



Sub. S.B. 107

126th General Assembly
(As Passed by the General Assembly)

Sens. Schuler, Padgett, Clancy, Schuring, Mumper, Grendell, Coughlin, Fedor, Miller, Niehaus, Roberts, Wilson, Zurz, Mallory

Reps. Chandler, Combs, Daniels, Uecker, Wolpert, Fende, Domenick, Carano, Cassell, D. Evans, Flowers, Hagan, Reidelbach, Sayre, Schaffer, Seaver

Effective date: *

ACT SUMMARY

- Changes the name of the office of township clerk to the township fiscal officer.
- Requires a township zoning referendum to be voted on at a special election to be held on the day of the next primary or general election that occurs at least 75 days after the referendum petition is filed, regardless of whether any election will be held to nominate or elect candidates on that day.

CONTENT AND OPERATION

Township fiscal officer

The act changes the name of the office of township "clerk" to township "fiscal officer"; the office continues as an elected office for a term of four years. The act does not affect the fiscal or other duties of the office, many of which are clerical or administrative in nature (see, for example, R.C. 507.04--keep an accurate record of the proceedings of the board of township trustees at all of its meetings and attend at least one meeting per quarter; R.C. 507.05--maintain books recording township roads, marks and brands, and official oaths and bonds of

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

township officers; R.C. 507.051--notify the board of elections of all vacancies caused by death, resignation, or otherwise in the township elective offices; R.C. 111.22--certify to the Secretary of State copies of resolutions, portions of public records, and other information the Secretary of State requires, and furnish and certify copies of items the Secretary of State prescribes to the clerk of the court of common pleas and county law library; R.C. 507.06--administer oaths, and take and certify affidavits, that pertain to the business of the township or the board of education of the local school district, and administer oaths required in the execution, verification, and renewal of security interests; R.C. 1533.13--issue hunting and fishing licenses; R.C. 149.42--serve on the township records commission; and R.C. 504.06--receive answers of persons who have received citations for violating resolutions of a limited home rule township).¹

Township zoning referendum election requirements

Continuing and former law

Under continuing law, if a board of township trustees adopts a proposed amendment to the township's zoning resolution, that amendment becomes effective 30 days after its adoption, unless, during that period, a petition is presented to the board that (a) has been signed by a specified number of registered electors residing in the unincorporated area of the township and (b) requests that the amendment be submitted to the electors for approval or rejection at a special election. The petition must adhere to a form specified by statute and be accompanied by an appropriate map of the area affected by the zoning proposal. Under former law, the special election had to held "on the day of the next primary or general election." (R.C. 519.12(H).)

¹ The statutes amended by the act for effecting the name change are: R.C. 111.21, 111.22, 117.44, 133.01, 133.27, 149.42, 301.01, 306.32, 306.321, 319.51, 321.31, 321.32, 321.34, 345.01, 503.162, 503.25, 503.26, 503.29, 503.41, 503.52, 504.06, 504.07, 504.11, 504.12, 504.14, 504.19, 504.20, 505.03, 505.04, 505.07, 505.108, 505.11, 505.17, 505.24, 505.262, 505.31, 505.32, 505.33, 505.35, 505.37, 505.373, 505.47, 505.511, 505.73, 505.86, 507.01, 507.02, 507.021, 507.03, 507.04, 507.05, 507.051, 507.06, 507.07, 507.08, 507.09, 507.11, 509.02, 511.21, 511.22, 511.33, 513.04, 515.02, 515.04, 515.081, 515.12, 517.05, 517.06, 517.07, 519.16, 519.161, 519.211, 521.02, 521.03, 703.201, 707.28, 709.023, 709.024, 709.03, 709.033, 709.46, 711.05, 711.10, 715.691, 715.70, 715.71, 715.75, 715.76, 971.05, 971.06, 971.08, 971.09, 971.12, 971.35, 971.36, 1341.16, 1533.13, 1710.02, 2927.21, 3381.03, 3501.37, 3513.253, 3517.10, 3709.30, 3734.025, 3734.026, 3734.57, 4301.80, 4303.26, 4928.20, 4929.26, 4929.27, 5123.19, 5126.021, 5541.02, 5543.05, 5552.10, 5571.04, 5571.16, 5573.13, 5573.211, 5575.04, 5575.09, 5579.08, 5705.01, 5709.73, 5735.27, and 5747.061.

Under continuing law, a board of township trustees must certify a township zoning referendum petition to the board of elections within two weeks after receiving it. Further, the petition must be certified to the board of elections not less than 75 days before to the election at which the question is to be voted on. (R.C. 519.12(H).)

Changes made by the act

Under the act, if the board of elections determines that a petition is sufficient and valid, the question must be voted on at a special election to be held on the day of the next primary or general election *that occurs at least 75 days after the date the petition is filed with the board of township trustees*. The act requires the question to be voted on at that election regardless of whether any election will be held to nominate or elect candidates on that day. (R.C. 519.12(H).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-16-05	pp. 324-325
Reported, S. State & Local Gov't & Veterans Affairs	04-21-05	p. 430
Passed Senate (31-1)	04-27-05	p. 452
Reported, H. Local & Municipal Gov't & Urban Revitalization	06-14-05	p. 949
Passed House (92-6)	06-21-05	pp. 1371-1373

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