

As Introduced

136th General Assembly

Regular Session

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H. B. No. 422

Representatives Click, Newman

Cosponsors: Representatives Willis, Gross, Deeter

To amend sections 345.02, 511.07, 757.02, and 1
3318.06 and to enact section 5705.171 of the 2
Revised Code to increase the approval threshold 3
required for passage of certain property taxes 4
and to name this act the Taxpayers Freedom 5
Trilogy - Act Three: The Triumph of the 6
Taxpayer. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 345.02, 511.07, 757.02, and 8
3318.06 be amended and section 5705.171 of the Revised Code be 9
enacted to read as follows: 10

Sec. 345.02. The taxing authority of any municipal 11
corporation, township, or county may issue the bonds of such 12
subdivision for the purpose of purchasing a site, and for 13
erecting, equipping, and furnishing, or for establishing a 14
memorial to commemorate the services of all members and veterans 15
of the armed forces of the United States. Any such taxing 16
authority may determine to submit to the electors of the 17
subdivision the question of issuing such bonds make the 18
declarations and statements required by section 133.18 of the 19
Revised Code. The county auditor and taxing authority shall 20

thereupon proceed as set forth in divisions (C) and (D) of such 21
section. The election on the question of issuing such bonds 22
shall be held under divisions (E), (F), and (G) of section 23
133.18 of the Revised Code. ~~Such bond issue shall require the~~ 24
~~affirmative vote of sixty per cent of those electors voting upon~~ 25
~~the proposition.~~ 26

Sec. 511.07. If, at an election under section 511.06 of 27
the Revised Code, ~~two-thirds~~ a majority of the electors of the 28
township and of the village voting, vote in favor of such 29
improvement, the board of township trustees and the legislative 30
authority of the village shall jointly take such action as is 31
necessary to carry out complete improvement. 32

Sec. 757.02. Upon the filing of a petition as provided by 33
section 757.01 of the Revised Code, the taxing authority of the 34
municipal corporation shall pass a resolution providing for the 35
submission of the question of levying a tax as provided by such 36
section at the next following municipal election. A copy of such 37
resolution shall be certified by the taxing authority to the 38
board of elections not less than ninety days before the general 39
election in any year in which a municipal election is held, and 40
such board shall submit the question to the electors of the 41
municipal corporation at the succeeding November election. 42
Section 5705.25 of the Revised Code relating to the arrangements 43
for and the conduct of such election, publication thereof, and 44
form of ballot therefor, shall apply to such proposal to the 45
electorate. 46

If ~~sixty-five per cent~~ a majority of the electors voting 47
on such proposal at the election vote in favor thereof, sections 48
5705.25 and 5705.26 of the Revised Code, shall apply to the 49
certification and levy of such additional tax. 50

Sec. 3318.06. (A) After receipt of the conditional 51
approval of the Ohio facilities construction commission, the 52
school district board by a majority of all of its members shall, 53
if it desires to proceed with the project, declare all of the 54
following by resolution: 55

(1) That by issuing bonds in an amount equal to the school 56
district's portion of the basic project cost the district is 57
unable to provide adequate classroom facilities without 58
assistance from the state; 59

(2) Unless the school district board has resolved to 60
transfer money in accordance with section 3318.051 of the 61
Revised Code or to apply the proceeds of a property tax or the 62
proceeds of an income tax, or a combination of proceeds from 63
such taxes, as authorized under section 3318.052 of the Revised 64
Code, that to qualify for such state assistance it is necessary 65
to do either of the following: 66

(a) Levy a tax outside the ten-mill limitation the 67
proceeds of which shall be used to pay the cost of maintaining 68
and upgrading the classroom facilities included in the project. 69
The use of the proceeds for upgrades is subject to the approval 70
by the commission under division (E) of section 3318.05 of the 71
Revised Code. 72

(b) Earmark for maintenance of classroom facilities from 73
the proceeds of an existing permanent improvement tax levied 74
under section 5705.21 of the Revised Code, if such tax can be 75
used for maintenance, an amount equivalent to the amount of the 76
additional tax otherwise required under this section and 77
sections 3318.05 and 3318.08 of the Revised Code. 78

(3) That the question of any tax levy specified in a 79

resolution described in division (A)(2)(a) of this section, if 80
required, shall be submitted to the electors of the school 81
district at the next general or primary election, if there be a 82
general or primary election not less than ninety and not more 83
than one hundred ten days after the day of the adoption of such 84
resolution or, if not, at a special election to be held at a 85
time specified in the resolution which shall be not less than 86
ninety days after the day of the adoption of the resolution and 87
which shall be in accordance with the requirements of section 88
3501.01 of the Revised Code. 89

Such resolution shall also state that the question of 90
issuing bonds of the board shall be combined in a single 91
proposal with the question of such tax levy. More than one 92
election under this section may be held in any one calendar 93
year. Such resolution shall specify both of the following: 94

(a) That the rate which it is necessary to levy shall be 95
at the rate of not less than one-half mill for each one dollar 96
of taxable value, and that such tax shall be levied for a period 97
of twenty-three years; 98

