
for the support of children services and the care and placement of 18063
children, by vote of two-thirds of all the members of said board 18064
may declare by resolution that the amount of taxes which may be 18065
raised within the ten-mill limitation will be insufficient to 18066
provide an adequate amount for the support of such children 18067
services, and that it is necessary to levy a tax in excess of the 18068
ten-mill limitation to supplement such general fund appropriations 18069
for such purpose. Taxes collected from a levy imposed under this 18070
section may be expended for any operating or capital improvement 18071
expenditure necessary for the support of children services and the 18072
care and placement of children. 18073

Such resolution shall conform to the requirements of section 18074
5705.19 of the Revised Code, except that the levy may be for any 18075

number of years not exceeding ten. The resolution shall be 18076
certified to the board of elections not less than ~~seventy-five~~ 18077
ninety days before the general, primary, or special election upon 18078
which it will be voted, and be submitted in the manner provided in 18079
section 5705.25 of the Revised Code, except that it may be placed 18080
on the ballot in any such election. 18081

If the majority of the electors voting on a levy to 18082
supplement general fund appropriations for the support of children 18083
services and the care and placement of children vote in favor 18084
thereof, the board may levy a tax within such county at the 18085
additional rate outside the ten-mill limitation during the period 18086
and for the purpose stated in the resolution or at any less rate 18087
or for any of the said years. 18088

After the approval of such levy and prior to the time when 18089
the first tax collection from such levy can be made, the board of 18090
county commissioners may anticipate a fraction of the proceeds of 18091
such levy and issue anticipation notes in a principal amount not 18092
to exceed fifty per cent of the total estimated proceeds of the 18093
levy throughout its life. 18094

Such notes shall be issued as provided in section 133.24 of 18095
the Revised Code, shall have principal payments during each year 18096
after the year of their issuance over a period not exceeding the 18097
life of the levy, and may have a principal payment in the year of 18098
their issuance. 18099

Sec. 5705.25. (A) A copy of any resolution adopted as 18100
provided in section 5705.19 or 5705.2111 of the Revised Code shall 18101
be certified by the taxing authority to the board of elections of 18102
the proper county not less than ~~seventy-five~~ ninety days before 18103
the general election in any year, and the board shall submit the 18104
proposal to the electors of the subdivision at the succeeding 18105
November election. Except as otherwise provided in this division, 18106

a resolution to renew an existing levy, regardless of the section 18107
of the Revised Code under which the tax was imposed, shall not be 18108
placed on the ballot unless the question is submitted at the 18109
general election held during the last year the tax to be renewed 18110
or replaced may be extended on the real and public utility 18111
property tax list and duplicate, or at any election held in the 18112
ensuing year. The limitation of the foregoing sentence does not 18113
apply to a resolution to renew and increase or to renew part of an 18114
existing levy that was imposed under section 5705.191 of the 18115
Revised Code to supplement the general fund for the purpose of 18116
making appropriations for one or more of the following purposes: 18117
for public assistance, human or social services, relief, welfare, 18118
hospitalization, health, and support of general hospitals. The 18119
limitation of the second preceding sentence also does not apply to 18120
a resolution that proposes to renew two or more existing levies 18121
imposed under section 5705.21 of the Revised Code, in which case 18122
the question shall be submitted on the date of the general or 18123
primary election held during the last year at least one of the 18124
levies to be renewed may be extended on the real and public 18125
utility property tax list and duplicate, or at any election held 18126
during the ensuing year. For purposes of this section, a levy 18127
shall be considered to be an "existing levy" through the year 18128
following the last year it can be placed on that tax list and 18129
duplicate. 18130

The board shall make the necessary arrangements for the 18131
submission of such questions to the electors of such subdivision, 18132
and the election shall be conducted, canvassed, and certified in 18133
the same manner as regular elections in such subdivision for the 18134
election of county officers. Notice of the election shall be 18135
published in a newspaper of general circulation in the subdivision 18136
once a week for two consecutive weeks prior to the election, and, 18137
if the board of elections operates and maintains a web site, the 18138
board of elections shall post notice of the election on its web 18139

site for thirty days prior to the election. The notice shall state 18140
the purpose, the proposed increase in rate expressed in dollars 18141
and cents for each one hundred dollars of valuation as well as in 18142
mills for each one dollar of valuation, the number of years during 18143
which the increase will be in effect, the first month and year in 18144
which the tax will be levied, and the time and place of the 18145
election. 18146

(B) The form of the ballots cast at an election held pursuant 18147
to division (A) of this section shall be as follows: 18148

"An additional tax for the benefit of (name of subdivision or 18149
public library) for the purpose of (purpose stated in 18150
the resolution) at a rate not exceeding mills 18151
for each one dollar of valuation, which amounts to (rate expressed 18152
in dollars and cents) for each one hundred dollars of 18153
valuation, for (life of indebtedness or number of years the 18154
levy is to run). 18155

	For the Tax Levy	
	Against the Tax Levy	"

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18157
18158
18159

(C) If the levy is to be in effect for a continuing period of 18160
time, the notice of election and the form of ballot shall so state 18161
instead of setting forth a specified number of years for the levy. 18162

If the tax is to be placed on the current tax list, the form 18163
of the ballot shall be modified by adding, after the statement of 18164
the number of years the levy is to run, the phrase ", commencing 18165
in (first year the tax is to be levied), first due in 18166
calendar year (first calendar year in which the tax 18167
shall be due)." 18168

If the levy submitted is a proposal to renew, increase, or 18169
decrease an existing levy, the form of the ballot specified in 18170

division (B) of this section may be changed by substituting for 18171
the words "An additional" at the beginning of the form, the words 18172
"A renewal of a" in case of a proposal to renew an existing levy 18173
in the same amount; the words "A renewal of mills and an 18174
increase of mills to constitute a" in the case of an 18175
increase; or the words "A renewal of part of an existing levy, 18176
being a reduction of mills, to constitute a" in the case of 18177
a decrease in the proposed levy. 18178

If the levy submitted is a proposal to renew two or more 18179
existing levies imposed under section 5705.21 of the Revised Code, 18180
the form of the ballot specified in division (B) of this section 18181
shall be modified by substituting for the words "an additional 18182
tax" the words "a renewal of(insert the number of levies to 18183
be renewed) existing taxes." 18184

The question covered by such resolution shall be submitted as 18185
a separate proposition but may be printed on the same ballot with 18186
any other proposition submitted at the same election, other than 18187
the election of officers. More than one such question may be 18188
submitted at the same election. 18189

(D) A levy voted in excess of the ten-mill limitation under 18190
this section shall be certified to the tax commissioner. In the 18191
first year of the levy, it shall be extended on the tax lists 18192
after the February settlement succeeding the election. If the 18193
additional tax is to be placed upon the tax list of the current 18194
year, as specified in the resolution providing for its submission, 18195
the result of the election shall be certified immediately after 18196
the canvass by the board of elections to the taxing authority, who 18197
shall make the necessary levy and certify it to the county 18198
auditor, who shall extend it on the tax lists for collection. 18199
After the first year, the tax levy shall be included in the annual 18200
tax budget that is certified to the county budget commission. 18201

Sec. 5705.251. (A) A copy of a resolution adopted under 18202
section 5705.212 or 5705.213 of the Revised Code shall be 18203
certified by the board of education to the board of elections of 18204
the proper county not less than ~~seventy-five~~ ninety days before 18205
the date of the election specified in the resolution, and the 18206
board of elections shall submit the proposal to the electors of 18207
the school district at a special election to be held on that date. 18208
The board of elections shall make the necessary arrangements for 18209
the submission of the question or questions to the electors of the 18210
school district, and the election shall be conducted, canvassed, 18211
and certified in the same manner as regular elections in the 18212
school district for the election of county officers. Notice of the 18213
election shall be published in a newspaper of general circulation 18214
in the subdivision once a week for two consecutive weeks prior to 18215
the election, and, if the board of elections operates and 18216
maintains a web site, the board of elections shall post notice of 18217
the election on its web site for thirty days prior to the 18218
election. 18219

(1) In the case of a resolution adopted under section 18220
5705.212 of the Revised Code, the notice shall state separately, 18221
for each tax being proposed, the purpose; the proposed increase in 18222
rate, expressed in dollars and cents for each one hundred dollars 18223
of valuation as well as in mills for each one dollar of valuation; 18224
the number of years during which the increase will be in effect; 18225
and the first calendar year in which the tax will be due. For an 18226
election on the question of a renewal levy, the notice shall state 18227
the purpose; the proposed rate, expressed in dollars and cents for 18228
each one hundred dollars of valuation as well as in mills for each 18229
one dollar of valuation; and the number of years the tax will be 18230
in effect. 18231

(2) In the case of a resolution adopted under section 18232
5705.213 of the Revised Code, the notice shall state the purpose; 18233

the amount proposed to be raised by the tax in the first year it is levied; the estimated average additional tax rate for the first year it is proposed to be levied, expressed in mills for each one dollar of valuation and in dollars and cents for each one hundred dollars of valuation; the number of years during which the increase will be in effect; and the first calendar year in which the tax will be due. The notice also shall state the amount by which the amount to be raised by the tax may be increased in each year after the first year. The amount of the allowable increase may be expressed in terms of a dollar increase over, or a percentage of, the amount raised by the tax in the immediately preceding year. For an election on the question of a renewal levy, the notice shall state the purpose; the amount proposed to be raised by the tax; the estimated tax rate, expressed in mills for each one dollar of valuation and in dollars and cents for each one hundred dollars of valuation; and the number of years the tax will be in effect.

In any case, the notice also shall state the time and place of the election.

