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Bill Analysis
Legislative Service Commission

H.B. 221

126th General Assembly
(As Introduced)

Reps. Wolpert, Trakas, Flowers, McGregor, D. Evans, C. Evans, Seaver

BILL SUMMARY

- Permits the county central committee of a major political party to be comprised of members representing combinations of election precincts, city wards, villages, and townships, as determined by the outgoing committee.
- 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

Territory represented by county central committee members

Existing law permits the outgoing county central committee of a major political party to determine the territory that the committee members will represent. As determined by the outgoing committee, a county central committee may consist of either (1) one member from each election precinct in the county or (2) one member from each ward in each city and from each township in the county. (R.C. 3517.03.)

The bill retains the authority for the outgoing committee to determine the territory that committee members will represent, but changes the types of territory that may be represented. Under the bill, the county central committee of a major political party may consist of any of the following, as determined by the outgoing committee (R.C. 3517.03):

- One member from each election precinct in the county.

- One member from each ward in each city and from each *village* (added by the bill) or township in the county.
- One member from each combination of election precincts, city wards, villages, and townships in the county (added by the bill) (see **COMMENT**).

The bill makes conforming changes throughout the Election Law to reflect the territory that may be represented by county central committee members under the bill. If precinct boundaries are changed so that a member of a county central committee would no longer qualify to represent the territory that the member was elected to represent, the member must continue to represent the precinct, ward, village, township, or combination of precincts, wards, villages, and townships in question for the remainder of the member's term (R.C. 3501.18(A)). Further, a person desiring to become a candidate for the office of member of a county central committee of a political party must obtain the required petition signatures from qualified electors of the precinct, ward, village, township, or combination of precincts, wards, villages, and townships to be represented (R.C. 3513.05). And, if a person who is nominated at a primary election dies, withdraws as a candidate, or is disqualified as a candidate, the vacancy may be filled by the members of the county central committee or the county executive committee of the major political party that made the nomination who represent the precincts, wards, villages, townships, or combination of precincts, wards, villages, and townships, within the applicable district or subdivision of a county (R.C. 3513.31(D), (E), and (G)).

Township zoning referendum election requirements

Existing law

Under existing 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 that has been signed by a specified number of registered electors residing in the unincorporated area of the township and that requests that the amendment be submitted to the electors for approval or rejection "at a special election to be held on the day of the next primary or general election" is presented to the board. 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. (R.C. 519.12(H).)

A board of township trustees, within two weeks after receiving a township zoning referendum petition, must certify it to the board of elections. Further, the

petition must be certified to the board of elections not less than 75 days prior to the election at which the question is to be voted upon. (R.C. 519.12(H).)¹

Changes proposed by the bill

As under current law, the board of elections must determine the sufficiency and validity of each township zoning referendum petition certified to it by a board of township trustees. However, under the bill, if the board of elections determines that a petition is sufficient and valid, the question must be voted upon 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 bill requires the question to be voted upon at that election regardless of whether any election will be held to nominate or elect candidates on that day. (R.C. 519.12(H).)

COMMENT

It is not entirely clear what impact the inclusion of "villages" might have on the actual representation of villages by county central committee members. Under existing law, county central committee members do not represent villages; instead, those members represent the precincts of which a village is comprised. It is possible, therefore, for a village to be represented now by more than one county central committee member, if the village consists of multiple precincts. A court might interpret the bill's village provisions to apply only to villages that are entirely represented by a single county central committee member.

It is also unclear whether county central committee representation would be affected if a county central committee member was elected to represent a particular village, and the village then annexed additional territory. In that case, the new village boundaries might include territory represented by another member of the county central committee. Depending on how a court would interpret the new language, changes in the county central committee lines could be required in such a situation.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-26-05	p. 703

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¹ *The bill does not substantively change the requirements described in this paragraph.*

