



**GUIDE TO  
LOCAL LIQUOR  
OPTION  
ELECTIONS:**

**SALE OF INTOXICATING LIQUOR AND BEER**

*SEPTEMBER 2006*

**OFFICE OF THE OHIO SECRETARY OF STATE**



**Provided by:**  
**Office of the Ohio Secretary of State**  
**Elections Division**  
**180 East Broad St - 15th Floor**  
**Columbus, Ohio 43215**  
**(Revised September 2006)**

*This page intentionally left blank.*

## Preface

This book was prepared to comply with section 3501.05(P) of the Revised Code of Ohio, which requires the Secretary of State to publish instructions describing how to petition for any local liquor option election involving the sale of intoxicating liquor or beer.

The procedures and requirements for preparing and filing a valid local liquor option petition are outlined in these pages. Petition forms may be obtained from either a county board of elections or a publisher of legal forms.

*This page intentionally left blank.*

## Table of Contents

Local Liquor Option Elections - In General .....	1
Petitioner’s Responsibilities.....	1
Definitions [R.C. 4301.01].....	1
Current Precinct Status .....	2
Location of Local Liquor Option Elections .....	3
Effect of Local Liquor Option Elections.....	3
When Local Liquor Option Elections May be Held .....	5
The Petition Process.....	6
Choosing Local Liquor Option Election Questions.....	18
Petition Requirements .....	24
Street Listing.....	26
Local Liquor Option Election Results .....	27
Protests [R.C. 4301.33, 4301.331, 4301.332, 4301.333, 4305.14].....	28
Inquiries .....	28
Sample Local Liquor Option Election Forms.....	29
Revised Code of Ohio.....	73
Ohio County Boards of Election.....	125

*This page intentionally left blank.*

## Local Liquor Option Elections - In General

Local liquor option elections allow registered voters to vote on the question of whether, and to what extent, alcohol sales and consumption will be allowed within a particular area, usually a precinct. Local liquor option elections can specify certain types of alcohol that may be made available within that precinct and whether the alcohol may be consumed on-premises only, off-premises only, or both on- and off-premises. [R.C. 4301.32]

### Petitioner's Responsibilities

This publication is general in nature and is not intended to be the exclusive source of information about local liquor options. The **Petitioner** must determine which local liquor option question(s) to submit to the voters. Additionally, the **petitioner** is responsible for complying with all applicable constitutional and statutory provisions governing local liquor option elections. Because neither a county board of elections nor the Secretary of State's office can give the petitioner legal advice, the petitioner is encouraged to seek private legal counsel.

### Definitions [R.C. 4301.01]

Ohio liquor control law divides alcoholic beverages into various classes according to their alcohol content. A local liquor option election will affect only the sale of those classes of beverages that are specifically designated on the petition and in the ballot language.

#### **“Beer”**

refers to all beverages brewed or fermented wholly or in part from malt products and containing ½ of one percent or more, but not more than 12 percent, of alcohol by volume.

#### **“Intoxicating Liquor” and “Liquor”**

refer to a broad classification including all liquids and compounds, other than beer, containing at least ½ of 1 percent of alcohol by volume.

#### **“Mixed Beverages”**

refers to premixed, bottled products obtained by combining whiskey, neutral spirits, brandy, gin or other distilled spirits with water, pure juices or other flavorings. The completed product must contain not less than ½ of 1 percent and not more than 21 percent of alcohol by volume.

#### **“Spirituous Liquor”**

refers to all intoxicating liquors containing more than 21 percent of alcohol by volume.

**“Wine”**

refers to all liquids made from the fermented juices of grapes, fruits or other agricultural products and containing not less than ½ of 1 percent and not more than 21 percent of alcohol by volume.

**Current Precinct Status**

When considering whether to place a local liquor option question on the ballot in order to allow or prohibit the consumption or sale of a particular type of alcohol, a petitioner must first determine the current “wet” or “dry” status of the precinct or location within a precinct. Although the county board of elections does not determine whether an area is “wet” or “dry,” it has the voting history for all local liquor option elections in the county.

If a precinct’s boundaries have changed since a prior local liquor option election was held, the results of that election affect all of the territory that constituted the precinct when the election was held, even if that territory is no longer a part of the original precinct. An example is as follows:

**1999**                      **2005**

Precinct A (dry)      Precinct B              Precinct A              Precinct B

Building A              \*                      Building A              \*

*Precinct boundaries as of 1999 (left) and redrawn boundaries as of 2005 (right). The redrawn area places building “A” within Precinct B.*

*In 1999, Building A was constructed in Precinct A, which is a dry precinct. In 2001, voters in Precinct B approved the sale of beer and wine and mixed beverages. In 2005, the county board of elections redrew the precinct boundaries to reflect population shifts within the county. Building A is now located in Precinct B as a result of the change in precinct boundaries. Larry Liquor purchases Building A in 2006 and wants to open a restaurant that serves wine and mixed beverages. However, the territory where Building A is located is still “dry” because it was not included in Precinct B at the time the voters approved the sale of beer and wine and mixed beverages. Consequently, Mr. Liquor can obtain a permit only to sell wine and mixed beverages if the voters in Precinct B again approve a local liquor option allowing the sale of wine and mixed beverages.*

## Location of Local Liquor Option Elections

Generally, a local liquor option election is held in a single precinct. [R.C. 4301.32, 4303.29(C)(2), 4305.14(B)] A potential exception to this rule is a local liquor option election regarding a “community facility” (defined below at “Effect of Local Liquor Option Election”). Because a community facility local liquor option election is held in the entire municipality or unincorporated area of a township in which the community facility is located, the issue may appear on the ballot in more than one precinct. [R.C. 4301.324]

Additionally, if the boundaries of a precinct change *after* a local liquor option petition has been filed, the local liquor option election must be held in the area that constituted the precinct at the time the petition *was filed*, regardless of the subsequent change in boundaries. [R.C. 3501.18] Changes in a precinct’s boundaries are effective only on or after the date on which a majority of the members of the county board of elections has voted to adopt the changes.

## Effect of Local Liquor Option Elections

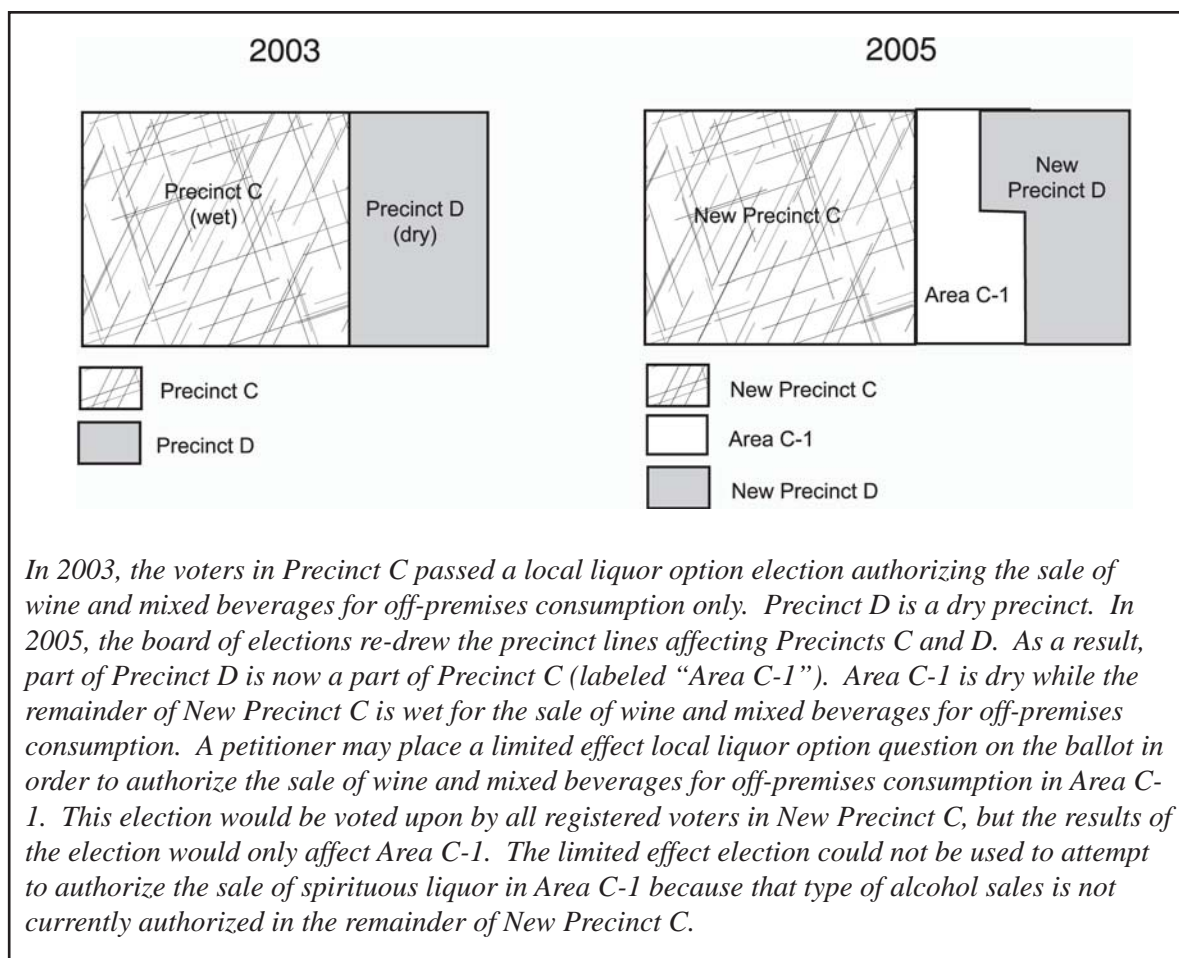
In most cases, a local liquor option election will affect the entire precinct in which the election is held. [R.C. 4301.36, 4301.361, 4301.362] There are, however, four exceptions to the “precinct-wide” effect of a local liquor option election:

### **1. Site specific local liquor option election following finding of a nuisance [R.C. 3767.03, 3767.05, 4301.321, 4301.33, 4301.331, 4301.352]**

There may be a local liquor option election for a particular premises if, within one year before the election, the permit premises was declared a nuisance, as defined in R.C. 3767.01(C), and judgment was entered in accordance with R.C. 3767.05(D) or (E). This local liquor option question has no petition requirement, but is placed on the ballot by filing with the board of elections the judgment entry declaring the particular location a nuisance.

### **2. Sales in a portion of the precinct (“limited effect” local liquor option election) [R.C. 4301.322, 4301.353, 4301.354]**

This election concerns the status of the sale of alcoholic beverages in a particular area of the precinct. A limited effect local liquor option election may be held only in a precinct where, because of annexations by political subdivisions or re-precincting by the board of elections, the status of the sale of alcoholic beverages in one area of a precinct is inconsistent with the status of sales in another area of the precinct. Ballot questions presented to voters in this type of local liquor option election include only the types of alcoholic beverages and types of alcoholic sales currently authorized in the remainder of the precinct. An example is as follows:



### **3. Particular use at a specific location (non-nuisance)**

**[R.C. 4301.323, 4301.333, 4301.355, 4301.365, 4301.39]**

This type of election authorizes the sale of beer and intoxicating liquor at a specific location upon the petition of a permit holder, an applicant for the issuance or transfer of a permit, an applicant who seeks to operate a liquor agency store, or the designated agent of any of those three entities. No one other than a holder or applicant for the necessary permit, operator of a liquor agency store, or the designated agent of the holder/applicant/operator may petition for a particular use election.

### **4. “Community facility”**

**[R.C. 4301.324, 4301.334, 4301.356, 4301.365, 4301.37(F), 4301.80]**

A local liquor option election concerning a “community facility” (definition follows) may be placed on the ballot by *petition*, *resolution*, or *ordinance* submitted to the board of elections not later than the 75th day prior to the primary or general election. An election of this type is submitted to the electorate of the entire township or municipal corporation in which the community facility is located.

“**Community facility**” is defined by R.C. 4301.01(B)(19) to mean either of the following:

- (1) Any convention, sports, or entertainment facility or complex, or any combination of these, that is used by or accessible to the general public and that is owned or operated in whole or in part by the state, a state agency, or a political subdivision of the state or that is leased from, or located on property owned by or leased from any of the above, or is a convention facilities authority created pursuant to R.C. 351.02; or
- (2) An area designated as a “community entertainment district” by municipal ordinance or township resolution, pursuant to R.C. 4301.80.

## **When Local Liquor Option Elections May be Held**

### **Candidates also must be on the ballot**

Local liquor option elections may be held only on the day of a *general* or, with one exception (*see* “Exception,” *below*), a *primary* election. “Primary election” is defined in law to mean the nomination of candidates (R.C. 3501.01). Therefore, local liquor option questions may appear on the ballot on the day of a primary election *only* if candidates also appear on the ballot in each precinct affected by the local liquor option question. [R.C. 4301.33, 4301.331, 4305.14(B)]

If, in an odd-numbered year, a valid and sufficient petition is filed at least 75 days before the date on which a primary election could have been, but was not, held by operation of R.C. 3513.02 or a similar charter provision, then the question is submitted to voters at the following general election. It is not enough that a primary election *could* have been conducted in a precinct; a local liquor option question cannot be submitted to voters unless there actually are candidates on the ballot in each affected precinct.

***Exception:** The question of the sale of spirituous liquor by the glass as provided in R.C. 4303.29 (Form 5-B) may appear only on the general election ballot. It cannot be submitted to voters at a primary election.*

### **Four-Year Moratorium**

Except as otherwise provided by R.C. 4301.39(G) and (H), a petitioner is prohibited by R.C. 4301.37 from placing the same local liquor option question on the ballot in the same territory more than once in four years. For more details, see *Local Liquor Option Election Results* on page 27.

### **Filing Deadline**

All local liquor option petitions and any additional required statements (such as an affidavit or designation of agent) must be filed with the appropriate county board of elections not later than 4 p.m. of the 75th day before the day of the primary or general election.

## The Petition Process

The requirements to circulate a local liquor option petition vary depending upon the type of alcohol sale and consumption the petitioner wishes to place on the ballot. The **petitioner** must decide on the type(s) of alcohol sale(s) the petitioner wishes to place on the ballot and the area that will be affected by the election. The petitioner must then follow the process required for the particular petition. The petition process is outlined in the following four sections.

---

### Petition Process 1

---

#### Process for the Following Local Liquor Option Petition Questions

**[R.C. 4301.32, 4301.33, 4305.14]:**

- **Beer (Form 5-A)** [R.C. 4305.14]
- **Four Questions (Form 5-C)** [R.C. 4301.35(A)-(D)]:
  - (A) Wine and Mixed Beverages (off-premises)
  - (B) Wine and Mixed Beverages (on- and off-premises)
  - (C) Spirituous Liquor by the Glass
  - (D) State Liquor Store/Liquor Agency Store
- **Sunday Sales (Form 5-D, Form E)** [R.C. 4301.351(C)]
- **Local Liquor Option Election for a Portion of a Precinct (Form 5-P)** [R.C. 4301.353]
- **Local Liquor Option Election for Sunday Sales in a Portion of a Precinct (Form 5-Q, Form 5-T)** [R.C. 4301.354]

*Note: If the results of an election that will affect only a portion of a precinct would not affect any permit holder, the petitioner does not need to obtain a list of permit holders from the Division of Liquor Control, attach a list of permit holders to the petition while circulating the petition, notify any permit holders, or submit an affidavit on **Form 5-N**. [R.C. 4301.332(A)]*

#### Designate One Petitioner

One person involved in the petition effort must be designated as “the petitioner.” The petitioner shall serve as the contact person for the local liquor option issue and must supply his or her name and address to the board of elections and affected permit holders. The petitioner must sign all documents to be filed with the board of elections, Division of Liquor Control, and affected permit holders that are related to the local liquor option issue.

### **Pick Up Petition and Other Information**

The **petitioner** – not the board of elections or any of its employees – determines which local liquor option question to place on the ballot. (See *Choosing Local Liquor Option Election Questions* on page 18.) The petitioner is responsible for obtaining the appropriate petitions and other forms by a date far enough in advance of the targeted election to allow the petitioner sufficient time to meet all the statutory requirements, including the statutory filing deadlines that occur 120, 90 and 75 days before the election.

The county board of elections must provide the petitioner with all of the following information:

1. **Petition form (Form 5-A, 5-C, 5-D, 5-E, 5-P, 5-Q or 5-T)**, requested by the petitioner;
2. “*Guide to Local Liquor Option Elections: Sale of Intoxicating Liquor and Beer*”;
3. Within 15 days after the request has been made, **Form 5-F, a certificate of the number of valid signatures**, necessary to place the question on the ballot [R.C. 4301.32]. A valid petition must be signed by registered voters equal to at least 35 percent of the total number of votes cast in the precinct for the office of governor at the most recent gubernatorial election;
4. A **list of the streets** (and, if appropriate, the address numbers of residences and business establishments) in the precinct in which the election will be held. This list of streets must include the specific beginning and ending numbers for each street that are in the precinct;
5. **Form 5-M, for notifying affected permit holders** that a petition is being circulated for an election for the submission of one or more of the questions specified in **Forms 5-A, 5-C, 5-D, 5-E, 5-P, 5-Q, or 5-T**;
6. **Form 5-I, for notifying the Division of Liquor Control** of the names of streets including specific beginning and ending numbers as provided by the board of elections;
7. **Form 5-N, an affidavit for attesting** that the petitioner notified all affected permit holders of the local liquor option election.

### **Petitioner Must File with Division of Liquor Control**

Not later than 45 days before the petition filing deadline, the **petitioner** must file the following information with the Division of Liquor Control, Department of Commerce, 6606 Tussing Rd., P.O. Box 4005, Reynoldsburg, OH 43069-9005:

1. The list of street names and inclusive numbers furnished to the petitioner by the board of elections; and
2. **Form 5-I**, “Special Instructions for Petitioners.”

Not later than 15 days before the petition filing deadline, the Division of Liquor Control must supply the petitioner with a list of the names and addresses of permit holders who would be affected by the election. The list must contain a heading with the following words, “Liquor Permit holders who would be affected by the question(s) set forth on petition for a local liquor option election.”

### **Petitioner Must Notify Permit Holders**

Within five days after receiving from the Division of Liquor Control the list of liquor permit holders who would be affected by the question(s), the **petitioner** must notify each permit holder named on the list by *certified* mail, using the form (**Form 5-M**) provided by the board of elections, that a petition is being circulated that might affect the permit holder's ability to sell alcohol.

### **Circulate Petitions**

The petitioner must attach to each part-petition a copy of the list of permit holders who would be affected by the election as provided by the Division of Liquor Control. *A part-petition circulated at any time without the list of affected permit holders attached to it is invalid.*

*Note: The circulator of a local liquor option petition is not required to be an elector or resident of the State of Ohio.*

### **File Petition**

The petition must be filed with the appropriate board of elections no later than 4 p.m. on the 75th day before the election. At the time of filing the petition with the board of elections, the petitioner must also file all of the following:

1. The list of names and addresses of permit holders who would be affected by the election, as supplied by the Division of Liquor Control;
2. An affidavit (**Form 5-N**) certifying that the petitioner notified all affected permit holders in the manner and time required, and that each part-petition contained a copy of the list of affected permit holders at the time each signer of the petition affixed his or her signature. *Failure of the petitioner to supply either a complete and accurate list of liquor permit holders, as furnished to him or her by the Division of Liquor Control, or the affidavit, invalidates the entire petition; and*
3. The appropriate filing fee for each petition (not necessarily a separate fee for each question).  
[R.C. 3513.10(B)(2)]

*Note: If two or more different petitioners file the same question(s) for the same area to be submitted at the same election, the petition that is first filed with the appropriate board of elections is the petition that the board will examine and, if valid, certify to the ballot.*

### **Board of Elections Must Notify Permit Holders**

Within five days of receiving the petition, the board of elections must notify, by certified mail, the permit holders who would be affected by the local liquor option election (**Form 5-H**).

Upon request, the board of elections also must provide a street listing to a permit holder who would be affected by a proposed local liquor option election. (This is the same list that was provided to the petitioners, with the beginning and ending numbers for each street, that are within the precinct in which the election is sought.)

### **Board of Elections Must Determine Petition’s Validity and Sufficiency**

The board of elections must examine and determine the sufficiency and validity of the petition not later than 68 days prior to the election.

### **Board of Elections’ Notice Requirements**

The board of elections must send the **Notice of Election to be Held (Form 126-A)** to the Secretary of State’s office and the Division of Liquor Control upon certification of the issue and determination of the date of the election.

Not later than 10 days before the election, a public notice of the election is required to be posted or inserted in a newspaper published in the county. [R.C. 3501.03]

### **Costs**

The board of elections may charge a reasonable fee to cover costs for any street listing that it provides to a petitioner or anyone else.

---

## **Petition Process 2**

---

### **Process for Local Liquor Option Petition – Spirituous Liquor by the Glass (for precincts that voted in 1933 against the repeal of Prohibition) (Form 5-B) [R.C. 4301.32, 4303.29]**

*Note: A Local liquor Option election for spirituous liquor by the glass may be submitted to electors only at a general election. [R.C. 4303.29]*

### **Designate One Petitioner**

One person involved in the petition effort must be designated as “the petitioner.” The **petitioner** serves as the contact person for the local liquor option issue, must supply his or her name and address to the board of elections, and must sign all documents to be filed with the board of elections relative to the local liquor option issue.

### **Pick Up Petition and Other Information**

The **petitioner** – not the board of elections or any of its employees – determines which local liquor option question to place on the ballot. (See *Choosing Local Liquor Option Election Questions* on page 18.) The petitioner is responsible for obtaining the necessary petitions and other forms by a date far enough in advance of the targeted election to allow the petitioner sufficient time to meet all the statutory requirements, including the statutory filing deadline 75 days before the election.

The board of elections must provide the petitioner with the following materials:

1. **Petition (Form 5-B)**;
2. “*Guide to Local Liquor Option Elections: Sale of Intoxicating Liquor and Beer*”; and
3. **Certificate of Required Number of Signatures (Form 5-F)**, bearing the minimum number of valid signatures necessary to place the question on the ballot, which must be issued to the petitioner **within 15 days after** the petitioner’s request. **Form 5-B** must be signed by a number of registered voters of the precinct that is equal to at least 35 percent of the total number of votes cast in that precinct for the office of governor in the most recent gubernatorial election.

**No street listing** is required to be provided to the petitioner nor filed with the Department of Liquor Control, because the precinct has been “dry” since before November 1933, when a majority of electors voted against the repeal of Prohibition. Consequently, no one within the territory currently is permitted to sell spirituous liquor, and thus there is no privilege to be lost as the result of an election on this question.

*Note: A circulator of a local liquor option petition is not required to be an elector or resident of the state of Ohio.*

### **File Petition**

The petition must be filed with the board of elections no later than 4 p.m. on the 75th day before the general election. The petition must be accompanied by the appropriate filing fee. [R.C. 3513.10(B)(2)]

### **Board of Elections Must Determine Petition’s Validity and Sufficiency**

Not later than the 68th day before the election, the board of elections must examine and determine the validity and sufficiency of the petition for certification of the question to the ballot. [R.C. 4301.33, 4301.331, 4305.14]

### **Board of Elections’ Notice Requirements**

The board of elections must submit the **Notice of Election to be Held (Form 126-A)** to the Secretary of State’s office and the Division of Liquor Control upon certification of the issue and determination of the date of the election.

Not later than 10 days before the election, a public notice of the election is required to be posted or inserted in a newspaper published in the county. [R.C. 3501.03]

---

### Petition Process 3

---

#### Process for Particular Use at a Specific Location Local Liquor Option Election (Non-nuisance: *Form 5-R*) [R.C. 4301.323, 4301.333, 4301.355, 4301.365, 4301.39]

##### Generally

This type of election authorizes the sale of beer, wine and mixed beverages, or spirituous liquor at a specific location upon the petition of one of the following four entities: a permit holder, an applicant for the issuance or transfer of a permit, an applicant who seeks to operate a liquor agency store, or the designated agent of any of those parties. No one other than a holder or applicant for the necessary permit, operator of a liquor agency store, or the designated agent of the holder/applicant/operator may petition for a particular use election.

##### Petition Form; Petitioner Requirement

The procedure for particular use local liquor option elections differs significantly from other local liquor option elections. The petitioner, who must be a party associated with the only premises to be affected by the election, files with the board of elections **Form 5-R** (petition), **Form 5-N** (affidavit), and, if the petitioner is the designated agent of a permit holder, applicant, or operator of a liquor agency store, written evidence of that designation (see *File Petition* on page 20).

There is no notice requirement with respect to the Division of Liquor Control or to any other permit holder that might be located within the precinct, because only the location specified on the petition will be affected by the election.

***Petitioners - Note well:** The name used on the petition to designate the permit holder, permit applicant or operator of a liquor agency store – including any trade or fictitious name under which it intends to, or does, do business – and the address of the location specified on the petition must be **identical** in all respects to the name and address then on file with the Department of Liquor Control for that location. If either the name or address on file with Liquor Control as of the date the board of elections certifies the validity and sufficiency of the petition, is not identical to the petition, the question(s) will not be certified to the ballot. Ohio law specifically prohibits anyone from changing or withdrawing a petition after it has been filed. [R.C. 3501.38(I)]*

The petitioner serves as the contact person for the local liquor option issue and must supply his or her name and address to the board of elections and must sign all documents to be filed with the board of elections that pertain to the local liquor option issue.

### **Pick up Petition and Other Materials**

The **petitioner** – not the board of elections or any of its employees – determines which local liquor option question to place on the ballot. (See *Choosing Local Liquor Option Election Questions* on page 18.) The petitioner is responsible for obtaining the appropriate petitions and other forms by a date far enough in advance of the targeted election to allow the petitioner sufficient time to meet all the statutory requirements, including the statutory filing deadline 75 days before the election.

The board of elections must provide the petitioner with the following materials:

1. Petition (**Form 5-R**);
2. Affidavit of Intended Use (**Form 5-N**);
3. “*Guide to Local Liquor Option Elections: Sales of Intoxicating Liquor and Beer*”; and
4. Certificate of Required Number of Signatures (**Form 5-F**), bearing the minimum number of valid signatures necessary to place the question on the ballot, which must be issued to the petitioner within 15 days after the petitioner’s request. **Form 5-R** must be signed by at least the number of registered voters of the precinct that is equal to at least 35 percent of the total number of votes cast in that precinct for the office of governor in the most recent gubernatorial election.

