



Ohio Legislative Service Commission

Bill Analysis

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H.B. 73

130th General Assembly
(As Introduced)

Rep. Anielski

BILL SUMMARY

- Allows the question of reducing the number of members of the legislative authority of a nonchartered village from six to five to be submitted to the voters at a special election.
- Clarifies the number of members that are eligible to be elected when the legislative authority of a nonchartered village adopts nonstaggered terms of office for its membership.
- Declares an emergency.

CONTENT AND OPERATION

Overview

The bill allows the question of reducing the number of members of the legislative authority of a nonchartered village to be submitted to the voters at a special election. The bill also clarifies the number of members that are eligible to be elected when the legislative authority of a nonchartered village adopts nonstaggered terms of office.

Reducing legislative authority membership to five at special election

Under continuing law, the legislative authority of a nonchartered village consists of six members. But the legislative authority may adopt an ordinance or resolution that reduces the number of members of the legislative authority from six to five, if the reduction is approved by a majority of the voters voting thereon. The reduction is submitted to the voters at the next regular municipal election, which occurs in November of odd-numbered years.

The bill allows the reduction to be submitted to the voters, not only at the next regular municipal election, but also at a special election.¹ Special elections generally can be held on the first Tuesday after the first Monday in February, May, August, or November.² As a result, the bill enables the reduction in the number of members to be achieved in as little as one year. Under prior law, the reduction could take as many as four years to be achieved, requiring one regular municipal election, in November of the next odd-numbered year, to vote on the reduction, and then a second regular municipal election, in November of the odd-numbered year two years later, to elect members to the legislative authority in accordance with the reduction. The bill, by contrast, allows the reduction to be submitted to voters at a special election that (1) is not on the date of the regular municipal election at which members are to be elected in accordance with the reduction and (2) occurs sufficiently in advance of the regular municipal election at which members are to be elected in accordance with the reduction.³ For example, the bill would allow the reduction to be submitted to the voters at a special election on May 7, 2013, so that, if the reduction is approved by the voters, members then could be elected in accordance with the reduction at the regular municipal election occurring on November 5, 2013. To enable this example to be realized in 2013, the bill includes an emergency clause.⁴

Clarifying number to be elected when nonstaggered terms adopted

Under continuing law, the members of the legislative authority of a nonchartered village are elected to staggered terms of office of four years. But the legislative authority of a nonchartered village may adopt an ordinance or resolution to eliminate staggered terms. Members then are to be elected to nonstaggered terms beginning at the next regular municipal election occurring not less than 90 days after the ordinance or resolution is certified to the board of elections. The bill clarifies this law as follows:

(1) If the legislative authority has six members, the bill specifies that the number of members eligible for election at the next regular municipal election are to be elected to two-year nonstaggered terms. Then, at all subsequent municipal elections, all

¹ R.C. 731.09(B).

² R.C. 3501.01. (This section is not in the bill.) In years in which a presidential primary election is held, special elections cannot be held in February or May, but can be held on the first Tuesday after the first Monday in March, when the presidential primary otherwise is held.

³ R.C. 731.09(B). Usually, not less than 90 days are considered to be sufficiently in advance of an election. See, for example, R.C. 731.091(B).

⁴ Section 3 of the bill.



members are to be elected to four-year nonstaggered terms. The result is six members serving four-year nonstaggered terms.⁵

(2) If the legislative authority has five members, the bill specifies that if members are first being elected after the reduction to five members, then one less than the number of members that otherwise would be eligible for election at the next regular municipal election are to be elected to two-year nonstaggered terms. If, however, the number of members eligible for election at the next regular municipal election previously has been reduced to five, then the number of members eligible for election at that regular municipal election are to be elected to two-year nonstaggered terms. In either case, all members are to be elected at subsequent municipal elections to four-year nonstaggered terms. The result is five members serving four-year nonstaggered terms.⁶

Current law assumes that three members of the legislative authority of a nonchartered village are elected at each regular municipal election.⁷ This does not appear to be the case, however, which is why the bill instead refers generally to "the number of members eligible for election." It appears that sometimes as few as two or as many as four members are to be elected.⁸

HISTORY

ACTION	DATE
Introduced	02-20-13

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⁵ R.C. 731.091(B)(1).

⁶ R.C. 731.091(B)(2).

⁷ R.C. 731.091(B)(2).

⁸ R.C. 731.09(A).