(b) That the proceeds of the tax shall be used to pay the 99
cost of maintaining the classroom facilities included in the 100
project or upgrading those facilities if approved by the 101
commission. 102

(B) A copy of a resolution adopted under division (A) of 103
this section shall after its passage and not less than ninety 104
days prior to the date set therein for the election be certified 105
to the county board of elections. 106

The resolution of the school district board, in addition 107
to meeting other applicable requirements of section 133.18 of 108

the Revised Code, shall state that the amount of bonds to be 109
issued will be an amount equal to the school district's portion 110
of the basic project cost, and state the maximum maturity of the 111
bonds which may be any number of years not exceeding the term 112
calculated under section 133.20 of the Revised Code as 113
determined by the board. In estimating the amount of bonds to be 114
issued, the board shall take into consideration the amount of 115
moneys then in the bond retirement fund and the amount of moneys 116
to be collected for and disbursed from the bond retirement fund 117
during the remainder of the year in which the resolution of 118
necessity is adopted. 119

If the bonds are to be issued in more than one series, the 120
resolution may state, in addition to the information required to 121
be stated under division (B) (3) of section 133.18 of the Revised 122
Code, the number of series, which shall not exceed five, the 123
principal amount of each series, and the approximate date each 124
series will be issued, and may provide that no series, or any 125
portion thereof, may be issued before such date. Upon such a 126
resolution being certified to the county auditor as required by 127
division (C) of section 133.18 of the Revised Code, the county 128
auditor, in calculating, advising, and confirming the estimated 129
average annual property tax levy under that division, shall also 130
calculate, advise, and confirm by certification the estimated 131
average property tax levy for each series of bonds to be issued. 132

Notice of the election shall include the fact that the tax 133
levy shall be at the rate of not less than one-half mill for 134
each one dollar of taxable value for a period of twenty-three 135
years, and that the proceeds of the tax shall be used to pay the 136
cost of maintaining or upgrading the classroom facilities 137
included in the project. The notice shall also express the rate 138
in dollars for each one hundred thousand dollars of the county 139

auditor's appraised value and the county auditor's estimate of 140
the amount the tax levy is estimated to collect for each tax 141
year it is levied, as certified pursuant to section 5705.03 of 142
the Revised Code. 143

If the bonds are to be issued in more than one series, the 144
board of education, when filing copies of the resolution with 145
the board of elections as required by division (D) of section 146
133.18 of the Revised Code, may direct the board of elections to 147
include in the notice of election the principal amount and 148
approximate date of each series, the maximum number of years 149
over which the principal of each series may be paid, the 150
estimated additional average property tax levy for each series, 151
and the first calendar year in which the tax is expected to be 152
due for each series, in addition to the information required to 153
be stated in the notice under divisions (E) (3) (a), (b), (c), 154
(e), and (f) of section 133.18 of the Revised Code. 155

(C) (1) Except as otherwise provided in division (C) (2) of 156
this section, the form of the ballot to be used at such election 157
shall be: 158

~~"A majority affirmative vote is necessary for passage."~~ 159

Shall bonds be issued by the _____ (here insert 160
name of school district) school district to pay the local share 161
of school construction under the State of Ohio Classroom 162
Facilities Assistance Program in the principal amount of 163
\$_____ (here insert principal amount of the bond issue), 164
to be repaid annually over a maximum period of _____ 165
(here insert the maximum number of years over which the 166
principal of the bonds may be paid) years, and an annual levy of 167
property taxes be made outside the ten-mill limitation, 168
estimated by the county auditor to average over the repayment 169

period of the bond issue _____ mills for each \$1 of 170
taxable value, which amounts to \$_____ for each \$100,000 171
of the county auditor's appraised value to pay the annual debt 172
charges on the bonds and to pay debt charges on any notes issued 173
in anticipation of the bonds?" 174

and, unless the additional levy 175

of taxes is not required pursuant 176

to division (C) of section 177

3318.05 of the Revised Code, 178

"Shall an additional levy of taxes be made for a period of 179
twenty-three years to benefit the _____ (here insert name 180
of school district) school district, the proceeds of which shall 181
be used to pay the cost of maintaining (or upgrading if approved 182
by the commission) the classroom facilities included in the 183
project, that the county auditor estimates will collect \$_____ 184
annually, at the rate of _____ (here insert the number of 185
mills, which shall not be less than one-half mill) mills for 186
each \$1 of taxable value, which amounts to \$_____ for each 187
\$100,000 of the county auditor's appraised value? 188

189

	FOR THE BOND ISSUE AND TAX LEVY
	AGAINST THE BOND ISSUE AND TAX LEVY

"

(2) If authority is sought to issue bonds in more than one 190
series and the board of education so elects, the form of the 191
ballot shall be as prescribed in section 3318.062 of the Revised 192
Code. If the board of education elects the form of the ballot 193
prescribed in that section, it shall so state in the resolution 194
adopted under this section. 195

