

# Chapter 10

## Charters and Alternative Plans of Government

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Ohio Ballot Questions and Issues Handbook

Ohio law provides for limited home rule government in municipalities, townships and counties. The Ohio Constitution authorizes the adoption of charters by counties and municipal corporations; many Ohio municipalities, and two of its counties,<sup>1</sup> operate under charters approved by the voters. Additionally, the Ohio Revised Code provides for other alternative plans of government that may be adopted by municipalities, townships and counties.

### **MUNICIPALITIES (CITIES AND VILLAGES)**

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#### **A. Municipal Charters**

1. *Authority*

The authority for adopting a municipal charter is found in [\*Article XVIII, Section 7 of the Ohio Constitution\*](#), which states as follows:

Any municipality may frame and adopt or amend a charter for its government and may, subject to the provisions of section 3 of this article, exercise thereunder all powers of local self-government.

2. *Procedure*

The procedure for adopting a municipal charter is set forth in [\*Article XVIII, Section 8\*](#). The procedure consists of four basic steps:

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<sup>1</sup> Summit County and Cuyahoga County.



- a. The municipal legislative authority passes an ordinance directing that the question of whether a charter commission, comprised of 15 electors of the municipality, shall be formed for the purpose of framing a charter that will be submitted to the voters for their approval or rejection. The question must be submitted to the voters at an election held 60 to 120 days after the ordinance is passed.
  - b. A majority of the electors voting on the question must approve the formation of the charter commission and elect its members.
  - c. The members of the charter commission must frame (draft) a charter and submit it to the electors within one year after their election.
  - d. A majority of the municipal electors voting on the question must approve adopting the charter.
3. Election on Forming a Charter Commission
- a. *Ordinance*  
The municipal legislative authority adopts an ordinance submitting to the electors the question of whether to form a charter commission under two circumstances:
    - It may adopt the ordinance on its own initiative by a vote of two-thirds of its members, or
    - It must adopt the ordinance upon the filing of a petition, signed by 10 percent of the electors of the municipality based upon the total number of votes cast at the last preceding general municipal election,<sup>2</sup> asking that the question be submitted to voters. Petitioners may, but are not required to, use Secretary of State [Form 6-A](#) for this purpose.

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<sup>2</sup> [Ohio Const. Art. XVIII §14](#); *State ex rel. Huebner v. West Jefferson Village Council* (1996), 75 Ohio St. 3d 381, 384 (upon reconsideration).





The ordinance must provide for all the following:

- The submission of the question: "Shall a commission be chosen to frame a charter?"
- The date of the election, which must be held 60 to 120 days after passage of the ordinance. The question is to be submitted at the next regular municipal election that occurs during the 60 to 120 day time frame. However, if no regular municipal election is scheduled during that time, the ordinance must provide for the submission of the question at a special election to be held between 60 and 120 days after its passage.
- The election of 15 electors from the municipality at large, who shall constitute the members of the commission to frame a charter, provided that a majority of the electors voting on the question voted in the affirmative.

The ordinance must provide for the method of selection (usually by nominating petition), including the signature requirement and filing deadline for any petition.<sup>3</sup> Ohio Secretary of State [Forms 3-P](#) and [3-Q](#) may be used for the nominating petition, unless the legislative authority provides specific criteria for the petition.

b. *Notice*<sup>4</sup>

The board of elections must give public notice of the election by a proclamation issued at least 10 days before the election. The notice may be posted in a conspicuous place in the court house and city hall or by insertion in a newspaper published in the county. If no newspaper is published in the county, notice may be given by insertion in a newspaper of general circulation within the county.

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<sup>3</sup> [Ohio Const. Art. XVIII §8; 1964 Ohio Att'y Gen. Op. 1512.](#)

<sup>4</sup> [R.C. 3501.03.](#)





c. *Ballot*

The question appears on the Official Questions and Issues Ballot. The ballot shall bear no party designation. Each elector has the opportunity to vote separately on the two parts of the question. The question shall be presented in two parts:

- i. The first part is the question, “Shall a commission be chosen to frame a charter?”, followed by the choices “Yes” and “No.”
- ii. The second part is the slate of candidates seeking election to the charter commission in the event that the first part of the question (framing a charter) is approved by a majority vote.

d. *Canvass*

The question of whether a commission shall be chosen must be counted separately from the votes cast for individual members of the commission. This way, an elector who voted against the question of choosing the commission still is able to have his or her votes for members of the commission counted.

If a majority of the electors voting on the question vote against it, the question fails, and the election of the charter commission members is mooted. If a majority of voters approve the question, the board of elections certifies the names of the persons elected to serve on the commission to frame the charter.

