

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 157

Representative Stautberg

Cosponsors: Representatives Beck, Becker, Ruhl, Terhar

—

A B I L L

To enact section 503.23 of the Revised Code to 1
establish a procedure to recall an elective 2
township officer. 3

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

Section 1. That section 503.23 of the Revised Code be enacted 4
to read as follows: 5

Sec. 503.23. Any elective officer of a township may be 6
removed from office by the qualified voters of such township. The 7
procedure to effect such removal shall be: 8

(A) A petition signed by qualified electors equal in number 9
to at least fifteen per cent of the total votes cast at the most 10
recent regular township election, and demanding the election of a 11
successor to the person sought to be removed, shall be filed with 12
the board of elections. Such petition shall contain a general 13
statement in not more than two hundred words of the grounds upon 14
which the removal of such person is sought. The form, sufficiency, 15
and regularity of any such petition shall be determined as 16
provided in the general election laws. 17

(B) If the petition is sufficient, and if the person whose 18
removal is sought does not resign within five days after the 19

sufficiency of the petition has been determined, the board of 20
township trustees shall thereupon order and fix a day for holding 21
an election to determine the question of the removal of the 22
elective officer, and for the selection of a successor to each 23
officer named in said petition. Such election shall be held not 24
less than thirty nor more than forty days from the time of the 25
finding of the sufficiency of such petition. The election 26
authorities shall publish notice and make all arrangements for 27
holding such election, which shall be conducted and the result 28
thereof returned and declared in all respects as are the results 29
of regular township elections. 30

(C) The nomination of candidates to succeed each officer 31
sought to be removed shall be made, without the intervention of a 32
primary election, by filing with the election authorities, at 33
least twenty days prior to such special election, a petition 34
proposing a person for each such office, signed by electors equal 35
in number to ten per cent of the total votes cast at the most 36
recent regular township election for township trustee. 37

(D) The ballots at such recall election shall, with respect 38
to each person whose removal is sought, submit the question: 39
"Shall (name of person) be removed from the office of (name of 40
office) by recall?" 41

Immediately following each such question, there shall be 42
printed on the ballots, the two propositions in the order set 43
forth: 44

"For the recall of (name of person)." 45

"Against the recall of (name of person)." 46

Immediately to the left of the proposition shall be placed a 47
square in which the electors may vote for either of such 48
propositions. 49

Under each of such questions shall be placed the names of 50

candidates to fill the vacancy. The name of the officer whose 51
removal is sought shall not appear on the ballot as a candidate to 52
succeed the officer's self. 53

In any such election, if a majority of the votes cast on the 54
question of removal are affirmative, the person whose removal is 55
sought shall be removed from office upon the announcement of the 56
official canvass of that election, and the candidate receiving the 57
plurality of the votes cast for candidates for that office shall 58
be declared elected. The successor of any person so removed shall 59
hold office during the unexpired term of the successor's 60
predecessor. The question of the removal of any officer shall not 61
be submitted to the electors until such officer has served for at 62
least one year of the term during which the officer is sought to 63
be recalled. The method of removal provided in this section, is in 64
addition to such other methods as are provided by law. If, at any 65
such recall election, the incumbent whose removal is sought is not 66
recalled, the incumbent shall be repaid the incumbent's actual and 67
legitimate expenses for such election from the treasury of the 68
township. 69