(B) The form of the ballot in an election on taxes proposed under section 5705.212 of the Revised Code shall be as follows:

"Shall the school district be authorized to levy taxes for current expenses, the aggregate rate of which may increase in (number) increment(s) of not more than mill(s) for each dollar of valuation, from an original rate of mill(s) for each dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation, to a maximum rate of mill(s) for each dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation? The original tax is first proposed to be levied in (the first year of the tax), and the incremental tax in (the first

year of the increment) (if more than one incremental tax is 18266
 proposed in the resolution, the first year that each incremental 18267
 tax is proposed to be levied shall be stated in the preceding 18268
 format, and the increments shall be referred to as the first, 18269
 second, third, or fourth increment, depending on their number). 18270
 The aggregate rate of tax so authorized will (insert 18271
 either, "expire with the original rate of tax which shall be in 18272
 effect for years" or "be in effect for a continuing period 18273
 of time"). 18274

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

The form of the ballot in an election on the question of a 18275
 renewal levy under section 5705.212 of the Revised Code shall be 18276
 as follows: 18277
 18278

"Shall the school district be authorized to renew a 18279
 tax for current expenses at a rate not exceeding mills 18280
 for each dollar of valuation, which amounts to (rate 18281
 expressed in dollars and cents) for each one hundred dollars of 18282
 valuation, for (number of years the levy shall be in 18283
 effect, or a continuing period of time)? 18284
 18285
 18286
 18287

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

If the tax is to be placed on the current tax list, the form 18288
 of the ballot shall be modified by adding, after the statement of 18289
 the number of years the levy is to be in effect, the phrase ", 18290
 commencing in (first year the tax is to be levied), 18291
 first due in calendar year (first calendar year in 18292
 18293
 18294
 18295
 18296

which the tax shall be due)." 18297

(C) The form of the ballot in an election on a tax proposed 18298
under section 5705.213 of the Revised Code shall be as follows: 18299

"Shall the school district be authorized to levy the 18300
following tax for current expenses? The tax will first be levied 18301
in (year) to raise (dollars). In the (number 18302
of years) following years, the tax will increase by not more than 18303
..... (per cent or dollar amount of increase) each year, so that, 18304
during (last year of the tax), the tax will raise 18305
approximately (dollars). The county auditor estimates that 18306
the rate of the tax per dollar of valuation will be 18307
mill(s), which amounts to \$. per one hundred dollars of 18308
valuation, both during (first year of the tax) and 18309
mill(s), which amounts to \$. per one hundred dollars of 18310
valuation, during (last year of the tax). The tax will not 18311
be levied after (year). 18312

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

18313
18314
18315
18316
The form of the ballot in an election on the question of a 18317
renewal levy under section 5705.213 of the Revised Code shall be 18318
as follows: 18319

"Shall the school district be authorized to renew a 18320
tax for current expenses which will raise (dollars), 18321
estimated by the county auditor to be mills for each 18322
dollar of valuation, which amounts to (rate expressed in 18323
dollars and cents) for each one hundred dollars of valuation? The 18324
tax shall be in effect for (the number of years the levy 18325
shall be in effect, or a continuing period of time). 18326

18327

	FOR THE TAX LEVY	18328
	AGAINST THE TAX LEVY	18329

"

18330

If the tax is to be placed on the current tax list, the form 18331
of the ballot shall be modified by adding, after the statement of 18332
the number of years the levy is to be in effect, the phrase ", 18333
commencing in (first year the tax is to be levied), 18334
first due in calendar year (first calendar year in 18335
which the tax shall be due)." 18336

(D) The question covered by a resolution adopted under 18337
section 5705.212 or 5705.213 of the Revised Code shall be 18338
submitted as a separate question, but may be printed on the same 18339
ballot with any other question submitted at the same election, 18340
other than the election of officers. More than one question may be 18341
submitted at the same election. 18342

(E) Taxes voted in excess of the ten-mill limitation under 18343
division (B) or (C) of this section shall be certified to the tax 18344
commissioner. If an additional tax is to be placed upon the tax 18345
list of the current year, as specified in the resolution providing 18346
for its submission, the result of the election shall be certified 18347
immediately after the canvass by the board of elections to the 18348
board of education. The board of education immediately shall make 18349
the necessary levy and certify it to the county auditor, who shall 18350
extend it on the tax list for collection. After the first year, 18351
the levy shall be included in the annual tax budget that is 18352
certified to the county budget commission. 18353

Sec. 5705.261. The question of decrease of an increased rate 18354
of levy approved for a continuing period of time by the voters of 18355
a subdivision may be initiated by the filing of a petition with 18356
the board of elections of the proper county not less than 18357
~~seventy-five~~ ninety days before the general election in any year 18358

requesting that an election be held on such question. Such 18359
petition shall state the amount of the proposed decrease in the 18360
rate of levy and shall be signed by qualified electors residing in 18361
the subdivision equal in number to at least ten per cent of the 18362
total number of votes cast in the subdivision for the office of 18363
governor at the most recent general election for that office. Only 18364
one such petition may be filed during each five-year period 18365
following the election at which the voters approved the increased 18366
rate for a continuing period of time. 18367

After determination by it that such petition is valid, the 18368
board of elections shall submit the question to the electors of 18369
the district at the succeeding general election. The election 18370
shall be conducted, canvassed, and certified in the same manner as 18371
regular elections in such subdivision for county offices. Notice 18372
of the election shall be published in a newspaper of general 18373
circulation in the district once a week for two consecutive weeks 18374
prior to the election, and, if the board of elections operates and 18375
maintains a web site, the board of elections shall post notice of 18376
the election on its web site for thirty days prior to the 18377
election. The notice shall state the purpose, the amount of the 18378
proposed decrease in rate, and the time and place of the election. 18379
The form of the ballot cast at such election shall be prescribed 18380
by the secretary of state. The question covered by such petition 18381
shall be submitted as a separate proposition but it may be printed 18382
on the same ballot with any other propositions submitted at the 18383
same election other than the election of officers. If a majority 18384
of the qualified electors voting on the question of a decrease at 18385
such election approve the proposed decrease in rate, the result of 18386
the election shall be certified immediately after the canvass by 18387
the board of elections to the subdivision's taxing authority, 18388
which shall thereupon, after the current year, cease to levy such 18389
increased rate or levy such tax at such reduced rate upon the 18390
duplicate of the subdivision. If notes have been issued in 18391

anticipation of the collection of such levy, the taxing authority 18392
shall continue to levy and collect under authority of the election 18393
authorizing the original levy such amounts as will be sufficient 18394
to pay the principal of and interest on such anticipation notes as 18395
the same fall due. 18396

Sec. 5705.27. There is hereby created in each county a county 18397
budget commission consisting of the county auditor, the county 18398
treasurer, and the prosecuting attorney. Upon petition filed with 18399
the board of elections, signed by the number of electors of the 18400
county equal in amount to three per cent of the total number of 18401
votes cast for governor at the most recent election therefor, 18402
there shall be submitted to the electors of the county at the next 18403
general election occurring not sooner than ~~seventy-five~~ ninety 18404
days after the filing of the petition, the question "Shall the 18405
county budget commission consist of two additional members to be 18406
elected from the county?" Provision shall be made on the ballot 18407
for the election from the county at large of two additional 18408
members of the county budget commission who shall be electors of 18409
the county if a majority of the electors voting on the question 18410
shall have voted in the affirmative. In such counties, where the 18411
electors have voted in the affirmative, the county budget 18412
commission shall consist of such two elected members in addition 18413
to the county auditor, the county treasurer and the prosecuting 18414
attorney. Such members, who shall not hold any other public 18415
office, shall serve for a term of four years. The commission shall 18416
meet at the office of the county auditor in each county on the 18417
first Monday in February and on the first Monday in August, 18418
annually, and shall complete its work on or before the first day 18419
of September, annually, unless for good cause the tax commissioner 18420
extends the time for completing the work. A majority of members 18421
shall constitute a quorum, provided that no action of the 18422
commission shall be valid unless agreed to by a majority of the 18423

members of the commission. The auditor shall be the secretary of 18424
the commission and shall keep a full and accurate record of all 18425
proceedings. The auditor shall appoint such messengers and clerks 18426
as the commission deems necessary, and the budget commissioners 18427
shall be allowed their actual and necessary expenses. The elected 18428
members of the commission shall also receive twenty dollars for 18429
each day in attendance at commission meetings and in discharge of 18430
official duties. Any vacancy among such elected members shall be 18431
filled by the presiding judge of the court of common pleas. In 18432
adjusting the rates of taxation and fixing the amount of taxes to 18433
be levied each year, the commissioners shall be governed by the 18434
amount of the taxable property shown on the auditor's tax list for 18435
the current year; provided that if the auditor's tax list has not 18436
been completed, the auditor shall estimate, as nearly as 18437
practicable, the amount of the taxable property for such year, and 18438
such officers shall be governed by such estimate. 18439

In any county in which two members of the commission are 18440
elected, upon petition filed with the board of elections, signed 18441
by the number of electors of the county equal in amount to three 18442
per cent of the votes cast for governor at the most recent 18443
election therefor, there shall be submitted to the electors of the 18444
county at the next general election occurring not sooner than 18445
~~seventy five~~ ninety days after the filing of the petition, the 18446
question "Shall the elected members be eliminated from the county 18447
budget commission?" If the majority of the electors voting thereon 18448
shall have voted in the affirmative, the county budget commission 18449
shall consist solely of the county auditor, the county treasurer, 18450
and the prosecuting attorney. 18451

Sec. 5705.71. (A) The electors of a county may initiate the 18452
question of a tax levy for support of senior citizens services or 18453
facilities by the filing of a petition with the board of elections 18454
of that county not less than ~~seventy five~~ ninety days before the 18455

date of any primary or general election requesting that an 18456
election be held on such question. The petition shall be signed by 18457
at least ten per cent of the qualified electors residing in the 18458
county and voting for the office of governor at the last general 18459
election. 18460

(B) The petition shall state the purpose for which the senior 18461
citizens tax levy is being proposed, shall specify the amount of 18462
the proposed increase in rate, the period of time during which the 18463
increase is to be in effect, and whether the levy is to be imposed 18464
in the current year. The number of years may be any number not 18465
exceeding five, except that when the additional rate is for the 18466
payment of debt charges the increased rate shall be for the life 18467
of the indebtedness. 18468

(C) After determination by it that such petition is valid, 18469
the board of elections shall submit the question to the electors 18470
of the county at the succeeding primary or general election. 18471

(D) The election shall be conducted, canvassed, and certified 18472
in the same manner as regular elections in such county for county 18473
offices. Notice of the election shall be published in a newspaper 18474
of general circulation in the county once a week for two 18475
consecutive weeks prior to the election, and, if the board of 18476
elections operates and maintains a web site, the board of 18477
elections shall post notice of the election on its web site for 18478
thirty days prior to the election. The notice shall state the 18479
purpose, the amount of the proposed increase in rate, and the time 18480
and place of the election. 18481

(E) The form of the ballot cast at such election shall be 18482
prescribed by the secretary of state. If the tax is to be placed 18483
on the tax list of the current tax year, the form of the ballot 18484
shall include a statement to that effect and shall indicate the 18485
first calendar year the tax will be due. The question covered by 18486
such petition shall be submitted as a separate proposition but it 18487

may be printed on the same ballot with any other propositions 18488
submitted at the same election other than the election of 18489
officers. 18490

(F) If a majority of electors voting on the question vote in 18491
favor of the levy, the board of county commissioners shall levy a 18492
tax, for the period and the purpose stated within the petition. If 18493
the tax is to be placed upon the tax list of the current year, as 18494
specified in the petition, the result of the election shall be 18495
certified immediately after the canvass by the board of elections 18496
to the board of county commissioners, which shall forthwith make 18497
the necessary levy and certify it to the county auditor, who shall 18498
extend it on the tax list for collection. After the first year, 18499
the tax levy shall be included in the annual tax budget that is 18500
certified to the county budget commission. 18501

Sec. 5739.021. (A) For the purpose of providing additional 18502
general revenues for the county or supporting criminal and 18503
administrative justice services in the county, or both, and to pay 18504
the expenses of administering such levy, any county may levy a tax 18505
at the rate of not more than one per cent at any multiple of 18506
one-fourth of one per cent upon every retail sale made in the 18507
county, except sales of watercraft and outboard motors required to 18508
be titled pursuant to Chapter 1548. of the Revised Code and sales 18509
of motor vehicles, and may increase the rate of an existing tax to 18510
not more than one per cent at any multiple of one-fourth of one 18511
per cent. 18512

