



Sub. S.B. 107

126th General Assembly

(As Reported by H. Local and Municipal Government and Urban Revitalization)

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

Reps. Chandler, Combs, Daniels, Uecker, Wolpert, Fende, Domenick

BILL 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

Under current law, the office of township clerk is an elected office for a term of four years. The bill changes the name of the office from township "clerk" to township "fiscal officer." It does not affect the fiscal or other duties of township clerks, 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 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 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

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).)²

¹ *The statutes amended by the bill 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.*

² *The bill does not substantively change the requirements described in this paragraph.*

Changes proposed by the bill

As under existing 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).)

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

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