

S. B. No. 44
As Passed by the Senate

Topic: Change deadlines for petitions to remove elected officials of 1
certain municipal corporations 2

_____ moved to amend as follows:

In line 1 of the title, after "sections" insert "705.92," 3
In line 5 of the title, delete "and" and insert "," 4
In line 7 of the title, after "online" insert ", and to change 5
deadlines for petitions to remove elected officials of certain 6
municipal corporations" 7
In line 8, after "sections" insert "705.92," 8
After line 10, insert: 9
"Sec. 705.92. Notwithstanding Section 38 of Article II, 10
Ohio Constitution, or any other provisions in the Revised Code 11
to the contrary, any elective officer of a municipal corporation 12
may be removed from office by the qualified voters of such 13
municipal corporation. The procedure to effect such removal 14
shall be: 15



(A) A petition signed by qualified electors equal in 16
number to at least fifteen per cent of the total votes cast at 17
the most recent regular municipal election, and demanding the 18
election of a successor to the person sought to be removed, 19
shall be filed with the board of elections not later than four 20
p.m. of the ninetieth day before the day of election at which 21
the question of the person's removal is to appear on the ballot. 22
A petition shall contain the required number of valid signatures 23
upon submission to the board of elections. A petition is not 24
valid after ninety days from the date of the first signature. A 25
petition shall contain a general statement in not more than two 26
hundred words of the grounds upon which the removal of the 27
person is sought. The form, sufficiency, and regularity of any 28
such petition shall be determined as provided in the general 29
election laws. 30

(B) The board of elections shall, not later than the 31
seventy-eighth day before the day of the election at which the 32
question of the person's removal is to appear on the ballot, 33
examine and determine the sufficiency of the petition. If the 34
petition is sufficient, and if the person whose removal is 35
sought does not resign within five days after the sufficiency of 36
the petition has been determined, an election shall be held at 37
the next day on which a primary election may be held or the day 38
of the next general election, whichever is earlier, occurring 39
more than ninety days from the date ~~of the finding of the~~ 40
~~sufficiency of the~~ petition is filed with the board of 41
elections. The election authorities shall publish notice and 42
make all arrangements for holding the election, which shall be 43
conducted and the result thereof returned and declared in all 44
respects as are the results of regular municipal elections. 45

(C) The nomination of candidates to succeed each officer 46
sought to be removed shall be made, without the intervention of 47
a primary election, by filing with the election authorities, at 48
least ~~twenty-sixty~~ days before the ~~such special~~ election, a 49
petition proposing a person for each such office, signed by 50
electors equal in number to ten per cent of the total votes cast 51
at the most recent regular municipal election for the head of 52
the ticket. 53

(D) The ballots at the recall election shall, with respect 54
to each person whose removal is sought, submit the question: 55
"Shall (name of person) be removed from the office of (name of 56
office) by recall?" 57

Immediately following each such question, there shall be 58
printed on the ballots, the two propositions in the order set 59
forth: 60

"For the recall of (name of person)." 61

"Against the recall of (name of person)." 62

Immediately to the left of the proposition shall be placed 63
a square in which the electors may vote for either of the 64
propositions. 65

Under each of the questions shall be placed the names of 66
candidates to fill the vacancy. The name of the officer whose 67
removal is sought shall not appear on the ballot as a candidate 68
to succeed the officer's self. 69

In any recall election, if a majority of the votes cast on 70
the question of removal are affirmative, the person whose 71
removal is sought shall be removed from office upon the 72
announcement of the official canvass of that election, and the 73

candidate receiving the plurality of the votes cast for 74
candidates for that office shall be declared elected. The 75
successor of any person so removed shall hold office during the 76
unexpired term of the successor's predecessor. The question of 77
the removal of any officer shall not be submitted to the 78
electors until such officer has served for at least one year of 79
the term during which the officer is sought to be recalled. The 80
method of removal provided in this section, is in addition to 81
other methods of removal as are provided by law. If, at any such 82
recall election, the incumbent whose removal is sought is not 83
recalled, the incumbent shall be repaid the incumbent's actual 84
and legitimate expenses for the election from the treasury of 85
the municipal corporation, but such sum shall not exceed fifty 86
per cent of the sum that the incumbent is by law permitted to 87
expend as a candidate at any regular municipal election." 88

In line 2019, after "sections" insert "705.92," 89

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The motion was _____ agreed to.