



Elizabeth K. Mase

*Bill Analysis*  
Legislative Service Commission

## **H.B. 356**

123rd General Assembly  
(As Introduced)

**Reps. Cates, Allen, Clancy, Netzley, Olman, Schuler, Terwilleger, Van Vyven,  
Willamowski, Williams**

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### **BILL SUMMARY**

- Authorizes the board of township trustees or the electors of an unincorporated township to cause the question of a proposed name change for the township to be submitted to the electors of the unincorporated area of the township.

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### **CONTENT AND OPERATION**

#### **Current law: township name changes**

Current law dealing with township names provides for the change of the name of an "incorporated township." The term "incorporated" is used in several places in Revised Code Chapter 503., and it is not clear whether it refers only to township territory that *lies within a municipal corporation*. The term "incorporated" is used in drafting Revised Code language today to refer to municipal corporations. Applying that interpretation, then, the current law only provides for a township to change its name if the township is completely within or coterminous with the boundaries of a municipal corporation. In that case, a majority of the electors of the township may petition the board of county commissioners to alter the name of the township. Notice of the petition must be given in three public places in the township 30 days before the petitioners apply to the board for the altering of the township's name. The board of county commissioners then may change the township's name for good cause shown. (Sec. 503.16--not in the bill.)<sup>1</sup>

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<sup>1</sup> *Current law provides that, when the limits of a municipal corporation become identical with those of a township, the township offices are abolished, and the duties of those offices must be performed by the corresponding officers of the municipal corporation (sec. 703.22--not in the bill).*

Current law also provides for the establishment of new townships, and in that context states that "[n]o two townships in any county shall be incorporated by the same name" (sec. 503.04--not in the bill). The term "incorporated" in this sense might mean "established." If that is so, this prohibition applies generally to township name changes. However, applying that interpretation of the term "incorporated," could make the procedure for a name change described in the immediately preceding paragraph available to *any* township.

**The bill: changing any township name**

The bill *permits* a board of township trustees, by a unanimous vote, to adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question of whether the township's name should be changed (sec. 503.161(A)). In addition, if the board of township trustees receives a petition requesting a name change that is signed by electors of the unincorporated area of the township at least equal in number to 20% of the electors that voted in that unincorporated area for the office of Governor at the preceding general election, then the board of township trustees *must* adopt a resolution causing the board of elections to submit the question of a name change to the electors (sec. 503.161(B)). Notice of the election on this issue, along with an explanation of the proposed name change, must be published in a newspaper of general circulation in the township for three consecutive weeks and must be posted in five conspicuous places in the unincorporated area of the township. The board of township trustees must provide that notice and do that posting at least 45 days before the election. (Sec. 503.162(B).)

The question of whether the township's name should be changed would be voted on at the next general election occurring at least 75 days after certification of the board of township trustees' resolution to the board of elections. The ballot must designate the name that is proposed as the new name for the township, and, if a majority of those voting approve the change, the township's name will be changed effective 90 days after the election results are certified by the board of elections. (Secs. 503.161(C) and 503.162(A) and (C).)

The bill specifically provides that a change in the name of a township does not alter the rights or liabilities of the township under its previous name (sec. 503.162(D)).

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	05-25-99	p. 706

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