



Ohio Legislative Service Commission

Bill Analysis

Bethany Boyd

H.B. 347*

129th General Assembly
(As Reported by H. Local Government)

Reps. Anielski, Hall, Huffman, Stebelton

BILL SUMMARY

- Authorizes the legislative authority of a nonchartered village to be composed of five rather than six members.
- Authorizes the terms of office of all members of the legislative authority of a nonchartered village to be concurrent rather than staggered.

CONTENT AND OPERATION

Reducing the number of members of a nonchartered village's legislative authority

The bill authorizes the legislative authority of a nonchartered village, with voter approval, or the electors of a nonchartered village, by initiative petition, to reduce from six to five the number of members of the village's legislative authority. Under current law, the legislative authority of a nonchartered village is composed of six members that are elected for four-year, staggered terms of office.¹ Assuming that the number of members of a village's legislative authority is a procedural matter, the bill applies only to villages that do not have a charter. Nonchartered villages must follow *procedural* state law when exercising their local self-government powers. A village that has adopted a charter is not required to comply with procedural state law.²

* This analysis was prepared before the report of the House Local Government Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

¹ R.C. 731.09(A).

² Oh. Const. Art. XVIII, § 3 and § 7.

Under the bill, the legislative authority of a nonchartered village may adopt an ordinance or resolution that would reduce the number of members of the legislative authority to five, if the reduction is approved by a majority of the electors voting on the issue. The legislative authority must file a certified copy of the ordinance or resolution with the board of elections no later than 4 p.m. of the 90th day before the day of the next election at which members of the legislative authority are to be elected.³

In addition, the electors of a nonchartered village may propose a reduction in the number of members of the legislative authority, from six to five, by filing an initiative petition.⁴ The petition procedure in existing law requires that an initiative petition contain the signatures of not less than 10% of the number of electors who voted for Governor at the most recent general election in the village for the office of Governor. The petition is filed with the village clerk, who, after ten days, must transmit the petition and a certified copy of the text of the proposed ordinance or measure to the board of elections. The board must examine all signatures on the petition to determine the number of electors of the village who signed the petition, and must return the petition to the clerk within ten days after receiving it, together with a statement attesting to the number of such electors who signed the petition. The board of elections must submit the proposed ordinance or measure for the approval or rejection of the electors of the village at the next general election occurring subsequent to 90 days after the clerk certifies the sufficiency and validity of the initiative petition to the board of elections.⁵

If a majority of the votes cast on the question, proposed either by the legislative authority or by initiative, of reducing the number of members of the legislative authority is in the affirmative, the legislative authority must be composed of five members, who shall be elected at large for terms of four years. If members of the legislative authority have staggered terms of office as required by continuing law, the decrease in number of members must be implemented as necessary over the next two municipal elections at which members of the legislative authority would be elected. If, under the bill, the legislative authority has adopted an ordinance or resolution to eliminate staggered terms of office, the members are to be elected as discussed immediately below.⁶

³ R.C. 731.09(B).

⁴ R.C. 731.09(C).

⁵ R.C. 731.28, not in the bill.

⁶ R.C. 731.09(D).

Creating concurrent terms of office

The legislative authority of a nonchartered village, by the adoption of an ordinance or resolution to eliminate staggered terms of office, may determine that all members of the legislative authority are to be elected at the same municipal election. At the regular municipal election occurring not less than 90 days after the certification of this ordinance or resolution to the board of elections, the following apply:

◆ If there are six members of the legislative authority, three members must be elected at the next regular municipal election for two-year nonstaggered terms and all members of the legislative authority must be elected to four-year nonstaggered terms at all following municipal elections.

◆ If there are five members of the legislative authority, three members must be elected at the next municipal election for two-year terms and all members must be elected to four-year nonstaggered terms at all following municipal elections.⁷

HISTORY

| ACTION | DATE |
|--------------------------|----------|
| Introduced | 10-18-11 |
| Reported, H. Local Gov't | --- |

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⁷ R.C. 731.091.