



Lynda J. Jacobsen

*Bill Analysis*  
Legislative Service Commission

## **H.B. 106**

126th General Assembly  
(As Introduced)

**Reps. Setzer, Reinhard, C. Evans, Seitz, Webster, Collier, White**

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### **BILL SUMMARY**

- Increases from 10% to 20% 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.
- Permits the signer of a municipal referendum petition to remove the signer's signature from the petition during the first eight days after it is filed.
- Requires the city auditor or village clerk to notify the circulator of a municipal referendum petition if a signer removes the signer's signature from the petition after it is filed, and permits the circulator to change the circulator's statement to reflect the correct number of signatures within ten days after the petition is filed.

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### **CONTENT AND OPERATION**

#### **Required number of signatures for municipal referendum petitions**

Ordinances and other measures passed by the legislative authority of a municipal corporation are subject to 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. (R.C. 731.29.)

The bill changes the percentage of electors required to sign a municipal corporation referendum petition. Instead of 10%, the bill requires 20% 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. (R.C. 731.29.)

**Removal of signatures from a filed municipal referendum petition**

Under existing law, no signature may be removed from a petition that is filed in a public office (R.C. 3501.38(H)). And, existing law also prohibits any alterations, corrections, or additions from being made to a petition after it is filed in a public office (R.C. 3501.38(I)(1)). The bill excludes municipal referendum petitions from these prohibitions. The bill permits any signer of a filed municipal referendum petition to remove the signer's signature from the petition during the first eight days after the petition is filed with the city auditor or village clerk by striking the signer's name from the petition (R.C. 731.29 and 3501.38(H)(1) and (I)(1)).

If a signer removes the signer's signature from a petition, the city auditor or village clerk promptly must notify the circulator of the petition. If a signature is so removed, the circulator may change the circulator's statement to reflect the correct number of signatures contained on the petition. Any such change to the circulator's statement must be made within ten days after the petition is filed with the city auditor or village clerk. (R.C. 731.29 and 3501.38(I)(1).) (See COMMENT.)

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**COMMENT**

Since the bill permits signers of a municipal referendum petition to remove their signatures after the petition is filed, a petition that is filed with the required number of signatures might have to be rejected as having insufficient signatures if enough petitioners elect to remove their signatures from the petition and reduce the number of valid signatures on it below the required number. In that circumstance, the ordinance or other measure that is the subject of the petition would then go into effect.

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	03-02-05	p. 270

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