4. Approval or Rejection of Proposed Charter

a. *Election*

Any charter framed in accordance with [\*Article XVIII, Section 8 of the Ohio Constitution\*](#) must be submitted to the electors at an election held at a time fixed by the charter commission and within one year from the date of the commission’s election. The municipal legislative authority shall provide for an election on the date specified by the charter commission.





b. *Notice*

i. *By Municipality*

Not less than 30 days prior to the election to approve the charter, the clerk of the municipality must mail a copy of the proposed charter to each elector whose name appears on the poll or registration books of the last regular or general election held within the municipality.<sup>5</sup>

ii. *By Board of Elections*

The board of elections must give public notice of the election by a proclamation issued at least 10 days before the election is held, in accordance with [R.C. 3501.03](#). The notice may be posted in a conspicuous place in the court house and city hall, or by insertion in a newspaper published in the county. If no newspaper is published in the county, notice may be given by insertion in a newspaper of general circulation within the county.

c. *Ballot Language*<sup>6</sup>

The full text of the proposed municipal charter need not be placed on the ballot. A condensed version is permissible; however, the full text of the charter and the percentage of affirmative votes needed for passage must be placed in an easily accessible place in the polling location.

d. *Approval of proposed charter*

The proposed municipal charter is approved if a majority of those voting on the question vote in favor of the charter. If approved, the proposed charter takes effect on the date specified in the charter.<sup>7</sup>

The municipality must certify a copy of the charter to the Secretary of State within 30 days after the date of the election.<sup>8</sup>

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<sup>5</sup> [Ohio Const. Art. XVIII §8.](#)

<sup>6</sup> [R.C. 3505.06\(E\).](#)

<sup>7</sup> [Ohio Const. Art. XVIII §8.](#)

<sup>8</sup> [Ohio Const. Art. XVIII §8.](#)





## 5. Amending a Municipal Charter

### a. Authority

The authority and procedure for approving an amendment to a municipal charter are found in [\*Article XVIII, Section 9 of the Ohio Constitution\*](#). The charter itself may provide additional procedures for an amendment; as a general rule, the charter provisions will apply unless they conflict with the relevant constitutional provisions.<sup>9</sup>

An amendment to a charter may be submitted to the electors by one of the two following methods:

- i. Two-thirds vote of the legislative authority of the municipality.
- ii. A petition<sup>10</sup> containing the full text of the proposed amendment and signed by 10 percent of the electors of the municipality. The filing of a valid and sufficient petition requires the legislative authority to pass an ordinance ordering the board of elections to submit the amendment to the electors.<sup>11</sup>

The municipal legislative authority determines the sufficiency and validity of a petition to amend a charter. The board of elections' initial role in reviewing the petition is strictly ministerial; i.e., determining the sufficiency and validity of the signatures and reporting its findings to the legislative authority.<sup>12</sup>

### b. Election

The procedure for submitting an amendment to an existing charter to the electors is similar to the procedure for submitting the question

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<sup>9</sup> *City of Bedford v. Cuyahoga Cty. Bd. of Elections* (1991), 62 Ohio St.3d 17, 577 N.E.2d 645.

<sup>10</sup> Petitioners may, but are not required to, use Ohio Secretary of State [\*Form 6-B\*](#) for this purpose.

<sup>11</sup> [\*Ohio Const. Art. XVIII §9\*](#). The number of electors required to sign the petition is based on the total vote cast at the last preceding general municipal election. [\*Ohio Const. Art. XVIII §14\*](#); *State ex rel. Huebner v. West Jefferson Village Council* (1996), 75 Ohio St. 3d 381, 384 (upon reconsideration).

<sup>12</sup> *State ex rel. Semik v. Cuyahoga Cty. Bd. of Elections* (1993), 67 Ohio St.3d 334, [\*1993-Ohio-36\*](#).





of choosing a charter commission under [Article XVIII, Section 8 of the Ohio Constitution](#).<sup>13</sup> A proposed amendment must be submitted to the electors at the time of the next regular municipal election that occurs 60 to 120 days after passage of the ordinance. If there is not a regular municipal election in that time, a special election must be held on the date specified by the legislative authority of the municipality.<sup>14</sup>

c. *Notice*<sup>15</sup>

i. By Municipality

Notice of an election on a proposed amendment shall be given in one of the following ways:

- Not less than 30 days before the election, the clerk of the municipality must mail a copy of the proposed amendment to each elector whose name appears on the poll or registration books as of the last regular or general election.
- The full text of the proposed amendment must be published once a week for not less than two consecutive weeks prior to the election in a newspaper published in the municipal corporation or as provided in [R.C. 7.16](#), with the first publication being at least 15 days before the election.

ii. By the Board of Elections

The board of elections must give public notice of the election by a proclamation issued at least 10 days before the election, in accordance with [R.C. 3501.03](#). The notice may be posted in a conspicuous place in the court house and city hall or by insertion in a newspaper published in the county. If no newspaper is

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<sup>13</sup> [Ohio Const. Art. XVIII §9](#).

<sup>14</sup> *Billington v. Cotner* (1971), 25 Ohio St.2d 140, 267 N.E.2d 410, 54 O.O.2d 270.