*Note: A circulator of a local liquor option petition is not required to be an elector or resident of the state of Ohio. [R.C. 3503.06]*

### **File Petition**

The petitioner must file all of the following documents with the board of elections not later than 4 p.m. on the 75th day before the primary or general election:

1. Petition (**Form 5-R**),
2. Affidavit of intended use (**Form 5-N**),
3. If the permit holder/applicant or liquor agency store designated an agent for purpose of circulating and filing the 5-R petition, separate written evidence of that designation of agent, signed by the permit holder/ applicant or liquor agency store. (There is no form prescribed by the Secretary of State for designating the agent. The parties who want the 5-R petition filed are responsible for producing the necessary documentation,) and
4. Appropriate filing fee. [R.C. 3513.10 (B)(2)]

*Petitioners – Note well: Failure to supply the affidavit (**Form 5-N**) or, if applicable, the written evidence of the designation of agent, at the time the petition (**Form 5-R**) is filed invalidates the entire petition. [R.C. 4301.333(C)(2)]*

### **Board of Elections Must Determine Petition’s Validity and Sufficiency**

Not later than the 68th day before the election, the board of elections must examine and determine the validity and sufficiency of the petition for certification of the question to the ballot. [R.C. 4301.33, 4301.331, 4305.14]

### **Board of Elections' Notice Requirements**

Upon the filing of a **5-R Petition**, the board of elections may fax a copy of it to the Division of Liquor Control, Attention: Hollie Dobbins at 614-728-1283, for verification that the petitioner is an applicant, permit holder or liquor agency store at the location specified on the petition prior to certification.

The board of elections must submit the **Notice of Election to be Held (Form 126-A)** to the Secretary of State's office and the Division of Liquor Control upon certification of the issue and determination of the date of the election.

Not later than 10 days before the election, the board of elections must post or publish a public notice of the election.

[R.C. 3501.03]

### **Special Instructions**

#### **“29 Day Rule” for Liquor Permit Holder Whose Permit is Made Partially or Wholly Unlawful Due to Results of Certain Local Liquor Option Elections [R.C. 4301.39(G) and (H)]**

Where a permit is made partially unlawful as the result of a local liquor option election held pursuant to R.C. 4301.35 (choice of questions), 4301.351 (Sunday sales in entire precinct), 4301.353 (sales in a portion of a precinct), 4303.29 (sale of spirituous liquor by the glass), or 4305.14 (sale of beer), a particular location local liquor option election may be held if both of the following occur no later than 29 days after the Division of Liquor Control receives the final notice of the results of such election:

1. The affected permit holder files a petition (**Form 5-R**) with the board of elections to hold a particular location local liquor option election pursuant to R.C. 4301.333, and
2. The affected permit holder files with the Division of Liquor Control's superintendent a copy of that petition (**Form 5-R**) bearing the board of elections' file stamp.

If both of those conditions are met, the results of the local liquor option election which made the permit partially unlawful will not take effect as to that liquor permit holder until the Division of Liquor Control receives final notice from the board of elections that either (whichever occurs earlier):

1. The form 5-R filed by the permit holder pursuant to R.C. 4301.39 (G) is invalid, or
2. An election held pursuant to 4301.355 concerning the liquor permit holder resulted in a majority “no” vote.

---

## **Petition Process 4**

---

### **Process for Local Liquor Option Petition (Sale of Beer and Intoxicating Liquor at a Community Facility: Form 5-S)**

**[R.C. 4301.01 (b)(19), 4301.324, 4301.334, 4301.356, 4301.365, 4301.37(F), 4301.80]**

#### **Generally**

A local liquor option election concerning a community facility may be placed on the ballot by *petition, resolution or ordinance* submitted to the board of elections no later than 4 p.m. of the 75th day prior to the primary or general election. Such an election is submitted to the electorate of the *entire municipality or unincorporated area of the township* in which the community facility is located.

#### **Designate One Petitioner**

One person involved in the petition effort must be designated as “the petitioner.” The petitioner serves as the contact person for the local liquor option issue, must supply his or her name and address to the board of elections, and must sign all documents to be filed with the board of elections that relate to the local liquor option issue.

#### **Pick Up Petition and Other Materials**

The **petitioner** – not the board of elections or any of its employees – determines which local liquor option question to place on the ballot. (See *Choosing Local Liquor Option Election Questions* on page 18.) The petitioner is responsible for obtaining the appropriate petitions and other forms by a date far enough in advance of the targeted election to allow the petitioner sufficient time to meet all the statutory requirements, including the statutory filing deadlines occurring 105 and 75 days before the election.

The board of elections must provide the petitioner with the following materials:

1. **Petition form (Form 5-S)**;
2. “*Guide to Local Liquor Option Elections: Sales of Intoxicating Liquor and Beer*”;
3. **Certificate of Required Number of Signatures (Form 5-F)**, bearing the minimum number of valid signatures necessary to place the question on the ballot, which must be issued to the petitioner within 15 days after the petitioner’s request. **Form 5-S** must be signed by at least the number of registered voters of the precinct that is equal to at least 10 percent of the total number of votes cast for the office of governor in the most recent gubernatorial election in the municipal corporation or unincorporated area of the township in which the community facility is located; and
4. **Form 5-J**, “Special Instructions for Petitioners (Community Facility),” for the information to be provided to the Division of Liquor Control (See “Notice Requirement by Petitioner”).

### **Circulate Petition**

The petitioner uses **Form 5-S**, which must contain the following information:

1. A notice that the petition is for the submission of the question set forth in R.C. 4301.356, and
2. The name and address of the community facility for which the local liquor option election is sought and, if the community facility is a community entertainment district, the district's boundaries.

*Note: A circulator of a local liquor option petition is not required to be a resident or elector of the state of Ohio.*

### **Notice Requirement by Petitioner**

At least 30 days before the petition filing deadline, the petitioner must provide the Division of Liquor Control with all the following information:

1. The name and address of the community facility or the boundaries of the district,
2. The municipal corporation or township in which the election is sought, and
3. The petition filing deadline.

*Note: Form 5-J, "Special Instructions for Petitioners," may be used for this purpose.*

The Division of Liquor Control then will provide the petitioner with the names and addresses of any permit holder for, or within, the community facility. The **petitioner** must file these names and addresses with the board of elections **at the time the petition is filed**.

### **File Petition**

The petition must be filed with the board of elections no later than 4 p.m. on the 75th day before the primary or general election, accompanied by the appropriate filing fee. [R.C. 3513.10(B)(2)] The petitioner must provide the board of elections with the name and address of any liquor permit holder within the community facility, or the petition will be invalidated.

### **Board of Elections Must Notify Permit Holder(s)**

Within five days after a petition is filed, the board of elections must give notice by certified mail to any permit holder whose permit would be affected by the local liquor option election for the community facility.

### **Board of Elections Must Determine Petition's Validity and Sufficiency**

Not later than the 68th day before the election, the board of elections must examine and determine the validity and sufficiency of the petition for certification of the question to the ballot. [R.C. 4301.334]

### **Board of Elections' Notice Requirements**

The board of elections must submit the **Notice of Election to be Held (Form 126-A)** to the Secretary of State's office and the Division of Liquor Control upon certification of the issue and determination of the date of the election.

Not later than 10 days before the election, a public notice of the election is required to be posted or inserted in a newspaper published in the county.  
[R.C. 3501.03].

---

### **Process 5 (Non-petition)**

---

#### **Site specific local liquor option election following finding of a nuisance (by judgment entry only) [R.C. 3767.03, 3767.05, 4301.321, 4301.33, 4301.331, 4301.352]**

##### **Generally**

In lieu of the filing of a petition, this local liquor option question is placed on the ballot by filing with the board of elections *the judgment entry* declaring the particular location a nuisance, as defined in R.C. 3767.01(C).

##### Notices of Commencement/Adjudication of Nuisance Action

1. Any agency, officer, or other person who brings a nuisance action against the holder of a liquor permit in accordance with R.C. 3767.03 must notify the Division of Liquor Control, the Liquor Control Commission, and the Liquor Enforcement Division of the Ohio Department of Public Safety at the time such action is brought.
2. The court which adjudicates that a nuisance, other than a nuisance found as a result of a violation of local zoning provisions, exists at a liquor permit premises must send notice to the Division of Liquor Control, the Liquor Control Commission, and the Liquor Enforcement Division of the Ohio Department of Public Safety. [R.C. 3767.05(E)]

##### **Procedure [R.C. 4301.331]**

If a liquor permit premises has been adjudged a nuisance, other than a nuisance found as a result of a violation of local zoning provisions, the person or public official who brought the nuisance action must file the following documents with the board of elections of the county in which the nuisance was adjudged to exist:

1. A certified copy of the judgment entry issued pursuant to R.C. 3767.05 (D) or (E);
2. A statement containing:
  - a notice that the statement is for the submission of the question set forth in R.C. 4301.352,
  - the name of the class C or D permit holder and, if different, the business name, and
  - the address of the permit holder's permit premises.

### **File Statement and Judgment Entry**

The statement and a certified copy of the judgment entry must be filed with the appropriate board of elections not later than 4 p.m. on the 75th day before the day of the next primary or general election.

Failure to supply the board of elections with the liquor permit holder's complete and accurate address invalidates the election. R.C. 4301.331(D) defines "complete and accurate address" to mean the following:

1. The address of the liquor permit premises,
2. The address of the statutory agent of the liquor permit holder, if applicable, and
3. The address of the liquor permit holder if different from the liquor permit premises address.

### **Board of Elections Must Notify Permit Holder**

No later than five (5) days after such filing, the board of elections must notify the affected permit holder by certified mail that the board has received a certified copy of the judgment entry.

### **Board of Elections Must Determine Validity of Question**

No later than 68 days before the day of the next primary or general election, whichever is earlier, the board shall certify the sufficiency and validity of the certified copy of the judgment entry and shall order an election be held on the question set forth in R.C. 4301.352.

### **Board of Elections' Notice Requirements**

The board of elections must submit the **Notice of Election to be Held (Form 126-A)** to the Secretary of State's office and the Division of Liquor Control upon certification of the issue and determination of the date of the election.

Not later than 10 days before the election, a public notice of the election is required to be posted or inserted in a newspaper published in the county. [R.C. 3501.03]

***Note:** Effect of Pending Appeal [R.C. 3767.05(G)] No election shall be held to dry up particular premises under R.C. 4301.352 until all appeals of the judgment declaring the liquor permit premises a nuisance are resolved. The court of appeals must render a decision on any appeal of the judgment within six months after the date of the filing of the appeal with the clerk of the court of appeals, and the Supreme Court must render a decision on any appeal of the judgment within six months after the date of the filing of the appeal with the Supreme Court.*

## Choosing Local Liquor Option Election Questions

The **petitioner** must select which local liquor option question(s) to place on the ballot. Local liquor Option elections may be held on any one or more of the following questions:

*Note: The following wording of the ballot questions for each of the various types of local liquor option elections must appear on the petition. Except where blank spaces are provided on the form for the addition of required information, the circulator cannot alter this required wording in any way.*

### **1. Beer (Off-premises; on- and off-premises) (Form 5-A) [R.C. 4305.14(B)]**

1. “Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for off-premises consumption only be permitted within this \_\_\_\_\_ precinct?”  
[R.C. 4305.14(B)(1)].

2. “Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for on-premises consumption only, and under permits which authorize sale for both on-premises and off-premises consumption, be permitted in this \_\_\_\_\_ precinct?”  
[R.C. 4305.14(B)(2)]

### **2. Spirituous Liquor by the Glass (Form 5-B) [R.C. 4303.29(C)]**

*Note: This language can be used only in precincts in which, at the November 1933 election, the electors voted against the repeal of Article XV, Section 9 of the Ohio Constitution (Prohibition). [1957 OAG 1153]*

“Shall the sale of spirituous liquor by the glass as defined in section 4301.01 of the Revised Code be permitted within this \_\_\_\_\_ precinct?”

### **3. Four-Question Election (Form 5-C) (Does not include beer) [R.C. 4301.35]**

#### **• Wine and Mixed Beverages (Off-premises)**

(A) “Shall the sale of wine and mixed beverages by the package, under permits which authorize sale for off-premise consumption only, be permitted in \_\_\_\_\_?”  
[R.C. 4301.35(A)]

#### **• Wine and Mixed Beverages (On premises only; on- and off-premises)**

(B) “Shall the sale of wine and mixed beverages, under permits which authorize sale for on-premise consumption only, and under permits which authorize sale for both on-premise and off-premise consumption, be permitted in \_\_\_\_\_?” [R.C. 4301.35(B)]

#### **• Spirituous Liquor by the Glass**

(C) “Shall the sale of spirituous liquors by the glass be permitted in \_\_\_\_\_?”  
[R.C. 4301.35(C)]

#### **• State Liquor Store/Liquor Agency Store**

(D) “Shall state liquor stores or liquor agency stores for the sale of spirituous liquor by the package, for consumption off the premises where sold, be permitted in \_\_\_\_\_?”  
[R.C. 4301.35(D)]

**4. Sunday Sales of Intoxicating Liquor and Beer: 1 p.m. - midnight (Form 5-D)**  
**(Beer is implied in all three questions) [R.C. 4301.33 and 4301.351]**

If a valid and sufficient petition is filed on whether to permit the sale of intoxicating liquor on Sunday, a special election will be held in the precinct on one or more of the following questions, question (B)(1), (B)(2) or (B)(3), as designated in a valid petition:

“(1) Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_ for consumption on the premises where sold, between the hours of one p.m. and midnight on Sunday?”

“(2) Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_ for consumption on the premises where sold, between the hours of one p.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises?”

“(3) Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_ for consumption off the premises where sold, between the hours of one p.m. and midnight on Sunday?”

No C or D permit holder who first applied for such a permit after April 15, 1982, shall sell beer on Sunday unless the sale of intoxicating liquor is authorized in the precinct or portion of the precinct at an election on question (B)(1), (B)(2), or (B)(3) of R.C. 4301.351, on question (C)(1), (C)(2), or (C)(3) of R.C. 4301.351, on question (B)(1), (B)(2), or (B)(3) of R.C. 4301.354, on question (C)(1), (C)(2), or (C)(3) of R.C. 4301.354, or on question (B)(2) of R.C. 4301.355.

**5. Sunday Sales of Intoxicating Liquor and Beer: 10 a.m. - midnight (Form 5-E)**  
**(Beer is implied in all three questions) [R.C. 4301.33 and 4301.351(C)]**

If a valid and sufficient petition is filed on whether to permit the sale of intoxicating liquor on Sunday, a special election will be held in the precinct on one or more of the following questions, question (C)(1), (C)(2), or (C)(3) as designated in a valid petition:

“(1) Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_ for consumption on the premises where sold, between the hours of ten a.m. and midnight on Sunday?”

“(2) Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_ for consumption on the premises where sold, between the hours of ten a.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises?”

“(3) Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_ for consumption off the premises where sold, between the hours of ten a.m. and midnight on Sunday?”

No C or D permit holder who first applied for such a permit after April 15, 1982, shall sell beer on Sunday unless the sale of intoxicating liquor is authorized in the precinct or portion of the precinct at an election on question (B)(1), (B)(2), or (B)(3) of R.C. 4301.351, on question (C)(1), (C)(2), or (C)(3) of R.C. 4301.351, on question (B)(1), (B)(2), or (B)(3) of R.C. 4301.354, on question (C)(1), (C)(2), or (C)(3) of R.C. 4301.354, or on question (B)(2) of R.C. 4301.355.

**6. “Limited Effect” Local Liquor Option Election (Form 5-P) [R.C. 4301.353]**

A limited effect election is a local liquor option election in which the voters in a community vote on the status of the sale of alcoholic beverages in only part of the precinct. Such an election may only occur in a precinct where, because of annexation or re-precincting by the board of elections, the status of the sale of alcoholic beverages in one area of a precinct is inconsistent with the status of sales in another area of the precinct. The ballot question presented to the voters may only include types of alcoholic beverages and types of alcoholic sales that are currently authorized in the remainder of the precinct. [R.C. 4301.322]

- (A) “Shall the sales of \_\_\_\_\_ (insert one or both of the following: beer, or wine and mixed beverages) by the package, under permits that authorize the sale for off-premises consumption only, be permitted in a portion of this precinct in which the status of the sale of \_\_\_\_\_ (insert one or both of the following: beer, or wine and mixed beverages) as allowed or prohibited is inconsistent with the status of such sale in the remainder of the \_\_\_\_\_ ?” [R.C. 4301.353(A)]
- (B) “Shall the sales of \_\_\_\_\_, (insert one or more of the following: beer, wine and mixed beverages, or spirituous liquor) under permits that authorize sale for on-premises consumption only, and under permits that authorize sale for both on- premises and off-premises consumption, be permitted in a portion of this precinct in which the status of the sale of \_\_\_\_\_ (insert one or more of the following: beer, wine and mixed beverages, or spirituous liquor) as allowed or prohibited is inconsistent with the status of such sale in the remainder of the \_\_\_\_\_ ?” [R.C. 4301.353(B)]

*Note: The board of elections must include on the ballot a description of the portion of the precinct affected by the election. The description must include either:*

- *the complete listing of street addresses in that portion, or*
- *a condensed text that accurately describes the boundaries of the portion of the precinct by street name or by another name generally known by the residents of the portion of the precinct.*

*If other than a full street listing is used, the full street listing also must be posted in each polling place in a location that is easily accessible to all voters.*

## **7. “Limited Effect” Election for Sunday Sales**

### **• (Form 5-Q) [R.C. 4301.354]**

The following questions for Sunday sales between 1 p.m. and midnight, as authorized by R.C. 4301.354(B), may be submitted only if the status of alcohol sales in a portion of a precinct is inconsistent with the permitted use in the remainder of the precinct as a result of an annexation or the board of elections redrawing the precinct lines:

- (1) “Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of one p.m. and midnight on Sunday for consumption on the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?”
- (2) “Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of one p.m. and midnight on Sunday for consumption on the premises where sold at licensed premises where the sale of food and other goods exceeds fifty per cent of the total gross receipts of the permit holder at the premises, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?”
- (3) “Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of one p.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?”

***Note:** The board of elections must include on the ballot a description of the portion of the precinct affected by the election. The description must include either:*

- the complete listing of street addresses in that portion, or*
- a condensed text that accurately describes the boundaries of the portion of the precinct by street name or by another name generally known by the residents of the portion of the precinct.*

*If other than a full street listing is used, the full street listing also must be posted in each polling place in a location that is easily accessible to all voters.*

### **• (Form 5-T) [R.C. 4301.354]**

The following questions permit Sunday sales between the hours of 10 a.m. and midnight:

- (1) “Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?”
- (2) “Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold at licensed premises where the sale of food and other goods exceeds fifty per cent of the total gross receipts of the permit holder at the premises, where the status of such Sunday sales as

allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?”

- (3) “Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?”

*Note: The board of elections must include on the ballot a description of the portion of the precinct affected by the election. The description must include either:*

- *the complete listing of street addresses in that portion, or*
- *a condensed text that accurately describes the boundaries of the portion of the precinct by street name or by another name generally known by the residents of the portion of the precinct.*

*If other than a full street listing is used, the full street listing also must be posted in each polling place in a location that is easily accessible to all voters.*

## **8. Particular Location (non-nuisance) Local Liquor Option Election**

### **(Form 5-R) [R.C. 4301.355]**

This type of election authorizes the sale of beer and intoxicating liquor at a specific location upon the petition of a permit holder, an applicant for the issuance or transfer of a permit, an applicant who seeks to operate a liquor agency store, or the designated agent of any of those parties. No one other than a holder or applicant for the necessary permit, operator of a liquor agency store, or the designated agent of the holder/applicant/operator may petition for a particular use election.

At the election, one or more of the following questions, as designated in a petition, shall be submitted to the electors of the precinct:

- (1) “Shall the sale of \_\_\_\_\_ (insert beer, wine and mixed beverages, or spirituous liquor) be permitted by \_\_\_\_\_ (insert name of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to, or does, do business at the particular location), an \_\_\_\_\_ (insert “applicant for” or “holder of” or “operator of”) a \_\_\_\_\_ (insert class name of liquor permit or permits followed by the words “liquor permit(s)” or, if appropriate, the words “liquor agency store for the State of Ohio”), who is engaged in the business of \_\_\_\_\_ (insert general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the petition) at \_\_\_\_\_ (insert address of the particular location within the precinct as set forth in the petition) in this precinct?”
- (2) “Shall the sale of \_\_\_\_\_ (insert beer, wine and mixed beverages, or spirituous liquor) be permitted for sale on Sunday between the hours of \_\_\_\_\_ (insert “ten a.m. and midnight” or “one p.m. and midnight”) by \_\_\_\_\_ (insert name of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which

applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location), an \_\_\_\_\_ (insert “applicant for a D-6 liquor permit,” “holder of a D-6 liquor permit,” or “applicant for or holder of an A-1-A, A-2, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 liquor permit,” if only the approval of beer sales is sought, or “liquor agency store”) who is engaged in the business of \_\_\_\_\_ (insert general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the petition) at \_\_\_\_\_ (insert address of the particular location within the precinct) in this precinct?”

## **9. Sale of Beer and Intoxicating Liquor at “Community Facilities”**

### **(Form 5-S) [R.C. 4301.356]**

A local liquor option election concerning a community facility may be placed on the ballot by petition, as well as by resolution or ordinance, submitted to the board of elections no later than 4 p.m. of the 75th day prior to the general or primary election. Such an election is submitted to the electorate of the *entire municipality or unincorporated area of the township* in which the community facility is located.

The question shall be submitted to the electors as follows:

*“Shall the sale of beer and intoxicating liquor be permitted on days of the week other than Sunday and between the hours of one p.m. and midnight on Sunday, at \_\_\_\_\_ (insert name of community facility), a community facility as defined by section 4301.01 of the Revised Code, and located at \_\_\_\_\_ (insert the address of the community facility and, if the community facility is a community entertainment district, the boundaries of the district, as set forth in the petition)?”*

## **10. Non-Petition Question: Particular Site Adjudged a Nuisance [R.C. 4301.352]**

This local liquor option question is placed on the ballot by filing with the board of elections **the judgment entry** declaring the particular location a nuisance, as defined in R.C. 3767.01(C).

The question shall be submitted to the electors as follows:

*“Shall the sale of beer and intoxicating liquor at \_\_\_\_\_ (insert the address of the permit premises) \_\_\_\_\_, which was adjudged to be a nuisance to the public by (insert the name of the court, including the name of the political subdivision of the court, issuing such judgment) \_\_\_\_\_ on (the date the judgment was issued by the court) \_\_\_\_\_ be permitted in this precinct?”*

## Petition Requirements

### Part-Petitions

A local liquor option petition may be made up of several petition papers called part-petitions. All part-petitions must be filed with the board of elections at one time, as a single instrument. [R.C. 3501.38(K)]

### Content

A petition for a local liquor option election must satisfy all of the following requirements:

1. Designate the question(s) to be submitted to the electors (See *Choosing Local Liquor Option Election Questions* on page 18);
2. Contain the full name of the precinct in which the election is to be held;
3. Be signed by qualified electors residing in the precinct equal in number to 35 percent of the total number of votes cast for governor in such precinct at the most recent gubernatorial election;

*Note: The board of elections will calculate the actual number of required signatures upon request of the petitioner, and must provide a written notice of the number of required signatures within 15 days of the request (Form 5-F). [R.C. 4301.32, 4303.29(C), and 4305.14]*

4. Be filed with the board of elections of the county in which such precinct is located not later than 4 p.m. of the 75th day before the election;
5. Conform to all of the requirements for petitions established by R.C. 3501.38 and 3599.36, which include the following:
  - Only registered voters who live in the specified precinct are eligible to sign the petition. Each signer must be registered to vote in the precinct by the date the petition is filed with the board of elections.
  - Signatures must be cursive and be affixed in ink. In the space beneath or next to signature, each signer may also print his or her name to clearly identify his or her signature.
  - Each signer shall place on the petition, after his or her name, the date of signing and the location of the voting residence, including the full street address. The voting address on the petition must be the address appearing in the registration records at the board of elections as of the date the petition is filed.
  - Except as otherwise provided in R.C. 3501.382, each signer may only sign his or her own name on any petition. No person may authorize another to sign for him or her. A power of attorney does not authorize anyone to affix someone's signature to a petition.
  - On each petition paper, the circulator must indicate the number of signatures contained thereon and sign a statement, made under penalty of election falsification, that he or she witnessed the affixing of every signature, that all signers were to the best of his or her knowledge and belief qualified to sign, and that every signature is to the best of his or her knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to R.C. 3501.382.

- If a circulator knowingly permits an unqualified person to sign a petition paper or permits a person to write a name other than his or her own on a petition paper, that entire petition paper is invalid; otherwise, the signature of a person not qualified to sign shall be rejected, but shall not invalidate the other valid signatures on the paper.
- Before filing the petition with the board of elections, the circulator may strike out any signature he or she does not wish to present as a part of the petition.
- Any signer or attorney in fact acting pursuant to R.C. 3501.382 may strike his or her signature from a petition at any time before the petition is filed with the board of elections. No signature may be removed after the petition is filed.
- No alterations, corrections, or additions may be made to a petition, and no petition may be withdrawn, after it is filed with the board of elections.
- All petitions shall include the following statement in bold faced, capital letters:  
**WHOEVER COMMITS ELECTION FALSIFICATION  
IS GUILTY OF A FELONY OF THE FIFTH DEGREE.**
- All separate petition papers must be filed at the same time, as one instrument.

*Note: A circulator is not required to be a resident or elector of the State of Ohio.*

### **List of Permit Holders**

If a petitioner is circulating a petition regarding a local liquor option for beer (**Form 5-A**), one of the four questions (**Form 5-C**), Sunday sales (**Forms 5-D and 5-E**), or a portion of the precinct (**Forms 5-P, 5-Q and 5-T**), the petitioner must attach to every part-petition a copy of the list provided by the Department of Liquor Control of permit holders who would be affected by the local liquor option election. A part-petition circulated without this list attached is invalid.

*Note: If the results of an election that will affect only a portion of a precinct would not affect any permit holder, neither the petitioner nor the board of elections must follow any of the steps regarding obtaining a list of permit holders from the Division of Liquor Control, attaching a list to the petition while circulating, notifying any permit holders, and submitting an affidavit on **Form 5-N**. [R.C. 4301.332(A)]*

Upon filing the petition **Form 5-A, 5-C, 5-D, 5-E, 5-P, 5-Q or 5-T**, the petitioner must also submit an affidavit (**Form 5-N**) attesting that each part-petition was circulated with the list of all potentially affected permit holders, and that each permit holder was notified of the local liquor option election as provided by law. [R.C. 4301.33, 4305.14]

## Street Listing

The following is a sample from a county precinct finder from which a sample local liquor option street listing was created.

