

**As Introduced**

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

**S. B. No. 240**

**Senators Burke, Lehner**

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**A B I L L**

To amend sections 307.94, 307.95, and 307.96 and to 1  
enact section 301.231 of the Revised Code to 2  
establish certain requirements to be followed by a 3  
county in adopting or amending a charter that 4  
provides under Section 3 of Article X, Ohio 5  
Constitution, for the succession by the county to 6  
the rights, properties, and obligations of any 7  
municipal corporations or townships wholly located 8  
in the county. 9

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

**Section 1.** That sections 307.94, 307.95, and 307.96 be 10  
amended and section 301.231 of the Revised Code be enacted to read 11  
as follows: 12

**Sec. 301.231.** (A) As used in this section, "successor county" 13  
means a county that has adopted or amended a charter under Section 14  
3 of Article X, Ohio Constitution, that provides for the 15  
succession by the county to the rights, properties, and 16  
obligations of any municipal corporations or townships wholly 17  
located in the county. 18

(B) A successor county shall have all of the rights, powers, 19  
and responsibilities afforded by law to counties and to those 20

municipal corporations and townships succeeded, including the 21  
right to levy and collect municipal income taxes, and shall 22  
succeed to the following interests of those municipal corporations 23  
and townships: 24

(1) All money, taxes, and special assessments, whether in the 25  
municipal corporation's or township's treasury or in the process 26  
of collection; 27

(2) All property and interests in property, whether real or 28  
personal; 29

(3) All rights and interests in contracts, or in securities, 30  
bonds, notes, or other instruments; 31

(4) All accounts receivable and rights of action. 32

(C) A successor county is legally obligated for all 33  
outstanding franchises, contracts, debts including bonds, notes, 34  
or other debt instruments, and other legally binding obligations 35  
for, and is legally responsible for maintaining, defending, or 36  
otherwise resolving any and all legal claims or actions of, each 37  
municipal corporation or township succeeded. 38

(D) Voted property tax levies shall remain in effect for the 39  
parcels of real property to which they applied prior to succession 40  
by a successor county, and succession shall not affect the 41  
proceeds of a tax levy pledged for the retirement of any debt 42  
obligation. Upon expiration of a property tax levy, the levy may 43  
only be replaced or renewed by vote of the electors of the county 44  
in the manner provided by law, to apply to real property within 45  
the boundaries of the successor county. If the millage levied 46  
inside the ten-mill limitation of each municipal corporation or 47  
township succeeded is different, the board of county commissioners 48  
of the successor county shall immediately equalize the millage for 49  
the entire county, provided that equalization does not affect the 50  
proceeds of a tax levy pledged for the retirement of any debt 51

obligation. 52

**Sec. 307.94.** Electors of a county, equal in number to ten per 53  
cent of the number who voted for governor in the county at the 54  
most recent gubernatorial election, may file, not later than one 55  
hundred ten days before the date of a general election, a petition 56  
with the board of county commissioners asking that the question of 57  
the adoption of a county charter in the form attached to the 58  
petition be submitted to the electors of the county. If the county 59  
charter attached to the petition provides for the succession by 60  
the county to the rights, properties, and obligations of any 61  
municipal corporations or townships wholly located in the county, 62  
the petition also shall include the signatures of not less than 63  
ten per cent of the electors of each municipal corporation and 64  
township proposed for succession who voted for governor at the 65  
most recent gubernatorial election. The petition shall be 66  
available for public inspection at the offices of the county 67  
commissioners during regular business hours until four p.m. of the 68  
one hundred eleventh day before the election, at which time the 69  
board shall, by resolution, certify the petition to the board of 70  
elections of the county for submission to the electors of the 71  
county, unless the signatures are insufficient or the petitions 72  
otherwise invalid, at the next general election. 73

Such electors may, in the alternative, not later than the one 74  
hundred thirtieth day before the date of a general election, file 75  
such a petition with the board of elections of the county. In such 76  
case the board of elections shall immediately proceed to determine 77  
whether the petition and the signatures on the petition meet the 78  
requirements of law and to count the number of valid signatures 79  
and to note opposite each invalid signature the reason for the 80  
invalidity. The board of elections shall complete its examination 81  
of the petition and the signatures and shall submit a report to 82  
the board of county commissioners not later than the one hundred 83

twentieth day before the date of the general election certifying 84  
whether the petition is valid or invalid and, if invalid, the 85  
reasons for invalidity, whether there are sufficient valid 86  
signatures, and the number of valid and invalid signatures. The 87  
petition and a copy of the report to the board of county 88  
commissioners shall be available for public inspection at the 89  
board of elections. If the petition is certified by the board of 90  
elections to be valid and to have sufficient valid signatures, the 91  
board of county commissioners shall forthwith and not later than 92  
four p.m. on the one hundred eleventh day before the general 93  
election, by resolution, certify the petition to the board of 94  
elections for submission to the electors of the county at the next 95  
general election. If the petition is certified by the board of 96  
elections to be invalid or to have insufficient valid signatures, 97  
or both, the petitioners' committee may protest such findings or 98  
solicit additional signatures as provided in section 307.95 of the 99  
Revised Code, or both, or request that the board of elections 100  
proceed to establish the validity or invalidity of the petition 101  
and the sufficiency or insufficiency of the signatures in an 102  
action before the court of common pleas in the county. Such action 103  
must be brought within three days after the request has been made, 104  
and the case shall be heard forthwith by a judge or such court 105  
whose decision shall be certified to the board of elections and to 106  
the board of county commissioners in sufficient time to permit the 107  
board of county commissioners to perform its duty to certify the 108  
petition, if it is determined by the court to be valid and contain 109  
sufficient valid signatures, to the board of elections not later 110  
than four p.m. on the one hundred eleventh day prior to the 111  
general election for submission to the electors at such general 112  
election. 113