The tax shall be levied and the rate increased pursuant to a 18513
resolution of the board of county commissioners. The resolution 18514
shall state the purpose for which the tax is to be levied and the 18515
number of years for which the tax is to be levied, or that it is 18516
for a continuing period of time. If the tax is to be levied for 18517
the purpose of providing additional general revenues and for the 18518

purpose of supporting criminal and administrative justice 18519
services, the resolution shall state the rate or amount of the tax 18520
to be apportioned to each such purpose. The rate or amount may be 18521
different for each year the tax is to be levied, but the rates or 18522
amounts actually apportioned each year shall not be different from 18523
that stated in the resolution for that year. If the resolution is 18524
adopted as an emergency measure necessary for the immediate 18525
preservation of the public peace, health, or safety, it must 18526
receive an affirmative vote of all of the members of the board of 18527
county commissioners and shall state the reasons for such 18528
necessity. The board shall deliver a certified copy of the 18529
resolution to the tax commissioner, not later than the sixty-fifth 18530
day prior to the date on which the tax is to become effective, 18531
which shall be the first day of the calendar quarter. 18532

Prior to the adoption of any resolution under this section, 18533
the board of county commissioners shall conduct two public 18534
hearings on the resolution, the second hearing to be not less than 18535
three nor more than ten days after the first. Notice of the date, 18536
time, and place of the hearings shall be given by publication in a 18537
newspaper of general circulation in the county once a week on the 18538
same day of the week for two consecutive weeks, the second 18539
publication being not less than ten nor more than thirty days 18540
prior to the first hearing. 18541

Except as provided in division (B)(3) of this section, the 18542
resolution shall be subject to a referendum as provided in 18543
sections 305.31 to 305.41 of the Revised Code. 18544

If a petition for a referendum is filed, the county auditor 18545
with whom the petition was filed shall, within five days, notify 18546
the board of county commissioners and the tax commissioner of the 18547
filing of the petition by certified mail. If the board of 18548
elections with which the petition was filed declares the petition 18549
invalid, the board of elections, within five days, shall notify 18550

the board of county commissioners and the tax commissioner of that 18551
declaration by certified mail. If the petition is declared to be 18552
invalid, the effective date of the tax or increased rate of tax 18553
levied by this section shall be the first day of a calendar 18554
quarter following the expiration of sixty-five days from the date 18555
the commissioner receives notice from the board of elections that 18556
the petition is invalid. 18557

(B)(1) A resolution that is not adopted as an emergency 18558
measure may direct the board of elections to submit the question 18559
of levying the tax or increasing the rate of tax to the electors 18560
of the county at a special election held on the date specified by 18561
the board of county commissioners in the resolution, provided that 18562
the election occurs not less than ~~seventy-five~~ ninety days after a 18563
certified copy of such resolution is transmitted to the board of 18564
elections and the election is not held in February or August of 18565
any year. Upon transmission of the resolution to the board of 18566
elections, the board of county commissioners shall notify the tax 18567
commissioner in writing of the levy question to be submitted to 18568
the electors. No resolution adopted under this division shall go 18569
into effect unless approved by a majority of those voting upon it, 18570
and, except as provided in division (B)(3) of this section, shall 18571
become effective on the first day of a calendar quarter following 18572
the expiration of sixty-five days from the date the tax 18573
commissioner receives notice from the board of elections of the 18574
affirmative vote. 18575

(2) A resolution that is adopted as an emergency measure 18576
shall go into effect as provided in division (A) of this section, 18577
but may direct the board of elections to submit the question of 18578
repealing the tax or increase in the rate of the tax to the 18579
electors of the county at the next general election in the county 18580
occurring not less than ~~seventy-five~~ ninety days after a certified 18581
copy of the resolution is transmitted to the board of elections. 18582

Upon transmission of the resolution to the board of elections, the 18583
board of county commissioners shall notify the tax commissioner in 18584
writing of the levy question to be submitted to the electors. The 18585
ballot question shall be the same as that prescribed in section 18586
5739.022 of the Revised Code. The board of elections shall notify 18587
the board of county commissioners and the tax commissioner of the 18588
result of the election immediately after the result has been 18589
declared. If a majority of the qualified electors voting on the 18590
question of repealing the tax or increase in the rate of the tax 18591
vote for repeal of the tax or repeal of the increase, the board of 18592
county commissioners, on the first day of a calendar quarter 18593
following the expiration of sixty-five days after the date the 18594
board and tax commissioner receive notice of the result of the 18595
election, shall, in the case of a repeal of the tax, cease to levy 18596
the tax, or, in the case of a repeal of an increase in the rate of 18597
the tax, cease to levy the increased rate and levy the tax at the 18598
rate at which it was imposed immediately prior to the increase in 18599
rate. 18600

(3) If a vendor that is registered with the central 18601
electronic registration system provided for in section 5740.05 of 18602
the Revised Code makes a sale in this state by printed catalog and 18603
the consumer computed the tax on the sale based on local rates 18604
published in the catalog, any tax levied or repealed or rate 18605
changed under this section shall not apply to such a sale until 18606
the first day of a calendar quarter following the expiration of 18607
one hundred twenty days from the date of notice by the tax 18608
commissioner pursuant to division (H) of this section. 18609

(C) If a resolution is rejected at a referendum or if a 18610
resolution adopted after January 1, 1982, as an emergency measure 18611
is repealed by the electors pursuant to division (B)(2) of this 18612
section or section 5739.022 of the Revised Code, then for one year 18613
after the date of the election at which the resolution was 18614

rejected or repealed the board of county commissioners may not 18615
adopt any resolution authorized by this section as an emergency 18616
measure. 18617

(D) The board of county commissioners, at any time while a 18618
tax levied under this section is in effect, may by resolution 18619
reduce the rate at which the tax is levied to a lower rate 18620
authorized by this section. Any reduction in the rate at which the 18621
tax is levied shall be made effective on the first day of a 18622
calendar quarter next following the sixty-fifth day after a 18623
certified copy of the resolution is delivered to the tax 18624
commissioner. 18625

(E) The tax on every retail sale subject to a tax levied 18626
pursuant to this section shall be in addition to the tax levied by 18627
section 5739.02 of the Revised Code and any tax levied pursuant to 18628
section 5739.023 or 5739.026 of the Revised Code. 18629

A county that levies a tax pursuant to this section shall 18630
levy a tax at the same rate pursuant to section 5741.021 of the 18631
Revised Code. 18632

The additional tax levied by the county shall be collected 18633
pursuant to section 5739.025 of the Revised Code. If the 18634
additional tax or some portion thereof is levied for the purpose 18635
of criminal and administrative justice services, the revenue from 18636
the tax, or the amount or rate apportioned to that purpose, shall 18637
be credited to a special fund created in the county treasury for 18638
receipt of that revenue. 18639

Any tax levied pursuant to this section is subject to the 18640
exemptions provided in section 5739.02 of the Revised Code and in 18641
addition shall not be applicable to sales not within the taxing 18642
power of a county under the Constitution of the United States or 18643
the Ohio Constitution. 18644

(F) For purposes of this section, a copy of a resolution is 18645

"certified" when it contains a written statement attesting that 18646
the copy is a true and exact reproduction of the original 18647
resolution. 18648

(G) If a board of commissioners intends to adopt a resolution 18649
to levy a tax in whole or in part for the purpose of criminal and 18650
administrative justice services, the board shall prepare and make 18651
available at the first public hearing at which the resolution is 18652
considered a statement containing the following information: 18653

(1) For each of the two preceding fiscal years, the amount of 18654
expenditures made by the county from the county general fund for 18655
the purpose of criminal and administrative justice services; 18656

(2) For the fiscal year in which the resolution is adopted, 18657
the board's estimate of the amount of expenditures to be made by 18658
the county from the county general fund for the purpose of 18659
criminal and administrative justice services; 18660

(3) For each of the two fiscal years after the fiscal year in 18661
which the resolution is adopted, the board's preliminary plan for 18662
expenditures to be made from the county general fund for the 18663
purpose of criminal and administrative justice services, both 18664
under the assumption that the tax will be imposed for that purpose 18665
and under the assumption that the tax would not be imposed for 18666
that purpose, and for expenditures to be made from the special 18667
fund created under division (E) of this section under the 18668
assumption that the tax will be imposed for that purpose. 18669

The board shall prepare the statement and the preliminary 18670
plan using the best information available to the board at the time 18671
the statement is prepared. Neither the statement nor the 18672
preliminary plan shall be used as a basis to challenge the 18673
validity of the tax in any court of competent jurisdiction, nor 18674
shall the statement or preliminary plan limit the authority of the 18675
board to appropriate, pursuant to section 5705.38 of the Revised 18676

Code, an amount different from that specified in the preliminary 18677
plan. 18678

(H) Upon receipt from a board of county commissioners of a 18679
certified copy of a resolution required by division (A) or (D) of 18680
this section, or from the board of elections of a notice of the 18681
results of an election required by division (A) or (B)(1) or (2) 18682
of this section, the tax commissioner shall provide notice of a 18683
tax rate change in a manner that is reasonably accessible to all 18684
affected vendors. The commissioner shall provide this notice at 18685
least sixty days prior to the effective date of the rate change. 18686
The commissioner, by rule, may establish the method by which 18687
notice will be provided. 18688

(I) As used in this section, "criminal and administrative 18689
justice services" means the exercise by the county sheriff of all 18690
powers and duties vested in that office by law; the exercise by 18691
the county prosecuting attorney of all powers and duties vested in 18692
that office by law; the exercise by any court in the county of all 18693
powers and duties vested in that court; the exercise by the clerk 18694
of the court of common pleas, any clerk of a municipal court 18695
having jurisdiction throughout the county, or the clerk of any 18696
county court of all powers and duties vested in the clerk by law 18697
except, in the case of the clerk of the court of common pleas, the 18698
titling of motor vehicles or watercraft pursuant to Chapter 1548. 18699
or 4505. of the Revised Code; the exercise by the county coroner 18700
of all powers and duties vested in that office by law; making 18701
payments to any other public agency or a private, nonprofit 18702
agency, the purposes of which in the county include the diversion, 18703
adjudication, detention, or rehabilitation of criminals or 18704
juvenile offenders; the operation and maintenance of any detention 18705
facility, as defined in section 2921.01 of the Revised Code; and 18706
the construction, acquisition, equipping, or repair of such a 18707
detention facility, including the payment of any debt charges 18708

incurred in the issuance of securities pursuant to Chapter 133. of 18709
the Revised Code for the purpose of constructing, acquiring, 18710
equipping, or repairing such a facility. 18711

Sec. 5739.022. (A) The question of repeal of either a county 18712
permissive tax or an increase in the rate of a county permissive 18713
tax that was adopted as an emergency measure pursuant to section 18714
5739.021 or 5739.026 of the Revised Code may be initiated by 18715
filing with the board of elections of the county not less than 18716
~~seventy-five~~ ninety days before the general election in any year a 18717
petition requesting that an election be held on the question. The 18718
question of repealing an increase in the rate of the county 18719
permissive tax shall be submitted to the electors as a separate 18720
question from the repeal of the tax in effect prior to the 18721
increase in the rate. Any petition filed under this section shall 18722
be signed by qualified electors residing in the county equal in 18723
number to ten per cent of those voting for governor at the most 18724
recent gubernatorial election. 18725