Street Name		House Numbers		Precinct
Hammond Street		14 thru 44	(Odd & Even)	4-G
Harding Lane		500 thru 568	(Odd & Even)	1-G
Harrison Street	East	All Numbers		3-A
Harrison Street	West	15 thru 83 97 thru 125	(Odd & Even)	3-E 3-C
Heather Drive		22 thru 63	(Odd & Even)	3-G
Hedgerow Lane		15 thru 48	(Odd & Even)	2-D
Wabash Street		All Numbers		3-F
Washington Street	North	5 thru 39 51 thru 148 153 thru 311 172 thru 210 233 thru 311 337 thru 448	(Odd & Even) (Odd & Even) (Odd Only) (Even Only) (Odd & Even) (Odd & Even)	3-C 4-E 4-B 4-A 4-B 4-C
Washington Street	South	18 thru 146 162 thru 2402 161 thru 245	(Odd & Even) (Even Only) (Odd Only)	3-C 3-C 3-E
Wells Street		All Numbers		4-F

If precinct 3-C were having a local liquor option election, the street listing that should be given to the petitioner at the time he or she receives the petitions should appear as follows:

1. Harrison St.      West    97 - 125      (Odd and Even)
2. Washington St.    North   5 - 39      (Odd and Even)
3. Washington St.    South   18 - 146     (Odd and Even)
4. Washington St.    South   162 - 240 1/2   (Even Only)

If a precinct includes rural streets and roads that are not numbered, they should be listed by route number, township and box number (if assigned by post office) and should appear as follows:

1. State Route #1      (Liberty Twp.) Boxes 1-100
2. Rural Route #6      (Smith Twp.)
3. Township Rd. 72    (Main Twp.)    Boxes 1-36    (Odd Only)

If a rural road is in the process of being assigned house numbers by the county or other political subdivision, the road should appear as follows:

1. State Route #1      (Liberty Twp.) Boxes 1-100  
as of 2-27-87: 1 - 29 (Odd and Even)

Both the “old” and “new” information should be listed for these roads, because it may take some time before the new numbering system is fully implemented and in general use by the public. Current permit holders would most likely be listed under the “old” information until some sort of update is completed at the Department of Liquor Control.

*Note: Any time a rural road is listed with a township, the board of elections that receives a permit holder list must verify each name on the list and make sure that it is located within the precinct in which the local liquor option election is to be held. There is a possibility that other permit holders outside the precinct in question will be listed, since the Division of Liquor Control will be accessing the entire road in the township, not just the precinct. Therefore, boards are cautioned to review carefully the permit holder list when unnumbered rural roads are part of the precinct, because boards will want to notify only permit holders affected by the election (i.e., only permit holders in the precinct and not the entire township).*

## Local Liquor Option Election Results

If a majority of electors vote “yes” on a ballot question, the sale of alcoholic beverages as specified in that question may be permitted in the manner described in the question and upon approval by the Department of Liquor Control.

Results of local liquor option elections are effective until another election on the same question is held. Four years must pass before the same question can be submitted to voters in the same territory. Therefore, a local liquor option question that appeared on the 2005 general election ballot cannot be submitted to voters in that precinct again until the 2009 general election.

The results of a local liquor option election under R.C. 4301.355 regarding particular use at a specific location are effective at the specific location until another election is held. No subsequent election may be held regarding the same particular use at the specific location under R.C. 4301.355 within four years. However, other precinct-wide local liquor option elections that may affect alcohol sales and consumption at that location may be held in the four-year period.

The results of a local liquor option election regarding a specific location under R.C. 4301.39(G) or (H) are found under *Special Elections* on page 13.

Periodically, the General Assembly will enact temporary legislation that allows more than one election on the same local liquor option question in the designated four-year period. Petitioners should contact their state legislators to determine whether the petitioners can take advantage of any such provision in the law.

## **Protests [R.C. 4301.33, 4301.331, 4301.332, 4301.333, 4305.14]**

All petitions filed with a board of elections must be open for public inspection under reasonable rules adopted by the board of elections. [R.C. 149.011]

A protest is the statutory method for challenging the validity or sufficiency of a petition. It must be made in writing and set forth the specific objections to the petition.

1. Protests may be filed by:
  - a. Any qualified elector eligible to vote on the question described in the petition;
  - b. For petition **Forms 5-A, 5-B, 5-C, 5-D, 5-E, 5-P, 5-Q and 5-T**: A permit holder in the precinct.
2. Protests must be in writing and filed with the board of elections at which the petition was filed, no later than 4 p.m. of the 64th day before the election for which the petition qualified.
3. Upon filing of the protest, the board must promptly fix the time and place for a hearing and shall forthwith mail notice of the filing of the protest and the time and place for the hearing to the person who filed the petition. The board shall also forthwith mail notice of the time and place of hearing to the person who filed the protest.
4. At the time and place fixed, the board must hear the protest and determine the validity or invalidity of the petition.

## **Inquiries**

For specific information concerning liquor permits, contact:

**Department of Commerce**  
Division of Liquor Control  
6606 Tussing Rd.  
P.O. Box 4005  
Reynoldsburg OH 43068-9005  
(614) 644-2454  
e-mail: [public@liquor.state.oh.us](mailto:public@liquor.state.oh.us)  
[www.liquorcontrol.ohio.gov](http://www.liquorcontrol.ohio.gov)

For information regarding election questions, contact:

**Ohio Secretary of State**  
Elections Division  
180 East Broad St., 15th Floor  
Columbus OH 43215  
(614) 466-2585  
e-mail: [election@sos.state.oh.us](mailto:election@sos.state.oh.us)  
[www.sos.state.oh.us](http://www.sos.state.oh.us)

SAMPLE LOCAL LIQUOR OPTION  
ELECTION FORMS

*This page intentionally left blank.*

Form No. 5-A Prescribed by Secretary of State (06-06)

**PETITION FOR ELECTION ON QUESTION OF THE SALE  
OF BEER BY C AND D PERMIT HOLDERS**

Revised Code 3501.38, 4305.14 and 4305.15

**INSTRUCTIONS**

1. Any one or more of the following questions may be submitted.
2. Complete the description of the precinct for each question to be submitted.
3. All of the above must be done **before** obtaining any signature on the petition.
4. The petition must be filed with the Board of Elections of the county wherein such precinct is located, no later than 4 p.m. of the 75th day before the day of a General or Primary Election.

**TO THE BOARD OF ELECTIONS OF \_\_\_\_\_ COUNTY, OHIO:**

We, the undersigned qualified electors of the precinct hereinafter defined, respectfully petition that you submit to the electors of such precinct the following questions(s):

(1) "Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for off-premises consumption only be permitted within this \_\_\_\_\_?"  
(Name of precinct)

(2) "Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for on-premises consumption only, and under permits which authorize sale for both on-premises and off-premises consumption, be permitted in this \_\_\_\_\_?"  
(Name of precinct)

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

SAMPLE

**Form continued on next page.**

Form 5-A, page 2

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					
27.					
28.					
29.					
30.					

SAMPLE

**CIRCULATOR STATEMENT- Must be completed and signed by circulator.**

I, \_\_\_\_\_, declare, under penalty of election falsification, that I reside at the address  
(Printed Name of Circulator)

appearing below my signature; that I am the circulator of the foregoing petition containing \_\_\_\_\_  
(Number)

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 section 3501.382 of the Revised Code.

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

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

\_\_\_\_\_  
(Permanent residence address in this state)

\_\_\_\_\_  
(City or Village, State and Zip Code)

**County Board of Elections**

Local Option Question(s) for  
Sale of Beer by C and D Permit Holders  
Form 5-A

Filed \_\_\_\_\_,

**Certificate of Validity**

Revised Code 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

affixed at \_\_\_\_\_, Ohio,

this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Director

(seal)

Form No. 5-B Prescribed by Secretary of State (06-06)

**PETITION FOR ELECTION ON QUESTION OF THE SALE  
OF SPIRITUOUS LIQUOR BY THE GLASS**

Revised Code 3501.38 and 4303.29

A petition to submit the question of the sale of spirituous liquor by the glass in a precinct of or within a municipal corporation or a township exclusive of any municipal corporation or part thereof therein, in which at the November, 1933, election a majority of the electors voting thereon voted against the repeal of Section 9 of Article XV of the Ohio Constitution.

**INSTRUCTIONS**

1. Complete the description of the precinct for the question to be submitted before obtaining any signature on the petition.
2. The petition must be filed with the Board of Elections of the county wherein such precinct is located no later than 4 p.m. of the 75th day before the day of a General Election.

**TO THE BOARD OF ELECTIONS OF \_\_\_\_\_ COUNTY, OHIO:**

We, the undersigned qualified electors of the precinct hereinafter defined, respectfully petition that you submit to the electors of such precinct the following question:

“Shall the sale of spirituous liquor by the glass as defined in section 4301.01 of the Revised Code be permitted in \_\_\_\_\_?”  
(Name of precinct)

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					

SAMPLE

**Form continued on next page.**

Form 5-B, page 2

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					
27.					
28.					
29.					
30.					

SAMPLE

**CIRCULATOR STATEMENT- Must be completed and signed by circulator.**

I, \_\_\_\_\_, declare, under penalty of election falsification, that I reside at the address  
 (Printed Name of Circulator)  
 appearing below my signature; that I am the circulator of the foregoing petition containing \_\_\_\_\_  
 (Number)  
 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 section 3501.382 of the Revised Code.

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

\_\_\_\_\_  
 (Signature of Circulator)  
 \_\_\_\_\_  
 (Permanent residence address in this state)  
 \_\_\_\_\_  
 (City or Village, State and Zip Code)

**County Board of Elections**  
**PETITION FOR ELECTION ON  
 QUESTION OF THE SALE OF  
 SPIRITUOUS LIQUOR BY THE GLASS**  
 Filed \_\_\_\_\_, \_\_\_\_\_  
**CERTIFICATE OF VALIDITY**  
 Revised Code 3501.11  
 We, the undersigned, constituting the Board of Elections of this county, do hereby certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid.  
 IN WITNESS WHEREOF, we have hereunto subscribed our names and caused our official seal to be affixed at \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_  
 \_\_\_\_\_  
 Chairperson  
 \_\_\_\_\_  
 Member  
 \_\_\_\_\_  
 Member  
 \_\_\_\_\_  
 Member  
 \_\_\_\_\_  
 Director  
 \_\_\_\_\_  
 (seal)

Form No. 5-C Prescribed by Secretary of State (06-06)

## LOCAL OPTION ELECTION PETITION

Revised Code 3501.38 and 4301.32 to 4301.39

**A petition to submit the question of the sale of intoxicating liquors.**

### INSTRUCTIONS

1. Any one or more of the following questions may be submitted.
2. Complete the description of the precinct for each question to be submitted.
3. All of the above must be done **before** obtaining any signature on the petition.
4. The petition must be filed with the Board of Elections of the county wherein such precinct is located, not later than 4 p.m. of the 75th day before the day of a General or Primary Election.

**TO THE BOARD OF ELECTIONS OF \_\_\_\_\_ COUNTY, OHIO:**

We, the undersigned qualified electors of the precinct hereinafter defined, respectfully petition that you submit to the electors of such precinct the following question(s):

- (A) "Shall the sale of wine and mixed beverages by the package, under permits which authorize sale for off-premise consumption only, be permitted in \_\_\_\_\_?"  
(Name of precinct)
- (B) "Shall the sale of wine and mixed beverages, under permits which authorize sale for on-premise consumption only, and under permits which authorize sale for both on-premise and off-premise consumption, be permitted in \_\_\_\_\_?"  
(Name of precinct)
- (C) "Shall the sale of spirituous liquors by the glass be permitted in \_\_\_\_\_?"  
(Name of precinct)
- (D) "Shall state liquor stores or liquor agency stores for the sale of spirituous liquor by the package, for the consumption off the premises where sold, be permitted in \_\_\_\_\_?"  
(Name of precinct)

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					

SAMPLE

**Form continued on next page.**

Form 5-C, page 2

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					

SAMPLE

**CIRCULATOR STATEMENT- Must be completed and signed by circulator.**

I, \_\_\_\_\_, declare, under penalty of election falsification, that I reside at the address  
 (Printed Name of Circulator)  
 appearing below my signature; that I am the circulator of the foregoing petition containing \_\_\_\_\_  
 (Number)

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 section 3501.382 of the Revised Code.

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

\_\_\_\_\_  
 (Signature of Circulator)  
 \_\_\_\_\_  
 (Permanent residence address in this state)  
 \_\_\_\_\_  
 (City or Village, State and Zip Code)

\_\_\_\_\_  
 County  
**Board of Elections**  
 Local Option Question(s)  
 Form 5-C

Filed \_\_\_\_\_  
**Certificate of Validity**

Revised Code 3501.11  
 We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

affixed at \_\_\_\_\_, Ohio,  
 this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
 Chairperson  
 \_\_\_\_\_  
 Member  
 \_\_\_\_\_  
 Member  
 \_\_\_\_\_  
 Member

\_\_\_\_\_  
 Director  
 (seal)

Form No. 5-D Prescribed by Secretary of State (06-06)

## LOCAL OPTION ELECTION PETITION

Revised Code 3501.38, 4301.33 and 4301.351

**A petition to submit the question of the sale of intoxicating liquors on Sunday.**

### INSTRUCTIONS

1. Any one or more of the following questions may be submitted.
2. Complete the description of the precinct for each question to be submitted.
3. All of the above must be done **before** obtaining any signature on the petition.
4. The petition must be filed with the Board of Elections of the county wherein such precinct is located, not later than 4 p.m. of the 75th day before the day of a General or Primary Election.

**TO THE BOARD OF ELECTIONS OF \_\_\_\_\_ COUNTY, OHIO:**

We, the undersigned qualified electors of the precinct hereinafter defined, respectfully petition that you submit to the electors of such precinct the following question(s):

- (1) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ (Name of precinct) \_\_\_\_\_ for consumption on the premises where sold, between the hours of one p.m. and midnight on Sunday?"
  
- (2) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
 \_\_\_\_\_ (Name of precinct) \_\_\_\_\_ for consumption on the premises where sold, between the hours of one p.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises?"
  
- (3) "Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
 \_\_\_\_\_ (Name of precinct) \_\_\_\_\_ for consumption off the premises where sold, between the hours of one p.m. and midnight on Sunday?"

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					

SAMPLE

**Form continued on next page.**

Form 5-D, page 2

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					

SAMPLE

**CIRCULATOR STATEMENT- Must be completed and signed by circulator.**

I, \_\_\_\_\_, declare, under penalty of election falsification, that I reside at the address  
(Printed Name of Circulator)

appearing below my signature; that I am the circulator of the foregoing petition containing \_\_\_\_\_  
(Number)

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 section 3501.382 of the Revised Code.

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

\_\_\_\_\_  
(Signature of Circulator)  
\_\_\_\_\_  
(Permanent residence address in this state)  
\_\_\_\_\_  
(City or Village, State and Zip Code)

County \_\_\_\_\_

**Board of Elections**

Local Option Question(s)  
Form 5-D

Filed \_\_\_\_\_

**Certificate of Validity**

Revised Code 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

affixed at \_\_\_\_\_, Ohio,

this \_\_\_\_\_ day of \_\_\_\_\_

Chairperson \_\_\_\_\_

Member \_\_\_\_\_

Member \_\_\_\_\_

Member \_\_\_\_\_

Director \_\_\_\_\_

(seal)

Form No. 5-E Prescribed by Secretary of State (06-06)

## LOCAL OPTION ELECTION PETITION

Revised Code 3501.38, 4301.33 and 4301.351

**A petition to submit the question of the sale of intoxicating liquors on Sunday.**

### INSTRUCTIONS

1. Any one or more of the following questions may be submitted.
2. Complete the description of the precinct for each question to be submitted.
3. All of the above must be done **before** obtaining any signature on the petition.
4. The petition must be filed with the Board of Elections of the county wherein such precinct is located, not later than 4 p.m. of the 75th day before the day of a General or Primary Election.

**TO THE BOARD OF ELECTIONS OF \_\_\_\_\_ COUNTY, OHIO:**

We, the undersigned qualified electors of the precinct hereinafter defined, respectfully petition that you submit to the electors of such precinct the following question(s):

- (1) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct) for consumption on the premises where  
 sold, between the hours of ten a.m. and midnight on Sunday?"
  
- (2) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct) for consumption on the premises  
 where sold, between the hours of ten a.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises?"
  
- (3) "Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct) for consumption off the premises  
 where sold, between the hours of ten a.m. and midnight on Sunday?"

	SIGNATURE <small>(Written in ink)</small>	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					

**Form continued on next page.**

Form 5-E, page 2

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					
27.					

SAMPLE

**CIRCULATOR STATEMENT- Must be completed and signed by circulator.**

I, \_\_\_\_\_, declare, under penalty of election falsification, that I reside at the address  
(Printed Name of Circulator)  
appearing below my signature; that I am the circulator of the foregoing petition containing \_\_\_\_\_  
(Number)

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 section 3501.382 of the Revised Code.

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

\_\_\_\_\_  
(Signature of Circulator)  
\_\_\_\_\_  
(Permanent residence address in this state)  
\_\_\_\_\_  
(City or Village, State and Zip Code)

County \_\_\_\_\_  
Board of Elections  
Local Option Question(s)  
Form 5-E

Filed \_\_\_\_\_  
Certificate of Validity  
Revised Code 3501.11  
We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be affixed at \_\_\_\_\_, Ohio,  
this \_\_\_\_\_ day of \_\_\_\_\_

Chairperson \_\_\_\_\_  
Member \_\_\_\_\_  
Member \_\_\_\_\_  
Member \_\_\_\_\_  
Director \_\_\_\_\_  
(seal)

Form No. 5-F Prescribed by Secretary of State (6-01)

**CERTIFICATE OF REQUIRED NUMBER OF SIGNATURES**

**LOCAL OPTION ELECTION**

**Revised Code Sections 4301.32, 4301.322, 4301.323, 4301.324, 4301.333, 4301.351, 4301.353, 4301.354, 4303.29 and 4305.14**

To be issued to the petitioner making the request within fifteen (15) days after the request.

TO: \_\_\_\_\_  
(Name of Petitioner)

\_\_\_\_\_   
(Street and Number)

\_\_\_\_\_   
(City or Village, State, and Zip Code)

This is to certify that \_\_\_\_\_ valid signatures of registered voters are required upon a petition to  
(Number)  
hold a special election in the following precinct(s):

\_\_\_\_\_  
(Description of precinct(s) wherein the election is sought to be held on a question specified in Sections 4301.35, 4301.351, 4301.353, 4301.354, 4301.355, 4301.356, 4303.29 or 4305.14 of the Revised Code.)

Date \_\_\_\_\_ Director \_\_\_\_\_

Date of request \_\_\_\_\_ Board of Elections \_\_\_\_\_

**SAMPLE**

Form No. 5-H Prescribed by Secretary of State (3-01)

NOTICE TO LIQUOR PERMIT HOLDER OF PROPOSED LOCAL OPTION ELECTION

Revised Code Sections 4301.33, 4301.332 and 4305.14

Please be advised that due to the filing of a petition for submission of the following local option question(s) at the upcoming election to be held on ... your liquor permit may be affected by the results of this election.

This notice is being provided to you by the ... County Board of Elections this ... day of ... pursuant to Revised Code Sections 4301.33, 4301.332 and 4305.14.

(Signature) (Title)

Form 5-A

4305.14 (1) Beer "Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for off-premises consumption only be permitted within this ...?"

4305.14 (2) Beer "Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for on-premises consumption only, and under permits which authorize sale for both on-premises and off-premises consumption, be permitted in this ...?"

Form 5-C

4301.35 (A) "Shall the sale of wine and mixed beverages by the package, under permits which authorize sale for off-premise consumption only, be permitted in ...?"

4301.35 (B) "Shall the sale of wine and mixed beverages, under permits which authorize sale for on-premise consumption only, and under permits which authorize sale for both on-premise and off-premise consumption, be permitted in ...?"

4301.35 (C) "Shall the sale of spirituous liquors by the glass be permitted in ...?"

4301.35 (D) "Shall state liquor stores or liquor general stores, or the sale of spirituous liquor by the package, for consumption off the premises where sold, be permitted in ...?"

Form 5-D

4301.351 (1) Sunday Sales "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this ... for consumption on the premises where sold, between the hours of one p.m. and midnight on Sunday?"

4301.351 (2) Sunday Sales "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this ... for consumption on the premises where sold, between the hours of one p.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty percent of the total gross receipts of the permit holder at the premises?"

Form continued on next page.

Form 5-D, page 2

4301.351 "Shall the sale of wine and mixed beverages, of the same types as may be legally sold in  
(3) this precinct on other days of the week, be permitted in this \_\_\_\_\_  
Sunday Sales \_\_\_\_\_ for consumption off the premises where sold,  
(Name of precinct)  
between the hours of one p.m. and midnight on Sunday?"

Form 5-E

4301.351 Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct  
(1) on other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct)  
for consumption on the premises where sold, between the hours of ten a.m. and midnight  
on Sunday?

4301.351 "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on  
(2) other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct)  
for consumption on the premises where sold, between the hours of ten a.m. and midnight on Sunday, at  
licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total  
gross receipts of the permit holder at the premises?"

4301.351 "Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this  
(3) precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct) \_\_\_\_\_ for consumption off the premises  
where sold, between the hours of ten a.m. and midnight on Sunday?"

Form 5-P

4301.353 "Shall the sales of \_\_\_\_\_  
(Insert one or both of the following: Beer, or Wine and Mixed Beverages)  
(A) by the package, under permits that authorize the sale for off-premises consumption only, be  
Portion of Precinct permitted in a portion of this precinct in which the status of the sale  
of \_\_\_\_\_ as allowed or prohibited is inconsistent  
(Insert one or both of the following: Beer, or Wine and Mixed Beverages)  
with the status of such sale in the remainder of the \_\_\_\_\_?"  
(Name of precinct)

4301.353 "Shall the sale of \_\_\_\_\_,  
(Insert one or more of the following: Beer, Wine and Mixed Beverages, or Spirituous Liquor)  
(B) under permits that authorize sale for on-premises consumption only, and under permits that authorize  
Portion of Precinct sale for both on-premises and off-premises consumption, be permitted in a portion of this precinct  
in which the status of the sale of \_\_\_\_\_ as allowed or  
(Insert one or more of the following: Beer, Wine and Mixed Beverages, or Spirituous Liquor)  
prohibited is inconsistent with the status of such sale in the remainder of the \_\_\_\_\_?"  
(Name of precinct)

Form 5-Q

4301.354 "Shall the sale of intoxicating liquor be permitted in a portion of this precinct  
(1) between the hours of one p.m. and midnight on Sunday for consumption on the premises  
Portion of Precinct where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent  
Sunday Sales with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of precinct)

4301.354 "Shall the sale of intoxicating liquor be permitted in a portion of this precinct  
(2) between the hours of one p.m. and midnight on Sunday for consumption on the premises  
Portion of Precinct where sold at licensed premises where the sale of food and other goods exceeds  
Sunday Sales fifty percent of the total gross receipts of the permit holder at the premises, where the  
status of such Sunday sales as allowed or prohibited is inconsistent with the status of such  
Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of precinct)

Form continued on next page.

*Guide to Local Liquor Option Elections*

---

Form 5-Q, page 3

4301.354 (3) "Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of one p.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of precinct)

**Form 5-S**

---

4301.334 "Shall the sale of beer and intoxicating liquor be permitted on days of the week other than Sunday and between the hours of one p.m. and midnight on Sunday, at \_\_\_\_\_, a community facility as defined by section 4301.01 of the Revised Code, and located at \_\_\_\_\_?  
(Insert name of community facility)  
(Insert the address of the community facility and, if the community facility is a community entertainment district, the boundaries of the district.)

**Form 5-T**

---

4301.354 "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)

4301.354 "Shall the sale of toxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold at licensed premises where the sale of food and other goods exceeds fifty percent of total gross receipts of the permit holder at the premises, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)

4301.354 "Shall the sale of wine and mized beverages be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)

4301.356 "Shall the sale of beer and intoxicating liquor be permitted on days of the week other than Sunday and between the hours of one p.m. and midnight on Sunday, at \_\_\_\_\_, a community facility as defined by section 4301.01 of the Revised Code, and located at \_\_\_\_\_?  
(Insert the address of the community facility and, if the community facility is a community entertainment district, the boundaries of the district, as set forth in the permit.)

**SAMPLE**

Form No. 5-1 Prescribed by Secretary of State (3-01)

**SPECIAL INSTRUCTIONS FOR PETITIONERS:**

**THIS SHEET MUST BE SENT TO THE OHIO DIVISION OF LIQUOR CONTROL FOR ALL  
QUESTIONS ON FORMS 5A, 5C, 5D, 5E, 5P, 5Q AND 5T**

**Revised Code Sections 4301.33, 4301.332 and 4305.14**

**THIS INFORMATION MUST BE RECEIVED BY THE OHIO DIVISION OF LIQUOR CONTROL  
NO LATER THAN**

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(Month) (Day) (Year)

MAIL OR DELIVER TO:

Ohio Department of Commerce  
Division of Liquor Control  
ATTN: PERMIT DIVISION  
6606 Tussing Road  
P.O. Box 4005  
Reynoldsburg, OH 43068-9005

PETITION FILING DEADLINE: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(Month) (Day) (Year)

DATE OF ELECTION: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(Month) (Day) (Year)

QUESTION(S) TO BE PRESENTED TO ELECTORS:

\_\_\_\_\_, \_\_\_\_\_  
(Form #) (Question(s))

Precinct Name: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(City/Village/Township) (County)

Please return the permit holder information to:

\_\_\_\_\_  
(Name of Petitioner)  
\_\_\_\_\_  
(Street and Number or Rural Route)  
\_\_\_\_\_  
(City or Village, State and Zip Code)  
\_\_\_\_\_  
(Area Code, Phone Number)

**SAMPLE**

Form No. 5-J Prescribed by Secretary of State (3-01)

**SPECIAL INSTRUCTIONS FOR PETITIONERS:**  
**THIS SHEET MUST BE SENT TO THE OHIO DIVISION OF LIQUOR CONTROL**  
**Revised Code Section 4301.334**

**THIS INFORMATION MUST BE RECEIVED BY THE OHIO DIVISION OF LIQUOR CONTROL**  
**NO LATER THAN**

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(Month) (Day) (Year)

MAIL OR DELIVER TO:

Ohio Department of Commerce  
Division of Liquor Control  
ATTN: PERMIT DIVISION  
6606 Tussing Road  
P.O. Box 4005  
Reynoldsburg, OH 43068-9005

PETITION FILING DEADLINE: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(Month) (Day) (Year)

DATE OF ELECTION: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(Month) (Day) (Year)

Name of Community Facility \_\_\_\_\_

Address \_\_\_\_\_

If a community entertainment district, description of the district boundaries, the municipal corporation, or unincorporated area of the township in which the election is sought: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please return the permit holder information to:

\_\_\_\_\_  
(Name of Petitioner)

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

\_\_\_\_\_  
(City or Village, State and Zip code)

\_\_\_\_\_  
(Area Code, Phone number)

Form No. 5-K Prescribed by Secretary of State (4-04)

**PETITIONER STATEMENT**

Revised Code Section 4301.331

To be filed no later than 4 p.m., 75 days before the day of the next primary or general election with a certified copy of the judgment entry with the board of elections of the county in which the nuisance was adjudged to exist.

