

BEAVERCREEK CITY COUNCIL

Community Resource Information Initiative and Referendum Petition Information

I. BACKGROUND INFORMATION

Filing an Initiative Petition

The initiative petition process allows citizens to propose a City law (or ordinance) and offer it to City Council for consideration. If City Council decides it is not in the best interest of the City's to enact a proposed ordinance, citizens may invoke the initiative process. The initiative process involves a petition drive that, if successful, presents an ordinance to the voters of the City of Beavercreek at an election to be held within the time set in the City Charter (Beavercreek City Charter §12.03, Ohio Revised Code §731.28, and Ohio Constitution, Article II, §1).

Filing a Referendum Petition

A referendum petition process provides citizens with a mechanism to repeal or overturn an ordinance passed by City Council – provided the petition is filed within 30 days of passage of the ordinance. (Beavercreek City Charter §12.03, Ohio Revised Code §731.29, and Ohio Constitution, Article II, §1).

Things to Remember

When you file an initiative petition, some of your responsibilities include, but are not limited to, the following:

- *Secure Sufficient Numbers of Signatures* – Generally, the number of signatures in support of an initiative or referendum petition must be signed by at least ten per cent of the number of electors who voted for governor at the most recent general election for the office of governor in the municipal corporation, (Ohio Revised Code 731.29 and Ohio Constitution, Article II, §1a). Contact the Greene County Board of Elections to verify the number of electors who voted for governor at the most recent general election for the office of governor in the City of Beavercreek. You should consider securing more signatures than the number of signatures required by Section 731.29 of the Ohio Revised Code and Article II, §1 of the Ohio Constitution, as some signatures may not be deemed valid by the Greene County Board of Elections.
- *Ensure Your Petition Document Meet All Legal Standards* – Draft your petition and then verify that it meets all legal requirements of state law with regard to form, content, and notarized affidavits. The petition document must meet all applicable requirements of the provisions of the Ohio Revised Code. Information regarding the Ohio Revised Code may be obtained from the Secretary of State.
- Blank referendum and initiative petitions can be obtained from the Greene County Board of Elections, located at 651 Dayton-Xenia Road, Xenia, Ohio 45385.

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II. PROCESS

A. **Before Signatures Are Gathered:**

- The petitioners must designate a committee of not less than three electors from the City who shall officially file the initiative or referendum petition. (Ohio Revised Code 731.34)
- Whoever seeks to propose an ordinance or measure in a municipal corporation by initiative petition or files a referendum petition against any ordinance or measure shall, before circulating such petition, file a certified copy of the proposed ordinance or measure with the City William Kucera, Financial Administrative Services Director (City Auditor). (Ohio Revised Code 731.32)]
- Whoever seeks to file a referendum petition against any ordinance or measure shall, before circulating such petition, file a certified copy of the original ordinance or measure with the City William Kucera, Financial Administrative Services Director (City Auditor). [Section 731.32 of the Ohio Revised Code].
- As used in Section 731.32, “certified copy” is “a copy containing a written statement attesting that it is a true and exact reproduction of the original proposed ordinance or measure or of the original ordinance or measure.” (Ohio Revised Code 731.32)

B. **After Signatures Are Gathered:**

1. *Synopsis of the Initiative Process Set Forth in Section 731.28 of the Ohio Revised Code and Sections 12.01 and 12.03 of the Charter of the City of Beavercreek:*

- Once an initiative petition has been signed by at least ten per cent of the number of electors who voted for governor at the most recent general election for the office of governor in the municipal corporation, the petition must be filed with the City William Kucera, Financial Administrative Services Director (City Auditor). The form of the petition is described, and a sample provided, in Section 3519.05 of the Ohio Revised Code. The names of all signers of such petition shall be written in ink and each signer must sign personally. This is required by Ohio Constitution Article 2, Section 1(g).
- The City William Kucera, Financial Administrative Services Director (City Auditor) is responsible for reviewing the petition and

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determining if the required number of signatures is contained on the petition.