After determination by it that the petition is valid, the 18726
board of elections shall submit the question to the electors of 18727
the county at the next general election. The election shall be 18728
conducted, canvassed, and certified in the same manner as regular 18729
elections for county offices in the county. The board of elections 18730
shall notify the tax commissioner, in writing, of the election 18731
upon determining that the petition is valid. Notice of the 18732
election shall also be published in a newspaper of general 18733
circulation in the district once a week for two consecutive weeks 18734
prior to the election, and, if the board of elections operates and 18735
maintains a web site, the board of elections shall post notice of 18736
the election on its web site for thirty days prior to the 18737
election. The notice shall state the purpose, time, and place of 18738
the election. The form of the ballot cast at the election shall be 18739
prescribed by the secretary of state; however, the ballot question 18740

shall read, "shall the tax (or, increase in the rate of the tax) 18741
be retained? 18742

	Yes
	No

"

18743
18744
18745
18746

The question covered by the petition shall be submitted as a 18747
separate proposition, but it may be printed on the same ballot 18748
with any other proposition submitted at the same election other 18749
than the election of officers. 18750

(B) If a majority of the qualified electors voting on the 18751
question of repeal of either a county permissive tax or an 18752
increase in the rate of a county permissive tax approve the 18753
repeal, the board of elections shall notify the board of county 18754
commissioners and the tax commissioner of the result of the 18755
election immediately after the result has been declared. The board 18756
of county commissioners shall, on the first day of the calendar 18757
quarter following the expiration of sixty-five days after the date 18758
the board and the tax commissioner receive the notice, in the case 18759
of a repeal of a county permissive tax, cease to levy the tax, or, 18760
in the case of a repeal of an increase in the rate of a county 18761
permissive tax, levy the tax at the rate at which it was imposed 18762
immediately prior to the increase in rate and cease to levy the 18763
increased rate. 18764

(C) Upon receipt from a board of elections of a notice of the 18765
results of an election required by division (B) of this section, 18766
the tax commissioner shall provide notice of a tax repeal or rate 18767
change in a manner that is reasonably accessible to all affected 18768
vendors. The commissioner shall provide this notice at least sixty 18769
days prior to the effective date of the rate change. The 18770
commissioner, by rule, may establish the method by which notice 18771

will be provided. 18772

(D) If a vendor that is registered with the central 18773
electronic registration system provided for in section 5740.05 of 18774
the Revised Code makes a sale in this state by printed catalog and 18775
the consumer computed the tax on the sale based on local rates 18776
published in the catalog, any tax repealed or rate changed under 18777
this section shall not apply to such a sale until the first day of 18778
a calendar quarter following the expiration of one hundred twenty 18779
days from the date of notice by the tax commissioner pursuant to 18780
division (C) of this section. 18781

Sec. 5739.026. (A) A board of county commissioners may levy a 18782
tax of one-fourth or one-half of one per cent on every retail sale 18783
in the county, except sales of watercraft and outboard motors 18784
required to be titled pursuant to Chapter 1548. of the Revised 18785
Code and sales of motor vehicles, and may increase an existing 18786
rate of one-fourth of one per cent to one-half of one per cent, to 18787
pay the expenses of administering the tax and, except as provided 18788
in division (A)(6) of this section, for any one or more of the 18789
following purposes provided that the aggregate levy for all such 18790
purposes does not exceed one-half of one per cent: 18791

(1) To provide additional revenues for the payment of bonds 18792
or notes issued in anticipation of bonds issued by a convention 18793
facilities authority established by the board of county 18794
commissioners under Chapter 351. of the Revised Code and to 18795
provide additional operating revenues for the convention 18796
facilities authority; 18797

(2) To provide additional revenues for a transit authority 18798
operating in the county; 18799

(3) To provide additional revenue for the county's general 18800
fund; 18801

(4) To provide additional revenue for permanent improvements 18802
within the county to be distributed by the community improvements 18803
board in accordance with section 307.283 and to pay principal, 18804
interest, and premium on bonds issued under section 307.284 of the 18805
Revised Code; 18806

(5) To provide additional revenue for the acquisition, 18807
construction, equipping, or repair of any specific permanent 18808
improvement or any class or group of permanent improvements, which 18809
improvement or class or group of improvements shall be enumerated 18810
in the resolution required by division (D) of this section, and to 18811
pay principal, interest, premium, and other costs associated with 18812
the issuance of bonds or notes in anticipation of bonds issued 18813
pursuant to Chapter 133. of the Revised Code for the acquisition, 18814
construction, equipping, or repair of the specific permanent 18815
improvement or class or group of permanent improvements; 18816

(6) To provide revenue for the implementation and operation 18817
of a 9-1-1 system in the county. If the tax is levied or the rate 18818
increased exclusively for such purpose, the tax shall not be 18819
levied or the rate increased for more than five years. At the end 18820
of the last year the tax is levied or the rate increased, any 18821
balance remaining in the special fund established for such purpose 18822
shall remain in that fund and be used exclusively for such purpose 18823
until the fund is completely expended, and, notwithstanding 18824
section 5705.16 of the Revised Code, the board of county 18825
commissioners shall not petition for the transfer of money from 18826
such special fund, and the tax commissioner shall not approve such 18827
a petition. 18828

If the tax is levied or the rate increased for such purpose 18829
for more than five years, the board of county commissioners also 18830
shall levy the tax or increase the rate of the tax for one or more 18831
of the purposes described in divisions (A)(1) to (5) of this 18832
section and shall prescribe the method for allocating the revenues 18833

from the tax each year in the manner required by division (C) of 18834
this section. 18835

(7) To provide additional revenue for the operation or 18836
maintenance of a detention facility, as that term is defined under 18837
division (F) of section 2921.01 of the Revised Code; 18838

(8) To provide revenue to finance the construction or 18839
renovation of a sports facility, but only if the tax is levied for 18840
that purpose in the manner prescribed by section 5739.028 of the 18841
Revised Code. 18842

As used in division (A)(8) of this section: 18843

(a) "Sports facility" means a facility intended to house 18844
major league professional athletic teams. 18845

(b) "Constructing" or "construction" includes providing 18846
fixtures, furnishings, and equipment. 18847

(9) To provide additional revenue for the acquisition of 18848
agricultural easements, as defined in section 5301.67 of the 18849
Revised Code; to pay principal, interest, and premium on bonds 18850
issued under section 133.60 of the Revised Code; and for the 18851
supervision and enforcement of agricultural easements held by the 18852
county; 18853

(10) To provide revenue for the provision of ambulance, 18854
paramedic, or other emergency medical services. 18855

Pursuant to section 755.171 of the Revised Code, a board of 18856
county commissioners may pledge and contribute revenue from a tax 18857
levied for the purpose of division (A)(5) of this section to the 18858
payment of debt charges on bonds issued under section 755.17 of 18859
the Revised Code. 18860

The rate of tax shall be a multiple of one-fourth of one per 18861
cent, unless a portion of the rate of an existing tax levied under 18862
section 5739.023 of the Revised Code has been reduced, and the 18863

rate of tax levied under this section has been increased, pursuant 18864
to section 5739.028 of the Revised Code, in which case the 18865
aggregate of the rates of tax levied under this section and 18866
section 5739.023 of the Revised Code shall be a multiple of 18867
one-fourth of one per cent. The tax shall be levied and the rate 18868
increased pursuant to a resolution adopted by a majority of the 18869
members of the board. The board shall deliver a certified copy of 18870
the resolution to the tax commissioner, not later than the 18871
sixty-fifth day prior to the date on which the tax is to become 18872
effective, which shall be the first day of a calendar quarter. 18873

Prior to the adoption of any resolution to levy the tax or to 18874
increase the rate of tax exclusively for the purpose set forth in 18875
division (A)(3) of this section, the board of county commissioners 18876
shall conduct two public hearings on the resolution, the second 18877
hearing to be no fewer than three nor more than ten days after the 18878
first. Notice of the date, time, and place of the hearings shall 18879
be given by publication in a newspaper of general circulation in 18880
the county once a week on the same day of the week for two 18881
consecutive weeks, the second publication being no fewer than ten 18882
nor more than thirty days prior to the first hearing. Except as 18883
provided in division (E) of this section, the resolution shall be 18884
subject to a referendum as provided in sections 305.31 to 305.41 18885
of the Revised Code. If the resolution is adopted as an emergency 18886
measure necessary for the immediate preservation of the public 18887
peace, health, or safety, it must receive an affirmative vote of 18888
all of the members of the board of county commissioners and shall 18889
state the reasons for the necessity. 18890

If the tax is for more than one of the purposes set forth in 18891
divisions (A)(1) to (7), (9), and (10) of this section, or is 18892
exclusively for one of the purposes set forth in division (A)(1), 18893
(2), (4), (5), (6), (7), (9), or (10) of this section, the 18894
resolution shall not go into effect unless it is approved by a 18895

majority of the electors voting on the question of the tax. 18896

(B) The board of county commissioners shall adopt a 18897
resolution under section 351.02 of the Revised Code creating the 18898
convention facilities authority, or under section 307.283 of the 18899
Revised Code creating the community improvements board, before 18900
adopting a resolution levying a tax for the purpose of a 18901
convention facilities authority under division (A)(1) of this 18902
section or for the purpose of a community improvements board under 18903
division (A)(4) of this section. 18904

(C)(1) If the tax is to be used for more than one of the 18905
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 18906
this section, the board of county commissioners shall establish 18907
the method that will be used to determine the amount or proportion 18908
of the tax revenue received by the county during each year that 18909
will be distributed for each of those purposes, including, if 18910
applicable, provisions governing the reallocation of a convention 18911
facilities authority's allocation if the authority is dissolved 18912
while the tax is in effect. The allocation method may provide that 18913
different proportions or amounts of the tax shall be distributed 18914
among the purposes in different years, but it shall clearly 18915
describe the method that will be used for each year. Except as 18916
otherwise provided in division (C)(2) of this section, the 18917
allocation method established by the board is not subject to 18918
amendment during the life of the tax. 18919

(2) Subsequent to holding a public hearing on the proposed 18920
amendment, the board of county commissioners may amend the 18921
allocation method established under division (C)(1) of this 18922
section for any year, if the amendment is approved by the 18923
governing board of each entity whose allocation for the year would 18924
be reduced by the proposed amendment. In the case of a tax that is 18925
levied for a continuing period of time, the board may not so amend 18926
the allocation method for any year before the sixth year that the 18927

tax is in effect. 18928

(a) If the additional revenues provided to the convention 18929
facilities authority are pledged by the authority for the payment 18930
of convention facilities authority revenue bonds for as long as 18931
such bonds are outstanding, no reduction of the authority's 18932
allocation of the tax shall be made for any year except to the 18933
extent that the reduced authority allocation, when combined with 18934
the authority's other revenues pledged for that purpose, is 18935
sufficient to meet the debt service requirements for that year on 18936
such bonds. 18937

(b) If the additional revenues provided to the county are 18938
pledged by the county for the payment of bonds or notes described 18939
in division (A)(4) or (5) of this section, for as long as such 18940
bonds or notes are outstanding, no reduction of the county's or 18941
the community improvements board's allocation of the tax shall be 18942
made for any year, except to the extent that the reduced county or 18943
community improvements board allocation is sufficient to meet the 18944
debt service requirements for that year on such bonds or notes. 18945