I, \_\_\_\_\_, the petitioner, state the following question is to be submitted to the proper electors per R.C. 4301.352:

“Shall the sale of beer and intoxicating liquor at \_\_\_\_\_  
(Address of permit premises)  
which was adjudged to be a nuisance to the public by \_\_\_\_\_  
(Name of court, including name of the political subdivision of the court issuing the judgment)  
on \_\_\_\_\_  
(Date of the judgment was issued by the court) be permitted in this precinct?”

\*The name of the permit holder and the address of the permit holder’s permit premises are:

\_\_\_\_\_  
(Name of permit holder)

\_\_\_\_\_  
(Address of permit premises)

\_\_\_\_\_  
(City) (Zip)

*\*If the business conducted by the permit holder at the permit premises has a name different from the permit holder’s personal or corporate name, the name of the permit holder’s business shall be stated along with the permit holder’s personal or corporate name.*

**NOTE:** Failure of the petitioner to supply a complete and accurate address as stated in R. C. 4301.331 to the board of elections invalidates the election.

\_\_\_\_\_  
(Name of petitioner) Date \_\_\_\_\_

\_\_\_\_\_  
(Signature of petitioner)

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

**SAMPLE**

Form No. 5-M Prescribed by Secretary of State (3-01)

**NOTICE TO LIQUOR PERMIT HOLDER  
OF THE CIRCULATION OF A LOCAL OPTION PETITION**

**Revised Code Sections 4301.33, 4301.332, and 4305.14**

TO: \_\_\_\_\_  
(Name of permit holder)  
\_\_\_\_\_  
(Address of permit premises)

Notice is hereby given that a petition is being circulated for a election for the admission of the question(s) specified in divisions (A) to (C) of section 4301.35, section 4301.351, section 4301.352, section 4301.353 or division (B) of section 4305.14 of the Ohio Revised Code, as designated below:

The question(s) to be submitted as they appear on the petition are as follows:

4301.35 (A) "Shall the sale of wine and mixed beverages by the package, under permits which authorize sale for off-premise consumption only, be permitted in \_\_\_\_\_?"  
(Name of precinct)

4301.35 (B) "Shall the sale of wine and mixed beverages, under permits which authorize sale for on-premise consumption only, and under permits which authorize sale for both on-premise and off-premise consumption, be permitted in \_\_\_\_\_?"  
(Name of precinct)

4301.35 (C) "Shall the sale of spirituous liquors by the glass be permitted in \_\_\_\_\_?"  
(Name of precinct)

4301.35 (D) "Shall state liquor stores or liquor agency stores for the sale of spirituous liquor by the package, for consumption off the premises where sold, be permitted in \_\_\_\_\_?"  
(Name of precinct)

4301.351 (1) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
Sunday Sales \_\_\_\_\_ for consumption on the premises  
(Name of precinct) where sold, between the hours of one p.m. and midnight on Sunday?"

4301.351 (2) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
Sunday Sales \_\_\_\_\_ for consumption on the premises where sold, between the  
(Name of precinct) hours of one p.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty percent of the total gross receipts of the permit holder at the premises?"

4301.351 (3) "Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
Sunday Sales \_\_\_\_\_ for consumption off the premises where sold,  
(Name of precinct) between the hours of one p.m. and midnight on Sunday?"

4301.351 (1) Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct) for consumption on the premises where sold, between the hours of ten a.m. and midnight on Sunday?

**Form continued on next page.**

Form 5-M, page 2

4301.351 (2) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct)  
for consumption on the premises where sold, between the hours of ten a.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises?"

4301.351 (3) "Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
\_\_\_\_\_ for consumption off the premises  
(Name of precinct)  
where sold, between the hours of ten a.m. and midnight on Sunday?"

4301.353 (A) "Shall the sales of \_\_\_\_\_  
(Insert one or both of the following: Beer, or Wine and Mixed Beverages)  
by the package, under permits that authorize the sale for off-premises consumption only, be permitted in a portion of this precinct in which the status of the sale of \_\_\_\_\_  
(Insert one or both of the following: Beer, or Wine and Mixed Beverages) as allowed or prohibited is inconsistent with the status of such sale in the remainder of the \_\_\_\_\_?"  
(Name of precinct)

4301.353 (B) "Shall the sale of \_\_\_\_\_  
(Insert one or more of the following: Beer, Wine and Mixed Beverages, or Spirituous Liquor), under permits that authorize sale for on-premises consumption only, and under permits that authorize sale for both on-premises and off-premises consumption, be permitted in a portion of this precinct in which the status of the sale of \_\_\_\_\_  
(Insert one or more of the following: Beer, Wine and Mixed Beverages, or Spirituous Liquor) as allowed or prohibited is inconsistent with the status of such sale in the remainder of the \_\_\_\_\_?"  
(Name of precinct)

4301.354 (1) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of one p.m. and midnight on Sunday for consumption on the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of precinct)

4301.354 (2) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of one p.m. and midnight on Sunday for consumption on the premises where sold at licensed premises where the sale of food and other goods exceeds fifty percent of the total gross receipts of the permit holder at the premises, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of precinct)

4301.354 (3) "Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of one p.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of precinct)

4301.354 (1) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)

Form continued on next page.

*Guide to Local Liquor Option Elections*

---

Form 5-M, page 3

sold at licensed premises where the sale of food and other goods exceeds fifty percent of the total gross receipts of the permit holder at the premises, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)

4301.354 (3) "Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)

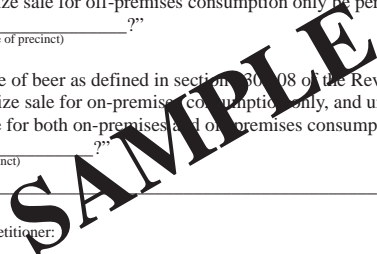
4305.14 (1) "Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for off-premises consumption only be permitted within this Beer \_\_\_\_\_?"  
(Name of precinct)

4305.14 (2) "Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for on-premise consumption only, and under permits which authorize sale for both on-premises and off-premises consumption, be permitted in this Beer \_\_\_\_\_?"  
(Name of precinct)

This notice is provided to you by the petitioner:

\_\_\_\_\_  
(Name of petitioner) (Signature) (Date)

\_\_\_\_\_  
(Street and Number) (City or Village, State and Zip Code)



Form No. 5-N Prescribed by Secretary of State (06-06)

**AFFIDAVIT OF LOCAL OPTION PETITIONER**

Revised Code Sections 4301.33, 4301.332, 4301.333 and 4305.14

**For Petition Forms 5-A, 5-C, 5-D, 5-E, 5-P, 5-Q and 5-T**

I, \_\_\_\_\_, the petitioner for a local option petition authorized under Revised Code Sections 4301.32, 4301.322 or 4305.14, certify that I notified all affected permit holders on the list, if any, provided by the Ohio Division of Liquor Control of the circulation of a petition for an election for the submission of one or more of the questions specified in divisions (A) to (D) of section 4301.35, section 4301.351, section 4301.353, section 4301.354, or division (B) of section 4305.14 of the Ohio Revised Code, as applicable. The notice was sent by certified mail within five days after I received the list from the division. I also certify that each part-petition contained a copy of the list of affected permit holders, if any, at the time each signer of the petition affixed his/her signature to the petition.

**For Petition Form 5-R**

I, \_\_\_\_\_, the petitioner for a local option petition authorized under Revised Code

(Name of Petitioner as appears on petition)

Section 4301.333, certifies the proposed use of the location at \_\_\_\_\_

(Street, City, Zip)

\_\_\_\_\_ after the local option election will be \_\_\_\_\_

(Description of use)

\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Petitioner) (Date)

\_\_\_\_\_  
(Street and Number)

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

Sworn to before me and signed in my presence in \_\_\_\_\_ County of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public



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

Form No. 5-O Prescribed by Secretary of State (4-99)

**NOTICE TO LIQUOR PERMIT HOLDER OF PROPOSED LOCAL  
OPTION ELECTION**

**Particular Premises**

**Revised Code Sections 4301.331 and 4301.352**

Please be advised that a petition for submission of the following local option question at the upcoming (primary)(general) \_\_\_\_\_ election to be held on \_\_\_\_\_, \_\_\_\_\_, was filed in office of the \_\_\_\_\_ County Board of Elections on \_\_\_\_\_, \_\_\_\_\_. Your liquor permit may be affected by the results of this election.

"Shall the sale of beer and intoxicating liquor at \_\_\_\_\_,  
(Insert address of the permit premises),

which was adjudged to be a nuisance to the public by \_\_\_\_\_  
(Insert the name of the court, including the name of the political subdivision of the court, issuing such judgment)

\_\_\_\_\_ on \_\_\_\_\_  
(Insert the date the judgment was issued by the court)

be permitted in this precinct?"

This notice is being provided to you by the \_\_\_\_\_ County Board of Elections on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, pursuant to Ohio Revised Code Section 4301.331.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

Form No. 5-P Prescribed by Secretary of State (06-06)

**LOCAL OPTION ELECTION PETITION  
AFFECTING A PORTION OF A PRECINCT**

Revised Code 3501.38 and 4301.353

**A petition to submit the question of the sale of beer and/or intoxicating liquor to affect a portion of a precinct.**

**INSTRUCTIONS**

1. Any one or more of the following questions may be submitted.
2. Complete the description of the precinct for each question to be submitted.
3. All of the above must be done **before** obtaining any signature on the petition.
4. The petition must be filed with the Board of Elections of the county wherein such precinct is located, not later than 4 p.m. of the 75th day before the day of a General or Primary Election.

**TO THE BOARD OF ELECTIONS OF \_\_\_\_\_ COUNTY, OHIO:**

We, the undersigned qualified electors of the precinct hereinafter defined, respectfully petition that you submit to the electors of such precinct the following question(s):

(A) "Shall the sales of \_\_\_\_\_  
(Insert one or both of the following: Beer, or Wine and Mixed Beverages)  
by the package, under permits that authorize the sale for off-premises consumption only, be permitted in a portion of this precinct in which the status of the sale of \_\_\_\_\_  
\_\_\_\_\_ as allowed or prohibited is inconsistent with the  
(Insert one or both of the following: Beer, or Wine and Mixed Beverages)  
status of such sale in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)

(B) "Shall the sale of \_\_\_\_\_,  
(Insert one or more of the following: Beer, Wine and Mixed Beverages, or Spirituous Liquor)  
under permits that authorize sale for on-premises consumption only, and under permits that authorize sale for both on-premises and off-premises consumption, be permitted in a portion of this precinct in which the status of the sale of \_\_\_\_\_  
(Insert one or more of the following: Beer, Wine and Mixed Beverages, or Spirituous Liquor)  
as allowed or prohibited is inconsistent with the status of such sale in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					

SAMPLE

**Form continued on next page.**

Form 5-P, page 2

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					

SAMPLE

**CIRCULATOR STATEMENT- Must be completed and signed by circulator.**

I, \_\_\_\_\_, declare, under penalty of election falsification, that I reside at the address  
(Printed Name of Circulator)

appearing below my signature; that I am the circulator of the foregoing petition containing \_\_\_\_\_  
(Number)

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 section 3501.382 of the Revised Code.

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

\_\_\_\_\_  
(Signature of Circulator)  
\_\_\_\_\_  
(Permanent residence address in this state)  
\_\_\_\_\_  
(City or Village, State and Zip Code)

\_\_\_\_\_ County

**Board of Elections**

Local Option Question(s)  
Affecting a Portion of a Precinct  
Form 5-P

Filed \_\_\_\_\_

**Certificate of Validity**

Revised Code 3501.11  
We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

affixed at \_\_\_\_\_, Ohio,

this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Director

(seal)

Form No. 5-Q Prescribed by Secretary of State (06-06)

**LOCAL OPTION ELECTION PETITION AFFECTING A PORTION  
OF A PRECINCT FOR SUNDAY SALES**

Revised Code 3501.38 and 4301.354

**A petition to submit the question of the sale of intoxicating liquor on Sunday.**

**INSTRUCTIONS**

1. Any one or more of the following questions may be submitted.
2. Complete the description of the precinct for each question to be submitted.
3. All of the above must be done **before** obtaining any signature on the petition.
4. The petition must be filed with the Board of Elections of the County wherein such precinct is located, not later than 4 p.m. of the 75th day before the day of a General or Primary Election.

**TO THE BOARD OF ELECTIONS OF \_\_\_\_\_ COUNTY, OHIO:**

We, the undersigned qualified electors of the precinct(s) hereinafter defined, respectfully petition that you submit to the electors of such precinct(s) the following question(s):

- (1) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of one p.m. and midnight on Sunday for consumption on the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)
  
- (2) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of one p.m. and midnight on Sunday for consumption on the premises where sold at licensed premises where the sale of food and other goods exceeds fifty percent of the total gross receipts of the permit holder at the premises, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)
  
- (3) "Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of one p.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					

**Form continued on next page.**

Form 5-Q, page 2

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					
27.					

SAMPLE

**CIRCULATOR STATEMENT- Must be completed and signed by circulator.**

I, \_\_\_\_\_, declare, under penalty of election falsification, that I reside at the address  
 (Printed Name of Circulator)  
 appearing below my signature; that I am the circulator of the foregoing petition containing \_\_\_\_\_  
 (Number)  
 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 section 3501.382 of the Revised Code

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

\_\_\_\_\_  
 (Signature of Circulator)  
 \_\_\_\_\_  
 (Permanent residence address in this state)  
 \_\_\_\_\_  
 (City or Village, State and Zip Code)

County \_\_\_\_\_  
**Board of Elections**  
 Local Option Question(s)  
 Affecting a Portion of a Precinct  
 for Sunday Sales  
 Form 5-Q

Filed \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_  
**Certificate of Validity**  
 Revised Code 3501.11  
 We, the undersigned members of the Board of  
 Elections of this county, certify that we have  
 reviewed and examined the foregoing petition  
 and find it to be sufficient and valid, and  
 caused our signatures and official seal to be  
 affixed at \_\_\_\_\_, Ohio,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 \_\_\_\_\_  
 Chairperson  
 \_\_\_\_\_  
 Member  
 \_\_\_\_\_  
 Member  
 \_\_\_\_\_  
 Member  
 \_\_\_\_\_  
 Director  
 (seal)

Form No. 5-R Prescribed by Secretary of State (06-06)

LOCAL OPTION ELECTION PETITION

Revised Code 3501.38, 4301.323, 4301.333 and 4301.355

A petition to submit the question of the sale of beer, wine and mixed beverages or spirituous liquor at a particular location within a precinct if the petitioner for the local option election is an applicant for the issuance or transfer of a liquor permit at, or to, a particular location within a precinct; or the holder of a permit at a particular location within the precinct; or a person who operates or seeks to operate a liquor agency store at a particular location within the precinct.

INSTRUCTIONS

- 1. Either or both of the following questions may be submitted.
2. Any question to be submitted must be completed before obtaining any signatures on this petition.
3. The petition must be filed with the County Board of Elections wherein such precinct is located, not later than 4 p.m. of the 75th day before the day of a General or Primary Election, except as follows:

If the petition is being filed with respect to a previous local option election, the petitioner must satisfy both of the following conditions:

- a. No later than 29 days after the Ohio Division of Liquor Control receives final notice of the result of such election affecting the liquor permit holder, the petition must be filed with the County Board of Elections where such precinct is located; and
b. No later than 29 days after the Ohio Division of Liquor Control receives final notice of the result of such election affecting the liquor permit holder, a copy of the petition with the board of elections file stamp must be filed with the Superintendent of the Division of Liquor Control.

TO THE BOARD OF ELECTIONS OF \_\_\_\_\_ COUNTY, OHIO:

We, the undersigned qualified electors of the precinct herein defined, respectfully petition that you submit to the electors of such precinct, the following question(s):

(1) Shall the sale of \_\_\_\_\_ be permitted by \_\_\_\_\_

(Insert beer, wine and mixed beverages, or spirituous liquor)

[Name (as submitted to Division of Liquor Control) of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location]

an \_\_\_\_\_ a \_\_\_\_\_
(Insert "applicant for" or "holder of" or "operator of") (Insert class number and description of liquor permit or permits followed by the words "liquor permit(s)" or, if appropriate, the words "liquor agency store for the \_\_\_\_\_ of Ohio")

who is engaged in the business of \_\_\_\_\_
(Insert general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the petition)

at \_\_\_\_\_ in this precinct?"
(Insert address of the particular location within the precinct)

(2) "Shall the sale of \_\_\_\_\_ be permitted for \_\_\_\_\_

(Insert beer, wine and mixed beverages, or spirituous liquor)

sale on Sunday between the hours of \_\_\_\_\_ by \_\_\_\_\_

(Insert "ten a.m. and midnight" or "one p.m. and midnight")

[Name (as submitted to Division of Liquor Control) of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to, or does, do business at the particular location]

an \_\_\_\_\_
(Insert (including description of liquor permit) "applicant for a D-6 liquor permit, holder of a D-6 liquor permit," or "liquor agency store." "applicant for or holder of an A-1-A, A-2, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, D-5h, D-5i, D-5j, D-5k, or D-7 liquor permit," if only the approval of beer sales is sought, or "liquor agency store")

who is engaged in the business of \_\_\_\_\_
(Insert general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the petition)

at \_\_\_\_\_ in this precinct?"
(Insert address of the particular location within the precinct)

Form continued on next page.

Form 5-R, page 2

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					

SAMPLE

**CIRCULATOR STATEMENT- Must be completed and signed by circulator.**

I, \_\_\_\_\_, declare, under penalty of election falsification, that I reside at the address  
 (Printed Name of Circulator)  
 appearing below my signature; that I am the circulator of the foregoing petition containing \_\_\_\_\_  
 (Number)  
 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  
 section 3501.382 of the Revised Code.

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

\_\_\_\_\_  
 (Signature of Circulator)  
 \_\_\_\_\_  
 (Permanent residence address in this state)  
 \_\_\_\_\_  
 (City or Village, State and Zip Code)

County \_\_\_\_\_  
**Board of Elections**  
 Local Option Question(s) for  
 Particular Use at Business Location  
 Form 5-R

Filed \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
**Certificate of Validity**  
 Revised Code 3501.11  
 We, the undersigned members of the Board of  
 Elections of this county, certify that we have  
 reviewed and examined the foregoing petition  
 and find it to be sufficient and valid, and  
 caused our signatures and official seal to be  
 affixed at \_\_\_\_\_, Ohio,  
 this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
 Chairperson  
 \_\_\_\_\_  
 Member  
 \_\_\_\_\_  
 Member  
 \_\_\_\_\_  
 Member  
 \_\_\_\_\_  
 Director  
 (seal)

Form No. 5-S Prescribed by Secretary of State (06-06)

## LOCAL OPTION ELECTION PETITION

Revised Code 3501.38, 4301.324 and 4301.334

**A petition to submit the question of the sale of beer and intoxicating liquor on days of the week other than Sunday and between the hours of one p.m. and midnight on Sunday at a community facility or a community entertainment district.**

### INSTRUCTIONS

1. Before obtaining signatures, complete the name, address of the community facility, and if applicable, the boundaries of the community entertainment district.
2. The petition must be filed with the county Board of Elections wherein such facility is located, no later than 4 p.m. of the 75th day before the day of a General or Primary Election.

**TO THE BOARD OF ELECTIONS OF \_\_\_\_\_ COUNTY, OHIO:**

We, the undersigned qualified electors, respectfully petition that you submit to the electors of the municipal corporation or unincorporated area of the township, the following question:

“Shall the sale of beer and intoxicating liquor be permitted on days of the week other than Sunday and between the hours of one p.m. and midnight on Sunday, at \_\_\_\_\_, a community facility as defined by section 4301.01

\_\_\_\_\_, (Insert name of community facility)

of the Revised Code, and located at \_\_\_\_\_

\_\_\_\_\_?  
(Insert the address of the community facility and, if the community facility is a community entertainment district, the boundaries of the district.)

	SIGNATURE (written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					

**Form continued on next page.**

Form 5-S, page 2

	SIGNATURE (written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					
27.					
28.					

SAMPLE

**CIRCULATOR STATEMENT- Must be completed and signed by circulator.**

I, \_\_\_\_\_, declare, under penalty of election falsification, that I reside at the address  
(Printed Name of Circulator)  
appearing below my signature; that I am the circulator of the foregoing petition containing \_\_\_\_\_  
(Number)

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 section 3501.382 of the Revised Code.

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

\_\_\_\_\_  
(Signature of Circulator)  
\_\_\_\_\_  
(Permanent residence address in this state )  
\_\_\_\_\_  
(City or Village, State and Zip Code)

County Board of Elections

**PETITION FOR ELECTION ON  
QUESTION OF BEER AND  
INTOXICATING LIQUOR AT A  
COMMUNITY FACILITY OR  
COMMUNITY ENTERTAINMENT  
DISTRICT**

=====  
Filed \_\_\_\_\_, \_\_\_\_\_

**CERTIFICATE OF VALIDITY**  
Revised Code 3501.11  
We, the undersigned, constituting the Board of Elections of this county, do hereby certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid.

IN WITNESS WHEREOF, we have hereunto subscribed our names and caused our official seal to be affixed at \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Chairperson  
\_\_\_\_\_  
Member  
\_\_\_\_\_  
Member  
\_\_\_\_\_  
Member

\_\_\_\_\_  
Director  
(seal)

Form No. 5-T Prescribed by Secretary of State (06-06)

**LOCAL OPTION ELECTION PETITION AFFECTING A PORTION  
OF A PRECINCT FOR SUNDAY SALES**

Revised Code 3501.38 and 4301.354

**A petition to submit the question of the sale of intoxicating liquor on Sunday.**

**INSTRUCTIONS**

1. Any one or more of the following questions may be submitted.
2. Complete the description of the precinct for each question to be submitted.
3. All of the above must be done **before** obtaining any signature on the petition.
4. The petition must be filed with the Board of Elections of the County wherein such precinct is located, not later than 4 p.m. of the 75th day before the day of a General or Primary Election.

**TO THE BOARD OF ELECTIONS OF \_\_\_\_\_ COUNTY, OHIO:**

We, the undersigned qualified electors of the precinct(s) hereinafter defined, respectfully petition that you submit to the electors of such precinct(s) the following question(s):

(1) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)

(2) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold at licensed premises where the sale of food and other goods exceeds fifty percent of the total gross receipts of the permit holder at the premises, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)

(3) "Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"  
(Name of Precinct)

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					

**Form continued on next page.**

Form 5-T, page 2

	SIGNATURE (Written in ink)	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					

SAMPLE

**CIRCULATOR STATEMENT- Must be completed and signed by circulator.**

I, \_\_\_\_\_, declare, under penalty of election falsification, that I reside at the address  
(Printed Name of Circulator)  
appearing below my signature; that I am the circulator of the foregoing petition containing \_\_\_\_\_  
(Number)

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 section 3501.382 of the Revised Code.

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

\_\_\_\_\_  
(Signature of Circulator)  
\_\_\_\_\_  
(Permanent residence address in this state)  
\_\_\_\_\_  
(City or Village, State and Zip Code)

County \_\_\_\_\_  
**Board of Elections**  
Local Option Question(s)  
Affecting a Portion of a Precinct  
for Sunday Sales  
Form 5-T  
=====

Filed \_\_\_\_\_, \_\_\_\_\_

**Certificate of Validity**

Revised Code 3501.11  
We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

affixed at \_\_\_\_\_, Ohio,

this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Chairperson  
\_\_\_\_\_  
Member  
\_\_\_\_\_  
Member  
\_\_\_\_\_  
Member

\_\_\_\_\_  
Director

(seal)

Form No. 126-A Prescribed by Secretary of State (4-04)

NOTICE OF ELECTION TO BE HELD

ON LOCAL OPTION QUESTION(S)

(To be mailed to the Secretary of State immediately upon the determination of the date of the election; copy also to be mailed to the Division of Liquor Control.)

Notice is hereby given that pursuant to a petition, resolution, ordinance, or judgment entry filed with the Board of Elections of \_\_\_\_\_ County, Ohio, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, there will be submitted to a vote of the electors of said precinct, at the \_\_\_\_\_ election to be held at the regular place of voting therein, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the precinct designated as follows:

\_\_\_\_\_ on the \_\_\_\_\_ questions designated by check mark as follows:

Sale of Beer (Form 5-A)

(One or more questions may be submitted)

Check the questions to be voted on.

1. Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for off-premises consumption only be permitted within this \_\_\_\_\_? \_\_\_\_\_

2. Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for on-premises consumption only, and under permits which authorize sale for both on-premises and off-premises consumption, be permitted in this \_\_\_\_\_? \_\_\_\_\_

Sale of Spirituous Liquor by the Glass (Form 5-B)

(Submitted as a separate question)

Shall the sale of spirituous liquor by the glass as defined in section 4301.01 of the Revised Code be permitted in \_\_\_\_\_? \_\_\_\_\_

Local Option (Form 5-C)

(One or more questions may be submitted)

A. Shall the sale of wine and mixed beverages by the package, under permits which authorize sale for off-premise consumption only, be permitted in \_\_\_\_\_? \_\_\_\_\_

B. Shall the sale of wine and mixed beverages, under permits which authorize sale for on-premise consumption only, and under permits which authorize sale for both on-premise and off-premise consumption, be permitted in \_\_\_\_\_? \_\_\_\_\_

C. Shall the sale of spirituous liquors by the glass be permitted in \_\_\_\_\_? \_\_\_\_\_

D. Shall state liquor stores or liquor agency stores for the sale of spirituous liquor by the package, for consumption off the premises where sold, be permitted in \_\_\_\_\_? \_\_\_\_\_

Form continued on next page.

Form 126-A, page 2

**Sunday Sale of Liquor (Form 5-D)**

(One or more questions may be submitted)

Check the questions to be voted on.

1. Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
\_\_\_\_\_ for consumption on the premises where sold,  
(Name of precinct)  
between the hours of one p.m. and midnight on Sunday? \_\_\_\_\_
2. Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
\_\_\_\_\_ for consumption on the premises where sold,  
(Name of precinct)  
between the hours of one p.m. and midnight on Sunday at licensed premises where the sale of food and other goods and services exceeds fifty percent of the total gross receipts of the permit holder at the premises? \_\_\_\_\_
3. Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
\_\_\_\_\_ for consumption off the premises where sold, between  
(Name of precinct)  
the hours of one p.m. and midnight on Sunday? \_\_\_\_\_

**Sunday Sale of Liquor (Form 5-E)**

(One or more questions may be submitted)

- (1) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
\_\_\_\_\_ for consumption on the premises where  
(Name of precinct)  
sold, between the hours of ten a.m. and midnight on Sunday?" \_\_\_\_\_
- (2) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
\_\_\_\_\_ for consumption on the premises  
(Name of precinct)  
where sold, between the hours of ten a.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises?" \_\_\_\_\_
- (3) "Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
\_\_\_\_\_ for consumption off the premises  
(Name of precinct)  
where sold, between the hours of ten a.m. and midnight on Sunday?" \_\_\_\_\_

**Outdoor Performing Arts Center Local Option**

(Submitted as a separate question)

Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of Precinct)  
for consumption on the premises where sold, between the hours of one p.m. and midnight on Sunday, at outdoor performing art centers, as defined in Section 4303.182 of the Revised Code, that have been issued a D-6 permit? \_\_\_\_\_

Form continued on next page.

Particular Premises Local Option

(Submitted as a separate question)

Vote Cast
Check the questions to be voted on.

Shall the sale of beer and intoxicating liquor at (Insert address of the permit premises)
which was adjudged to be a nuisance to the public by (Insert name of the court, including name of the political subdivision of the court, issuing such judgment)
on (Insert the date the judgment was issued by the court) be permitted in this precinct?

Local Option Affecting a Portion of a Precinct (Form 5-P)

(One or more questions may be submitted)

A. Shall the sales of (Insert one or both of the following: Beer, or Wine and Mixed Beverages)
by the package, under permits that authorize the sale for off-premises consumption only, be
permitted in a portion of this precinct in which the status of the sale
of (Insert one or both of the following: Beer, or Wine and Mixed Beverages) as allowed or prohibited is inconsistent
with the status of such sale in the remainder of the (Name of precinct)?

B. Shall the sale of (Insert one or more of the following: Beer, Wine and Mixed Beverages, or Spirituous Liquor), under permits
that authorize sale for on-premises consumption only, and under permits that authorize sale for both on-
premises and off-premises consumption, be permitted in a portion of this precinct in which the status of the
sale of (Insert one or more of the following: Beer, Wine and Mixed Beverages, or Spirituous Liquor)
as allowed or prohibited is inconsistent with the status of such sale in the remainder of the
(Name of precinct)?

Local Option Affecting a Portion of a Precinct
for Sunday Sales (Form 5-Q)

(One or more questions may be submitted)

(1) Shall the sale of intoxicating liquor be permitted in a portion of this precinct
between the hours of one p.m. and midnight on Sunday for consumption on the premises
where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent
with the status of such Sunday sales in the remainder of the (Name of precinct)?

(2) Shall the sale of intoxicating liquor be permitted in a portion of this precinct
between the hours of one p.m. and midnight on Sunday for consumption on the premises
where sold at licensed premises where the sale of food and other goods exceeds
fifty percent of the total gross receipts of the permit holder at the premises, where the
status of such Sunday sales as allowed or prohibited is inconsistent with the status of such
Sunday sales in the remainder of the (Name of precinct)?

(3) Shall the sales of wine and mixed beverages be permitted in a portion of this precinct
between the hours of one p.m. and midnight on Sunday for consumption off the premises
where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent
with the status of such Sunday sales in the remainder of the (Name of precinct)?

Form continued on next page.

Local Option for Particular Use at Business Location (Form 5-R)

Check the questions to be voted on.

(1) Shall the sale of \_\_\_\_\_ be permitted by \_\_\_\_\_ an \_\_\_\_\_ who is engaged in the business of \_\_\_\_\_ at \_\_\_\_\_ in this precinct?"

(2) "Shall the sale of \_\_\_\_\_ be permitted for sale on Sunday between the hours of \_\_\_\_\_ by \_\_\_\_\_ an \_\_\_\_\_ who is engaged in the business of \_\_\_\_\_ at \_\_\_\_\_ in this precinct?"

Local Option for Community Facility (Form 5-S)

Shall the sale of beer and intoxicating liquor be permitted on days of the week other than Sunday and between the hours of one p.m. and midnight on Sunday, at \_\_\_\_\_ a community facility as defined by \_\_\_\_\_ section 4301.01 of the Revised Code, and located at \_\_\_\_\_?

Local Option Affecting a Portion of a Precinct for Sunday Sales (Form 5-T)

(One or more questions may be submitted)

- (1) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"
(Name of Precinct)
(2) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold at licensed premises where the sale of food and other goods exceeds fifty percent of the total gross receipts of the permit holder at the premises, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?"
(Name of Precinct)

Form continued on next page.

Form 126-A, page 5

**Check the questions to  
be voted on.**

- (3) "Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?" \_\_\_\_\_  
(Name of Precinct)

---

By order of the Board of Elections, \_\_\_\_\_ County, Ohio

Dated \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_  
Director

**SAMPLE**

Form No. 126-B Prescribed by Secretary of State (4-04)

**CERTIFICATE OF OFFICIAL RESULT OF ELECTION  
ON LOCAL OPTION QUESTION(S)**

We, the Board of Elections of \_\_\_\_\_ County, Ohio, do hereby certify that the following is the result of the Election held in said county, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the precinct designated as follows:

**Sale of Beer (Form 5-A)**  
(One or more questions may be submitted)

- |   | Vote Cast |       |
|---|-----------|-------|
|   | YES       | NO    |
| 1. Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for off-premises consumption only be permitted within this _____?<br><small>(Name of precinct)</small>   | _____     | _____ |
| 2. Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for on-premises consumption only, and under permits which authorize sale for both on-premises and off-premises consumption, be permitted in this _____?<br><small>(Name of precinct)</small> | _____     | _____ |

**Sale of Spirituous Liquor by the Glass (Form 5-B)**

(Submitted as a separate question)

Shall the sale of spirituous liquor by the glass as defined in section 4301.01 of the Revised Code be permitted in \_\_\_\_\_?  
(Name of precinct)

**Local Option (Form 5-C)**

(One or more questions may be submitted)

- |  |       |       |
|--|-------|-------|
| A. Shall the sale of wine and mixed beverages by the package, under permits which authorize sale for off-premise consumption only, be permitted in _____?<br><small>(Name of precinct)</small>   | _____ | _____ |
| B. Shall the sale of wine and mixed beverages, under permits which authorize sale for on-premise consumption only, and under permits which authorize sale for both on-premise and off-premise consumption, be permitted in _____?<br><small>(Name of precinct)</small> | _____ | _____ |
| C. Shall the sale of spirituous liquors by the glass be permitted in _____?<br><small>(Name of precinct)</small>   | _____ | _____ |
| D. Shall state liquor stores or liquor agency stores for the sale of spirituous liquor by the package, for consumption off the premises where sold, be permitted in _____?<br><small>(Name of precinct)</small>  | _____ | _____ |

**Form continued on next page.**

Form 126-B, page 2

**Sunday Sale of Liquor (Form 5-D)**

(One or more questions may be submitted)

Vote Cast  
YES      NO

1. Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct) for consumption on the premises where sold,  
 between the hours of one p.m. and midnight on Sunday? \_\_\_\_\_
2. Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct) for consumption on the premises where sold,  
 between the hours of one p.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty percent of the total gross receipts of the permit holder at the premises? \_\_\_\_\_
3. Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct) for consumption off the premises where sold, between the hours of one p.m. and midnight on Sunday? \_\_\_\_\_

**Sunday Sale of Liquor (Form 5-E)**

(One or more questions may be submitted)

- (1) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct) for consumption on the premises where sold, between the hours of ten a.m. and midnight on Sunday?" \_\_\_\_\_
- (2) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct) for consumption on the premises where sold, between the hours of ten a.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises?" \_\_\_\_\_
- (3) "Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of precinct) for consumption off the premises where sold, between the hours of ten a.m. and midnight on Sunday?" \_\_\_\_\_

**Outdoor Performing Arts Center Local Option**

(Submitted as a separate question)

Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this \_\_\_\_\_  
(Name of Precinct)  
 for consumption on the premises where sold, between the hours of one p.m. and midnight on Sunday, at outdoor performing art centers, as defined in Section 4303.182 of the Revised Code, that have been issued a D-6 permit? \_\_\_\_\_

**Form continued on next page.**

Form 126-B, page 3

Particular Premises Local Option

(Submitted as a separate question)

Vote Cast
YES NO

Shall the sale of beer and intoxicating liquor at (insert address of the permit premises)
which was adjudged to be a nuisance to the public by (insert name of the court, including name of the political subdivision
of the court, issuing such judgment)
on (insert the date the judgment was issued by the court) be permitted in this precinct

Local Option Affecting a Portion of a Precinct (Form 5-P)

(One or more questions may be submitted)

A. Shall the sales of (insert one or both of the following: Beer, or Wine and Mixed Beverages)
by the package, under permits that authorize sale for off-premises consumption only, be
permitted in a portion of this precinct in which the status of the sale
of (insert one or both of the following: Beer, or Wine and Mixed Beverages)
as allowed or prohibited is inconsistent
with the status of such sale in the remainder of the (Name of precinct)?

B. Shall the sale of (insert one or more of the following: Beer, Wine and Mixed Beverages, or Spirituous Liquor)
that authorize sale for on-premises consumption only, and under permits that authorize sale for both on-
premises and off-premises consumption, be permitted in a portion of this precinct in which the status of the
sale of (insert one or more of the following: Beer, Wine and Mixed Beverages, or Spirituous Liquor)
as allowed or prohibited is inconsistent with the status of such sale in the remainder of the
(Name of precinct)?

Local Option Affecting a Portion of a Precinct
for Sunday Sales (Form 5-Q)

(One or more questions may be submitted)

(1) Shall the sale of intoxicating liquor be permitted in a portion of this precinct
between the hours of one p.m. and midnight on Sunday for consumption on the premises
where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent
with the status of such Sunday sales in the remainder of the (Name of precinct)?

(2) Shall the sale of intoxicating liquor be permitted in a portion of this precinct
between the hours of one p.m. and midnight on Sunday for consumption on the premises
where sold at licensed premises where the sale of food and other goods exceeds
fifty percent of the total gross receipts of the permit holder at the premises, where the
status of such Sunday sales as allowed or prohibited is inconsistent with the status of such
Sunday sales in the remainder of the (Name of precinct)?

(3) Shall the sales of wine and mixed beverages be permitted in a portion of this precinct
between the hours of one p.m. and midnight on Sunday for consumption off the premises
where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent
with the status of such Sunday sales in the remainder of the (Name of precinct)?

Form continued on next page.

Local Option for Particular Use at Business Location (Form 5-R)

Vote Cast
YES NO

(1) Shall the sale of \_\_\_\_\_ be permitted
(Inser beer, wine and mixed beverages, or spirituous liquor)
by \_\_\_\_\_
[Name (as submitted to Division of Liquor Control) of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location]
an \_\_\_\_\_ a \_\_\_\_\_
(Inser "applicant for" or "holder of" or "operator of") (Inser class and description of liquor permit or permits followed by the words "liquor permit" or "liquor agency store" if appropriate, the words "liquor agency store" if the state is Ohio)
who is engaged in the business of \_\_\_\_\_
(Inser general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the petition)
at \_\_\_\_\_ in this precinct?" \_\_\_\_\_
(Inser address of the particular location within the precinct as set forth in the petition)

(2) Shall the sale of \_\_\_\_\_ be permitted
(Inser beer, wine and mixed beverages, or spirituous liquor)
for sale on Sunday between the hours of \_\_\_\_\_ by \_\_\_\_\_
(Inser "ten a.m. and midnight" or "one p.m. and midnight")
[Name (as submitted to Division of Liquor Control) of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location]
an \_\_\_\_\_
(Inser (including description of liquor permit) applicant for a D-6 liquor permit, holder of a D-6 liquor permit, or "liquor agency store, applicant for or holder of an A-1, A, A-2, C-1, C-2a, D-1, D-2a, D-3, D-3a, D-4, D-5, D-5b, D-5c, D-5e, D-5f, D-5h, D-5i, D-5j, D-5k, or D-7 liquor permit, if only for the approval of beer sales, or liquor agency store]
who is engaged in the business of \_\_\_\_\_
(Inser general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the petition)
at \_\_\_\_\_ in this precinct?" \_\_\_\_\_
(Inser address of the particular location within the precinct as set forth in the petition)

Local Option for Community Facility (Form 5-S)

Shall the sale of beer and intoxicating liquor be permitted on days of the week other than Sunday and between the hours of one p.m. and midnight on Sunday, at \_\_\_\_\_, a community facility as defined by (Inser name of community facility) section 4301.01 of the Revised Code, and located at \_\_\_\_\_? (Inser the address of the community facility and, if the community facility is a community entertainment district, the boundaries of the district, as set forth in the petition)

Local Option Affecting a Portion of a Precinct for Sunday Sales (Form 5-T)

(One or more questions may be submitted)

- (1) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?" (Name of Precinct)
(2) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold at licensed premises where the sale of food and other goods exceeds fifty percent of the total gross receipts of the permit holder at the premises, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the \_\_\_\_\_?" (Name of Precinct)

Form continued on next page.

*Guide to Local Liquor Option Elections*

---

---

Form 126-B, page 5

---

---

	Vote Cast	
	YES	NO
(3) "Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the _____?" <small>(Name of Precinct)</small>	_____	_____

---

---

*In witness whereof, we have hereunto subscribed our names, and affixed our official seal, at \_\_\_\_\_,  
Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.*

\_\_\_\_\_, *Chairperson*

*(Seal)*

*Attest:*

\_\_\_\_\_, *Director*

*Board of Elections*

*(This Certificate of "Official Result of Election" is to be made in duplicate, and one copy forwarded immediately to the Secretary of State, Columbus, Ohio, and one copy forwarded to the Division of Liquor Control, Columbus, Ohio. A plat of the precinct(s) showing and designating all streets and highways in the precinct shall be forwarded to the Division of Liquor Control with the results of the election. O.R.C. 4301.39)*



## **Revised Code of Ohio**

---

### **Title 35 Elections**

#### **Chapter 3501. Election Procedure**

---

#### **Petition requirements**

##### **[R.C. 3501.38]**

All declarations of candidacy, nominating petitions, or other petitions presented to or filed with the secretary of state or a board of elections or with any other public office for the purpose of becoming a candidate for any nomination or office or for the holding of an election on any issue shall, in addition to meeting the other specific requirements prescribed in the sections of the Revised Code relating to them, be governed by the following rules:

(A) 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.

(B) Signatures shall be affixed in ink. Each signer may also print the signer's name, so as to clearly identify the signer's signature.

(C) Each signer shall place on the petition after the signer's name the date of signing and the location of the signer's voting residence, including the street and number if in a municipal corporation or the rural route number, post office address, or township if outside a municipal corporation. The voting address given on the petition shall be the address appearing in the registration records at the board of elections.

(D) Except as otherwise provided in section 3501.382 of the Revised Code, no person shall write any name other than the person's own on any petition. Except as otherwise provided in section 3501.382 of the Revised Code, no person may authorize another to sign for the person. If a petition contains the signature of an elector two or more times, only the first signature shall be counted.

(E)(1) On each petition paper, the circulator shall indicate the number of signatures contained on it, and shall sign a statement made under penalty of election falsification that the circulator witnessed the affixing of every signature, that all signers were to the best of the circulator's knowledge and belief qualified to sign, and that every signature is to the best of the circulator's 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. On the circulator's statement for a declaration of candidacy or nominating petition for a person seeking to become a statewide candidate or for a statewide initiative or a statewide referendum petition, the circulator shall identify the circulator's name, the address of the circulator's permanent resident [sic], and the name and address of the person employing the circulator to circulate the petition, if any.

(2) As used in division (E) of this section, “statewide candidate” means the joint candidates for the offices of governor and lieutenant governor or a candidate for the office of secretary of state, auditor of state, treasurer of state, or attorney general.

(F) Except as otherwise provided in section 3501.382 of the Revised Code, if a circulator knowingly permits an unqualified person to sign a petition paper or permits a person to write a name other than the person’s own on a petition paper, that petition paper is invalid; otherwise, the signature of a person not qualified to sign shall be rejected but shall not invalidate the other valid signatures on the paper.

(G) The circulator of a petition may, before filing it in a public office, strike from it any signature the circulator does not wish to present as a part of the petition.

(H) Any signer of a petition or an attorney in fact acting pursuant to section 3501.382 of the Revised Code on behalf of a signer may remove the signer’s signature from that petition at any time before the petition is filed in a public office by striking the signer’s name from the petition; no signature may be removed after the petition is filed in any public office.

(I)(1) No alterations, corrections, or additions may be made to a petition after it is filed in a public office.

(2) No petition may be withdrawn after it is filed in a public office. Nothing in this division prohibits a person from withdrawing as a candidate as otherwise provided by law.

(J) All declarations of candidacy, nominating petitions, or other petitions under this section shall be accompanied by the following statement in boldface capital letters: **WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.**

(K) All separate petition papers shall be filed at the same time, as one instrument.

(L) If a board of elections distributes for use a petition form for a declaration of candidacy, nominating petition, or any type of question or issue petition that does not satisfy the requirements of law as of the date of that distribution, the board shall not invalidate the petition on the basis that the petition form does not satisfy the requirements of law, if the petition otherwise is valid. Division (L) of this section applies only if the candidate received the petition from the board within ninety days of when the petition is required to be filed.

(Am Sub HB 3, effective 5-2-2006)

### **Appointment and Duties of “Attorney in Fact”**

#### **[R.C. 3501.382]**

(A)(1) A registered voter who, by reason of disability, is unable to physically sign the voter’s name as a candidate, signer, or circulator on a declaration of candidacy and petition, nominating petition, other petition, or other document under Title XXXV of the Revised Code may authorize

a legally competent resident of this state who is eighteen years of age or older as an attorney in fact to sign that voter's name to the petition or other election document, at the voter's direction and in the voter's presence, in accordance with either of the following procedures:

(a) The voter may file with the board of elections of the voter's county of residence a notarized form that includes or has attached all of the following:

(i) The name of the voter who is authorizing an attorney in fact to sign petitions or other election documents on that voter's behalf, at the voter's direction and in the voter's presence;

(ii) An attestation of the voter that the voter, by reason of disability, is unable to sign physically petitions or other election documents and that the voter desires the attorney in fact to sign them on the voter's behalf, at the direction of the voter and in the voter's presence;

(iii) The name, residence address, date of birth, and, if applicable, Ohio supreme court registration number of the attorney in fact authorized to sign on the voter's behalf, at the voter's direction and in the voter's presence. A photocopy of the attorney in fact's driver's license or state identification card issued under section 4507.50 of the Revised Code shall be attached to the notarized form.

(iv) The form of the signature that the attorney in fact will use in signing petitions or other election documents on the voter's behalf, at the voter's direction and in the voter's presence.

(b) The voter may acknowledge, before an election official, and file with the board of elections of the voter's county of residence a form that includes or has attached all of the following:

(i) The name of the voter who is authorizing an attorney in fact to sign petitions or other election documents on that voter's behalf, at the voter's direction and in the voter's presence;

(ii) An attestation of the voter that the voter, by reason of disability, is physically unable to sign petitions or other election documents and that the voter desires the attorney in fact to sign them on the voter's behalf, at the direction of the voter and in the voter's presence;

(iii) An attestation from a licensed physician that the voter is disabled and, by reason of that disability, is physically unable to sign petitions or other election documents;

(iv) The name, residence address, date of birth, and, if applicable, Ohio supreme court registration number of the attorney in fact authorized to sign on the voter's behalf, at the voter's direction and in the voter's presence. A photocopy of the attorney in fact's driver's license or state identification card issued under section 4507.50 of the Revised Code shall be attached to the notarized form.

(v) The form of the signature that the attorney in fact will use in signing petitions or other election documents on the voter's behalf, at the voter's direction and in the voter's presence.

(2) In addition to performing customary notarial acts with respect to the power of attorney form described in division (A)(1)(a) of this section, the notary public shall acknowledge that the voter in question affirmed in the presence of the notary public the information listed in divisions (A)(1)(a)(i), (ii), and (iii) of this section. A notary public shall not perform any notarial acts with respect to such a power of attorney form unless the voter first gives such an affirmation. Only a notary public satisfying the requirements of section 147.01 of the Revised Code may perform notarial acts with respect to such a power of attorney form.

(B) A board of elections that receives a form under division (A)(1) of this section from a voter shall do both of the following:

(1) Use the signature provided in accordance with division (A)(1)(a)(iv) or (A)(1)(b)(v) of this section for the purpose of verifying the voter's signature on all declarations of candidacy and petitions, nominating petitions, other petitions, or other documents signed by that voter under Title XXXV of the Revised Code;

(2) Cause the poll list or signature pollbook for the relevant precinct to identify the voter in question as having authorized an attorney in fact to sign petitions or other election documents on the voter's behalf, at the voter's direction and in the voter's presence.

(C) Notwithstanding division (D) of section 3501.38 or any other provision of the Revised Code to the contrary, an attorney in fact authorized to sign petitions or other election documents on a disabled voter's behalf, at the direction of and in the presence of that voter, in accordance with division (A) of this section may sign that voter's name to any petition or other election document under Title XXXV of the Revised Code after the power of attorney has been filed with the board of elections in accordance with division (A)(1) of this section. The signature shall be deemed to be that of the disabled voter, and the voter shall be deemed to be the signer.

(D)(1) Notwithstanding division (F) of section 3501.38 or any other provision of the Revised Code to the contrary, the circulator of a petition may knowingly permit an attorney in fact to sign the petition on a disabled voter's behalf, at the direction of and in the presence of that voter, in accordance with division (A)(1) of this section.

(2) Notwithstanding division (F) of section 3501.38 or any other provision of the Revised Code to the contrary, no petition paper shall be invalidated on the ground that the circulator knowingly permitted an attorney in fact to write a name other than the attorney in fact's own name on a petition paper, if that attorney in fact signed the petition on a disabled voter's behalf, at the direction of and in the presence of that voter, in accordance with division (C) of this section.

(E) The secretary of state shall prescribe the form and content of the form for the power of attorney prescribed under division (A)(1) of this section and also shall prescribe the form and content of a distinct form to revoke such a power of attorney.

(F) As used in this section, "unable to physically sign" means that the person with a disability cannot comply with the provisions of section 3501.011 of the Revised Code. A person is not "unable to physically sign" if the person is able to comply with section 3501.011 through reasonable accommodation, including the use of assistive technology or augmentative devices.

(Am Sub HB 3, effective 5-2-2006)

**Title 37 Health, Safety, Morals**

**Chapter 3767. Nuisances**

---

**Nuisance actions**

**[R.C. 3767.05]**

(A) The civil action provided for in section 3767.03 of the Revised Code shall be set down for trial at the earliest possible time and shall have precedence over all other cases except those involving crimes, election contests, or injunctions regardless of the position of the proceedings on the calendar of the court. In the civil action, evidence of the general reputation of the place where the nuisance is alleged to exist or an admission or finding of guilt of any person under the criminal laws against prostitution, lewdness, assignation, or other prohibited conduct at the place is admissible for the purpose of proving the existence of the nuisance and is prima-facie evidence of the nuisance and of knowledge of and of acquiescence and participation in the nuisance on the part of the person charged with maintaining it.

(B) If the complaint for the permanent injunction is filed by a person who is a citizen of the county, it shall not be dismissed unless the complainant and the complainant's attorney submit a sworn statement setting forth the reasons why the civil action should be dismissed and the dismissal is approved by the prosecuting attorney in writing or in open court. If the person who files the complaint for the permanent injunction is a citizen of the county, if that person refuses or otherwise fails to prosecute the complaint to judgment, and if the civil action is not dismissed pursuant to this division, then, with the approval of the court, the attorney general, the prosecuting attorney of the county in which the nuisance exists, or the village solicitor, city director of law, or other similar chief legal officer of the municipal corporation in which the nuisance exists, may be substituted for the complainant and prosecute the civil action to judgment.

(C) If the civil action is commenced by a person who is a citizen of the county where the nuisance is alleged to exist and the court finds that there were no reasonable grounds or cause for the civil action, the costs may be taxed to that person.

(D) If the existence of the nuisance is established upon the trial of the civil action, a judgment shall be entered that perpetually enjoins the defendant and any other person from further maintaining the nuisance at the place complained of and the defendant from maintaining the nuisance elsewhere.

(E) If the court finds that a nuisance described in division (C)(3) of section 3767.01 of the Revised Code exists, the court shall order the nuisance to be abated, and, in entering judgment for nuisance, the court shall do all of the following:

(1) Specify that judgment is entered pursuant to division (E) of this section;

(2) Order that no beer or intoxicating liquor may be manufactured, sold, bartered, possessed, kept, or stored in the room, house, building, structure, place, boat, or vehicle or any part thereof. The court need not find that the property was being unlawfully used at the time of the

hearing on the matter if the court finds there existed a nuisance as described in division (C)(3) of section 3767.01 of the Revised Code.

(3) Order that the room, house, building, boat, vehicle, structure, or place not be occupied or used for one year after the judgment is rendered. The court may permit the premises to be occupied by a person other than the defendant or a business affiliate of the defendant in the nuisance action, or an agent of, or entity owned in whole or part by, the defendant, if the person, lessee, tenant, or occupant of the location posts a bond with sufficient surety, to be approved by the court issuing the order, in the sum of not less than one thousand nor more than five thousand dollars, payable to the state of Ohio, on the condition that no beer or intoxicating liquor thereafter shall be manufactured, sold, bartered, possessed, kept, stored, transported, or otherwise disposed of on the premises, and the person agrees to pay all fines, costs, and damages that may be assessed for a violation. A reasonable sum shall be allowed an officer by the issuing court for the cost of closing and keeping closed the premises that is the subject of the nuisance action.

(4) Send notice of the judgment entered to the division of liquor control, the liquor control commission, and the liquor enforcement division of the department of public safety.

(F) A defendant found to have maintained a nuisance as described in division (C)(3) of section 3767.01 of the Revised Code also is subject to liability and penalties under sections 4301.74 and 4399.09 of the Revised Code. The abatement of a nuisance under section 4399.09 of the Revised Code is in addition to and does not prevent the abatement of a nuisance under division (D) or (E) of this section.

