



H.B. 164

125th General Assembly
(As Introduced)

Reps. Setzer, Husted, Seitz, Hollister, Koziura

BILL SUMMARY

- Permits an elector to resign an election petition after the elector removes his or her signature from the petition, so long as there is not more than one unstricken signature for the elector on the filed petition.
- Increases from 10% to 25% the percentage of electors of a municipal corporation who must sign a petition in order to place a referendum on the ballot for an ordinance or other measure passed by the legislative authority of the municipal corporation.

CONTENT AND OPERATION

Resigning of an election petition

Existing law specifies which electors are eligible to sign petitions under the Elections Law, that their signatures must be affixed in ink, and what additional details are required to be included on a petition (sec. 3501.38(A), (B), (C), and (E)). Existing law also specifies the circumstances under which a signature may be stricken from a petition. Before filing a petition in a public office, the circulator of the petition may strike from it any signature the circulator does not wish to present as part of the petition. Additionally, any signer of a petition may remove the signer's signature from the petition at any time before the petition is filed in a public office by striking the person's name from the petition. No signature may be removed after a petition is filed in a public office. (Sec. 3501.38(G) and (H).)

It is not entirely clear, under existing law, whether a person whose name is stricken from a petition is eligible to resign the petition. However, it appears that such a person could potentially be subject to prosecution. Existing law specifies that a person who knowingly signs a petition more than once is liable to prosecution (secs. 731.33 and 3519.05--not in the bill). Thus, it seems that a person who resigns a petition after the person's previous signature was stricken

could be prosecuted for knowingly signing a petition more than once, even though one of the signatures is stricken. Additionally, if a petition contains the signature of an elector two or more times, only the first signature may be counted (sec. 3501.38(D)).

The bill permits the signer of a petition who removed the signer's signature from the petition by striking it to reinstate the person's signature by resigning the petition. Resigning a petition in this manner must not be considered to be a signing of the petition more than once as long as there is not more than one unstricken signature for that signer on the filed petition. For the purpose of counting signatures, any stricken signature on a petition must not be considered the signature of an elector. (Sec. 3501.38(D) and (H).)

Required number of signatures for municipal referendum petitions

Ordinances and other measures passed by the legislative authority of a municipal corporation are subject to the referendum. In order to subject an ordinance or other measure to a referendum vote, a petition must be filed with the city auditor or village clerk within 30 days after the measure is filed with the city's mayor or passed by the village's legislative authority. Under existing law, the petition must be signed by 10% of the number of electors in the municipal corporation who voted for Governor at the most recent general election for the office. (Sec. 731.29.)

The bill changes the percentage of electors required to sign a municipal corporation referendum petition. Instead of 10%, the bill requires 25% of the number of electors in the municipal corporation who voted for Governor at the most recent general election for the office to sign the petition in order to place a measure on the ballot. (Sec. 731.29.)

COMMENT

The version of section 3501.38 of the Revised Code that is amended by the bill has been superseded. A corrective amendment is needed to ensure that the version in the bill is the current law recently enacted by Am. Sub. H.B. 445 of the 124th General Assembly.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-09-03	p. 340
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