- Within ten (10) days after receipt of the petition, the City William Kucera, Financial Administrative Services Director (City Auditor) shall transmit the petition and certified copy of the text of the proposed ordinance or measure to the Greene County Board of Elections.
- The Greene County Board of Elections shall then examine all signatures on the petition to determine the number of electors of the municipal corporation who signed the petition whose signatures are considered to be valid.
- Within ten (10) days after receiving the petition, the Greene County Board of Elections shall return the petition to the City William Kucera, Financial Administrative Services Director (City Auditor) along with a statement attesting to the number of valid signatures.
- The ordinance or measure proposed by the petitioners shall be placed before the electors of the City of Beavercreek at the next succeeding election occurring subsequent to 75 days after the initiative petition is certified to the Greene County Board of Elections.

2. *Synopsis of the Referendum Process Set Forth in Section 731.29 of the Ohio Revised Code and Sections 12.02 and 12.03 of the Charter of the City of Beavercreek:*

- Once a referendum petition has been signed by at least ten per cent of the number of electors who voted for governor at the most recent general election for the office of governor in the municipal corporation, the petition must be filed with the City William Kucera, Financial Administrative Services Director (City Auditor). This shall be done within thirty (30) days within thirty days after the ordinance or other measure at issue has been passed by City Council.
- The form of the petition is described, and a sample provided, in Section 3519.05 of the Ohio Revised Code. The names of all signers of such petition shall be written in ink and each signer must sign personally. This is required by Ohio Constitution Article 2, Section 1(g).
- The City William Kucera, Financial Administrative Services Director (City Auditor), after ten days from receipt of the petition, but not later than four p.m. of the seventy-fifth day before the day of election, shall transmit the referendum petition and a certified copy of the text of the ordinance or measure to the Greene County Board of Elections.

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- The Greene County Board of Elections shall then examine all signatures on the petition to determine the number of electors of the municipal corporation who signed the petition.
- Within ten (10) days after receiving the referendum petition, the Greene County Board of Elections shall return the petition to the City William Kucera, Financial Administrative Services Director (City Auditor) along with a statement attesting to the number of electors who signed the petition.
- The ordinance or measure shall be submitted to the electors of the City of Beavercreek at the next succeeding election occurring subsequent to 75 days after the referendum petition is certified to the Greene County Board of Elections.

C. Other requirements in the Ohio Revised Code include:

- Initiative and referendum petitions shall be governed in all other respects by the rules set forth in Section 3501.38 of the Ohio Revised Code. (Ohio Revised Code 731.31)
- Any initiative or referendum petition may be presented in separate parts, but each part of any initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure, and each part of any referendum petition shall contain the number and a full and correct copy of the title of the ordinance or other measure sought to be referred, along with the names and addresses of at least three electors of the City who will be officially regarded as the filers of the petition (Ohio Revised Code 731.31 and 731.34).
- Only electors qualified to vote on the candidacy or issue which is the subject of the petition shall sign a petition. Each signer shall be a registered elector pursuant to section 3503.11 of the Revised Code. The facts of qualification shall be determined as of the date when the petition is filed. (Ohio Revised Code 3501.38)
- In determining the validity of any such petition, all signatures which are found to be irregular shall be rejected, but no petition shall be declared invalid in its entirety when one or more signatures are found to be invalid except when the number of valid signatures is found to be less than the total number required by Section 731.28 and 731.29 of the Ohio Revised Code. (Ohio Revised Code 731.31)

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DISCLAIMER: This procedural overview is being provided solely as an informational tool. It is not intended to provide legal advice, nor is the City of Beavercreek bound by any representations made herein. Petitioners must comply with Section 12.01 through 12.04 of the Beavercreek City Charter, Sections 731.28 through 731.41 of the Ohio Revised Code and Article II, §1 of the Ohio Constitution. It is also their obligation to ensure all other applicable state and local laws are followed. Petitioners are encouraged to seek advice from legal counsel with an expertise in election law as the City Charter, Ohio Revised Code and other governing election laws can and frequently do change.