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H.B. 76
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Lorenz and Baker

Alyssa Bethel, Attorney

SUMMARY

- Allows townships with a population of at least 20,000 to increase the membership of their boards of township trustees from three to five.

DETAILED ANALYSIS

Five township trustees

The bill allows a township with a population of 20,000¹ or more to increase its number of trustees from three to five, upon petition of the electors. Most townships currently have three trustees. Limited home rule townships were allowed – from September 2001 to September 2003 – to expand to five trustees; a township that did so can retain the five-trustee structure unless the township terminates its limited home rule government, in which case the township must return to three trustees.²

The petition must be signed by a number of electors equal to 10% of the votes cast for Governor in the most recent Governor's election and submitted to the county board of elections. The board of elections must put the question of expanding to five trustees on the ballot at the next general election in an even-numbered year occurring at least 90 days after the day the petition was submitted. If approved by a majority of those voting, the township expands to five trustees by electing two additional trustees as described in the next paragraph.³

¹ According to the most recent federal decennial census.

² Former R.C. 504.21, as enacted in 2001 by H.B. 94 of the 124th General Assembly and repealed in 2003 by H.B. 95 of the 125th General Assembly.

³ R.C. 505.013(A).

Under the current structure, three trustees are elected on staggered four-year terms. Using recent/upcoming elections as an example, two are elected at the general election in 2025 (and every four years thereafter) and one is elected in 2027 (and every four years thereafter). Under the bill, a township that elects to increase to five trustees will utilize the current structure by having two additional trustees elected during the cycle that currently has one trustee elected (2027, in the example). So, the terms will continue to be staggered with two trustees being elected in one year and three trustees being elected in another year.⁴

Returning to three

The township returns to three members: (1) upon petition of the electors or (2) if the population drops below 20,000.

In a township that has elected to have five trustees, the electors can petition, in the same manner, to decrease the trustees back to three; the question is placed on the ballot in similar fashion and, if approved by a majority of those voting, the township will return to three trustees. Alternatively, a township will return to three members when the population drops below 20,000 on a subsequent federal decennial census. In either case, the two additional trustees serve the remainder of their terms (and vacancies are filled), but those positions are not subsequently elected. A township that drops below 20,000 will need to redo the petition process to return to five trustees, if the township has a population of 20,000 or more in the future.⁵

Special circumstances

The bill specifies the following in the case of townships that have five trustees:

- For any action that the law requires a two-thirds vote by the board of township trustees, the applicable requirement for a five-trustee board is a vote of three-fifths.
- For any action that the law requires performance by at least two trustees, the applicable requirement for a five-trustee board is performance by at least three trustees.
- If the township is included in a district or other entity whose governing body includes all members of the board of the township trustees, the applicable rule for a five-trustee board is to select three of its trustees to serve as voting members on that governing body while the remaining two trustees serve as nonvoting members.⁶
- A board must vote unanimously to declare an emergency; but if one trustee is absent, the other two may declare an emergency. The applicable requirement for a five-trustee board is that the other four may declare an emergency.⁷

⁴ R.C. 505.01(B)(1).

⁵ R.C. 505.013(B) and (C).

⁶ R.C. 505.01(B)(2).

⁷ R.C. 505.82.

HISTORY

Action	Date
Introduced	02-10-25