<sup>15</sup> [R.C. 731.211\(A\), \(B\)](#), [R.C. 7.16](#).





published in the county, notice may be given by insertion in a newspaper of general circulation within the county.

d. *Ballot Language*<sup>16</sup>

The full text of the proposed charter amendment need not be placed on the ballot. A condensed version is permissible; however, the full text of the charter amendment and the percentage of affirmative votes needed for passage must be placed in an easily accessible place in the polling location.

e. *Approval of Charter Amendment*

A majority vote is required for passage of the proposed amendment. An amendment is effective upon passage unless otherwise provided in the amendment or the charter.<sup>17</sup>

In the event that two or more proposed amendments submitted to the voters at the same election conflict with each other, the one receiving the single highest number of total votes cast is the amendment to the charter, in the absence of a charter provision to the contrary. Any determination as to whether amendments conflict with each other is a legal question to be resolved by the courts.<sup>18</sup>

If an amendment is approved by the voters, the municipality must certify a copy of the amendment to the Secretary of State within 30 days after the date of the election.

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<sup>16</sup> [R.C. 3505.06\(E\)](#).

<sup>17</sup> *State ex rel. McNamara v. Campbell* (1916), 94 Ohio St. 403, 115 N.E. 29, 14 Ohio Law Rep. 268, 14 Ohio Law Rep. 479.

<sup>18</sup> [1931 Ohio Att'y Gen. Op. 3626](#).







## B. Statutory Alternative Plans of Municipal Government

### 1. Authority<sup>19</sup>

[Revised Code Chapter 705](#) contains three plans of limited home rule government that a city or village may adopt instead of a charter. The three plans are:

- a. Commission plan;<sup>20</sup>
- b. City manager plan;<sup>21</sup> and
- c. Federal plan.<sup>22</sup>

The provisions of [R.C. 705.07](#) through [705.32](#) apply to, and are a part of, each plan of government provided in [R.C. Chapter 705](#). The powers conferred upon municipal corporations by Title VII of the Revised Code shall govern unless otherwise provided by law. Each plan may be proposed by the legislative authority of any municipality, or by the electors of a municipality by petition in the manner prescribed by law for the submission of initiative petitions. The plan shall take effect and be in force when approved by a majority of the electors voting thereon.

Municipal officials who have questions about adopting a plan of limited home rule government should be encouraged to consult with the municipality's legal counsel. Residents and/or petitioners should be encouraged to consult private legal counsel.

### 2. Petition for Election<sup>23</sup>

Whenever electors of a city or village file with the board of elections a petition containing signatures equal in number to 10 percent of those who voted at the last regular municipal election, asking that the question

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<sup>19</sup> [R.C. Chapter 705](#).

<sup>20</sup> [R.C. 705.41 - 705.48](#).

<sup>21</sup> [R.C. 705.51 - 705.60](#).

<sup>22</sup> [R.C. 705.71 - 705.86](#).

<sup>23</sup> [R.C. 705.01](#).





of organizing the municipal corporation under any one of the plans of government provided in [R.C. 705.41](#) to [705.86](#) be submitted to the electors, the board of elections shall at once certify that fact to the legislative authority of the municipal corporation.

Petitioners may, but are required to, use Ohio Secretary of State [Form 6-D](#) for this purpose.

a. *Ordinance*<sup>24</sup>

The legislative authority shall, within 30 days, provide for submitting such question at a special election to be held not less than 90 days after the filing of the petition.

b. *Election*<sup>25</sup>

The proposition to adopt a plan of government shall not be submitted to the electors of any municipal corporation less than 90 days before a regular municipal election.

The election shall be conducted in accordance with the general election laws except as otherwise provided in [R.C. 705.01](#) to [705.92](#), and the legislative authority of any municipal corporation holding such an election shall appropriate whatever money is necessary for the proper conduct of such election.

Restrictions on Elections:<sup>26</sup>

- i. A proposition to adopt a plan of government under [R.C. Chapter 705](#) shall not be submitted in a municipality as long as the question of choosing a commission to frame a charter, or of adopting a charter framed by such commission, is pending in that municipality.

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<sup>24</sup> [R.C. 705.01](#).

<sup>25</sup> [R.C. 705.02](#).

<sup>26</sup> [R.C. 705.02](#), [705.04](#).





- ii. While the proposition of adopting any plan of government under R.C. Chapter 705 is pending in a municipality, no other proposition provided for in those sections shall be submitted in that municipality until the pending proposition is adopted or rejected.
- iii. If the proposition to adopt a plan of government under [R.C. Chapter 705](#) is rejected by the electors, it cannot be submitted in that municipality within one year after such rejection.

3. *Ballot Language*<sup>27</sup>

The form of the ballot used to submit the question of organizing under any one of the plans of government provided in [R.C. 705.41](#) to [705.86](#) is prescribed in [R.C. 705.03](#). The board of elections shall have printed on the ballots two questions:

- a. Shall the specific plan of government shall be adopted?, and
- b. Shall the recall be adopted?

The ballot must allow the electors to vote separately for or against each of the two questions.

