



Ohio Revised Code

Section 303.59 Restricted area resolution effective date; referendum.

Effective: October 11, 2021

Legislation: Senate Bill 52 - 134th General Assembly

A resolution designating a restricted area prohibiting the construction of utility facilities, if adopted by the board of county commissioners, becomes effective thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of county commissioners a petition, signed by a number of registered electors residing in the county equal to not less than eight per cent of the total vote cast for all candidates for governor in that county at the most recent general election at which a governor was elected, requesting the board of county commissioners to submit the resolution to the electors of that county for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least one hundred twenty days after the petition is filed. Each part petition shall contain the number and the full and correct title, if any, of the resolution, motion, or application, furnishing the name by which the resolution is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

The form of a petition calling for a referendum on the designation of a restricted area and the statement of the circulator shall be substantially as follows:

**"PETITION FOR REFERENDUM ON THE DESIGNATION OF A RESTRICTED AREA
PROHIBITING THE CONSTRUCTION OF UTILITY FACILITIES**

(if the proposal is identified by a particular name or number, or both, these should be inserted here) _____

A proposal to designate a restricted area prohibiting the construction of utility facilities in the unincorporated area of _____ county, Ohio, adopted _____ (date) (followed by brief summary of the resolution).

To the board of county commissioners of _____ county, Ohio:



We, the undersigned, being electors residing in _____ county, equal to not less than eight per cent of the total vote cast for all candidates for governor in the county at the preceding general election at which a governor was elected, request the board of county commissioners to submit this designation of a restricted area to the electors of _____ county, for approval or rejection at a special election to be held on the day of the primary or general election to be held on _____ (date), pursuant to section 303.59 of the Revised Code.

_____ Signature

_____ Residence address

_____ Date of signing

STATEMENT OF CIRCULATOR

I, _____ (name of circulator), declare under penalty of election falsification that I reside at the address appearing below my signature; that I am the circulator of the foregoing part petition containing _____ (number) signatures; that I have 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 section 3501.382 of the Revised Code.

_____ (Signature of circulator)

_____ (Circulator's residence address)

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

The petition shall be filed with the board of county commissioners. Within two weeks after receiving a petition filed under this section, the board of county commissioners shall certify the petition to the board of elections. A petition filed under this section shall be certified to the board of elections not less than ninety days prior to the election at which the question is to be voted upon.



The board of elections shall determine the sufficiency and validity of each petition certified to it by a board of county commissioners under this section. If the board of elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least one hundred twenty days after the date the petition is filed with the board of county commissioners, regardless of whether any election will be held to nominate or elect candidates on that day.

No resolution designating a restricted area for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the resolution. Upon certification by the board of elections that the resolution has been approved by the voters, it shall take immediate effect.

Within five working days after the resolution's effective date, the board of county commissioners shall file the text of the resolution and maps of the restricted area in the office of the county recorder and with the county or regional planning commission, if one exists.

The failure to file any resolution, or any text and maps, or duplicates of any of these documents, with the office of the county recorder as required by this section does not invalidate the resolution.