A county charter to be submitted to the voters by petition 114  
shall be considered to be attached to the petition if it is 115  
printed as a part of the petition. A county charter petition may 116

consist of any number of separate petition papers. Each part shall 117  
have attached a copy of the charter to be submitted to the 118  
electors, and each part shall otherwise meet all the requirements 119  
of law for a county charter petition. Section 3501.38 of the 120  
Revised Code applies to county charter petitions. 121

The petitioners shall designate in the petition the names and 122  
addresses of a committee of not fewer than three nor more than 123  
five persons who will represent them in all matters relating to 124  
the petition, except that, if the county charter attached to the 125  
petition provides for the succession by the county to the rights, 126  
properties, and obligations of any municipal corporations or 127  
townships wholly located in the county, the petitioners shall 128  
designate in the petition the names and addresses of a committee 129  
of not fewer than five nor more than seven persons who will 130  
represent them in all matters relating to the petition, at least 131  
two of whom shall be electors of a municipal corporation or 132  
township proposed for succession. Notice of all matters or 133  
proceedings pertaining to such petitions may be served on the 134  
committee, or any of them, either personally or by certified mail, 135  
or by leaving it at the usual place of residence of each of them. 136

**Sec. 307.95.** (A) When a county charter petition has been 137  
certified to the board of elections pursuant to section 307.94 of 138  
the Revised Code, the board shall immediately proceed to determine 139  
whether the petition and the signatures on the petition meet the 140  
requirements of law, including section 3501.38 of the Revised 141  
Code, and to count the number of valid signatures. If the petition 142  
provides for the succession by the county to the rights, 143  
properties, and obligations of any municipal corporations or 144  
townships wholly located in the county, the board also shall 145  
determine whether the petition includes the signatures of not less 146  
than ten per cent of the electors of each municipal corporation 147  
and township proposed for succession who voted for governor at the 148

most recent gubernatorial election. The board shall note opposite 149  
each invalid signature the reason for the invalidity. The board 150  
shall complete its examination of the petition and the signatures 151  
not later than ten days after receipt of the petition certified by 152  
the board of county commissioners and shall submit a report to the 153  
board of county commissioners not less than one hundred days 154  
before the election certifying whether the petition is valid or 155  
invalid and, if invalid, the reasons for the invalidity, whether 156  
there are sufficient valid signatures, and the number of valid and 157  
invalid signatures. The petition and a copy of the report to the 158  
board of county commissioners shall be available for public 159  
inspection at the board of elections. If the petition is 160  
determined by the board of elections to be valid but the number of 161  
valid signatures is insufficient, the board of county 162  
commissioners shall immediately notify the committee for the 163  
petitioners, who may solicit and file additional signatures to the 164  
petition pursuant to division (E) of this section or protest the 165  
board of election's findings pursuant to division (B) of this 166  
section, or both. 167

(B) Protests against the board of ~~election's~~ elections' 168  
findings concerning the validity or invalidity of a county charter 169  
petition or any signature on such petition may be filed by any 170  
elector eligible to vote at the next general election with the 171  
board of elections not later than four p.m. of the ninety-seventh 172  
day before the election. Each protest shall identify the part of, 173  
or omission from, the petition or the signature or signatures to 174  
which the protest is directed, and shall set forth specifically 175  
the reason for the protest. A protest must be in writing, signed 176  
by the elector making the protest, and shall include the 177  
protestor's address. Each protest shall be filed in duplicate. 178

(C) The board of elections shall deliver or mail ~~be~~ by 179  
certified mail one copy of each protest filed with it to the 180

secretary of state. The secretary of state, within ten days after receipt of the protests, shall determine the validity or invalidity of the petition and the sufficiency or insufficiency of the signatures. The secretary of state may determine whether to permit matters not raised by protest to be considered in determining such validity or invalidity or sufficiency or insufficiency, and may conduct hearings, either in Columbus or in the county where the county 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 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 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 213  
shall be counted. The number of valid signatures on the original 214  
separate petition papers and the additional separate petition 215  
papers shall be added together to determine whether there are 216  
sufficient valid signatures. If the number of valid signatures is 217  
sufficient and the additional separate petition papers otherwise 218  
valid, the charter shall be placed on the ballot at the next 219  
general election. If not, the board of elections shall notify the 220  
county commissioners, and the commissioners shall notify the 221  
committee. 222

**Sec. 307.96.** Except as provided by Section 3 of Article X, 223  
Ohio Constitution, a county charter or amendment shall become 224  
effective if it has been approved by the majority of the electors 225  
voting thereon, or, if the charter or amendment provides for the 226  
succession by the county to the rights, properties, and 227  
obligations of any municipal corporations or townships wholly 228  
located in the county, by a majority of the electors of the county 229  
voting thereon, and by a majority of the electors of each 230  
municipal corporation and of each township proposed for succession 231  
voting thereon. The charter or amendment shall take effect on the 232  
thirtieth day after approval, unless another date is fixed in the 233  
charter or amendment. 234

No charter or amendment adopted by the electors of any county 235  
shall be held ineffective or void on account of the insufficiency 236  
of the petitions by which such submission of the resolution was 237  
procured, nor shall the rejection of any charter or amendment 238  
submitted to the electors of such county, be held invalid for such 239  
insufficiency. 240

Any charter or charter amendment proposal that is submitted 241  
to the electors of the county shall be posted in each polling 242  
place in some location that is easily accessible to the electors. 243



**Section 2.** That existing sections 307.94, 307.95, and 307.96 244  
of the Revised Code are hereby repealed. 245