4. *Notice*<sup>28</sup>

At least 30 days before the election, the board of elections shall mail to each elector of the municipality whose name appears on the pollbooks or registration books of the last general election both of the following documents: (1) a copy of the proposed plan of government, and (2) the supplementary propositions. The front cover of each copy must contain a facsimile ballot and the date and hours of the election.

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<sup>27</sup> [R.C. 705.03](#).

<sup>28</sup> [R.C. 705.03](#).





Additionally, the board of elections must give public notice of the election by a proclamation issued at least 10 days before the election, in accordance with [R.C. 3501.03](#). The notice may be posted in a conspicuous place in the court house and city hall or by insertion in a newspaper published in the county. If no newspaper is published in the county, notice may be given by insertion in a newspaper of general circulation within the county.

5. *Argument for or against proposed plan and/or recall*<sup>29</sup>

Any elector may, at least 40 days before the election, file with the board of elections a written argument not exceeding 300 words, for or against any proposed plan of government or any other proposition to be submitted at the election. Upon payment of the printing cost, the board shall have the argument printed and a copy mailed, with the copy of the proposed plan, to each elector or otherwise distributed to every voter as far as practicable.

6. *Alternative Plan of Government Approved*<sup>30</sup>

If the voters approve a plan of government, the plan, together with any of the supplementary propositions approved by a majority of the voters, shall go into effect immediately, insofar as they apply to the nomination and election of officers provided for in such sections, and January 1 following the next regular municipal election, in all other respects.

7. *Subsequent elections on supplementary propositions*<sup>31</sup>

In any municipality that has adopted a plan of government under [R.C. Chapter 705](#), any of the supplementary propositions (e.g., the recall, as provided in [R.C. 705.92](#)) not previously adopted may be independently submitted to the electors at any municipal election in the manner provided by [R.C. 705.01](#) to [705.04](#).

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<sup>29</sup> [R.C. 705.03](#).

<sup>30</sup> [R.C. 705.04](#).

<sup>31</sup> [R.C. 705.05](#).





If the proposition to adopt a plan is rejected by the electors, it cannot be submitted in that municipality within one year after such rejection.

## **ALTERNATIVE FORM OF TOWNSHIP GOVERNMENT<sup>32</sup>**

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### **A. Authority<sup>33</sup>**

Some, but not all, townships may adopt limited home rule governments, under which the township exercises limited powers of local self-government and limited police powers. A township that meets the qualifications set forth in [R.C. 504.01](#) may adopt a limited home rule government in the manner provided therein. The township also may terminate its limited home rule government as provided in [R.C. 504.03](#).

Township officials who have questions regarding the provisions of [R.C. Chapter 504](#) are encouraged to consult with the township's legal counsel. Township residents/petitioners are encouraged to direct their questions to private legal counsel.

### **B. Elections<sup>34</sup>**

On a question to adopt a limited home rule government:<sup>35</sup>

The question must be submitted to the electors of the unincorporated area of the township at the next general election occurring at least 90 days after the board of township trustees certifies its resolution to the board of elections.

On a referendum on a resolution to establish a limited home rule government:<sup>36</sup>

The question must be submitted to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election occurring at least 90 days after the referendum petition is filed.

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<sup>32</sup> [R.C. 504](#).

<sup>33</sup> [R.C. 504.01](#).

<sup>34</sup> [R.C. 504.02](#).

<sup>35</sup> [R.C. 504.01\(A\)\(1\), \(2\) & \(3\)\(b\)](#).

<sup>36</sup> [R.C. 504.01\(A\)\(3\)\(a\)](#).





### C. Ballot Language<sup>37</sup>

The ballot language on the question of adopting a limited home rule government shall be substantially as set forth in [R.C. 504.02](#).

### D. Notice

1. *By Township*<sup>38</sup>

At least 45 days before the election, the board of township trustees shall:

- a. have notice of the election and a description of the proposed limited home rule government published in a newspaper of general circulation in the township once a week for two consecutive weeks or as provided in [R.C. 7.16](#), and
- b. have the notice and description posted in five conspicuous places in the unincorporated area of the township.

2. *By Board of Elections*<sup>39</sup>

If a board of elections operates and maintains a website, notice of the election and a description of the proposed limited home rule government must be posted on that website for at least 30 days before the election on this question.

Additionally, the board of elections must give public notice of the election by a proclamation issued at least 10 days before the election, in accordance with [R.C. 3501.03](#). The notice may be posted in a conspicuous place in the court house and city hall or by insertion in a newspaper published in the county. If no newspaper is published in the county, notice may be given by insertion in a newspaper of general circulation within the county.

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<sup>37</sup> [R.C. 504.02](#).

<sup>38</sup> [R.C. 504.02](#), [R.C. 7.16](#).

<sup>39</sup> [R.C. 504.02](#), [R.C. 3501.03](#).





### **E. Approval by Voters<sup>40</sup>**

If a majority of the votes cast on the proposition is in the affirmative, that government is adopted and becomes the township's government on January 1 immediately following the election.