(G) If a court enters judgment pursuant to division (D) or (E) of this section finding that a nuisance exists at a liquor permit premises or as a result of the operation of a liquor permit premises, except in the case of a nuisance found as a result of a violation of a local zoning ordinance or resolution, the certified copy of the judgment required under division (A) of section 4301.331 of the Revised Code shall be filed with the board of elections in the county in which the nuisance exists, not later than four p.m. of the seventy-fifth day before the day of the next general or primary election. However, no election shall be conducted on sales at the liquor permit premises under section 4301.352 of the Revised Code until all appeals on the judgment are resolved. The court of appeals shall render a decision on any appeal of the judgment within six months after the date of the filing of the appeal of the judgment with the clerk of the court of appeals, and the supreme court shall render a decision on any appeal of the judgment within six months after the date of the filing of the appeal of the judgment with the clerk of the supreme court.

(Am Sub HB 402, effective 3-30-1999)

---

**Title 43 Liquor**

**Chapter 4301. Liquor Control Law**

---

**Definitions**

**[R.C. 4301.01]**

(A) As used in the Revised Code:

(1) “Intoxicating liquor” and “liquor” include all liquids and compounds, other than beer, containing one-half of one per cent or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether the same are medicated, proprietary, or patented. “Intoxicating liquor” and “liquor” include wine, even if it contains less than four per cent of alcohol by volume, mixed beverages, even if they contain less than four per cent of alcohol by volume, cider, alcohol, and all solids and confections which contain any alcohol.

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the Revised Code, “sale” and “sell” include exchange, barter, gift, offer for sale, sale, distribution and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever, including the sale of beer or intoxicating liquor by means of a controlled access alcohol and beverage cabinet pursuant to section 4301.21 of the Revised Code. “Sale” and “sell” do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the division of liquor control authorizing the sale of the beer or intoxicating liquor, but no solicitor shall solicit any such orders until the solicitor has been registered with the division pursuant to section 4303.25 of the Revised Code.

(3) “Vehicle” includes all means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.

(B) As used in this chapter:

(1) “Alcohol” means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. “Alcohol” does not include denatured alcohol and wood alcohol.

(2) “Beer” includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one per cent or more, but not more than twelve per cent, of alcohol by volume.

(3) “Wine” includes all liquids fit to use for beverage purposes containing not less than one-half of one per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume, which is made from the fermented juices of grapes, fruits, or other agricultural products, except that as used in sections 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44 of the Revised Code, and, for purposes of determining the rate of the tax that applies, division (B) of section 4301.43 of the Revised Code, “wine” does not include cider.

(4) “Mixed beverages,” such as bottled and prepared cordials, cocktails, and highballs, are products obtained by mixing any type of whiskey, neutral spirits, brandy, gin, or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of one per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume.

(5) “Spirituous liquor” includes all intoxicating liquors containing more than twenty-one per cent of alcohol by volume.

(6) “Sealed container” means any container having a capacity of not more than one hundred twenty-eight fluid ounces, the opening of which is closed to prevent the entrance of air.

(7) “Person” includes firms and corporations.

(8) “Manufacture” includes all processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, or brewing, or in any other manner.

(9) “Manufacturer” means any person engaged in the business of manufacturing beer or intoxicating liquor.

(10) “Wholesale distributor” and “distributor” means a person engaged in the business of selling to retail dealers for purposes of resale.

(11) “Hotel” has the meaning as in section 3731.01 of the Revised Code, subject to the exceptions mentioned in section 3731.03 of the Revised Code.

(12) “Restaurant” means a place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. “Restaurant” does not include pharmacies, confectionery stores, lunch stands, night clubs, and filling stations.

(13) “Club” means a corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for those purposes, membership in which entails the prepayment of regular dues, and includes the place so operated.

(14) “Night club” means a place operated for profit, where food is served for consumption on the premises and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons.

(15) “At retail” means for use or consumption by the purchaser and not for resale.

(16) “Pharmacy” means an establishment, as defined in section 4729.01 of the Revised Code, that is under the management or control of a licensed pharmacist in accordance with section 4729.27 of the Revised Code.

(17) “Enclosed shopping center” means a group of retail sales and service business establishments that face into an enclosed mall, share common ingress, egress, and parking facilities, and are situated on a tract of land that contains an area of not less than five hundred thousand square feet. “Enclosed shopping center” also includes not more than one business establishment that is located within a free-standing building on such a tract of land, so long as the sale of beer and intoxicating liquor on the tract of land was approved in an election held under former section 4301.353 of the Revised Code.

(18) “Controlled access alcohol and beverage cabinet” means a closed container, either refrigerated, in whole or in part, or nonrefrigerated, access to the interior of which is restricted by means of a device that requires the use of a key, magnetic card, or similar device and from which beer, intoxicating liquor, other beverages, or food may be sold.

(19) “Community facility” means either of the following:

(a) Any convention, sports, or entertainment facility or complex, or any combination of these, that is used by or accessible to the general public and that is owned or operated in whole or in part by the state, a state agency, or a political subdivision of the state or that is leased from, or located on property owned by or leased from, the state, a state agency, a political subdivision of the state, or a convention facilities authority created pursuant to section 351.02 of the Revised Code;

(b) An area designated as a community entertainment district pursuant to section 4301.80 of the Revised Code.

(20) “Low-alcohol beverage” means any brewed or fermented malt product, or any product made from the fermented juices of grapes, fruits, or other agricultural products, that contains either no alcohol or less than one-half of one per cent of alcohol by volume. The beverages described in division (B)(20) of this section do not include a soft drink such as root beer, birch beer, or ginger beer.

(21) “Cider” means all liquids fit to use for beverage purposes that contain one-half of one per cent of alcohol by volume, but not more than six per cent of alcohol by weight, and that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must.

(22) “Sales area or territory” means an exclusive geographic area or territory that is assigned to a particular A or B permit holder and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable geographic boundaries. “Sales area or territory” does not include, however, any particular retail location in an exclusive geographic area or territory that is assigned to another A or B permit holder.

(Sub HB 371, effective 10-11-2002)

**Suspension or revocation of permit.**

**[R.C. 4301.25]**

(A) The liquor control commission may suspend or revoke any permit issued under this chapter or Chapter 4303. of the Revised Code for the violation of any of the applicable restrictions of either chapter or of any lawful rule of the commission or for other sufficient cause, and for the following causes:

- (1) Conviction of the holder or the holder's agent or employee for violating a section of this chapter or Chapter 4303. of the Revised Code or for a felony;
- (2) The entry of a judgment pursuant to division (D) or (E) of section 3767.05 of the Revised Code against a permit holder or the holder's agent or employee finding the existence of a nuisance at a liquor permit premises or finding the existence of a nuisance as a result of the operation of a liquor permit premises;
- (3) Making any false material statement in an application for a permit;
- (4) Assigning, transferring, or pledging a permit contrary to the rules of the commission;
- (5) Selling or promising to sell beer or intoxicating liquor to a wholesale or retail dealer who is not the holder of a proper permit at the time of the sale or promise;
- (6) Failure of the holder of a permit to pay an excise tax together with any penalties imposed by the law relating to that failure and for violation of any rule of the department of taxation in pursuance of the tax and penalties.

(B) The liquor control commission shall revoke a permit issued pursuant to this chapter or Chapter 4303. of the Revised Code upon the conviction of the holder of the permit of a violation of division (C)(1) of section 2913.46 of the Revised Code.

(C) (1) When the commission considers the length of a suspension of a permit, it may consider the volume of the business of the permit holder, so that the length of the suspension is in proportion to the seriousness of the offense and the permit holder's business in order that the suspension serve as a penalty and a deterrent. Evidence as to the volume of business of the permit holder may be offered by the permit holder or subpoenaed by the commission.

(2) When the commission considers the length of a proposed suspension of a permit and the proposed suspension results from an offense that was committed during a compliance check as defined in section 4301.635 of the Revised Code, the commission may consider whether trickery, deceit, or deception was used in the conduct of the compliance check.

(Sub SB 23, effective 4-7-2004)

## **Forfeiture of permit in lieu of suspension**

### **[R.C. 4301.252]**

(A) (1) Except as provided in divisions (A)(2)(d), (B) and (C) of this section, when the liquor control commission determines that the permit of any permit holder is to be suspended under Title XLIII of the Revised Code or any rule of the commission, the commission may issue an order allowing a permit holder to elect to pay a forfeiture for each day of the suspension in accordance with division (A)(2) of this section, rather than to suspend operations under the permit holder's permit issued for the premises at which the violation occurred.

(2)(a) If the permit holder has not violated, at the premises for which the permit holder's permit was issued, any provision of Title XLIII of the Revised Code or rule of the commission during the preceding two years, the amount of the forfeiture for each day for the suspension shall be from one hundred to two hundred dollars.

(b) If the permit holder has violated, at the premises for which the permit holder's permit was issued, any provision of Title XLIII of the Revised Code or rule of the commission for which the permit holder has been disciplined by the commission not more than one other time during the preceding two years, the amount of the forfeiture for each day of the suspension shall be from two hundred to four hundred dollars.

(c) Except as provided under division (A)(2)(e) of this section, if the permit holder has violated, at the premises for which the permit holder's permit was issued, any provision of Title XLIII of the Revised Code or rule of the commission for which the permit holder has been disciplined by the commission more than once, but not more than twice, during the preceding two years, the commission shall establish the amount of the forfeiture for each day of the suspension, but the amount shall be not less than three hundred dollars for each day of suspension.

(d) If the permit holder has violated, at the premises for which the permit holder's permit was issued, any provision of Title XLIII of the Revised Code or rule of the commission for which the permit holder has been disciplined by the commission more than twice during the preceding two years, the commission may suspend or revoke the permit issued for the premises at which the violation occurred, or the commission shall establish the amount of the forfeiture for each day of a suspension, but the amount shall not be less than five hundred dollars for each day of suspension. The commission, and not the permit holder, shall determine whether the permit holder shall pay the forfeiture so established for a suspension instead of having the permit holder's permit suspended or revoked.

(e) If the permit holder has committed, at the premises for which the permit holder's permit was issued, a gambling offense as defined in section 2915.01, a drug abuse offense as defined in section 2925.01, an offense described in section 2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, division (A) or (B) of section 4301.22, or section 4301.69 of the Revised Code or a municipal ordinance substantially equivalent to any offense defined or described in a section or division listed in division (A)(2)(e) of this section for which the permit holder has been disciplined by the commission more than once but not more than twice during the preceding two years, the commission may suspend or revoke the permit issued for the premises at which the violation occurred. A person does not have to plead guilty to or be convicted of an offense defined or described in a section or division listed in division (A)(2)(e) of this section in order for this division to apply.

(3) When the commission issues an order allowing a permit holder the option of paying a forfeiture rather than suspending operations under the permit holder's permit issued for the premises at which the violation occurred, the order shall notify the permit holder of the option of paying a forfeiture. The order shall state the number of days for which the permit may be suspended, that the permit holder has twenty-one days after the date on which the order is sent to pay the full amount of the forfeiture by bank check, certified check, or money order, and that, if the permit holder does not do so, the permit holder's permit issued for the premises at which the violation occurred shall be suspended for the period stated in the order. If the permit holder fails to pay the full amount of the forfeiture by bank check, certified check, or money order within twenty-one days after the date on which the order is sent, the commission shall issue an order suspending the permit holder's permit issued for the premises at which the violation occurred for the period stated in the order allowing payment of a forfeiture. The suspension shall be effective on the twenty-eighth day after the date on which the order allowing the payment of a forfeiture is sent. Even a permit holder who pays a forfeiture may file an appeal under section 119.12 of the Revised Code. A permit holder shall be considered to have paid a forfeiture when the permit holder's bank check, certified check, or money order is received by the commission in Columbus. Upon receipt of a permit holder's bank check, certified check, or money order under this division, the commission shall promptly notify the division of liquor control of its receipt.

(B) No permit holder shall be permitted to pay a forfeiture instead of having the permit holder's permit issued for the premises at which the violation occurred suspended if the suspension is ordered for the reasons stated in division (A)(6) of section 4301.25 of the Revised Code.

(C) When the evidence and the nature of any violation of Title XLIII of the Revised Code show that continued operation of the permit premises presents a clear and present danger to public health and safety, or if the commission finds, upon reliable, probative, and substantial evidence, that the statutory elements of a felony committed in connection with the operation of the permit premises are present in the action for which the permit holder is being disciplined, the commission may suspend the permit issued for the premises at which the violation occurred and shall not allow the permit holder to pay a forfeiture instead of suspending the permit holder's permit operations.

(D) Except as provided in this division, when the commission determines that the permit of any permit holder is to be revoked under Title XLIII of the Revised Code or any rule of the commission, the commission may issue an order allowing a permit holder to elect to pay a forfeiture rather than to revoke the permit holder's permit issued for the premises at which the violation occurred.

When the commission issues an order allowing a permit holder the option of paying a forfeiture rather than revoking the permit holder's permit, the order shall notify the permit holder of the option of paying a forfeiture. The order shall state the effective date of the revocation of the permit holder's permit as twenty-eight days after the date on which the order is sent, that the permit holder has twenty-one days after the date on which the order is sent to pay the full amount of the forfeiture by bank check, certified check, or money order, and that, if the permit holder does not do so, the permit holder's permit issued for the premises at which the violation occurred

shall be revoked on the effective date stated in the order. If the permit holder fails to pay the full amount of the forfeiture by bank check, certified check, or money order within twenty-one days after the date on which the order is sent, the commission shall issue an order revoking the permit holder's permit issued for the premises at which the violation occurred. The revocation shall be effective on the twenty-eighth day after the date on which the order allowing the payment of a forfeiture is sent. A permit holder shall be considered to have paid a forfeiture when the permit holder's bank check, certified check, or money order is received by the commission in Columbus. Upon receipt of a permit holder's bank check, certified check, or money order, the commission shall promptly notify the division of liquor control of its receipt.

When the evidence and the nature of any violation of Title XLIII of the Revised Code show that continued operation of the permit premises presents a clear and present danger to public health and safety, or if the commission finds, upon reliable, probative, and substantial evidence, that the statutory elements of a felony committed in connection with the operation of the permit premises are present in the action for which the permit holder is being disciplined, the commission may revoke the permit issued for the premises at which the violation occurred and shall not allow the permit holder to pay a forfeiture instead of revoking the permit holder's permit.

No permit holder shall be permitted to pay a forfeiture instead of having the permit holder's permit issued for the premises at which the violation occurred revoked if the revocation is ordered for the reasons stated in division (A)(6) or (B) of section 4301.25 of the Revised Code.

(Sub SB 23, effective 4-7-2004)

### **Local option; Instructions prepared by Secretary of State**

#### **[R.C. 4301.32]**

The privilege of local option as to the sale of intoxicating liquors is hereby conferred upon the electors of an election precinct named by the petition authorized by section 4301.33 of the Revised Code.

Upon the request of an elector, a board of elections of a county that encompasses an election precinct shall furnish to the elector a copy of the instructions prepared by the secretary of state under division (P) of section 3501.05 of the Revised Code and, within fifteen days after the request, with a certificate indicating the number of valid signatures that will be required upon a petition to hold a special election in that precinct on a question specified in section 4301.35 or 4301.351 of the Revised Code.

(Am Sub HB 402, effective 3-30-1999)

**Local option elections for premises adjudged a nuisance.**

**[R.C. 4301.321]**

The electors of an election precinct may exercise the privilege of local option over the sale of beer or intoxicating liquor by the holder of a class C or D permit at a particular premises situated within the precinct if, within one year prior to the local option election, the permit premises was declared a nuisance, as defined in division © of section 3767.01 of the Revised Code and a judgment was entered pursuant to division (D) or (E) of section 3767.05 of the Revised Code in a civil action brought under section 3767.03 or 3767.04 of the Revised Code. The privilege conferred by this section is in addition to the privilege conferred on the electors of the precincts or districts specified in section 4301.32, 4301.322, 4301.323, or 4305.14 of the Revised Code.

(Am Sub HB 402, effective 3-30-1999)

**Local option election due to change in precinct boundaries or annexation of territory.**

**[R.C. 4301.322]**

The electors of an election precinct may exercise the privilege of local option under sections 4301.353 and 4301.354 of the Revised Code on the sale of beer, the sale of wine and mixed beverages, or the sale of spirituous liquor, on Sunday or on other days of the week, in a portion of the precinct in which the status of such sales as allowed or prohibited is inconsistent with the status of such sales in the remainder of the precinct because of a change in precinct boundaries by the board of elections or an annexation of territory to a municipal corporation. The privilege conferred by this section is in addition to the privilege conferred on the electors of an election precinct as specified in section 4301.32, 4301.321, 4303.29, or 4305.14 of the Revised Code.

(Am Sub HB 402, effective 3-30-1999)

**Election for locations or liquor agency store within precinct.**

**[R.C. 4301.323]**

The electors of an election precinct may exercise the privilege of local option on the sale of beer, wine and mixed beverages, or spirituous liquor at a particular location within the precinct if the petitioner for local option election is one of the following:

- (A) An applicant for the issuance or transfer of a liquor permit at, or to, a particular location within the precinct;
- (B) The holder of a liquor permit at a particular location within the precinct;
- (C) A person who operates or seeks to operate a liquor agency store at a particular location within the precinct;
- (D) The designated agent for an applicant, liquor permit holder, or liquor agency store described

in division (A), (B), or (C) of this section.

The privilege conferred by this section is in addition to the privilege conferred on the electors of precincts under section 4301.32, 4301.321, 4301.322, or 4305.14 of the Revised Code.

(Sub HB 262, effective 5-7-2004)

### **Local option election for community facilities.**

#### **[R.C. 4301.324]**

The electors of a municipal corporation or the unincorporated area of a township may exercise the privilege of local option on the sale of beer and any intoxicating liquor at a particular location within the municipal corporation or unincorporated area of the township if the use of the location is as a community facility. Only the electors of the municipal corporation or the unincorporated area of a township may exercise this election privilege even if the community facility is partially or wholly owned by the state of Ohio.

(Am Sub HB 402, effective 3-30-1999)

### **Notice of petition; Protest against petition**

#### **[R.C. 4301.33]**

(A) The board of elections shall provide to a petitioner circulating a petition for an election for the submission of one or more of the questions specified in divisions (A) to (D) of section 4301.35 or section 4301.351 of the Revised Code, at the time of taking out the petition, the names of the streets and, if appropriate, the address numbers of residences and business establishments within the precinct in which the election is sought, and a form prescribed by the secretary of state for notifying affected permit holders and liquor agency stores of the circulation of a petition for an election for the submission of one or more of the questions specified in divisions (A) to (D) of section 4301.35 or section 4301.351 of the Revised Code. The petitioner shall, not less than forty-five days before the petition-filing deadline for the election, as provided in this section, file with the division of liquor control the information regarding names of streets and, if appropriate, address numbers of residences and business establishments provided by the board of elections, and specify to the division the precinct that is concerned and that would be affected by the results of the election and the filing deadline. The division shall, within a reasonable period of time and not later than fifteen days before the filing deadline, supply the petitioner with a list of the names and addresses of permit holders and liquor agency stores, if any, that would be affected by the election. The list shall contain a heading with the following words: "Liquor permit holders and liquor agency stores that would be affected by the question(s) set forth on petition for a local option election."

Within five days after a petitioner has received from the division the list of liquor permit holders and liquor agency stores, if any, that would be affected by the question or questions set forth on a petition for local option election, the petitioner shall, using the form provided by the board of elections, notify by certified mail each permit holder and liquor agency store whose name appears

on that list. The form for notifying affected permit holders and liquor agency stores shall require the petitioner to state the petitioner's name and street address and shall contain a statement that a petition is being circulated for an election for the submission of the question or questions specified in divisions (A) to (D) of section 4301.35 or section 4301.351 of the Revised Code. The form shall require the petitioner to state the question or questions to be submitted as they appear on the petition.

The petitioner shall attach a copy of the list provided by the division to each petition paper. A part petition paper circulated at any time without the list of affected permit holders and liquor agency stores attached to it is invalid.

At the time the petitioner files the petition with the board of elections, the petitioner shall provide to the board the list supplied by the division and an affidavit certifying that the petitioner notified all affected permit holders and liquor agency stores, if any, on the list in the manner and within the time required in this section and that, at the time each signer of the petition affixed the signer's signature to the petition, the petition paper contained a copy of the list of affected permit holders and liquor agency stores.

Within five days after receiving a petition calling for an election for the submission of one or more of the questions specified in divisions (A) to (D) of section 4301.35 or section 4301.351 of the Revised Code, the board shall give notice by certified mail that it has received the petition to all liquor permit holders and liquor agency stores, if any, whose names appear on the list of affected permit holders and liquor agency stores filed by the petitioner. Failure of the petitioner to supply the affidavit required by this section and a complete and accurate list of liquor permit holders and liquor agency stores, if any, invalidates the entire petition. The board of elections shall provide to a permit holder or liquor agency store that would be affected by a proposed local option election, on the permit holder's or liquor agency store's request, the names of the streets, and, if appropriate, the address numbers of residences and business establishments within the precinct in which the election is sought that would be affected by the results of the election. The board may charge a reasonable fee for this information when provided to the petitioner and the permit holder or liquor agency store.

(B) Upon the presentation of a petition, not later than four p.m. of the seventy-fifth day before the day of a general or primary election, to the board of elections of the county where the precinct is located, designating whether it is a petition for an election for the submission of one or more of the questions specified in section 4301.35 of the Revised Code, or a petition for the submission of one or more of the questions specified in section 4301.351 of the Revised Code, designating the particular question or questions specified in section 4301.35 or 4301.351 of the Revised Code that are to be submitted, and signed by the qualified electors of the precinct concerned, equal in number to thirty-five per cent of the total number of votes cast in the precinct concerned for the office of governor at the preceding general election for that office, the board shall submit the question or questions specified in the petition to the electors of the precinct concerned, on the day of the next general or primary election, whichever occurs first and shall proceed as follows:

- (1) Such board shall, not later than the sixty-eighth day before the day of the election for which the question or questions on the petition would qualify for submission to the

electors of the precinct, examine and determine the sufficiency of the signatures and review, examine, and determine the validity of the petition and, in case of overlapping precinct petitions presented within that period, determine which of the petitions shall govern the further proceedings of the board. In the case where the board determines that two or more overlapping petitions are valid, the earlier filed petition shall govern. The board shall certify the sufficiency and validity of any petition determined to be valid. The board shall determine the validity of the petition as of the time of certification as described in this division.

(2) If a petition is sufficient, and, in case of overlapping precinct petitions, after the board has determined the governing petition, the board to which the petition has been presented shall order the holding of a special election in the precinct for the submission of whichever of the questions specified in section 4301.35 or 4301.351 of the Revised Code are designated in the petition, on the day of the next general or primary election, whichever occurs first.

(3) All petitions filed with a board of elections under this section shall be open to public inspection under rules adopted by the board.

(4) Protest against local option petitions may be filed by any elector eligible to vote on the question or questions described in the petitions or by a permit holder or liquor agency store in the precinct as described in the petitions, not later than four p.m. of the sixty-fourth day before the day of the general or primary election for which the petition qualified. The protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon filing of the protest, the election officials with whom it is filed shall promptly fix the time for hearing it, and shall mail notice of the filing of the protest and the time and place for hearing it to the person who filed the petition and to the person who filed the protest. At the time and place fixed, the election officials shall hear the protest and determine the validity of the petition.

(Am Sub HB 3, effective 5-2-2006)

### **Procedures for election as to particular premises.**

#### **[R.C. 4301.331]**

(A) The privilege of local option conferred by section 4301.321 of the Revised Code shall be exercised if a certified copy of the judgment issued pursuant to division (D) or (E) of section 3767.05 of the Revised Code that is the basis for the exercise of the local option privilege is filed pursuant to division (G) of section 3767.05 of the Revised Code indicating that a liquor permit premises has been adjudged a nuisance. The certified copy of the judgment shall be filed in accordance with this section by the person or public official who brought the action under section 3767.03 of the Revised Code.

(B) The certified copy of the judgment prescribed under division (A) of this section shall be filed with the board of elections of the county in which the nuisance was adjudged to exist pursuant to division (D) or (E) of section 3767.05 of the Revised Code not later than four p.m. of the seventy-fifth day before the day of the next general or primary election.

(C) The statement prescribed under division (A) of this section shall contain both of the following:

- (1) A notice that the statement is for the submission of the question set forth in section 4301.352 of the Revised Code;
- (2) The name of a class C or D permit holder and the address of the permit holder's permit premises. If the business conducted by a class C or D permit holder at the permit premises has a name different from the permit holder's personal or corporate name, the name of the permit holder's business shall be stated along with the permit holder's personal or corporate name.

(D) Not later than five days after the certified copy of the judgment prescribed under division (A) of this section is filed, the board shall give notice by certified mail that it has received the certified copy of the judgment to the liquor permit holder whose permit would be affected by the results of the election required by the filing of the certified copy of the judgment. Failure of the petitioner to supply a complete and accurate address of the liquor permit holder to the board of elections invalidates the election.

For purposes of this section, "complete and accurate address" means all of the following:

- (1) The address of the liquor permit premises;
- (2) The address of the statutory agent of the liquor permit holder, if applicable;
- (3) The address of the liquor permit holder if different from the liquor permit premises address.

(E) Not later than the sixty-eighth day before the day of the next general or primary election, whichever occurs first, the board shall certify the sufficiency and validity of the certified copy of the judgment, make such determination as of the time of certification, and order the holding of an election in the precinct on the day of that general or primary election for the submission of the question set forth in section 4301.352 of the Revised Code.

(F) A certified copy of the judgment filed with the board of elections under division (A) of this section shall be open to public inspection under rules adopted by the board.

An elector who is eligible to vote on the question set forth in section 4301.352 of the Revised Code or the permit holder named on the certified copy of the judgment, not later than four p.m. of the sixty-fourth day before the day of the election at which the question will be submitted to the electors, may file a protest against a local option petition. The protest shall be in writing and shall be filed with the election officials with whom the certified copy of the judgment was filed. Upon the filing of the protest, the election officials with whom it is filed shall promptly fix a time and place for hearing the protest, and shall mail notice of the time and place for hearing it to the person who filed the certified copy of the judgment and to the person who filed the protest. At the time and place fixed, the election officials shall hear the protest and determine the validity of the certified copy of the judgment.