(c) If the additional revenues provided to the transit 18946
authority are pledged by the authority for the payment of revenue 18947
bonds issued under section 306.37 of the Revised Code, for as long 18948
as such bonds are outstanding, no reduction of the authority's 18949
allocation of tax shall be made for any year, except to the extent 18950
that the authority's reduced allocation, when combined with the 18951
authority's other revenues pledged for that purpose, is sufficient 18952
to meet the debt service requirements for that year on such bonds. 18953

(d) If the additional revenues provided to the county are 18954
pledged by the county for the payment of bonds or notes issued 18955
under section 133.60 of the Revised Code, for so long as the bonds 18956
or notes are outstanding, no reduction of the county's allocation 18957
of the tax shall be made for any year, except to the extent that 18958
the reduced county allocation is sufficient to meet the debt 18959

service requirements for that year on the bonds or notes. 18960

(D)(1) The resolution levying the tax or increasing the rate 18961
of tax shall state the rate of the tax or the rate of the 18962
increase; the purpose or purposes for which it is to be levied; 18963
the number of years for which it is to be levied or that it is for 18964
a continuing period of time; the allocation method required by 18965
division (C) of this section; and if required to be submitted to 18966
the electors of the county under division (A) of this section, the 18967
date of the election at which the proposal shall be submitted to 18968
the electors of the county, which shall be not less than 18969
~~seventy-five~~ ninety days after the certification of a copy of the 18970
resolution to the board of elections and, if the tax is to be 18971
levied exclusively for the purpose set forth in division (A)(3) of 18972
this section, shall not occur in February or August of any year. 18973
Upon certification of the resolution to the board of elections, 18974
the board of county commissioners shall notify the tax 18975
commissioner in writing of the levy question to be submitted to 18976
the electors. If approved by a majority of the electors, the tax 18977
shall become effective on the first day of a calendar quarter next 18978
following the sixty-fifth day following the date the board of 18979
county commissioners and tax commissioner receive from the board 18980
of elections the certification of the results of the election, 18981
except as provided in division (E) of this section. 18982

(2)(a) A resolution specifying that the tax is to be used 18983
exclusively for the purpose set forth in division (A)(3) of this 18984
section that is not adopted as an emergency measure may direct the 18985
board of elections to submit the question of levying the tax or 18986
increasing the rate of the tax to the electors of the county at a 18987
special election held on the date specified by the board of county 18988
commissioners in the resolution, provided that the election occurs 18989
not less than ~~seventy-five~~ ninety days after the resolution is 18990
certified to the board of elections and the election is not held 18991

in February or August of any year. Upon certification of the 18992
resolution to the board of elections, the board of county 18993
commissioners shall notify the tax commissioner in writing of the 18994
levy question to be submitted to the electors. No resolution 18995
adopted under division (D)(2)(a) of this section shall go into 18996
effect unless approved by a majority of those voting upon it and, 18997
except as provided in division (E) of this section, not until the 18998
first day of a calendar quarter following the expiration of 18999
sixty-five days from the date the tax commissioner receives notice 19000
from the board of elections of the affirmative vote. 19001

(b) A resolution specifying that the tax is to be used 19002
exclusively for the purpose set forth in division (A)(3) of this 19003
section that is adopted as an emergency measure shall become 19004
effective as provided in division (A) of this section, but may 19005
direct the board of elections to submit the question of repealing 19006
the tax or increase in the rate of the tax to the electors of the 19007
county at the next general election in the county occurring not 19008
less than ~~seventy-five~~ ninety days after the resolution is 19009
certified to the board of elections. Upon certification of the 19010
resolution to the board of elections, the board of county 19011
commissioners shall notify the tax commissioner in writing of the 19012
levy question to be submitted to the electors. The ballot question 19013
shall be the same as that prescribed in section 5739.022 of the 19014
Revised Code. The board of elections shall notify the board of 19015
county commissioners and the tax commissioner of the result of the 19016
election immediately after the result has been declared. If a 19017
majority of the qualified electors voting on the question of 19018
repealing the tax or increase in the rate of the tax vote for 19019
repeal of the tax or repeal of the increase, the board of county 19020
commissioners, on the first day of a calendar quarter following 19021
the expiration of sixty-five days after the date the board and tax 19022
commissioner received notice of the result of the election, shall, 19023
in the case of a repeal of the tax, cease to levy the tax, or, in 19024

the case of a repeal of an increase in the rate of the tax, cease 19025
to levy the increased rate and levy the tax at the rate at which 19026
it was imposed immediately prior to the increase in rate. 19027

(c) A board of county commissioners, by resolution, may 19028
reduce the rate of a tax levied exclusively for the purpose set 19029
forth in division (A)(3) of this section to a lower rate 19030
authorized by this section. Any such reduction shall be made 19031
effective on the first day of the calendar quarter next following 19032
the sixty-fifth day after the tax commissioner receives a 19033
certified copy of the resolution from the board. 19034

(E) If a vendor that is registered with the central 19035
electronic registration system provided for in section 5740.05 of 19036
the Revised Code makes a sale in this state by printed catalog and 19037
the consumer computed the tax on the sale based on local rates 19038
published in the catalog, any tax levied or repealed or rate 19039
changed under this section shall not apply to such a sale until 19040
the first day of a calendar quarter following the expiration of 19041
one hundred twenty days from the date of notice by the tax 19042
commissioner pursuant to division (G) of this section. 19043

(F) The tax levied pursuant to this section shall be in 19044
addition to the tax levied by section 5739.02 of the Revised Code 19045
and any tax levied pursuant to section 5739.021 or 5739.023 of the 19046
Revised Code. 19047

A county that levies a tax pursuant to this section shall 19048
levy a tax at the same rate pursuant to section 5741.023 of the 19049
Revised Code. 19050

The additional tax levied by the county shall be collected 19051
pursuant to section 5739.025 of the Revised Code. 19052

Any tax levied pursuant to this section is subject to the 19053
exemptions provided in section 5739.02 of the Revised Code and in 19054
addition shall not be applicable to sales not within the taxing 19055

power of a county under the Constitution of the United States or 19056
the Ohio Constitution. 19057

(G) Upon receipt from a board of county commissioners of a 19058
certified copy of a resolution required by division (A) of this 19059
section, or from the board of elections a notice of the results of 19060
an election required by division (D)(1), (2)(a), (b), or (c) of 19061
this section, the tax commissioner shall provide notice of a tax 19062
rate change in a manner that is reasonably accessible to all 19063
affected vendors. The commissioner shall provide this notice at 19064
least sixty days prior to the effective date of the rate change. 19065
The commissioner, by rule, may establish the method by which 19066
notice will be provided. 19067

Sec. 5743.021. (A) As used in this section, "qualifying 19068
regional arts and cultural district" means a regional arts and 19069
cultural district created under section 3381.04 of the Revised 19070
Code in a county having a population of one million two hundred 19071
thousand or more according to the 2000 federal decennial census. 19072

(B) For one or more of the purposes for which a tax may be 19073
levied under section 3381.16 of the Revised Code and for the 19074
purposes of paying the expenses of administering the tax and the 19075
expenses charged by a board of elections to hold an election on a 19076
question submitted under this section, the board of county 19077
commissioners of a county that has within its territorial 19078
boundaries a qualifying regional arts and cultural district may 19079
levy a tax on the sale of cigarettes sold for resale at retail in 19080
the county composing the district. The rate of the tax, when added 19081
to the rate of any other tax concurrently levied by the board 19082
under this section, shall not exceed fifteen mills per cigarette, 19083
and shall be computed on each cigarette sold. Only one sale of the 19084
same article shall be used in computing the amount of tax due. The 19085
tax may be levied for any number of years not exceeding ten years. 19086

The tax shall be levied pursuant to a resolution of the board of county commissioners approved by a majority of the electors in the county voting on the question of levying the tax. The resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general, primary, or special election held not sooner than ~~seventy-five~~ ninety days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax shall take effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax shall be certified to the tax commissioner at least sixty days prior to the date on which the tax is to become effective.

(C) The form of the ballot in an election held under this section shall be as follows, or in any other form acceptable to the secretary of state:

"For the purpose of (insert the purpose or purposes of the tax), shall an excise tax be levied throughout County for the benefit of the (name of the qualifying regional arts and cultural district) on the sale of cigarettes at wholesale at the rate of mills per cigarette for years?

	For the tax
	Against the tax

"

(D) The treasurer of state shall credit all moneys arising from taxes levied on behalf of each district under this section and section 5743.321 of the Revised Code as follows:

(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section certified by the tax commissioner pursuant to section 5743.05 of the Revised Code;

(2) Following the crediting of amounts pursuant to division (D)(1) of this section:

(a) To the permissive tax distribution fund created under section 4301.423 of the Revised Code, an amount equal to ninety-eight per cent of the remainder collected;

(b) To the local excise tax administrative fund, which is hereby created in the state treasury, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

On or before the second working day of each month, the treasurer of state shall certify to the tax commissioner the amount of taxes levied on behalf of each district under sections 5743.021 and 5743.321 of the Revised Code and paid to the treasurer of state during the preceding month.

On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund during the preceding month by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied.

Sec. 5743.024. (A) For the purposes of section 307.696 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for such purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on sales of cigarettes sold for resale at retail in the

county. The tax shall not exceed two and twenty-five hundredths of 19148
a mill per cigarette, and shall be computed on each cigarette 19149
sold. The tax may be levied for any number of years not exceeding 19150
twenty. Only one sale of the same article shall be used in 19151
computing the amount of tax due. 19152

The tax shall be levied pursuant to a resolution of the 19153
county commissioners approved by a majority of the electors in the 19154
county voting on the question of levying the tax. The resolution 19155
shall specify the rate of the tax, the number of years the tax 19156
will be levied, and the purposes for which the tax is levied. Such 19157
election may be held on the date of a general or special election 19158
held not sooner than ~~seventy-five~~ ninety days after the date the 19159
board certifies its resolution to the board of elections. If 19160
approved by the electors, the tax shall take effect on the first 19161
day of the month specified in the resolution but not sooner than 19162
the first day of the month that is at least sixty days after the 19163
certification of the election results by the board of elections. A 19164
copy of the resolution levying the tax shall be certified to the 19165
tax commissioner at least sixty days prior to the date on which 19166
the tax is to become effective. 19167

A resolution under this section may be joined on the ballot 19168
as a single question with a resolution adopted under section 19169
307.697 or 4301.421 of the Revised Code to levy a tax for the same 19170
purposes and for the purpose of paying the expenses of 19171
administering the tax. The form of the ballot in an election held 19172
pursuant to this section shall be as prescribed in section 307.697 19173
of the Revised Code. 19174

(B) The treasurer of state shall credit all moneys arising 19175
from each county's taxes levied under this section and section 19176
5743.323 of the Revised Code as follows: 19177

(1) To the tax refund fund created by section 5703.052 of the 19178
Revised Code, amounts equal to the refunds from each tax levied 19179

under this section certified by the tax commissioner pursuant to 19180
section 5743.05 of the Revised Code; 19181

(2) Following the crediting of amounts pursuant to division 19182
(B)(1) of this section: 19183

(a) To the permissive tax distribution fund created by 19184
division (B)(1) of section 4301.423 of the Revised Code, an amount 19185
equal to ninety-eight per cent of the remainder collected; 19186