### **F. Initiative and Referendum Powers<sup>41</sup>**

A township that adopts a limited home rule government is vested with the statutory rights of initiative and referendum. Resolutions may be proposed by initiative petition by the electors in the unincorporated area of the township and adopted by election by these electors, and resolutions adopted by the board of township trustees may be submitted to these electors for their approval or rejection by referendum, under the same circumstances and in the same manner as provided by [R.C. 731.28](#) to [731.40](#) for municipal corporations, with two provisos:

1. Initiative and referendum petitions shall be filed with the township fiscal officer, who shall perform the duties imposed under those sections upon the city auditor or village clerk.
2. Initiative and referendum petitions shall contain the signatures of not less than 10 percent of the total number of electors in the unincorporated area of the township who voted for the office of governor at the most recent gubernatorial election for that office in that area of the township.

### **G. Election for terminating limited home rule government<sup>42</sup>**

1. *Authority*  
[R.C. 504.03](#) provides that an election may be held on the question of terminating a township's limited home rule government. The election may be triggered by either:

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<sup>40</sup> [R.C. 504.02.](#)

<sup>41</sup> [R.C. 504.14.](#)

<sup>42</sup> [R.C. 504.03.](#)





- a. a resolution passed by the township trustees after the limited home rule government has been in effect for at least three years, or
- b. the filing of a valid and sufficient initiative petition, in accordance with [R.C. 504.14](#).

2. *Ballot Language*

The ballot language shall be substantially as set forth in [R.C. 504.03](#).

3. *Notice of Election*

a. By Township

At least 45 days before the election, the board of township trustees shall have notice of the election:

- i. published in a newspaper of general circulation in the township once a week for two consecutive weeks or as provided in [R.C. 7.16](#), and
- ii. posted in five conspicuous places in the unincorporated area of the township.

b. By Board of Elections

If a board of elections operates and maintains a website, notice of the election shall be posted on that website for at least 30 days before the election.

Additionally, the board of elections must give public notice of the election by a proclamation issued at least 10 days before the election, in accordance with R.C. 3501.03. The notice may be posted in a conspicuous place in the court house and city hall or by insertion in a newspaper published in the county. If no newspaper is published in the county, notice may be given by insertion in a newspaper of general circulation within the county.

4. *Result of Election*

If a majority of the votes is in the negative, that government is terminated effective January 1 immediately following the election.







A limited home rule government shall not be adopted in the unincorporated area of the township pursuant to [R.C. 504.02](#) for at least three years after that date.

## **ALTERNATIVE FORMS OF COUNTY GOVERNMENT** *(Updated July, 2014)*

Provisions are made in both the Ohio Constitution and the Revised Code of Ohio for the framing, adoption, and amendment of a county charter, both with and without a county charter commission.<sup>43</sup> Additionally, an entire chapter of the Revised Code sets forth provisions for the adoption of statutory, alternative forms of county government.<sup>44</sup>

### **A. County Charter, Generally**

The provisions for proposing a county charter differ from those for proposing a municipal charter. One significant difference is that a proposed county charter may be submitted directly to the electorate in the absence of a charter commission.

Ohio law provides four avenues by which a county charter proposal may first be presented to the voters:

1. By resolution adopted by a two-thirds vote of the board of county commissioners in the absence of a petition, providing for an election on the two-part question of (1) whether a county charter commission shall be chosen to frame a charter, and (2) who shall be elected to the commission.<sup>45</sup>
2. By the filing of valid and sufficient petition with the board of county commissioners, providing for an election on the two-part question of (1)

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<sup>43</sup> [Ohio Const. Art. X, §§3-4](#); [R.C. 307.94 – 307.96](#).

<sup>44</sup> [R.C. 302](#).

<sup>45</sup> [Ohio Const. Art. X, §4](#).





whether a county charter commission shall be chosen to frame a charter, and (2) who shall be elected to the commission.<sup>46</sup>

3. By the filing of a valid and sufficient petition containing a proposed charter, filed with the board of county commissioners not later than 110 days before a general election, demanding an election on whether the charter shall be adopted (no commission elected to frame the charter).<sup>47</sup>
4. By the filing of a valid and sufficient petition containing a proposed charter, filed with the board of elections not later than 130 days before a general election, demanding an election on whether the charter shall be adopted (no commission elected to frame the charter).<sup>48</sup>

## **B. Resolution Providing for Election on Whether a County Charter Commission Shall be Chosen**

### 1. Authority

[Article X, Section 3 of the Ohio Constitution](#) provides for framing, adopting and amending a county charter. Section 3 further provides, however, that the right of the initiative and referendum is reserved to the people of each county on all matters which the county may now or hereafter be authorized to control by legislative action.

