

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 203**

**Representatives Hagan, R., Foley**

**Cosponsors: Representatives Yuko, Fedor, O'Brien, Luckie, Murray,  
Gerberry**

**—**

**A B I L L**

To amend, for the purpose of adopting a new section 1  
number as indicated in parentheses, section 3.11 2  
(3.18), and to enact new section 3.11 of the 3  
Revised Code to establish a process for recalling 4  
statewide elected officials and members of the 5  
General Assembly. 6

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

**Section 1.** That section 3.11 (3.18) be amended for the 7  
purpose of adopting a new section number as indicated in 8  
parentheses and new section 3.11 of the Revised Code be enacted to 9  
read as follows: 10

**Sec. 3.11.** (A) As used in this section, "statewide office" 11  
means any of the offices of governor, lieutenant governor, 12  
secretary of state, auditor of state, treasurer of state, or 13  
attorney general. 14

(B) The holder of any statewide office may be removed from 15  
office by the qualified voters of the state. Any member of the 16  
general assembly may be removed from office by the qualified 17  
voters of the member's district. The procedure to effect such a 18

removal shall be: 19

(1)(a) If the official whose removal is sought is the holder 20  
of a statewide office, a petition signed by qualified electors 21  
equal in number to at least fifteen per cent of the total votes 22  
cast in the state for the office of governor at the most recent 23  
election for that office, and demanding the election of a 24  
successor to the person sought to be removed, shall be filed. If 25  
the official whose removal is sought is the holder of an office 26  
other than the office of secretary of state, the petition shall be 27  
filed with the secretary of state. If the official whose removal 28  
is sought is the secretary of state, the petition shall be filed 29  
with the governor, and the governor shall fulfill all duties of 30  
the secretary of state with regard to that petition. 31

(b) If the official whose removal is sought is a member of 32  
the general assembly, a petition signed by qualified electors 33  
equal in number to at least fifteen per cent of the total votes 34  
cast in the respective district for the office of governor at the 35  
most recent election for that office, and demanding the election 36  
of a successor to the person sought to be removed, shall be filed 37  
with the board of elections of the most populous county in the 38  
district. 39

(2) A petition filed under this section shall contain a 40  
general statement in not more than two hundred words of the 41  
grounds upon which the removal of the official is sought. The form 42  
and sufficiency of the petition shall be determined as provided in 43  
the general election laws. 44

(3) If the petition is sufficient, and if the official whose 45  
removal is sought does not resign within five days after the 46  
sufficiency of the petition has been determined, the question of 47  
removal of the official shall appear on the ballot at the next 48  
general election or at a special election conducted on the day of 49  
the next primary election, if the date of such election is fewer 50

than one hundred fifty days after the petition is filed. If the 51  
date of the next succeeding general election or primary election 52  
is one hundred fifty or more days after the petition is filed, a 53  
special election shall be held to determine the question of the 54  
removal of the official, and for the selection of a successor to 55  
the official. 56

If the election is for the removal of the holder of a 57  
statewide office, the secretary of state or, if applicable, the 58  
governor, shall thereupon order and fix the day for the special 59  
election. If the election is for the removal of a general assembly 60  
member, the board of elections of the most populous county in the 61  
member's district, after consultation with the board of elections 62  
of each county with territory in the district, shall thereupon 63  
order and fix the day for the special election. Such election 64  
shall be held not less than thirty nor more than forty days from 65  
the time of the finding of the sufficiency of such petition. The 66  
election authorities shall publish notice and make all 67  
arrangements for holding such election, which shall be conducted 68  
and the result thereof returned and declared in all respects as 69  
are the results of regular elections for the applicable office. 70

(4) The nomination of candidates to succeed the official who 71  
is sought to be removed shall be made, without the intervention of 72  
a primary election, by filing with the election authorities, at 73  
least twenty days prior to the election, a nominating petition 74  
that meets the requirements of section 3513.261 of the Revised 75  
Code. 76

(5) The ballots at such a recall election shall, with respect 77  
to the official whose removal is sought, submit the question: 78  
"Shall (name of person) be removed from the office of (name of 79  
office) by recall?" 80

Immediately following each such question, there shall be 81  
printed on the ballots, the two propositions in the order set 82

<u>forth:</u>	83
<u>"For the recall of (name of person)."</u>	84
<u>"Against the recall of (name of person)."</u>	85
<u>Immediately to the left of the proposition shall be placed a</u>	86
<u>square in which the electors may vote for either of such</u>	87
<u>propositions.</u>	88
<u>Under that question shall be placed the names of candidates</u>	89
<u>to fill the vacancy. The name of the official whose removal is</u>	90
<u>sought shall not appear on the ballot as a candidate to succeed</u>	91
<u>the member's self.</u>	92
<u>(6) In any such election, if a majority of the votes cast on</u>	93
<u>the question of removal are affirmative, the official whose</u>	94
<u>removal is sought is removed from office upon the announcement of</u>	95
<u>the official canvass of that election, and the candidate receiving</u>	96
<u>the plurality of the votes cast for candidates for that office</u>	97
<u>shall be declared elected. The successor of any person so removed</u>	98
<u>shall hold office during the unexpired term of the successor's</u>	99
<u>predecessor.</u>	100
<u>(C) No petition shall be filed under this section seeking the</u>	101
<u>removal of an official until the official has served for at least</u>	102
<u>ninety days of the term during which the official is sought to be</u>	103
<u>recalled. The method of removal provided in this section, is in</u>	104
<u>addition to such other methods as are provided by law. If, at any</u>	105
<u>such recall election, the incumbent whose removal is sought is not</u>	106
<u>recalled, the incumbent shall be repaid the incumbent's actual and</u>	107
<u>legitimate expenses for such election from the state treasury.</u>	108
<b>Sec. <del>3.11</del> 3.18.</b> No person shall hold at the same time by	109
appointment or election more than one of the following offices:	110
sheriff, county auditor, county treasurer, clerk of the court of	111
common pleas, county recorder, prosecuting attorney, and probate	112

judge. 113

**Section 2.** That existing section 3.11 of the Revised Code is 114

hereby repealed. 115