(b) To the local excise tax administrative fund, which is 19187
hereby created in the state treasury, an amount equal to two per 19188
cent of such remainder, for use by the tax commissioner in 19189
defraying costs incurred in administering the tax. 19190

On or before the second working day of each month, the 19191
treasurer of state shall certify to the tax commissioner the 19192
amount of each county's taxes levied under sections 5743.024 and 19193
5743.323 of the Revised Code and paid to the treasurer of state 19194
during the preceding month. 19195

On or before the tenth day of each month, the tax 19196
commissioner shall distribute the amount credited to the 19197
permissive tax distribution fund during the preceding month by 19198
providing for payment of the appropriate amount to the county 19199
treasurer of each county levying the tax. 19200

(C) The board of county commissioners of a county in which a 19201
tax is imposed under this section on July 19, 1995, may levy a tax 19202
for the purpose of section 307.673 of the Revised Code regardless 19203
of whether or not the cooperative agreement authorized under that 19204
section has been entered into prior to the day the resolution 19205
adopted under division (C)(1) or (2) of this section is adopted, 19206
and for the purpose of reimbursing a county for costs incurred in 19207
the construction of a sports facility pursuant to an agreement 19208
entered into by the county under section 307.696 of the Revised 19209
Code. The tax shall be levied and approved in one of the manners 19210

prescribed by division (C)(1) or (2) of this section. 19211

(1) The tax may be levied pursuant to a resolution adopted by 19212
a majority of the members of the board of county commissioners not 19213
later than forty-five days after July 19, 1995. A board of county 19214
commissioners approving a tax under division (C)(1) of this 19215
section may approve a tax under division (D)(1) of section 307.697 19216
or division (B)(1) of section 4301.421 of the Revised Code at the 19217
same time. Subject to the resolution being submitted to a 19218
referendum under sections 305.31 to 305.41 of the Revised Code, 19219
the resolution shall take effect immediately, but the tax levied 19220
pursuant to the resolution shall not be levied prior to the day 19221
following the last day taxes levied pursuant to division (A) of 19222
this section may be levied. 19223

(2) The tax may be levied pursuant to a resolution adopted by 19224
a majority of the members of the board of county commissioners not 19225
later than forty-five days after July 19, 1995, and approved by a 19226
majority of the electors of the county voting on the question of 19227
levying the tax at the next succeeding general election following 19228
July 19, 1995. The board of county commissioners shall certify a 19229
copy of the resolution to the board of elections immediately upon 19230
adopting a resolution under division (C)(2) of this section, and 19231
the board of elections shall place the question of levying the tax 19232
on the ballot at that election. The form of the ballot shall be as 19233
prescribed by division (C) of section 307.697 of the Revised Code, 19234
except that the phrase "paying not more than one-half of the costs 19235
of providing a sports facility together with related redevelopment 19236
and economic development projects" shall be replaced by the phrase 19237
"paying the costs of constructing or renovating a sports facility 19238
and reimbursing a county for costs incurred by the county in the 19239
construction of a sports facility," and the phrase ", beginning 19240
..... (here insert the earliest date the tax would take 19241
effect)" shall be appended after "years." A board of county 19242

commissioners submitting the question of a tax under division 19243
(C)(2) of this section may submit the question of a tax under 19244
division (D)(2) of section 307.697 or division (B)(2) of section 19245
4301.421 of the Revised Code as a single question, and the form of 19246
the ballot shall include each of the proposed taxes. 19247

If approved by a majority of electors voting on the question, 19248
the tax shall take effect on the day specified on the ballot, 19249
which shall not be earlier than the day following the last day the 19250
tax levied pursuant to division (A) of this section may be levied. 19251

The rate of a tax levied pursuant to division (C)(1) or (2) 19252
of this section shall not exceed the rate specified in division 19253
(A) of this section. A tax levied pursuant to division (C)(1) or 19254
(2) of this section may be levied for any number of years not 19255
exceeding twenty. 19256

A board of county commissioners adopting a resolution under 19257
this division shall certify a copy of the resolution to the tax 19258
commissioner immediately upon adoption of the resolution. 19259

(E) No tax shall be levied under this section on or after ~~the~~ 19260
~~effective date of the amendment of this section by H.B. 562 of the~~ 19261
~~127th general assembly~~ September 23, 2008. This division does not 19262
prevent the collection of any tax levied under this section before 19263
that date so long as that tax remains effective. 19264

Sec. 5743.026. For the purposes of section 351.26 of the 19265
Revised Code, to pay the expenses of administering the tax, and to 19266
pay any or all of the charge the board of elections makes against 19267
the county to hold the election on the question of levying the 19268
tax, the board of county commissioners, in the manner prescribed 19269
by division (A) of section 351.26 of the Revised Code, may levy a 19270
tax on sales of cigarettes sold for resale at retail in the 19271
county. The rate of the tax shall not exceed two and twenty-five 19272
hundredths mills per cigarette, and shall be computed on each 19273

cigarette sold. The tax may be levied for any number of years not 19274
to exceed twenty. Only one sale of the same article shall be used 19275
in computing the amount of tax due. 19276

The tax shall be levied pursuant to a resolution of the board 19277
of county commissioners adopted as prescribed by division (A) of 19278
section 351.26 of the Revised Code and approved by a majority of 19279
the electors in the county voting on the question of levying the 19280
tax. The resolution shall specify the rate of the tax, the number 19281
of years the tax will be levied, and the purposes for which the 19282
tax is levied. Such election may be held on the date of a general 19283
or special election held not sooner than ~~seventy-five~~ ninety days 19284
after the date the board certifies its resolution to the board of 19285
elections. If approved by voters, the tax shall take effect on the 19286
first day of the month specified in the resolution but not sooner 19287
than the first day of the month that is at least sixty days after 19288
the certification of the election results by the board of 19289
elections. A copy of the resolution levying the tax shall be 19290
certified to the tax commissioner at least sixty days prior to the 19291
date on which the tax is to become effective. 19292

A resolution under this section may be joined on the ballot 19293
as a single question with a resolution adopted under section 19294
4301.424 of the Revised Code to levy a tax for the same purposes 19295
and for the purpose of paying the expenses of administering the 19296
tax. The form of the ballot in an election held pursuant to this 19297
section shall be as prescribed in section 351.26 of the Revised 19298
Code. 19299

The treasurer of state shall credit all moneys arising from 19300
each tax levied under this section and section 5743.324 of the 19301
Revised Code in the same manner prescribed by section 5743.024 of 19302
the Revised Code for the crediting of money arising from taxes 19303
levied under that section, except that the tax commissioner shall 19304
distribute the amount credited to the permissive tax distribution 19305

fund by providing for payment of the appropriate amount to the 19306
county treasurer of the county in which the tax is levied, who 19307
shall credit the payment to the fund or account designated by the 19308
board of directors of the convention facilities authority levying 19309
the tax. 19310

Sec. 5748.02. (A) The board of education of any school 19311
district, except a joint vocational school district, may declare, 19312
by resolution, the necessity of raising annually a specified 19313
amount of money for school district purposes. The resolution shall 19314
specify whether the income that is to be subject to the tax is 19315
taxable income of individuals and estates as defined in divisions 19316
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 19317
taxable income of individuals as defined in division (E)(1)(b) of 19318
that section. A copy of the resolution shall be certified to the 19319
tax commissioner no later than ~~eighty-five~~ one hundred days prior 19320
to the date of the election at which the board intends to propose 19321
a levy under this section. Upon receipt of the copy of the 19322
resolution, the tax commissioner shall estimate both of the 19323
following: 19324

(1) The property tax rate that would have to be imposed in 19325
the current year by the district to produce an equivalent amount 19326
of money; 19327

(2) The income tax rate that would have had to have been in 19328
effect for the current year to produce an equivalent amount of 19329
money from a school district income tax. 19330

Within ten days of receiving the copy of the board's 19331
resolution, the commissioner shall prepare these estimates and 19332
certify them to the board. Upon receipt of the certification, the 19333
board may adopt a resolution proposing an income tax under 19334
division (B) of this section at the estimated rate contained in 19335
the certification rounded to the nearest one-fourth of one per 19336

cent. The commissioner's certification applies only to the board's 19337
proposal to levy an income tax at the election for which the board 19338
requested the certification. If the board intends to submit a 19339
proposal to levy an income tax at any other election, it shall 19340
request another certification for that election in the manner 19341
prescribed in this division. 19342

(B)(1) Upon the receipt of a certification from the tax 19343
commissioner under division (A) of this section, a majority of the 19344
members of a board of education may adopt a resolution proposing 19345
the levy of an annual tax for school district purposes on school 19346
district income. The proposed levy may be for a continuing period 19347
of time or for a specified number of years. The resolution shall 19348
set forth the purpose for which the tax is to be imposed, the rate 19349
of the tax, which shall be the rate set forth in the 19350
commissioner's certification rounded to the nearest one-fourth of 19351
one per cent, the number of years the tax will be levied or that 19352
it will be levied for a continuing period of time, the date on 19353
which the tax shall take effect, which shall be the first day of 19354
January of any year following the year in which the question is 19355
submitted, and the date of the election at which the proposal 19356
shall be submitted to the electors of the district, which shall be 19357
on the date of a primary, general, or special election the date of 19358
which is consistent with section 3501.01 of the Revised Code. The 19359
resolution shall specify whether the income that is to be subject 19360
to the tax is taxable income of individuals and estates as defined 19361
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 19362
Code or taxable income of individuals as defined in division 19363
(E)(1)(b) of that section. The specification shall be the same as 19364
the specification in the resolution adopted and certified under 19365
division (A) of this section. 19366

If the tax is to be levied for current expenses and permanent 19367
improvements, the resolution shall apportion the annual rate of 19368

the tax. The apportionment may be the same or different for each 19369
year the tax is levied, but the respective portions of the rate 19370
actually levied each year for current expenses and for permanent 19371
improvements shall be limited by the apportionment. 19372

If the board of education currently imposes an income tax 19373
pursuant to this chapter that is due to expire and a question is 19374
submitted under this section for a proposed income tax to take 19375
effect upon the expiration of the existing tax, the board may 19376
specify in the resolution that the proposed tax renews the 19377
expiring tax. Two or more expiring income taxes may be renewed 19378
under this paragraph if the taxes are due to expire on the same 19379
date. If the tax rate being proposed is no higher than the total 19380
tax rate imposed by the expiring tax or taxes, the resolution may 19381
state that the proposed tax is not an additional income tax. 19382

(2) A board of education adopting a resolution under division 19383
(B)(1) of this section proposing a school district income tax for 19384
a continuing period of time and limited to the purpose of current 19385
expenses may propose in that resolution to reduce the rate or 19386
rates of one or more of the school district's property taxes 19387
levied for a continuing period of time in excess of the ten-mill 19388
limitation for the purpose of current expenses. The reduction in 19389
the rate of a property tax may be any amount, expressed in mills 19390
per one dollar in valuation, not exceeding the rate at which the 19391
tax is authorized to be levied. The reduction in the rate of a tax 19392
shall first take effect for the tax year that includes the day on 19393
which the school district income tax first takes effect, and shall 19394
continue for each tax year that both the school district income 19395
tax and the property tax levy are in effect. 19396