A charter or amendment providing for either:

- a. the exclusive exercise of municipal powers by the county, or
- b. the succession by the county to any property or obligation of any municipality or township without the consent of the legislative authority of such municipality or township,

shall become effective only when it shall have been approved by a majority of those voting thereon (1) in the county, (2) in the largest

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<sup>46</sup> [Ohio Const. Art. X, §4.](#)

<sup>47</sup> [Ohio Const. Art. X, §4; R.C. 307.94 - 307.95.](#)

<sup>48</sup> [Ohio Const. Art. X, §4; R.C. 307.94 - 307.95.](#)





municipality, (3) in the county outside of such municipality, and (4) in counties having a population, based upon the latest preceding federal decennial census, of 500,000 or less, in each of a majority of the combined total of municipalities and townships in the county (not including within any township any part of its area lying within a municipality).

2. *Election on Question to Choose a County Charter Commission*

[Section 4 of Article X of the Ohio Constitution](#) sets forth the procedures for elections to frame, adopt or amend a county charter. The legislative authority of any county:

- a. may, by a two-thirds vote of its members, or
- b. shall, upon petition of 8 percent of the electors of the county as certified by the board of elections,

pass a resolution to submit to the county voters the question, "Shall a county charter commission be chosen?" The required number of petition signatures is based on the total number of votes cast in the county for the office of governor at the most recent gubernatorial election.

3. *Timing*

The question shall be voted upon at the next general election that occurs 95 or more days after the resolution is certified to the board of election.

4. *Ballot*

The question appears on the Official Questions and Issues Ballot. The ballot shall bear no party designation. Each elector shall have the opportunity to vote separately on the two parts of the question. The question shall be presented as follows:

- a. The first part of the ballot question is, "Shall a county commission be chosen?" The question is followed by the choices "Yes" and "No."
- b. The second part of the ballot question consists of the slate of candidates seeking election to the 15-member charter commission,





in the event that the first part of the question (electing a charter commission) is approved by a majority vote.

5. *Candidates for County Charter Commission*

Candidates for the county charter commission shall be nominated by petition of 1 percent of the electors of the county, based on the total number of votes cast in the county for the office of governor at the most recent gubernatorial election. The petition shall be filed with the election authorities not less than 75 days before the election. Candidates shall be declared elected in the order of the number of votes received, beginning with the candidate receiving the largest number; but not more than seven candidates residing in the same city or village may be elected.

The holding of a public office does not preclude any person from seeking or holding membership on a county charter commission, nor does membership on a county charter commission preclude any such member from seeking or holding other public office, but not more than four officeholders may be elected to a county charter commission at the same time.

6. *Submitting the County Charter/Amendments to the Voters*

- a. The commission shall frame a charter for the county or amendments to the existing charter, and shall, by vote of a majority of the authorized number of members of the commission, submit the same to the electors of the county, to be voted upon at the first general election following the election of the commission. The commission shall certify the proposed charter or amendments to the election authorities not later than 75 days before such election.
- b. Amendments to a county charter, or the question of the repeal of the charter, may also be submitted to the electors of the county in the manner provided in Section 4 of Article X for the submission of the question whether a charter commission shall be chosen, to be voted upon at the first general election occurring not sooner than 60 days after their submission.





7. *Notice of Election*

a. County

The legislative authority or charter commission submitting any charter or amendment shall, not later than 30 days before the election on such charter or amendment, mail or otherwise distribute a copy thereof to each of the electors of the county as far as may be reasonably possible, or, if the board so determines, by publishing the full text of the proposed amendments once a week for at least two consecutive weeks in a newspaper of general circulation within the county, or as provided in [R.C. 7.16](#).<sup>49</sup>

b. Board of Elections

The board of elections must give public notice of the election by a proclamation issued at least 10 days before the election, in accordance with [R.C. 3501.03](#). The notice may be posted in a conspicuous place in the court house and city hall or by insertion in a newspaper published in the county. If no newspaper is published in the county, notice may be given by insertion in a newspaper of general circulation within the county.

8. *Multiple Proposed County Charters/Amendments*

When more than one amendment, which shall relate to only one subject but may affect or include more than one section or part of a charter, is submitted at the same time, they shall be so submitted as to enable the electors to vote on each separately.

In case more than one charter is submitted at the same time or in case of conflict between the provisions of two or more amendments submitted at the same time, that charter or provision shall prevail which received the highest affirmative vote, not less than a majority.

9. *Resubmission of County Charter or Amendment after Rejected by Voters*

If a charter or amendment submitted by a charter commission is not

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<sup>49</sup> [R.C. 307.70](#).





approved by the electors of the county, the charter commission may resubmit the same one time, in its original form or as revised by the charter commission, to the electors of the county at the next succeeding general election or at any other election held throughout the county prior to that general election, in the manner provided for the original submission thereof.

### **C. County Charter Proposed by Initiative Petition - Submitted Directly to the Electorate (No Charter Commission)**

1. *County Charter Petition Requirements, Generally*<sup>50</sup>

Ohio law provides that electors of a county, equal in number to 10 percent of the gubernatorial vote in that county at the most recent gubernatorial election, may petition to submit a proposed county charter directly to the voters, without the formation of a charter commission. A county charter petition may consist of any number of separate petition papers. Each part shall have attached a copy of the charter to be submitted to the electors, and each part shall meet all the requirements of law for a county charter petition and of [R.C. 3501.38](#).

