

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

**Topic:** Change date that an election is held to 90 days or more from 1  
the date of filing a petition 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 or more~~ from the date ~~of the finding of~~ 40  
~~the 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

The motion was \_\_\_\_\_ agreed to.