(Am Sub HB 3, effective 5-2-2006)

**Notice to establishments affected by local option election**

**[R.C. 4301.332]**

(A) The board of elections shall provide to a petitioner circulating a petition for an election for the submission of one or more of the questions specified in section 4301.353 or 4301.354 of the Revised Code, at the time of taking out the petition, the names of the streets and, if appropriate, the address numbers of residences and business establishments within the precinct that would be affected by the results of the election, and a form prescribed by the secretary of state for notifying affected permit holders of the circulation of a petition for an election for the submission of one or more of the questions specified in section 4301.353 or 4301.354 of the Revised Code. The petitioner shall, not less than forty-five days before the petition-filing deadline for the election, as provided in this section, file with the division of liquor control the information regarding names of streets and, if appropriate, address numbers of residences and business establishments provided by the board of elections, and specify to the division the portion of the precinct that would be affected by the results of the election and the filing deadline. The division shall, within a reasonable period of time and not later than fifteen days before the filing deadline, supply the petitioner with a list of the names and addresses of permit holders, if any, who would be affected by the election. The list shall contain a heading with the following words: "Liquor permit holders who would be affected by the question(s) set forth on petition for a local option election."

Within five days after a petitioner has received from the division the list of liquor permit holders, if any, who would be affected by the question or questions set forth on a petition for local option election, the petitioner, using the form provided by the board of elections, shall notify by certified mail each permit holder whose name appears on that list. The form for notifying affected permit holders shall require the petitioner to state the petitioner's name and street address and shall contain a statement that a petition is being circulated for an election for the submission of the question or questions specified in section 4301.353 or 4301.354 of the Revised Code. The form shall require the petitioner to state the question or questions to be submitted as they appear on the petition.

The petitioner shall attach a copy of the list provided by the division to each petition paper. A part petition paper circulated at any time without the list of affected permit holders attached to it is invalid.

At the time the petitioner files the petition with the board of elections, the petitioner shall provide to the board the list supplied by the division and an affidavit certifying that the petitioner notified all affected permit holders, if any, on the list in the manner and within the time required in this section and that, at the time each signer of the petition affixed the signer's signature to the petition, the petition paper contained a copy of the list of affected permit holders.

Within five days after receiving a petition calling for an election for the submission of one or more of the questions specified in section 4301.353 or 4301.354 of the Revised Code, the board shall give notice by certified mail that it has received the petition to all liquor permit holders, if any, whose names appear on the list of affected permit holders filed by the petitioner as furnished by the division. Failure of the petitioner to supply the affidavit required by this section and a complete and accurate list of liquor permit holders as furnished by the division invalidates the

entire petition. The board of elections shall provide to a permit holder who would be affected by a proposed local option election, on the permit holder's request, the names of the streets, and, if appropriate, the address numbers of residences and business establishments within the portion of the precinct that would be affected by the results of the election. The board may charge a reasonable fee for this information when provided to the petitioner and the permit holder. This division does not apply to an election held under section 4301.353 or 4301.354 of the Revised Code if the results of the election would not affect any permit holder.

(B) Upon the presentation of a petition, not later than four p.m. of the seventy-fifth day before the day of a general or primary election, to the board of elections of the county where the precinct is located, designating whether it is a petition for an election for the submission of one or both of the questions specified in section 4301.353 of the Revised Code, or a petition for the submission of one or more of the questions specified in section 4301.354 of the Revised Code, designating the particular question or questions specified in section 4301.353 or 4301.354 of the Revised Code that are to be submitted, and signed by the qualified electors of the precinct concerned, equal in number to thirty-five per cent of the total number of votes cast in the precinct concerned for the office of governor at the preceding general election for that office, the board shall submit the question or questions specified in the petition to the electors of the precinct concerned, on the day of the next general or primary election, whichever occurs first and shall proceed as follows:

(1) Such board shall, not later than the sixty-eighth day before the day of the election for which the question or questions on the petition would qualify for submission to the electors of the precinct, examine and determine the sufficiency of the signatures and review, examine, and determine the validity of the petition and, in case of overlapping precinct petitions presented within that period, determine which of the petitions shall govern the further proceedings of the board. In the case where the board determines that two or more overlapping petitions are valid, the earlier filed petition shall govern. The board shall certify the sufficiency and validity of any petition determined to be valid. The board shall determine the validity of the petition as of the time of certification as described in this division.

(2) If a petition is sufficient, and, in case of overlapping precinct petitions, after the board has determined the governing petition, the board to which the petition has been presented shall order the holding of a special election in the precinct for the submission of whichever of the questions specified in section 4301.353 or 4301.354 of the Revised Code are designated in the petition, on the day of the next general or primary election, whichever occurs first.

(C) All petitions filed with a board of elections under this section shall be open to public inspection under rules adopted by the board.

(D) Protest against local option petitions may be filed by any elector eligible to vote on the question or questions described in the petitions or by a permit holder in the precinct as described in the petitions, not later than four p.m. of the sixty-fourth day before the day of the general or primary election for which the petition qualified. The protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon filing of the protest, the election officials with whom it is filed shall promptly fix the time for hearing it, and shall mail notice of the filing of the protest and the time and place for hearing it to the person who filed the petition

and to the person who filed the protest. At the time and place fixed, the election officials shall hear the protest and determine the validity of the petition.

(Am Sub HB 3, effective 5-2-2006)

### **Petitions for election for locations and liquor agency stores within a precinct**

#### **[R.C. 4301.333]**

(A) The privilege of local option conferred by section 4301.323 of the Revised Code may be exercised if, not later than four p.m. of the seventy-fifth day before the day of a general or primary election, a petition is presented to the board of elections of the county in which the precinct is situated by a petitioner who is one of the following:

- (1) An applicant for the issuance or transfer of a liquor permit at, or to, a particular location within the precinct;
- (2) The holder of a liquor permit at a particular location within the precinct;
- (3) A person who operates or seeks to operate a liquor agency store at a particular location within the precinct;
- (4) The designated agent for an applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section.

(B) The petition shall be signed by the electors of the precinct equal in number to at least thirty-five per cent of the total number of votes cast in the precinct for the office of governor at the preceding general election for that office and shall contain all of the following:

- (1) A notice that the petition is for the submission of the question or questions set forth in section 4301.355 of the Revised Code;
- (2) The name of the applicant for the issuance or transfer, or the holder, of the liquor permit or, if applicable, the name of the liquor agency store, including any trade or fictitious names under which the applicant, holder, or liquor agency store either intends to do or does business at the particular location;
- (3) The address and proposed use of the particular location within the election precinct to which the results of the question or questions specified in section 4301.355 of the Revised Code shall apply. For purposes of this division, “use” means all of the following:
  - (a) The type of each liquor permit applied for by the applicant or held by the liquor permit holder as described in sections 4303.11 to 4303.183 of the Revised Code, including a description of the type of beer or intoxicating liquor sales authorized by each permit as provided in those sections;
  - (b) If a liquor agency store, the fact that the business operated as a liquor agency store authorized to operate by this state;

- (c) A description of the general nature of the business of the applicant, liquor permit holder, or liquor agency store.
  - (4) If the petition seeks approval of Sunday sales under question (B)(2) as set forth in section 4301.355 [4301.35.5] of the Revised Code, a statement indicating whether the hours of sale sought are between ten a.m. and midnight or between one p.m. and midnight.
- (C) (1) At the time the petitioner files the petition with the board of elections, the petitioner shall provide to the board both of the following:
- (a) An affidavit that is signed by the petitioner and that states the proposed use of the location following the election held to authorize the sale of beer or intoxicating liquor authorized by each permit as provided in sections 4303.11 to 4303.183 of the Revised Code;
  - (b) Written evidence of the designation of an agent by the applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section for the purpose of petitioning for the local option election, if the petitioner is the designated agent of the applicant, liquor permit holder, or liquor agency store.
- (2) Failure to supply the affidavit, or the written evidence of the designation of the agent if the petitioner for the local option election is the agent of the applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section, at the time the petition is filed invalidates the entire petition.
- (D) Not later than the sixty-eighth day before the day of the next general or primary election, whichever occurs first, the board shall examine and determine the sufficiency of the signatures and the validity of the petition. If the board finds that the petition contains sufficient signatures and in other respects is valid, it shall order the holding of an election in the precinct on the day of the next general or primary election, whichever occurs first, for the submission of the question or questions set forth in section 4301.355 of the Revised Code.
- (E) A petition filed with the board of elections under this section shall be open to public inspection under rules adopted by the board.
- (F) An elector who is eligible to vote on the question or questions set forth in section 4301.355 of the Revised Code may file, not later than four p.m. of the sixty-fourth day before the day of the election at which the question or questions will be submitted to the electors, a protest against a local option petition circulated and filed pursuant to this section. The protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon the filing of the protest, the election officials with whom it is filed shall promptly establish a time and place for hearing the protest and shall mail notice of the time and place for the hearing to the applicant for, or the holder of, the liquor permit who is specified in the petition and to the elector who filed the protest. At the time and place established in the notice, the election officials shall hear the protest and determine the validity of the petition.

(Am Sub HB 3, effective 5-2-2006)

### **Petition for local option election for community facilities**

#### **[R.C. 4301.334]**

(A) The privilege of local option conferred by section 4301.324 of the Revised Code may be exercised if, not later than four p.m. of the seventy-fifth day before the day of a general or primary election, a petition and other information required by division (B) of this section are presented to the board of elections of the county in which the community facility named in the petition is located. The petition shall be signed by electors of the municipal corporation or unincorporated area of the township in which the community facility is located equal in number to at least ten per cent of the total number of votes cast in the municipal corporation or unincorporated area of the township in which the community facility is located for the office of governor at the most recent general election for that office and shall contain both of the following:

- (1) A notice that the petition is for the submission of the question set forth in section 4301.356 of the Revised Code;
- (2) The name and address of the community facility for which the local option election is sought and, if the community facility is a community entertainment district, the boundaries of the district.

(B) Upon the request of a petitioner, a board of elections of a county shall furnish to the petitioner a copy of the instructions prepared by the secretary of state under division (P) of section 3501.05 of the Revised Code and, within fifteen days after the request, a certificate indicating the number of valid signatures that will be required on a petition to hold an election in the municipal corporation or unincorporated area of the township in which the community facility is located on the question specified in section 4301.356 of the Revised Code.

The petitioner shall, not less than thirty days before the petition-filing deadline for an election on the question specified in section 4301.356 of the Revised Code, specify to the division of liquor control the name and address of the community facility for which the election is sought and, if the community facility is a community entertainment district, the boundaries of the district, the municipal corporation or unincorporated area of a township in which the election is sought, and the filing deadline. The division shall, within a reasonable period of time and not later than ten days before the filing deadline, supply the petitioner with the name and address of any permit holder for or within the community facility.

The petitioner shall file the name and address of any permit holder who would be affected by the election at the time the petitioner files the petition with the board of elections. Within five days after receiving the petition, the board shall give notice by certified mail to any permit holder within the community facility that it has received the petition. Failure of the petitioner to supply the name and address of any permit holder for or within the community facility as furnished to the petitioner by the division invalidates the petition.

(C) Not later than the sixty-eighth day before the day of the next general or primary election, whichever occurs first, the board shall examine and determine the sufficiency of the signatures on the petition. If the board finds that the petition is valid, it shall order the holding of an election in the municipal corporation or unincorporated area of a township on the day of the next general

or primary election, whichever occurs first, for the submission of the question set forth in section 4301.356 of the Revised Code.

(D) A petition filed with a board of elections under this section shall be open to public inspection under rules adopted by the board.

(E) An elector who is eligible to vote on the question set forth in section 4301.356 of the Revised Code or any permit holder for or within the community facility may, not later than four p.m. of the sixty-fourth day before the day of the election at which the question will be submitted to the electors, file a written protest against the local option petition with the board of elections with which the petition was filed. Upon the filing of the protest, the board shall promptly fix a time and place for hearing the protest[,] and shall mail notice of the time and place to the person who filed the petition and to the person who filed the protest. At the time and place fixed, the board shall hear the protest and determine the validity of the petition.

(Am Sub HB 3, effective 5-2-2006)

### **Petitions governed by R.C. 3501.38**

#### **[R.C. 4301.34]**

The petition provided for in section 4301.33, 4301.331, 4301.332, 4301.333 or 4301.334 of the Revised Code may consist of one or more separate petition papers and shall be governed by the rules set forth in section 3501.38 of the Revised Code.

(Am Sub HB 402, effective 3-30-1999)

### **Choice of questions; Form of ballot**

#### **[R.C. 4301.35]**

If a petition is for submission of one or more of the questions specified under this section, a special election shall be held in the precinct at the time fixed as provided in section 4301.33 of the Revised Code. The expenses of holding the election shall be charged to the municipal corporation or township of which the precinct is a part.

At the election any one or more of the following questions, as designated in a valid petition, shall be submitted to the electors of the precinct:

(A) “Shall the sale of wine and mixed beverages by the package, under permits which authorize sale for off-premise consumption only, be permitted in .....?”

(B) “Shall the sale of wine and mixed beverages, under permits which authorize sale for on-premise consumption only, and under permits which authorize sale for both on-premise and off-premise consumption, be permitted in .....?”

(C) “Shall the sale of spirituous liquors by the glass be permitted in .....?”

(D) “Shall state liquor stores or liquor agency stores for the sale of spirituous liquor by the package, for consumption off the premises where sold, be permitted in .....?”

The board of elections to which a petition is presented shall furnish printed ballots at the election in accordance with section 3505.06 of the Revised Code, and separate ballots shall be used for the special election. All the questions designated in a valid petition or overlapping petitions containing one or more questions to be set forth on the ballot shall be set forth on each ballot and the board shall insert in each question the name or an accurate description of the precinct in which the election is to be held. Votes shall be cast as provided in section 3505.06 of the Revised Code.

(Am Sub HB 402, effective 3-30-1999)

### **Sunday sales election; Form of ballot**

#### **[R.C. 4301.351]**

(A) If a petition is for submission of the question of whether the sale of intoxicating liquor shall be permitted on Sunday, a special election shall be held in the precinct at the time fixed as provided in section 4301.33 of the Revised Code. The expenses of holding the election shall be charged to the municipal corporation or township of which the precinct is a part.

(B) At the election, one or more of the following questions, question (B)(1), (B)(2), or (B)(3) as designated in a valid petition or question (B)(4) as submitted by the legislative authority of a municipal corporation or the board of trustees of a township, shall be submitted to the electors of the precinct:

(1) “Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this ..... for consumption on the premises where sold, between the hours of one p.m. and midnight on Sunday?”

(2) “Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this ..... for consumption on the premises where sold, between the hours of one p.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises?”

(3) “Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this ..... for consumption off the premises where sold, between the hours of one p.m. and midnight on Sunday?”

(4) “Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this ..... for consumption on the premises where sold, between the hours of one p.m. and midnight on Sunday, at outdoor performing arts centers, as defined in section 4303.182 of the revised code, that have been issued a D-6 permit?”

Question (B)(4) shall be presented to the electors of a precinct in which an outdoor performing arts center is located only if the legislative authority of the municipal corporation in which, or the board of trustees of the township in which, the outdoor performing arts center is located submits, not later than four p.m. of the seventy-fifth day before the day of a primary or general election that occurs within two years after the effective date of this amendment, to the board of elections of the county in which the precinct is located, a copy of an ordinance or resolution requesting the submission of that question to the electors of the precinct. An election on question (B)(4) may not be sought by a petition under section 4301.33 of the Revised Code.

(C) At the election, one or more of the following questions, as designated in a valid petition, shall be submitted to the electors of the precinct:

(1) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this ..... for consumption on the premises where sold, between the hours of ten a.m. and midnight on Sunday?"

(2) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this ..... for consumption on the premises where sold, between the hours of ten a.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises?"

(3) "Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this ..... for consumption off the premises where sold, between the hours of ten a.m. and midnight on Sunday?"

(D) No C or D permit holder who first applied for such a permit after April 15, 1982, shall sell beer on Sunday unless the sale of intoxicating liquor is authorized in the precinct or portion of the precinct at an election on question (B)(1), (B)(2), or (B)(3) of this section, on question (C)(1), (C)(2), or (C)(3) of this section, on question (B)(1), (B)(2), or (B)(3) of section 4301.354 of the Revised Code, on question (C)(1), (C)(2), or (C)(3) of section 4301.354 of the Revised Code, or on question (B)(2) of section 4301.355 of the Revised Code. No D-6 permit is required for the sale of beer on Sunday.

The board of elections to which the petition is presented shall furnish printed ballots at the election in accordance with section 3505.06 of the Revised Code, and separate ballots shall be used for the special election. One or more of the questions prescribed by divisions (B) and (C) of this section, as designated in the petition, shall be set forth on each ballot, and the board shall insert in each question the name or an accurate description of the precinct in which the election is to be held. Votes shall be cast as provided in section 3505.06 of the Revised Code.

(Sub SB 262, effective 4-9-2001)

**Special election to be held regarding location adjudicated a nuisance**

**[R.C. 4301.352]**

If a petition is filed under section 4301.331 of the Revised Code for the submission of the question set forth in this section, an election shall be held in the precinct as ordered by the board of elections under that section. The expense of holding the election shall be charged to the municipal corporation or township of which the precinct is a part. At that election the following question shall be submitted to the electors of the precinct:

“Shall the sale of beer and intoxicating liquor at..... (insert the address of the permit premises) ....., which was adjudged to be a nuisance to the public by (insert the name of the court, including the name of the political subdivision of the court, issuing such judgment) ..... on (the date the judgment was issued by the court) ..... be permitted in this precinct?”

The board of elections shall furnish printed ballots at the election described in this section as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for this election. The question set forth in this section shall be printed on each ballot and the board shall insert in the question appropriate words to complete the question. Votes shall be cast as provided under section 3505.06 of the Revised Code.

(Am Sub HB 402, effective 3-30-1999)

**Special election regarding sales in portion of precinct**

**[R.C. 4301.353]**

If a petition is filed under section 4301.332 of the Revised Code for the submission of the one or more questions set forth in this section, a special election shall be held in the precinct as ordered by the board of elections under that section. The expense of holding the special election shall be charged to the municipal corporation or township of which the precinct is a part.

At the election, one or both of the following questions as designated in a valid petition shall be submitted to the electors of the precinct concerning sales on days of the week other than Sunday:

(A) “Shall the sales of (insert one or both of the following: beer, or wine and mixed beverages) by the package, under permits that authorize sale for off-premises consumption only, be permitted in a portion of this precinct in which the status of the sale of (insert one or both of the following: beer, or wine and mixed beverages) as allowed or prohibited is inconsistent with the status of such sale in the remainder of the precinct?”

(B) “Shall the sale of (insert one or more of the following: beer, wine and mixed beverages, or spirituous liquor), under permits that authorize sale for on-premises consumption only, and under permits that authorize sale for both on-premises and off-premises consumption, be permitted in a portion of this precinct in which the status of the sale of (insert one or more of the following: beer, wine and mixed beverages, or spirituous liquor) as allowed or prohibited is inconsistent with the status of such sale in the remainder of the precinct?”

The board of elections shall furnish printed ballots at the special election as provided under

section 3505.06 of the Revised Code, except that a separate ballot shall be used for the special election. One or both of the questions set forth in this section shall be printed on each ballot and the board shall insert in the question and statement appropriate words to complete each and a description of the portion of the precinct that would be affected by the results of the election. The description of the portion of the precinct shall include either the complete listing of street addresses in that portion or a condensed text that accurately describes the boundaries of the portion of the precinct by street name or by another name generally known by the residents of the portion of the precinct. If other than a full street listing is used, the full street listing also shall be posted in each polling place in a location that is easily accessible to all voters. Failure of the board of elections to completely and accurately list all street addresses in the affected area of the precinct does not affect the validity of the election at which the failure occurred and is not grounds for contesting an election under section 3515.08 of the Revised Code. Votes shall be cast as provided under section 3505.06 of the Revised Code.

(Am Sub HB 402, effective 3-30-1999)

### **Special election regarding Sunday sales**

#### **[R.C. 4301.354]**

(A) If a petition is filed under section 4301.332 of the Revised Code for the submission of one or more questions set forth in this section, a special election shall be held in the precinct as ordered by the board of elections under that section. The expense of holding the special election shall be charged to the municipal corporation or township of which the precinct is a part.

(B) At the election, one or more of the following questions, as designated in a valid petition, shall be submitted to the electors of the precinct concerning Sunday sales:

(1)“Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of one p.m. and midnight on Sunday for consumption on the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?”

(2) “Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of one p.m. and midnight on Sunday for consumption on the premises where sold at licensed premises where the sale of food and other goods exceeds fifty per cent of the total gross receipts of the permit holder at the premises, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?”

(3)“Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of one p.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?”

(C) At the election, one or more of the following questions, as designated in a valid petition, shall

be submitted to the electors of the precinct concerning Sunday sales:

(1) “Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?”

(2) “Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold at licensed premises where the sale of food and other goods exceeds fifty per cent of the total gross receipts of the permit holder at the premises, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?”

(3) “Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?”

(D) The board of elections shall furnish printed ballots at the special election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the special election. The one or more questions set forth in divisions (B) and (C) of this section shall be printed on each ballot, and the board shall insert in the question and statement appropriate words to complete each and a description of the portion of the precinct that would be affected by the results of the election.

The description of the portion of the precinct shall include either the complete listing of street addresses in that portion or a condensed text that accurately describes the boundaries of the portion of the precinct by street name or by another name generally known by the residents of the portion of the precinct. If other than a full street listing is used, the full street listing also shall be posted in each polling place in a location that is easily accessible to all voters. Failure of the board of elections to completely and accurately list all street addresses in the affected area of the precinct does not affect the validity of the election at which the failure occurred and is not grounds for contesting an election under section 3515.08 of the Revised Code. Votes shall be cast as provided under section 3505.06 of the Revised Code.

(Sub SB 262, effective 4-9-2001)

### **Form of ballot for election as to locations or liquor agency stores within precinct**

#### **[R.C. 4301.355]**

(A) If a petition is filed under section 4301.333 of the Revised Code for the submission of the question or questions set forth in this section, it shall be held in the precinct as ordered by the board of elections under that section. The expense of holding the election shall be charged to the municipal corporation or township of which the precinct is a part.

(B) At the election, one or more of the following questions, as designated in a valid petition, shall be submitted to the electors of the precinct:

(1) “Shall the sale of ..... (insert beer, wine and mixed beverages, or spirituous liquor) be permitted by.....(insert name of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location), an ..... (insert “applicant for” or “holder of” or “operator of”) a .....(insert class name of liquor permit or permits followed by the words “liquor permit(s)” or, if appropriate, the words “liquor agency store for the State of Ohio”), who is engaged in the business of .....(insert general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the petition) at .....(insert address of the particular location within the precinct as set forth in the petition) in this precinct?”

(2) “Shall the sale of ..... (insert beer, wine and mixed beverages, or spirituous liquor) be permitted for sale on Sunday between the hours of .....(insert “ten a.m. and midnight” or “one p.m. and midnight”) by ..... (insert name of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location), an .....(insert “applicant for a D-6 liquor permit,” “holder of a D-6 liquor permit,” “applicant for or holder of an A-1-A, A-2, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 liquor permit,” if only the approval of beer sales is sought, or “liquor agency store”) who is engaged in the business of .....(insert general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the petition) at..... (insert address of the particular location within the precinct) in this precinct?”

(C) The board of elections shall furnish printed ballots at the election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the election under this section. The question and, if applicable, the statement set forth in this section shall be printed on each ballot, and the board shall insert in the question and statement appropriate words to complete each. Votes shall be cast as provided under section 3505.06 of the Revised Code.

(Am Sub HB 262, effective 5-7-2004)

### **Form of ballot for local option election for community facilities**

#### **[R.C. 4301.356]**

If a petition is filed under section 4301.334 of the Revised Code for the submission of the question set forth in this section, an election shall be held in the municipal corporation or unincorporated area of a township as ordered by the board of elections under that section.

Except as otherwise provided in this section, if the legislative authority of a municipal corporation in whose territory, or the board of township trustees of a township in whose unincorporated area, a community facility is located submits, not later than four p.m. of the seventy-fifth day before

the day of a primary or general election, to the board of elections of the county in which the community facility is located an ordinance or resolution requesting the submission of the question set forth in this section to the electors of the municipal corporation or unincorporated area of the township, the board of elections shall order that an election be held on that question in the municipal corporation or the unincorporated area of the township on the day of the next primary or general election, whichever occurs first. The legislative authority or board of township trustees shall submit the name and address of any permit holder who would be affected by the results of the election to the board of elections at the same time it submits the ordinance or resolution. The board of elections, within five days after receiving the name and address, shall give notice by certified mail to each permit holder that it has received the ordinance or resolution. Failure of the legislative authority or board of township trustees to supply the name and address of each permit holder to the board of elections invalidates the effect of the ordinance or resolution.

At the election the following question shall be submitted to the electors of the municipal corporation or unincorporated area of a township:

“Shall the sale of beer and intoxicating liquor be permitted on days of the week other than Sunday and between the hours of one p.m. and midnight on Sunday, at ..... (insert name of community facility), a community facility as defined by section 4301.01 of the Revised Code, and located at ..... (insert the address of the community facility and, if the community facility is a community entertainment district, the boundaries of the district, as set forth in the petition)?”

The board of elections shall furnish printed ballots at the election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the election. The question set forth in this section shall be printed on each ballot and the board shall insert in the question appropriate words to complete each, subject to the approval of the secretary of state. Votes shall be cast as provided under section 3505.06 of the Revised Code.

(Am Sub HB 402, effective 3-30-1999)

### **Effect of local option election**

#### **[R.C. 4301.36]**

If a majority of the electors voting in a precinct vote “yes” on question (A), (B), or (C) as set forth in section 4301.35 of the Revised Code, the sales specified in such one or more of the questions on which a majority of the electors voting in such precinct voted “yes” shall be subject in the precinct only to Chapters 4301. and 4303. of the Revised Code.

If a majority of the electors voting in such precinct vote “no” on question (A), (B), or (C) set forth in section 4301.35 of the Revised Code, no C or D permit holder shall sell intoxicating liquor of the kind or in the manner specified in such one or more of the questions on which a majority of the electors voting in the precinct voted “no,” within the precinct concerned, during the period such election is in effect as defined in section 4301.37 of the Revised Code.

If a majority of the electors voting in such precinct vote “no” on question (D) as set forth in section 4301.35 of the Revised Code, all state liquor stores in the precinct shall be forthwith

closed and, during the period the vote is in effect, as defined in section 4301.37 of the Revised Code, no state liquor store shall be opened in that precinct.

(Am Sub HB 402, effective 3-30-1999)

**Effect of Sunday sales election.**

**[R.C. 4301.361]**

(A) If a majority of the electors voting on questions set forth in section 4301.351 of the Revised Code in a precinct vote “yes” on question (B)(1) or (C)(1), or, if both questions (B)(1) and (B)(2), or questions (C)(1) and (C)(2), are submitted, “yes” on both questions or “yes” on question (B)(1) or (C)(1) but “no” on question (B)(2) or (C)(2), sales of intoxicating liquor shall be allowed in the manner and under the conditions specified in question (B)(1) or (C)(1), under a D-6 permit, within the precinct concerned, during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(B) If only question (B)(2) or (C)(2) is submitted to the voters or if questions (B)(2) and (B)(3) or (C)(2) and (C)(3) are submitted and a majority of the electors voting in a precinct vote “yes” on question (B)(2) or (C)(2) as set forth in section 4301.351 of the Revised Code, sales of intoxicating liquor shall be allowed in the manner and under the conditions specified in question (B)(2) or (C)(2), under a D-6 permit, within the precinct concerned, during the period the election is in effect as defined in section 4301.37 of the Revised Code, even if question (B)(1) or (C)(1) was also submitted and a majority of the electors voting in the precinct voted “no.”