The petitioners must designate in the petition a committee of three to five persons who will represent them in all matters relating to the petition. Notice of all matters or proceedings pertaining to the petitions may be served on the committee or any of the committee members.

Petitioners have the option of filing the county charter petition with the board of county commissioners at least 110 days before a general election or, alternatively, with the board of elections at least 130 days before a general election.

2. *Filing with the Board of County Commissioners*<sup>51</sup>

Not later than 110 days before a general election, petitioners may file with the board of county commissioners a petition asking that the question of

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<sup>50</sup> [Ohio Const. Art. X, §4](#); [R.C. 307.94](#).

<sup>51</sup> [Ohio Const. Art. X, §4](#); [R.C. 307.94](#).





the adoption of a county charter in the form attached to the petition be submitted to the electors of the county. The petition must be available for public inspection at the county commissioners' office during regular business hours until 4 p.m. of the 111th [sic] day before the election, at which time the county commissioners shall adopt a resolution certifying the petition to the board of elections for submission to the electors at the next general election, unless the signatures are insufficient or the petitions otherwise invalid.

The board of elections shall immediately proceed to determine whether the petition and the signatures on the petition meet the requirements of law. The board must:

- a. complete its examination of the petition and signatures within 10 days of receiving the petition from the county commissioners, and
- b. submit a report to the county commissioners not less than 100 days before the election, certifying whether the petition is valid or invalid and, if invalid, the reasons for the invalidity, whether there are sufficient valid signatures, and the number of valid and invalid signatures.

The petition and a copy of the report to the board of county commissioners shall be available for public inspection at the board of elections.

### 3. *Filing Directly with the Board of Elections*<sup>52</sup>

Rather than file the county charter petition with the board of county commissioners, the petitioners may file it with the board of elections not later than 130 days before a general election.

The board shall immediately proceed to determine whether the petition and the signatures on the petition meet the requirements of law and to

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<sup>52</sup> [R.C. 307.94](#).





count the number of valid signatures and to note opposite each invalid signature the reason for the invalidity.

Not later than the 120th day before the general election, the board of elections must:

- a. complete its examination of the petition and signatures, and
- b. submit a report to the board of county commissioners.

The report must certify whether the petition is valid or invalid and, if invalid, the reasons for invalidity, whether there are sufficient valid signatures, and the number of valid and invalid signatures. The petition and a copy of the board of elections' report shall be available for public inspection at the board of elections.

4. *Petition determined to be valid and sufficient*

If the board of elections certifies the petition to be valid and to have sufficient valid signatures, the board of county commissioners shall forthwith, and not later than 4 p.m. on the 111th day before the general election, adopt a resolution certifying the petition to the board of elections for submission to the county electors at the next general election.<sup>53</sup>

The question shall be submitted to the voters in the manner provided for the submission of the question whether a charter commission shall be chosen.<sup>54</sup>

5. *Petition determined to be invalid and/or insufficient - Remedies*<sup>55</sup>

If the board of elections certifies the petition to be invalid or to have insufficient valid signatures, or both, the petitioners' committee may protest such findings or solicit additional signatures as provided in

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<sup>53</sup> [R.C. 307.94](#).

<sup>54</sup> [Ohio Const. Art. X, §4](#), [R.C. 307.94](#).

<sup>55</sup> [R.C. 307.94](#) - [307.95](#).







[R.C. 307.95](#), or both, or request that the board of elections proceed to establish the validity or invalidity of the petition and the sufficiency or insufficiency of the signatures in an action before the court of common pleas in the county. Such court action must be brought within three days after the request has been made, and the case shall be heard forthwith by a judge of such court, whose decision shall be certified to the board of elections and to the board of county commissioners in sufficient time to permit the board of county commissioners to perform its duty to certify the petition, if it is determined by the court to be valid and contain sufficient valid signatures, to the board of elections not later than 4 p.m. on the 111th day before the general election for submission to the electors at such general election.

If the petition is determined by the board of elections to be valid, but the number of valid signatures is insufficient, the board of county commissioners shall immediately notify the committee for the petitioners, who may:

- a. solicit and file additional signatures to the petition pursuant to [R.C. 307.95\(E\)](#), or
- b. protest the board of election's findings pursuant to [R.C. 307.95\(B\)](#), or
- c. both of the above.

6. *Protests*<sup>56</sup>

Protests of the board of elections' findings concerning the validity or invalidity of a county charter petition or any signature on such petition are filed with the board of elections, but decided by the Secretary of State.

A protest may be filed by any eligible elector with the board of elections not later than 4 p.m. of the 97th day before the election. Each protest shall identify the part of, or omission from, the petition or the signature or signatures to which the protest is directed, and shall set forth specifically

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<sup>56</sup> [R.C. 307.95](#).





the reason for the protest. A protest must be in writing, signed by the elector making the protest, and shall include the protestor's address. Each protest shall be filed in duplicate.

