

# THE OHIO AUDITOR OF STATE'S OFFICE

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## A CITIZEN'S GUIDE TO PETITIONING



## **Government Mergers**

The recent passage of House Bill 153 of the 129<sup>th</sup> General Assembly (State Operating Budget) streamlined the process that may be used for local communities to merge together to form a single, lower cost government. Specially, the new law shortened the time required for cities, villages and townships to merge, and for the first time, the new law allows (1) cities and villages to merge into a neighboring township or (2) townships to merge with other townships. These merger processes can be initiated either by a petition of the people living in those communities or by the local legislative authorities.

With the challenge of the fiscal realities in Ohio, the merging of villages, townships, and other political subdivisions may provide local governments with the opportunity to come together to provide better, more efficient services within their communities. It may also give these communities a competitive edge in retaining and attracting business.

This informational sheet is written to guide citizens in the process for initiating a merger through a petition.

## **The Ohio Petition Process**

Ohio's elections are governed by Ohio Revised Code (O.R.C.) Title 35 and petitions are governed in more depth by O.R.C. § 523.02 (townships only), and §§ 731.28 – 731.40 (township, village and city mergers). With a goal of merging two or more local governments, a petition drive needs to be coordinated so that all the communities proposing to merge are working together on the petition. A successful petition drive will put the question of merger on ballot for these communities' voting citizens to decide the matter.

## **Initial Steps**

- In Ohio, petitions must contain a full and correct copy of the title and text of the proposed initiative measure. Each and every signer of the petition must be an elector of one of the affected local governments.
- Before circulating the petition the certified copy of the petition must be filed with the township fiscal officer, city auditor, or the village clerk. A "certified copy" means a copy containing a written statement attesting it is a true and exact reproduction of the original proposed initiative measure.
- The petitioners may designate a committee of at least three to be in charge of the filing of the petition.

## **Gathering the Signatures**

- The petition must have the signatures of at least ten percent (10%) of the number of electors who voted for the governor at the most recent general election for the office of governor in the political subdivision. You may obtain this information by contacting your local board of elections.

- The signatures collected for the petition should include the person's name, street address or rural route number, and the date of the signature.
- Each person can only sign a petition once.
- Each petition needs to include a circulator statement. This is a signed statement by the circulator made under penalty of election falsification that the circulator witnessed each signature, and all signers were qualified to sign and are true signatures to the best knowledge. The statement also includes the number of signatures on the petition.

### **Filing**

- The petition is filed with the township fiscal officer, city auditor, or village clerk who after ten (10) days transmits a certified copy of the text of the proposed measure to the board of elections. The fiscal officer, auditor, or clerk must transmit the petition to the board together with a certified copy of the proposed measure. The board must examine all signatures on the petition to determine the number of electors of the political subdivision who signed the petition. The board must return the petition to the fiscal officer, auditor, or clerk within ten (10) days together with a statement attesting to the number of such electors who signed the petition.
- The board must submit such a proposed measure for the approval or rejection of the electors of the political subdivision at the next general election occurring subsequent to ninety (90) days after the fiscal officer, auditor, or clerk certifies the sufficiency and validity of the petition to the board of elections.

***NOTE: THIS CITIZEN'S GUIDE IS NOT LEGAL ADVICE, AND SHOULD BE USED FOR INFORMATIONAL PURPOSES ONLY. INDIVIDUALS AND GROUPS SHOULD WORK DIRECTLY WITH THEIR LOCAL BOARDS OF ELECTION WITH ANY QUESTIONS OR LEGAL ISSUES PERTAINING TO THE PETITION PROCESS.***

**NOTE: THIS IS NOT AN OFFICIAL PETITION THIS IS ONLY A SAMPLE – PETITIONS MUST BE OBTAINED FROM THE BOARDS OF ELECTION IN THE RESPECTIVE COUNTIES OF THE COMMUNITIES YOU ARE PROPOSING TO MERGE.**

**PETITION  
FOR MERGER BETWEEN \_\_\_\_\_ AND \_\_\_\_\_**

**NOTICE**

**Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter, is liable to prosecution.**

To the legislative authorities of \_\_\_\_\_ and \_\_\_\_\_:

We the undersigned electors of \_\_\_\_\_ and \_\_\_\_\_ respectively propose to the electors of \_\_\_\_\_ and \_\_\_\_\_ for their approval or rejection at the next general election, which will be provided for by legislative authorities of \_\_\_\_\_ and \_\_\_\_\_ that \_\_\_\_\_ and \_\_\_\_\_ merge as a political subdivision.

*We hereby designate the following petitioners as a committee to be regarded as filing this petition:*

Committee of not less than three petitioners	address

**Signatures on this petition must be written in ink.**

	SIGNATURE	STREET AND NO. OR R.F.D <small>(must use address on file with board of elections)</small>	CITY OR TOWN	DATE OF SIGNING
1.				
2.				
3.				
4.				
5.				
6.				
7.				

**Circulator Statement**

I, \_\_\_\_\_, declare under penalty of election falsification, that I am a qualified elector of the State of Ohio, and I reside at the address appearing below my signature, that I am the circulator of the foregoing petition containing \_\_\_\_ signatures; that I witnessed the affixing of every signature; that all signers were, to the best of my knowledge and belief, qualified to sign; and that every signature is, to the best of my knowledge and belief, the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to 3501.382 of the Revised Code.

**WHOEVER COMMITS ELECTION  
FALSIFICATION IS GUILTY OF A  
FELONY OF THE FIFTH DEGREE**

\_\_\_\_\_  
(Signature of Circulator)

\_\_\_\_\_  
(Street and Number or Rural Route)

\_\_\_\_\_  
(City and Zip Code)