(D) If it is necessary for the school district to acquire 196
a site for the classroom facilities to be acquired pursuant to 197
sections 3318.01 to 3318.20 of the Revised Code, the district 198
board may propose either to issue bonds of the board or to levy 199
a tax to pay for the acquisition of such site, and may combine 200
the question of doing so with the questions specified in 201
division (B) of this section. Bonds issued under this division 202
for the purpose of acquiring a site are a general obligation of 203
the school district and are Chapter 133. securities. 204

The form of that portion of the ballot to include the 205
question of either issuing bonds or levying a tax for site 206
acquisition purposes shall be one of the following: 207

(1) "Shall bonds be issued by the _____ (here 208
insert name of the school district) school district to pay costs 209
of acquiring a site for classroom facilities under the State of 210
Ohio Classroom Facilities Assistance Program in the principal 211
amount of \$_____ (here insert principal amount of the bond 212
issue), to be repaid annually over a maximum period of 213
_____ (here insert maximum number of years over which the 214
principal of the bonds may be paid) years, and an annual levy of 215
property taxes be made outside the ten-mill limitation, 216
estimated by the county auditor to average over the repayment 217
period of the bond issue _____ mills for each \$1 of taxable 218
value, which amounts to \$_____ for each \$100,000 of the 219
county auditor's appraised value to pay the annual debt charges 220
on the bonds and to pay debt charges on any notes issued in 221
anticipation of the bonds?" 222

(2) "Shall an additional levy of taxes outside the ten- 223
mill limitation be made for the benefit of the _____ (here 224
insert name of the school district) school district for the 225

purpose of acquiring a site for classroom facilities in the sum 226
of \$_____ (here insert annual amount the levy is to produce) 227
estimated by the county auditor to average _____ mills for 228
each \$1 of taxable value, which amounts to \$_____ for each 229
\$100,000 of the county auditor's appraised value, for a period 230
of _____ (here insert number of years the millage is to be 231
imposed) years?" 232

Where it is necessary to combine the question of issuing 233
bonds of the school district and levying a tax as described in 234
division (B) of this section with the question of issuing bonds 235
of the school district for acquisition of a site, the question 236
specified in that division to be voted on shall be "For the Bond 237
Issues and the Tax Levy" and "Against the Bond Issues and the 238
Tax Levy." 239

Where it is necessary to combine the question of issuing 240
bonds of the school district and levying a tax as described in 241
division (B) of this section with the question of levying a tax 242
for the acquisition of a site, the question specified in that 243
division to be voted on shall be "For the Bond Issue and the Tax 244
Levies" and "Against the Bond Issue and the Tax Levies." 245

Where the school district board chooses to combine the 246
question in division (B) of this section with any of the 247
additional questions described in divisions (A) to (D) of 248
section 3318.056 of the Revised Code, the question specified in 249
division (B) of this section to be voted on shall be "For the 250
Bond Issues and the Tax Levies" and "Against the Bond Issues and 251
the Tax Levies." 252

If a majority of those voting upon a proposition hereunder 253
which includes the question of issuing bonds vote in favor 254
thereof, and if the agreement provided for by section 3318.08 of 255

the Revised Code has been entered into, the school district 256
board may proceed under Chapter 133. of the Revised Code, with 257
the issuance of bonds or bond anticipation notes in accordance 258
with the terms of the agreement. 259

Sec. 5705.171. (A) As used in this section, "voted tax" 260
means a tax levy authorized under any section of the Revised 261
Code that is in excess of the ten-mill limitation and subject to 262
approval by electors. 263

(B) Notwithstanding any other section of the Revised Code 264
to the contrary: 265

(1) No voted tax shall be levied unless approved by the 266
following percentage of electors of the taxing unit proposing 267
the levy: 268

(a) For levies with an aggregate rate of not more than one 269
mill, fifty per cent; 270

(b) For levies with an aggregate rate of more than one 271
mill but not more than two mills, sixty per cent; 272

(c) For levies with an aggregate rate of more than two 273
mills, sixty-six per cent. 274

As used in the context of voted taxes in the Revised Code, 275
a "majority" of such electors means the applicable percentage of 276
such electors required under division (B)(1) of this section. 277
For voted taxes levied at whatever rate is required to produce a 278
specified amount of tax money, the percentage of such electors 279
required shall be based on the estimated millage for the levy as 280
appearing in the ballot language. For voted taxes levied under 281
section 5705.212 of the Revised Code, the percentage of such 282
electors required shall be based on the aggregate rate of the 283
original tax and each incremental tax. 284

(2) If additional territory would be added to the 285
territory of the taxing unit that would extend a voted tax to 286
that territory, that territory shall not be added unless the 287
question to add that territory is approved by the applicable 288
percentage of electors of the taxing unit or the portion of the 289
taxing unit required by law to approve the expansion under 290
division (B) (1) of this section, based on the millage of the 291
voted tax that would be extended to that territory. 292

Section 2. That existing sections 345.02, 511.07, 757.02, 293
and 3318.06 of the Revised Code are hereby repealed. 294

Section 3. This act shall be known as the Taxpayers 295
Freedom Trilogy - Act Three: The Triumph of the Taxpayer. 296