The board of elections shall deliver or mail by certified mail one copy of each protest filed with it to the Secretary of State. The Secretary of State, within 10 days after receipt of the protests, shall determine the validity or invalidity of the petition and the sufficiency or insufficiency of the signatures. The Secretary of State may determine whether to permit matters not raised by protest to be considered in determining such validity or invalidity or sufficiency or insufficiency, and may conduct hearings, either in Columbus or in the county where the county charter petition is filed. The determination by the Secretary of State is final.

The Secretary of State shall notify the board of elections of the determination of the validity or invalidity of the petition and sufficiency or insufficiency of the signatures not later than 4 p.m. of the 81st day before the election.

- a. If the petition is determined to be valid and to contain sufficient valid signatures, the charter shall be placed on the ballot at the next general election.
- b. If the petition is determined to be invalid, the Secretary of State shall so notify the board of county commissioners, and the board of county commissioners shall notify the committee.
- c. If the petition is determined to be valid, but the number of valid signatures is insufficient, the board of elections shall immediately notify the committee for the petitioners, and the committee shall be allowed 10 additional days after such notification to solicit and file additional signatures to the petition subject to [R.C. 307.95\(E\)](#).

All additional signatures solicited pursuant to [R.C. 307.95\(A\) or \(D\)](#) shall be filed with the board of elections not less than 70 days before the election. The board of elections shall examine and determine the validity or





invalidity of the additional separate petition papers and of the signatures thereon, and its determination is final. No valid signature on an additional separate petition paper that is the same as a valid signature on an original separate petition paper shall be counted. The number of valid signatures on the original separate petition papers and the additional separate petition papers shall be added together to determine whether there are sufficient valid signatures. If the number of valid signatures is sufficient and the additional separate petition papers otherwise valid, the charter shall be placed on the ballot at the next general election. If not, the board of elections shall notify the county commissioners, and the commissioners shall notify the committee.

## D. Statutory Forms of Alternative County Government

### 1. *Authority*

The electors of any county may adopt an alternative form of county government authorized by the provisions of [R.C. 302.01](#) to [302.24](#). The alternative form of government adopted shall take the place of the form of government then existing in such county and the provisions of [R.C. 302.01](#) to [302.24](#) applicable to the adopted alternative form of government shall be controlling in the county as to all matters to which they relate, and other provisions of the general laws of the state shall be operative therein only insofar as they are not inconsistent with the aforesaid provisions.<sup>57</sup>

### 2. *Resolution*

The board of county commissioners of a county may, by a two-thirds vote of the board, or shall, upon petition by 3 percent of the electors of the county as determined by the number of votes cast in the county for the office of governor at the most recent gubernatorial election, adopt a resolution directing the board of elections to submit to the electors the question of adopting one of the alternative forms of county government authorized by [R.C. 302.01](#) to [302.24](#).

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<sup>57</sup> [R.C. 302.01](#).





Any proposition for an alternative form of county government must specify the number of members of the board of county commissioners, how many shall be elected at large, or how many shall be elected by districts.

If the proposed plan calls for the election of county commissioners by district, but fails to divide the county into districts, the board of elections shall, within 45 days before the election, divide the county into districts in the manner provided in [R.C. 302.082](#).

3. *Election*

The question of adopting an alternative form of county government shall be voted upon at the next general election occurring not less than 90 days after the certification of the resolution to the board of elections. The board of elections, when appropriate, shall display a map indicating the boundaries of each county commissioner district in a conspicuous place at each polling place.

If the board of county commissioners adopt a resolution requiring that the question of choosing a commission to frame a county charter be submitted to the electors before it adopts the resolution provided for [R.C. 302.03](#), the proposition to adopt an alternative form of county government shall not be submitted in that county as long as the question of choosing such commission or of adopting a charter framed by such commission is pending therein.





4. *Ballot Language*

The ballot language to be used depends on how commissioners are to be elected under the proposed plan:

- a. If elected at large, the ballot language must be substantially as set forth in [R.C. 302.04](#).
- b. If elected by district, the ballot language must be substantially as set forth in [R.C. 302.05](#).

5. *Notice*

a. County

At least 45 days before the election, the board of county commissioners shall cause a copy of the alternative form to be distributed to each elector of the county so far as may be reasonably possible.

b. Board of Elections

The board of elections must give public notice of the election by a proclamation issued at least 10 days before the election, in accordance with [R.C. 3501.03](#). The notice may be posted in a conspicuous place in the court house and city hall or by insertion in a newspaper published in the county. If no newspaper is published in the county, notice may be given by insertion in a newspaper of general circulation within the county.

6. *Proposition to discontinue an alternative form of county government*

[R.C. 302.06](#) provides that a proposition to:

- a. discontinue an alternative form of county government adopted under [R.C. 302.02](#) to [302.24](#), or
- b. adopt another alternative form of county government pursuant to [R.C. 302.01](#) to [302.24](#), may be submitted to the voters at any general election in the manner provided for in [R.C. 302.03](#).