In addition to the matters required to be set forth in the 19397
resolution under division (B)(1) of this section, a resolution 19398
containing a proposal to reduce the rate of one or more property 19399
taxes shall state for each such tax the maximum rate at which it 19400

currently may be levied and the maximum rate at which the tax 19401
could be levied after the proposed reduction, expressed in mills 19402
per one dollar in valuation, and that the tax is levied for a 19403
continuing period of time. 19404

If a board of education proposes to reduce the rate of one or 19405
more property taxes under division (B)(2) of this section, the 19406
board, when it makes the certification required under division (A) 19407
of this section, shall designate the specific levy or levies to be 19408
reduced, the maximum rate at which each levy currently is 19409
authorized to be levied, and the rate by which each levy is 19410
proposed to be reduced. The tax commissioner, when making the 19411
certification to the board under division (A) of this section, 19412
also shall certify the reduction in the total effective tax rate 19413
for current expenses for each class of property that would have 19414
resulted if the proposed reduction in the rate or rates had been 19415
in effect the previous tax year. As used in this paragraph, 19416
"effective tax rate" has the same meaning as in section 323.08 of 19417
the Revised Code. 19418

(C) A resolution adopted under division (B) of this section 19419
shall go into immediate effect upon its passage, and no 19420
publication of the resolution shall be necessary other than that 19421
provided for in the notice of election. Immediately after its 19422
adoption and at least ~~seventy-five~~ ninety days prior to the 19423
election at which the question will appear on the ballot, a copy 19424
of the resolution shall be certified to the board of elections of 19425
the proper county, which shall submit the proposal to the electors 19426
on the date specified in the resolution. The form of the ballot 19427
shall be as provided in section 5748.03 of the Revised Code. 19428
Publication of notice of the election shall be made in one or more 19429
newspapers of general circulation in the county once a week for 19430
two consecutive weeks prior to the election, and, if the board of 19431
elections operates and maintains a web site, the board of 19432

elections shall post notice of the election on its web site for 19433
thirty days prior to the election. The notice shall contain the 19434
time and place of the election and the question to be submitted to 19435
the electors. The question covered by the resolution shall be 19436
submitted as a separate proposition, but may be printed on the 19437
same ballot with any other proposition submitted at the same 19438
election, other than the election of officers. 19439

(D) No board of education shall submit the question of a tax 19440
on school district income to the electors of the district more 19441
than twice in any calendar year. If a board submits the question 19442
twice in any calendar year, one of the elections on the question 19443
shall be held on the date of the general election. 19444

(E)(1) No board of education may submit to the electors of 19445
the district the question of a tax on school district income on 19446
the taxable income of individuals as defined in division (E)(1)(b) 19447
of section 5748.01 of the Revised Code if that tax would be in 19448
addition to an existing tax on the taxable income of individuals 19449
and estates as defined in divisions (E)(1)(a) and (2) of that 19450
section. 19451

(2) No board of education may submit to the electors of the 19452
district the question of a tax on school district income on the 19453
taxable income of individuals and estates as defined in divisions 19454
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 19455
tax would be in addition to an existing tax on the taxable income 19456
of individuals as defined in division (E)(1)(b) of that section. 19457

Sec. 5748.04. (A) The question of the repeal of a school 19458
district income tax levied for more than five years may be 19459
initiated not more than once in any five-year period by filing 19460
with the board of elections of the appropriate counties not later 19461
than ~~seventy-five~~ ninety days before the general election in any 19462
year after the year in which it is approved by the electors a 19463

petition requesting that an election be held on the question. The 19464
petition shall be signed by qualified electors residing in the 19465
school district levying the income tax equal in number to ten per 19466
cent of those voting for governor at the most recent gubernatorial 19467
election. 19468

The board of elections shall determine whether the petition 19469
is valid, and if it so determines, it shall submit the question to 19470
the electors of the district at the next general election. The 19471
election shall be conducted, canvassed, and certified in the same 19472
manner as regular elections for county offices in the county. 19473
Notice of the election shall be published in a newspaper of 19474
general circulation in the district once a week for two 19475
consecutive weeks prior to the election, and, if the board of 19476
elections operates and maintains a web site, the board of 19477
elections shall post notice of the election on its web site for 19478
thirty days prior to the election. The notice shall state the 19479
purpose, time, and place of the election. The form of the ballot 19480
cast at the election shall be as follows: 19481

"Shall the annual income tax of per cent, currently 19482
levied on the school district income of individuals and estates by 19483
..... (state the name of the school district) for the purpose 19484
of (state purpose of the tax), be repealed? 19485

	For repeal of the income tax
	Against repeal of the income tax

"

(B)(1) If the tax is imposed on taxable income as defined in 19490
division (E)(1)(b) of section 5748.01 of the Revised Code, the 19491
form of the ballot shall be modified by stating that the tax 19492
currently is levied on the "earned income of individuals residing 19493
in the school district" in lieu of the "school district income of 19494

individuals and estates." 19495

(2) If the rate of one or more property tax levies was 19496
reduced for the duration of the income tax levy pursuant to 19497
division (B)(2) of section 5748.02 of the Revised Code, the form 19498
of the ballot shall be modified by adding the following language 19499
immediately after "repealed": ", and shall the rate of an existing 19500
tax on property for the purpose of current expenses, which rate 19501
was reduced for the duration of the income tax, be INCREASED from 19502
. mills to mills per one dollar of valuation beginning 19503
in (state the first year for which the rate of the property 19504
tax will increase)." In lieu of "for repeal of the income tax" and 19505
"against repeal of the income tax," the phrases "for the issue" 19506
and "against the issue," respectively, shall be substituted. 19507

(3) If the rate of more than one property tax was reduced for 19508
the duration of the income tax, the ballot language shall be 19509
modified accordingly to express the rates at which those taxes 19510
currently are levied and the rates to which the taxes would be 19511
increased. 19512

(C) The question covered by the petition shall be submitted 19513
as a separate proposition, but it may be printed on the same 19514
ballot with any other proposition submitted at the same election 19515
other than the election of officers. If a majority of the 19516
qualified electors voting on the question vote in favor of it, the 19517
result shall be certified immediately after the canvass by the 19518
board of elections to the board of education of the school 19519
district and the tax commissioner, who shall thereupon, after the 19520
current year, cease to levy the tax, except that if notes have 19521
been issued pursuant to section 5748.05 of the Revised Code the 19522
tax commissioner shall continue to levy and collect under 19523
authority of the election authorizing the levy an annual amount, 19524
rounded upward to the nearest one-fourth of one per cent, as will 19525
be sufficient to pay the debt charges on the notes as they fall 19526

due. 19527

(D) If a school district income tax repealed pursuant to this 19528
section was approved in conjunction with a reduction in the rate 19529
of one or more school district property taxes as provided in 19530
division (B)(2) of section 5748.02 of the Revised Code, then each 19531
such property tax may be levied after the current year at the rate 19532
at which it could be levied prior to the reduction, subject to any 19533
adjustments required by the county budget commission pursuant to 19534
Chapter 5705. of the Revised Code. Upon the repeal of a school 19535
district income tax under this section, the board of education may 19536
resume levying a property tax, the rate of which has been reduced 19537
pursuant to a question approved under section 5748.02 of the 19538
Revised Code, at the rate the board originally was authorized to 19539
levy the tax. A reduction in the rate of a property tax under 19540
section 5748.02 of the Revised Code is a reduction in the rate at 19541
which a board of education may levy that tax only for the period 19542
during which a school district income tax is levied prior to any 19543
repeal pursuant to this section. The resumption of the authority 19544
to levy the tax upon such a repeal does not constitute a tax 19545
levied in excess of the one per cent limitation prescribed by 19546
Section 2 of Article XII, Ohio Constitution, or in excess of the 19547
ten-mill limitation. 19548

(E) This section does not apply to school district income tax 19549
levies that are levied for five or fewer years. 19550

Sec. 5748.08. (A) The board of education of a city, local, or 19551
exempted village school district, at any time by a vote of 19552
two-thirds of all its members, may declare by resolution that it 19553
may be necessary for the school district to do all of the 19554
following: 19555

(1) Raise a specified amount of money for school district 19556
purposes by levying an annual tax on school district income; 19557

(2) Issue general obligation bonds for permanent improvements, stating in the resolution the necessity and purpose of the bond issue and the amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds may be paid;

(3) Levy a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities;

(4) Submit the question of the school district income tax and bond issue to the electors of the district at a special election.

The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section.

On adoption of the resolution, the board shall certify a copy of it to the tax commissioner and the county auditor no later than ~~ninety~~ one hundred five days prior to the date of the special election at which the board intends to propose the income tax and bond issue. Not later than ten days of receipt of the resolution, the tax commissioner, in the same manner as required by division (A) of section 5748.02 of the Revised Code, shall estimate the rates designated in divisions (A)(1) and (2) of that section and certify them to the board. Not later than ten days of receipt of the resolution, the county auditor shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code.

(B) On receipt of the tax commissioner's and county auditor's certifications prepared under division (A) of this section, the board of education of the city, local, or exempted village school

district, by a vote of two-thirds of all its members, may adopt a 19589
resolution proposing for a specified number of years or for a 19590
continuing period of time the levy of an annual tax for school 19591
district purposes on school district income and declaring that the 19592
amount of taxes that can be raised within the ten-mill limitation 19593
will be insufficient to provide an adequate amount for the present 19594
and future requirements of the school district; that it is 19595
necessary to issue general obligation bonds of the school district 19596
for specified permanent improvements and to levy an additional tax 19597
in excess of the ten-mill limitation to pay the debt charges on 19598
the bonds and any anticipatory securities; and that the question 19599
of the bonds and taxes shall be submitted to the electors of the 19600
school district at a special election, which shall not be earlier 19601
than ~~seventy-five~~ ninety days after certification of the 19602
resolution to the board of elections, and the date of which shall 19603
be consistent with section 3501.01 of the Revised Code. The 19604
resolution shall specify all of the following: 19605

(1) The purpose for which the school district income tax is 19606
to be imposed and the rate of the tax, which shall be the rate set 19607
forth in the tax commissioner's certification rounded to the 19608
nearest one-fourth of one per cent; 19609

(2) Whether the income that is to be subject to the tax is 19610
taxable income of individuals and estates as defined in divisions 19611
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 19612
taxable income of individuals as defined in division (E)(1)(b) of 19613
that section. The specification shall be the same as the 19614
specification in the resolution adopted and certified under 19615
division (A) of this section. 19616

(3) The number of years the tax will be levied, or that it 19617
will be levied for a continuing period of time; 19618

(4) The date on which the tax shall take effect, which shall 19619
be the first day of January of any year following the year in 19620

which the question is submitted; 19621

(5) The county auditor's estimate of the average annual 19622
property tax rate required throughout the stated maturity of the 19623
bonds to pay debt charges on the bonds. 19624

(C) A resolution adopted under division (B) of this section 19625
shall go into immediate effect upon its passage, and no 19626
publication of the resolution shall be necessary other than that 19627
provided for in the notice of election. Immediately after its 19628
adoption and at least ~~seventy-five~~ ninety days prior to the 19629
election at which the question will appear on the ballot, the 19630
board of education shall certify a copy of the resolution, along 19631
with copies of the auditor's estimate and its resolution under 19632
division (A) of this section, to the board of elections of the 19633
proper county. The board of education shall make the arrangements 19634
for the submission of the question to the electors of the school 19635
district, and the election shall be conducted, canvassed, and 19636
certified in the same manner as regular elections in the district 19637
for the election of county officers. 19638

The resolution shall be put before the electors as one ballot 19639
question, with a majority vote indicating approval of the school 19640
district income tax, the bond issue, and the levy to pay debt 19641
charges on the bonds and any anticipatory securities. The board of 19642
elections shall publish the notice of the election in one or more 19643
newspapers of general circulation in the school district once a 19644
week for two consecutive weeks prior to the election and, if the 19645
board of elections operates and maintains a web site, also shall 19646
post notice of the election on its web site for thirty days prior 19647
to the election. The notice of election shall state all of the 19648
following: 19649

(1) The questions to be submitted to the electors; 19650

(2) The rate of the school district income tax; 19651

(3) The principal amount of the proposed bond issue;	19652
(4) The permanent improvements for which the bonds are to be issued;	19653 19654
(5) The maximum number of years over which the principal of the bonds may be paid;	19655 19656
(6) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;	19657 19658 19659
(7) The time and place of the special election.	19660
(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:	19661 19662
"Shall the school district be authorized to do both of the following:	19663 19664
(1) Impose an annual income tax of (state the proposed rate of tax) on the school district income of individuals and of estates, for (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning (state the date the tax would first take effect), for the purpose of (state the purpose of the tax)?	19665 19666 19667 19668 19669 19670 19671
(2) Issue bonds for the purpose of in the principal amount of \$....., to be repaid annually over a maximum period of years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?	19672 19673 19674 19675 19676 19677 19678 19679 19680 19681

	FOR THE INCOME TAX AND BOND ISSUE	
	AGAINST THE INCOME TAX AND BOND ISSUE	"

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(E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates."

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(F) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it, the income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution, and the board of education may proceed with issuance of the bonds and with the levy and collection of the property taxes to pay debt charges on the bonds, at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

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(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

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(H) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in accordance with section 5748.04 of the Revised Code.

(I) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

Sec. 6105.18. At any time after the third year following the creation of a watershed district a referendum may be held on the question of dissolution of the district. The question of dissolution of a watershed district may be presented to the electors within the territorial boundaries of the district, at any general election, by the filing of a petition, signed by at least two hundred qualified electors residing within the territorial boundaries of the district, with the board of elections of that county or part of a county with a population within the territorial boundaries of the district, according to the last federal decennial census, greater than that of any other county or part of a county within the territorial boundaries of the district.

Such petition shall be filed with such board not later than four p.m. of the ~~seventy-fifth~~ ninetieth day before the day of the general election at which such question is to be presented to the electors.

Sec. 6105.20. The board of elections with which a petition has been filed under section 6105.18 of the Revised Code, after determining that the petition is in proper form and is signed by at least two hundred qualified electors residing within the territorial boundaries of the watershed district, shall, on or

before the ~~seventy-fifth~~ ninetieth day before the day of the 19744
election at which the question of dissolving the district is to be 19745
submitted to the electors, certify to the board of elections of 19746
each watershed county the question of whether or not the district 19747
shall be dissolved. 19748

The board of elections of each of such counties shall place 19749
such question on the questions and issues ballot, to be voted at 19750
such election by the electors of the county residing within the 19751
territorial boundaries of the district, by placing on such ballot 19752
the words "For continuing the existence of (name of the district 19753
to be here inserted)" and "Against continuing the existence of 19754
(name of the district to be here inserted)," with a square before 19755
each proposition and a direction to record the vote in the square 19756
before one or the other of said propositions as the voter favors 19757
or opposes the dissolution of the district. 19758

The vote on the question of the dissolution of the district 19759
shall be counted and canvassed in the same manner as the vote for 19760
candidates for district office are counted and canvassed. 19761

The board of elections with which the petition was originally 19762
filed shall certify the results of such election. 19763

If a majority of the electors voting upon the proposition 19764
vote against continuing the existence of the district, the 19765
district shall be dissolved as of the thirty-first day of December 19766
immediately thereafter. 19767

If a majority of the electors voting upon the proposition 19768
vote for continuing the existence of the district, no further 19769
referendum shall be held on the same proposition for a period of 19770
three years. 19771

Sec. 6119.31. The board of county commissioners at any time 19772
not less than ~~seventy-five~~ ninety days before the general election 19773

in any year, by a vote of two-thirds of its members, may declare 19774
by resolution that the amount of taxes which may be raised within 19775
the ten-mill limitation will be insufficient to provide an 19776
adequate amount for the necessary requirements of the county, and 19777
that it is necessary to levy a tax in excess of such limitation 19778
for the purpose of paying the cost of the preparation of plans, 19779
specifications, surveys, soundings, drillings, maps, and other 19780
data needed or determined necessary in order to develop plans for 19781
the proper purification, filtration, and distribution of water or 19782
proper collection and treatment of sewage within the county or a 19783
part thereof, or beyond the limits of the county but within the 19784
same drainage area as is in part within the county. 19785

Such resolution shall be confined to a single purpose and 19786
shall specify the amount of increase in rate which it is necessary 19787
to levy, not to exceed three-tenths of a mill, the purpose 19788
thereof, the number of years during which such increase shall be 19789
in effect, not to exceed five years, which increase may or may not 19790
include a levy upon the duplicate of the current year. 19791

Such resolution shall go into effect upon its passage and no 19792
publication of it is necessary other than that provided for in the 19793
notice of election. 19794

Sec. 6119.32. A copy of the resolution provided for in 19795
section 6119.31 of the Revised Code shall be certified to the 19796
board of elections for the county not less than ~~seventy-five~~ 19797
ninety days before the general election in any year and said board 19798
shall submit the proposal to the electors of the county at the 19799
succeeding November election in accordance with section 5705.25 of 19800
the Revised Code. 19801

If the per cent required for approval of a levy as set forth 19802
in section 5705.26 of the Revised Code vote in favor thereof, the 19803
board of county commissioners may levy a tax within the county at 19804

the additional rate outside the ten-mill limitation during the 19805
period and for the purpose stated in the resolution, or at any 19806
less rate or for any less number of years. 19807

Section 2. That existing sections 3.02, 133.06, 133.18, 19808
302.03, 302.09, 303.11, 303.12, 303.25, 305.02, 305.31, 306.32, 19809
306.321, 306.70, 306.71, 307.676, 307.677, 307.695, 307.697, 19810
307.791, 307.94, 307.95, 322.02, 322.021, 324.02, 324.021, 345.03, 19811
351.26, 503.02, 503.161, 503.24, 503.41, 504.01, 504.03, 505.13, 19812
505.14, 511.01, 511.22, 511.27, 511.28, 511.33, 511.34, 513.06, 19813
513.13, 513.18, 517.05, 519.11, 519.12, 519.25, 705.01, 707.21, 19814
709.29, 709.39, 709.45, 709.462, 709.48, 709.50, 715.69, 715.691, 19815
715.70, 715.71, 715.77, 718.01, 718.09, 718.10, 731.03, 731.28, 19816
731.29, 733.09, 733.261, 733.262, 733.31, 733.48, 749.021, 755.01, 19817
757.02, 759.25, 1515.28, 1545.21, 1545.36, 1711.30, 1901.07, 19818
1901.10, 1901.31, 1907.13, 2101.43, 2301.02, 3311.053, 3311.059, 19819
3311.21, 3311.213, 3311.22, 3311.231, 3311.25, 3311.26, 3311.37, 19820
3311.38, 3311.50, 3311.73, 3316.08, 3318.06, 3318.061, 3318.361, 19821
3354.12, 3355.02, 3355.09, 3357.02, 3357.11, 3375.19, 3375.201, 19822
3375.211, 3375.212, 3501.02, 3501.05, 3501.07, 3501.10, 3501.11, 19823
3501.22, 3501.301, 3501.35, 3501.39, 3501.90, 3503.14, 3503.15, 19824
3503.19, 3505.01, 3505.10, 3505.13, 3505.21, 3505.23, 3505.32, 19825
3506.02, 3506.21, 3509.01, 3509.03, 3509.04, 3509.05, 3509.06, 19826
3509.07, 3511.01, 3511.02, 3511.03, 3511.04, 3511.05, 3511.06, 19827
3511.08, 3511.09, 3511.10, 3511.11, 3511.12, 3511.13, 3513.01, 19828
3513.02, 3513.04, 3513.041, 3513.05, 3513.052, 3513.121, 3513.122, 19829
3513.151, 3513.19, 3513.191, 3513.20, 3513.251, 3513.253, 19830
3513.254, 3513.255, 3513.256, 3513.257, 3513.259, 3513.263, 19831
3513.30, 3513.31, 3513.311, 3513.312, 3515.09, 3519.08, 3519.16, 19832
3709.051, 3709.071, 3709.29, 3767.05, 3769.27, 4301.33, 4301.331, 19833
4301.332, 4301.333, 4301.334, 4301.356, 4301.421, 4301.424, 19834
4303.29, 4305.14, 4504.021, 4504.15, 4504.16, 4504.21, 4928.20, 19835
4929.26, 4931.51, 4931.52, 4931.53, 4951.44, 4955.05, 5705.19, 19836

5705.191, 5705.195, 5705.199, 5705.20, 5705.21, 5705.211, 19837
5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 5705.2111, 19838
5705.22, 5705.221, 5705.222, 5705.23, 5705.24, 5705.25, 5705.251, 19839
5705.261, 5705.27, 5705.71, 5739.021, 5739.022, 5739.026, 19840
5743.021, 5743.024, 5743.026, 5748.02, 5748.04, 5748.08, 6105.18, 19841
6105.20, 6119.31, and 6119.32 and section 3509.022 of the Revised 19842
Code are hereby repealed. 19843

Section 3. The General Assembly, applying the principle 19844
stated in division (B) of section 1.52 of the Revised Code that 19845
amendments are to be harmonized if reasonably capable of 19846
simultaneous operation, finds that the following section, 19847
presented in this act as the composite of the sections as amended 19848
by the acts indicated, is the resulting version of the section in 19849
effect prior to the effective date of the section as presented in 19850
this act: 19851

Section 3509.05 of the Revised Code as amended by both Am. 19852
Sub. H.B. 350 and Am. Sub. H.B. 562 of the 127th General Assembly. 19853

Section 4. Section 1901.31 of the Revised Code is presented 19854
in this act as a composite of the section as amended by both Am. 19855
Sub. H.B. 420 of the 127th General Assembly and Am. Sub. H.B. 1 of 19856
the 128th General Assembly. Section 3357.02 of the Revised Code is 19857
presented in this act as a composite of the section as amended by 19858
both Am. Sub. H.B. 99 and Am. Sub. H.B. 117 of the 121st General 19859
Assembly. Section 4504.21 of the Revised Code is presented in this 19860
act as a composite of the section as amended by both H.B. 353 and 19861
S.B. 310 of the 121st General Assembly. The General Assembly, 19862
applying the principle stated in division (B) of section 1.52 of 19863
the Revised Code that amendments are to be harmonized if 19864
reasonably capable of simultaneous operation, finds that the 19865
composites are the resulting versions of the sections in effect 19866

prior to the effective date of the sections as presented in this
act.

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