(C) If question (B)(3) or (C)(3) is submitted and a majority of electors voting on question (B)(3) or (C)(3) AS set forth in section 4301.351 of the Revised Code in a precinct vote “yes,” sales of wine and mixed beverages shall be allowed in the manner and under the conditions specified in question (B)(3) or (C)(3), under a D-6 permit, within the precinct concerned, during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(D) If questions (B)(1), (B)(2), and [(C)](B)(3), or questions (C)(1), (C)(2), and (C)(3), as set forth in section 4301.351 of the Revised Code, are all submitted and a majority of the electors voting in such precinct vote “no” on all three questions, no sales of intoxicating liquor shall be made within the precinct concerned after two-thirty a.m. on Sunday as specified in the questions submitted, during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(E) If question (C)(1) as set forth in section 4301.351 [4301.35.1] of the Revised Code is submitted to the voters in a precinct in which question (B)(1) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(1) are still in effect in the precinct; or if question (C)(2) as set forth in that section is submitted to the voters in a precinct in which question (B)(2) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(2) are still in effect in the precinct; or if question (C)(3) as set forth in that section is submitted to the voters in a precinct in which question (B)(3) as set forth in that section previously was submitted and approved, and the results

of the election on question (B)(3) are still in effect in the precinct; and if a majority of the electors voting on question (C)(1), (C)(2), or (C)(3) vote “no,” then sales shall continue to be allowed in the precinct in the manner and under the conditions specified in the previously approved question (B)(1), (B)(2), or (B)(3), as applicable.

(F) If question (B)(4) as set forth in section 4301.351 of the Revised Code is submitted and a majority of the electors voting in the precinct vote “yes,” sales of intoxicating liquor shall be allowed at outdoor performing arts centers in the manner and under the conditions specified in question (B)(4) under a D-6 permit, within the precinct concerned, during the period the election is in effect as defined in section 4301.37 of the Revised Code. If question (B)(4) as set forth in section 4301.351 of the Revised Code is submitted and a majority of the electors voting in the precinct vote “no,” no sales of intoxicating liquor shall be allowed at outdoor performing arts centers in the precinct concerned under a D-6 permit, after 2:30 a.m. on Sunday, during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(Am Sub HB 95, effective 9-26-2003)

### **Effects of election under R.C. 4301.352**

#### **[R.C. 4301.362]**

If a majority of the electors voting on the question set forth in section 4301.352 of the Revised Code vote “yes,” the sale of beer or intoxicating liquor by a class C or D permit holder at the specified premises shall only be subject to Chapters 4301. and 4303. of the Revised Code. If a majority of the electors voting on the question set forth in section 4301.352 of the Revised Code vote “no,” the board of elections shall notify the division of liquor control of the final result of the election by certified mail. When the division receives notice of the final result of the election, it shall cancel and pick up the permit holder’s permit within seven days.

The results of a local option election that is held in a precinct pursuant to section 4301.352 of the Revised Code shall not affect the results of a local option election that is held in the same precinct under section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code.

(Am Sub HB 402, effective 3-30-1999)

### **Effects of election as to sales in portion of precinct under R.C. 4301.353**

#### **[R.C. 4301.363]**

(A) If a majority of the electors in a precinct vote “yes” on question (A) as set forth in section 4301.353 of the Revised Code, the sale of beer, or wine and mixed beverages, as specified in the question shall be permitted in the portion of the precinct affected by the results of the election for sale by the package under permits that authorize the sale for off-premises consumption only, subject only to Chapters 4301. and 4303. of the Revised Code.

(B) If a majority of the electors in a precinct vote “yes” on question (B) as set forth in section

4301.353 of the Revised Code, the sale of beer, wine and mixed beverages, or spirituous liquor as specified in the question shall be permitted in the portion of the precinct affected by the results of the election under permits that authorize the sale for on-premises consumption only, and under permits that authorize the sale for both on-premises and off-premises consumption, subject only to Chapters 4301. and 4303. of the Revised Code.

(C) If a majority of the electors in a precinct vote “no” on question (A) as set forth in section 4301.353 of the Revised Code, no sales of beer, or wine and mixed beverages, as specified in the question shall be permitted in the portion of the precinct affected by the results of the election.

(D) If a majority of the electors in a precinct vote “no” on question (B) as set forth in section 4301.353 of the Revised Code, no sales of beer, wine and mixed beverages, or spirituous liquor as specified in the question shall be permitted in the portion of the precinct affected by the results of the election.

(Am Sub HB 402, effective 3-30-1999)

### **Effects of election as to Sunday sales under R.C. 4301.354**

#### **[R.C. 4301.364]**

(A) If a majority of the electors in a precinct vote “yes” on question (B)(1) or (C)(1) as set forth in section 4301.354 of the Revised Code, the sale of intoxicating liquor, of the same types as may be legally sold in the precinct on other days of the week, shall be permitted in the portion of the precinct affected by the results of the election in the manner and under the conditions specified in the question, subject only to Chapters 4301. and 4303. of the Revised Code.

(B) If a majority of the electors in a precinct vote “yes” on question (B)(2) or (C)(2) as set forth in section 4301.354 of the Revised Code, the sale of intoxicating liquor, of the same types as may be legally sold in the precinct on other days of the week, shall be permitted in the portion of the precinct affected by the results of the election in the manner and under the conditions specified in the question, subject only to Chapters 4301. and 4303. of the Revised Code.

(C) If a majority of the electors in a precinct vote “yes” on question (B)(3) or (C)(3) as set forth in section 4301.354 of the Revised Code, the sale of wine and mixed beverages shall be permitted in the portion of the precinct affected by the results of the election in the manner and under the conditions specified in the question, subject only to Chapters 4301. and 4303. of the Revised Code.

(D) If a majority of the electors in a precinct vote “no” on question (B)(1) or (C)(1) as set forth in section 4301.354 of the Revised Code, no sale of intoxicating liquor shall be permitted in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(E) If a majority of the electors in a precinct vote “no” on question (B)(2) or (C)(2) as set forth in section 4301.354 of the Revised Code, no sale of intoxicating liquor shall be permitted in the

manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(F) If a majority of the electors in a precinct vote “no” on question (B)(3) or (C)(3) as set forth in section 4301.354 of the Revised Code, no sale of wine or mixed beverages shall be permitted in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(G) If question (C)(1) as set forth in section 4301.354 [4301.35.4] of the Revised Code is submitted to the voters in a precinct in which question (B)(1) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(1) are still in effect in the precinct; or if question (C)(2) as set forth in that section is submitted to the voters in a precinct in which question (B)(2) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(2) are still in effect in the precinct; or if question (C)(3) as set forth in that section is submitted to the voters in a precinct in which question (B)(3) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(3) are still in effect in the precinct; and if a majority of the electors voting on question (C)(1), (C)(2), or (C)(3) vote “no,” then sales shall continue to be allowed in the precinct in the manner and under the conditions specified in the previously approved question (B)(1), (B)(2), or (B)(3), as applicable.

(Am Sub HB 95, effective 9-26-2003)

**Effect of election as to locations or liquor agency stores within precinct under  
R.C. 4301.355**

**[R.C. 4301.365]**

(A) If a majority of the electors in a precinct vote “yes” on questions (B)(1) and (2) as set forth in section 4301.355 of the Revised Code, the sale of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular location and for the use specified in the question under each permit applied for by the petitioner or at the address listed for the liquor agency store subject only to Chapters 4301. and 4303. of the Revised Code. Failure to continue to use the particular location for any proposed or stated use set forth in the petition shall constitute good cause for the denial of a renewal of the liquor permit under division (A) of section 4303.271 of the Revised Code or cause for the nonrenewal or cancellation of the liquor agency store contract by the division of liquor control, except in the case where the liquor permit holder or liquor agency store decides to cease the sale of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, on Sundays.

(B) Except as otherwise provided in division (H) of this section, if a majority of the electors in a precinct vote “yes” on question (B)(1) and “no” on question (B)(2) as set forth in section 4301.355 [4301.35.5] of the Revised Code, the sale of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular location for the use specified in question (B)(1) of section 4301.355 of the Revised Code and under each permit applied for by the petitioner, except for a D-6 permit, subject only to this

chapter and Chapter 4303. of the Revised Code.

(C) If a majority of the electors in a precinct vote “no” on question (B)(1) as set forth in section 4301.355 of the Revised Code, no sales of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular location for the use specified in the petition during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(D) If a majority of the electors in a precinct vote only on question (B)(2) as set forth in section 4301.355 of the Revised Code and that vote results in a majority “yes” vote, sales of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular location for the use and during the hours specified in the petition on Sunday during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(E) Except as otherwise provided in division (H) of this section, if a majority of the electors in a precinct vote only on question (B)(2) as set forth in section 4301.355 [4301.35.5] of the Revised Code and that vote results in a majority “no” vote, no sales of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular location for the use and during the hours specified in the petition on Sunday during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(F) In case of elections in the same precinct for the question or questions set forth in section 4301.355 of the Revised Code and for a question or questions set forth in section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code, the results of the election held on the question or questions set forth in section 4301.355 of the Revised Code shall apply to the particular location notwithstanding the results of the election held on the question or questions set forth in section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code.

(G) Sections 4301.32 to 4301.41 of the Revised Code do not prohibit the transfer of ownership of a permit that was issued to a particular location as the result of an election held on sales of beer, wine and mixed beverages, or spirituous liquor at that particular location as long as the general nature of the business at that particular location described in the petition for that election remains the same after the transfer

(H) If question (B)(2) as set forth in section 4301.555 of the Revised Code is submitted to the electors of a precinct proposing to authorize the sale of beer, wine and mixed beverages, or spirituous liquor between the hours of ten a.m. and midnight at a particular location at which the sale of beer, wine and mixed beverages, or spirituous liquor is already allowed between the hours of one p.m. and midnight and the question submitted is defeated, the sale of beer, wine and mixed beverages, or spirituous liquor between the hours of one p.m. and midnight shall continue at that particular location.

(Am Sub HB 262, effective 5-7-2004)

### **Effect of election as to community facilities**

#### **[R.C. 4301.366]**

If a majority of the electors voting on the question specified in section 4301.356 of the Revised Code vote “yes,” the sale of beer and intoxicating liquor shall be allowed at the community facility and for the use specified in the question, subject only to this chapter and Chapter 4303. of the Revised Code. Failure to continue to use the location as a community facility constitutes good cause for rejection of the renewal of the liquor permit under division (A) of section 4303.271 of the Revised Code.

If a majority of the electors voting on the question specified in section 4301.356 of the Revised Code vote “no,” no sales of beer or intoxicating liquor shall be made at or within the community facility during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(Am Sub HB 402, effective 3-30-1999)

### **Local option election results effective for four years, generally**

#### **[R.C. 4301.37]**

(A) When a local option election, other than an election under section 4301.351, 4301.352, 4301.353, 4301.354, 4301.355, or 4301.356 of the Revised Code, is held in any precinct, except as provided in divisions (G) and (H) of section 4301.39 of the Revised Code, the result of the election shall be effective in the precinct until another election is called and held pursuant to sections 4301.32 to 4301.36 of the Revised Code, but no such election shall be held in the precinct on the same question more than once in each four years.

(B) When a local option election under section 4301.351 of the Revised Code is held in any precinct, except as provided in divisions (G) and (H) of section 4301.39 of the Revised Code, the result of the election shall be effective in the precinct until another election is called and held pursuant to sections 4301.32 to 4301.361 of the Revised Code, but no such election shall be held under section 4301.351 of the Revised Code in the precinct on the same question more than once in each four years.

(C) When a local option election is held in a precinct under section 4301.352 of the Revised Code[,] and a majority of the electors voting on the question vote “yes,” no subsequent local option election shall be held in the precinct upon the sale of beer or intoxicating liquor by the class C or D permit holder at the specified premises for a period of at least four years from the date of the most recent local option election, except that this division shall not be construed to prohibit the holding or affect the results of a local option election under section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code.

(D) When a local option election is held in a precinct under section 4301.353 or 4301.354 of the Revised Code, except as provided in divisions (G) and (H) of section 4301.39 of the Revised Code, the results of the election shall be effective until another election is held under that section

on the same question, but no such election shall be held in a precinct under that section on the same question for a period of at least four years from the date of the most recent election on that question. This division shall not be construed to prohibit the future holding of, or affect the future results of, a local option election held under section 4301.35, 4301.351, 4301.355, 4303.29, or 4305.14 of the Revised Code.

(E) When a local option election is held in a precinct under section 4301.355 of the Revised Code, the results of that election shall be effective at the particular location designated in the petition until another election is held pursuant to section 4301.355 of the Revised Code or until such time as an election is held pursuant to section 4301.352 of the Revised Code, but no election shall be held under section 4301.355 of the Revised Code regarding the same use at that particular location for a period of at least four years from the date of the most recent election on that question. The results of a local option election held in a precinct under section 4301.355 of the Revised Code shall not prohibit the holding of, and shall be affected by the results of, a local option election held under section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code.

(F) When a local option election is held in a municipal corporation or unincorporated area of a township under section 4301.356 of the Revised Code, the results of the election shall be effective at the community facility that was the subject of the election until another such election is held regarding that community facility, but no such election shall be held for a period of at least four years from the date of the election. The results of a local option election held in a municipal corporation or unincorporated area of a township under section 4301.356 of the Revised Code shall not prohibit the holding of, or affect or be affected by the results of, a local option election held under section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code.

(G) If a community facility is located in an election precinct in which a previous local option election in the precinct resulted in approval of the sale of beer or intoxicating liquor in the precinct, the community facility shall sell beer or intoxicating liquor only to the extent permitted by the previous local option election until an election is held pursuant to section 4301.356 of the Revised Code.

(H) A community facility shall not be affected by a local option election held on or after March 30, 1999, unless the election is held under section 4301.356 of the Revised Code.

(Sub SB 262, effective 4-9-2001)

**Notification to liquor control when petition filed; Disposition of permit.**

**[R.C. 4301.39]**

(A) When the board of elections of any county determines that a petition for a local option election presented pursuant to section 4301.33, 4301.331, 4301.332, 4301.333, 4303.29, or 4305.14 of the Revised Code is sufficient, it shall forthwith, by mail, notify the division of liquor control of the fact that the petition has been filed and approved by it. Upon the determination of

the results of any such election, the board shall forthwith notify the division by mail of the result and shall forward with the notice a plat of the precinct in which the election was held and, if applicable, shall separately identify the portion of the precinct affected by the election.

(B) On the plat of a precinct forwarded with the results of an election that was held under section 4301.35, 4301.351, 4301.353, 4301.354, or 4303.29 of the Revised Code, the board shall show and designate all of the streets and highways in the precinct or relevant portion of the precinct.

(C) On the plat of a precinct forwarded with the results of an election that was held under section 4301.352 of the Revised Code, the board shall show and designate all of the following:

- (1) All of the streets and highways in the precinct;
- (2) The permit premises designated in the petition that was filed under section 4301.331 of the Revised Code;
- (3) A class C or D permit holder's personal or corporate name, and if it is different from the permit holder's personal or corporate name, the name of the business conducted by the permit holder on the designated premises;
- (4) The address of the designated premises.

(D) On the plat of a precinct, forwarded with the results of an election that was held under section 4301.355 of the Revised Code, the board shall show and designate all of the following:

- (1) All streets and highways in the precinct;
- (2) The address of the particular location within the precinct to which the election results will apply as designated in the petition that was filed under section 4301.333 of the Revised Code;
- (3) The name of the applicant for the issuance or transfer of the liquor permit of the holder of the liquor permit or of the liquor agency store, including any trade or fictitious names under which the applicant, holder, or operator intends to, or does, do business at the particular location, as designated in the petition that was filed under section 4301.333 of the Revised Code.

(E) With the results of an election that was held under section 4301.356 of the Revised Code, the board shall designate both of the following:

- (1) Each permit premises designated in the petition;
- (2) Each class C or D permit holder's personal or corporate name and, if it is different from the personal or corporate name, the name of the business conducted by the permit holder on the designated premises.

(F) If an application for recount is filed with the board pursuant to section 3515.02 of the Revised Code or if an election contest is commenced pursuant to section 3515.09 of the Revised

Code, the board shall send written notice of the recount or contest, by certified mail, to the superintendent of liquor control within two days from the date of the filing of the application for recount or the commencement of an election contest. Upon the final determination of an election recount or contest, the board shall send notice of the final determination, by certified mail, to the superintendent and the liquor control commission.

(G) If, as the result of a local option election held pursuant to section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code, the use of a permit is made partially unlawful, the division shall, within thirty days after receipt of the final notice of the result of the election, pick up the permit, amend by inserting appropriate restrictions on it, and forthwith reissue without charge or refund to the permit holder, unless prior to thirty days after receipt of the final notice of the result of the election, both of the following occur:

- (1) A petition is filed with the board pursuant to section 4301.333 of the Revised Code;
- (2) A copy of the petition filed with the board pursuant to section 4301.333 of the Revised Code bearing the file stamp of the board is filed with the superintendent of liquor control.

If both of those conditions are met, the results of the election held pursuant to section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code shall not take effect as to the liquor permit holder specified in the petition filed pursuant to section 4301.333 of the Revised Code until the earlier of a determination by the board and receipt of notification by the superintendent of liquor control of notice that the petition is invalid or receipt by the superintendent of final notice of the result of an election held pursuant to section 4301.355 of the Revised Code concerning the holder of the liquor permit that resulted in a majority “no” vote.

(H) If, as the result of a local option election, except a local option election held pursuant to section 4301.352 of the Revised Code, the use of a permit is made wholly unlawful, the permit holder may, within thirty days after the certification of that final result by the board to the division, deliver the permit holder’s permit to the division for safekeeping as provided in section 4303.272 of the Revised Code, or the permit holder may avail itself of the remedy set forth in divisions (G)(1) and (2) of this section. In such event the results of the election shall not take effect as to the liquor permit holder specified in the petition pursuant to section 4301.333 of the Revised Code until the earlier of a determination by the board and receipt by the superintendent of liquor control of notice that the petition is invalid or receipt by the superintendent of the final notice of the result of an election held pursuant to section 4301.355 of the Revised Code concerning the holder of the liquor permit that resulted in a majority “no” vote.

(Am Sub HB 306, effective 07-23-2004)

### **Enforcement of local option election.**

#### **[R.C. 4301.391]**

No permit premises shall remain in operation inconsistent with the results of a local option election after the thirty day period set forth in section 4301.39 of the Revised Code and no court

other than in a recount or election contest shall suspend or hold in abeyance any restriction or cancellation brought about by a local option election pursuant to sections 4301.32 to 4301.41, inclusive, and 4305.14 of the Revised Code.

(HB 815, effective 6-4-1968)

**Local option not to affect certain permits.**

**[R.C. 4301.40]**

(A) No local option election held pursuant to sections 4301.32 to 4301.39 of the Revised Code shall affect or prohibit the following:

(1) The transportation, possession, or consumption of intoxicating liquors within the precinct in which the election is held, or sales in the precinct under B-3, E, or G permits;

(2) The sale of intoxicating liquors, at a permit premises located at any publicly owned airport, as defined in section 4563.01 of the Revised Code, at which commercial airline companies operate regularly scheduled flights on which space is available to the public, provided the permit holder operates pursuant to the authority of a liquor permit issued pursuant to Chapter 4303. of the Revised Code.

(B) (1) As used in this division:

(a) "Ohio historical society area" means the Ohio historical center and Ohio village, both located contiguous to the state fairgrounds.

(b) "State fairgrounds" means the property that is held by the state for the purpose of conducting fairs, expositions, and exhibits and all other contiguous property that is owned, maintained, or managed by the Ohio expositions commission under section 991.03 of the Revised Code.

(2) No local option election held under sections 4301.32 to 4301.41 and 4305.14 of the Revised Code, or held under the provisions for local option elections and the election on the question of the repeal of Section 9 of Article XV, Ohio Constitution, in section 4303.29 of the Revised Code, whether held before, on, or after the effective date of this amendment, prohibits or otherwise affects the sale of beer or intoxicating liquor in or at the Ohio historical society area or the state fairgrounds under a permit issued under chapter 4303. of the Revised Code.

(Sub SB 262, effective 4-9-2001)

**Permits in annexed territories valid.**

**[R.C. 4301.401]**

(A) Notwithstanding sections 4301.32 to 4301.391 and 4305.14 of the Revised Code, and the provisions for local option elections and the election on the question of repeal of Section 9 of

Article XV, Ohio Constitution, in section 4303.29 of the Revised Code, all C and D permits issued prior to December 4, 1968, by the division of liquor control with respect to premises located in territory annexed prior to December 4, 1968, to any township or municipal corporation in which the sale of beer or intoxicating liquor is allowed under C or D permits, and outstanding on that date or renewable as of that date under section 4303.271 of the Revised Code shall be considered as valid and lawfully issued, and to entitle the holder to the privileges thereof, unless such permit has been finally revoked under Chapter 4301. of the Revised Code, and shall be renewed by the division subject to section 4303.271 of the Revised Code, except that this section does not apply to a local option election held after November 17, 1969.

(B) Notwithstanding sections 4301.32 to 4301.391 and 4305.14 of the Revised Code, and the provisions for local option elections and the election on the question of repeal of Section 9 of Article XV, Ohio Constitution, in section 4303.29 of the Revised Code, the division may issue any C or D permit to a qualified applicant for a permit premises located in an area which was formerly a part of the uninhabited, unincorporated area of a township in which the sale of beer or intoxicating liquor under that C or D liquor permit is prohibited but which is currently a part of a precinct in a municipal corporation in which the sale of beer or intoxicating liquor under that C or D permit is allowed.

(Am Sub HB 402, effective 3-30-1999)

### **Sales at certain golf courses, hotels, motels and lodges not affected**

#### **[R.C. 4301.402]**

Sections 4301.32 to 4301.39, 4301.41, and 4305.14 of the Revised Code and the provisions for local option elections and the election on the question of the repeal of Section 9 of Article XV, Ohio Constitution, in section 4303.29 of the Revised Code do not affect or prohibit the sale of beer or intoxicating liquor at a golf course or at a hotel, motel, or lodge required to be licensed under section 3731.03 of the Revised Code that contains at least fifty rooms for registered transient guests if the golf course, hotel, motel, or lodge is owned by the state or a conservancy district, park district created under Chapter 1545. of the Revised Code, or other political subdivision of the state and the permit holder for the golf course, hotel, motel, or lodge operates under the authority of a liquor permit issued under Chapter 4303. of the Revised Code.

(Sub HB 371, effective 10-11-2002)

### **Procedure when injunction violated**

#### **[R.C. 4301.74]**

Any person subject to an injunction, temporary or permanent, granted pursuant to division (D) or (E) of section 3767.05 of the Revised Code involving a condition described in division (C)(3) or (4) of section 3767.01 of the Revised Code shall obey such injunction. If such person violates such injunction, the court or in vacation a judge thereof, may summarily try and punish the violator. The proceedings for punishment for contempt shall be commenced by filing with

the clerk of the court from which such injunction issued information under oath setting out the alleged facts constituting the violation, whereupon the court shall forthwith cause a warrant to issue under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of the witnesses.

(Am Sub HB 402, effective 3-30-1999)

### **Community entertainment districts**

#### **[R.C. 4301.80]**

(A) As used in this section, “community entertainment district” means a bounded area that includes or will include a combination of entertainment, retail, educational, sporting, social, cultural, or arts establishments within close proximity to some or all of the following types of establishments within the district, or other types of establishments similar to these:

- (1) Hotels;
- (2) Restaurants;
- (3) Retail sales establishments;
- (4) Enclosed shopping centers;
- (5) Museums;
- (6) Performing arts theaters;
- (7) Motion picture theaters;
- (8) Night clubs;
- (9) Convention facilities;
- (10) Sports facilities;
- (11) Entertainment facilities or complexes;
- (12) Any combination of the establishments described in division (A)(1) to (11) of this section that provide similar services to the community.

(B) Any owner of property located in a municipal corporation seeking to have that property, or that property and other surrounding property, designated as a community entertainment district shall file an application seeking this designation with the mayor of the municipal corporation in which that property is located. Any owner of property located in the unincorporated area of a township seeking to have that property, or that property and other surrounding property, designated as a community entertainment district shall file an application seeking this designation with the board of township trustees of the township in whose unincorporated area that property is located. An application to designate an area as a community entertainment district shall contain all of the following:

- (1) The applicant’s name and address;
- (2) A map or survey of the proposed community entertainment district in sufficient detail to identify the boundaries of the district and the property owned by the applicant;
- (3) A general statement of the nature and types of establishments described in division (A) of

this section that are or will be located within the proposed community improvement district and any other establishments located in the proposed community entertainment district that are not described in division (A) of this section;

(4) If some or all of the establishments within the proposed community entertainment district have not yet been developed, the proposed time frame for completing the development of these establishments;

(5) Evidence that the uses of land within the proposed community entertainment district are in accord with the municipal corporation's or township's master zoning plan or map;

(6) A certificate from a surveyor or engineer licensed under Chapter 4733. of the Revised Code indicating that the area encompassed by the proposed community entertainment district contains no less than twenty contiguous acres;

(7) A handling and processing fee to accompany the application, payable to the applicable municipal corporation or township, in an amount determined by that municipal corporation or township.

(C) An application described in division (B) of this section relating to an area located in a municipal corporation shall be addressed and submitted to the mayor of the municipal corporation in which the area described in the application is located. The mayor, within thirty days after receiving the application, shall submit the application with the mayor's recommendation to the legislative authority of the municipal corporation. An application described in division (B) of this section relating to an area located in the unincorporated area of a township shall be addressed and submitted to the board of township trustees of the township in whose unincorporated area the area described in the application is located. The application is a public record for purposes of section 149.43 of the Revised Code upon its receipt by the mayor or board of township trustees.

Within thirty days after it receives the application and the mayor's recommendations relating to the application, the legislative authority of the municipal corporation, by notice published once a week for two consecutive weeks in at least one newspaper of general circulation in the municipal corporation, shall notify the public that the application is on file in the office of the clerk of the municipal corporation and is available for inspection by the public during regular business hours.

Within thirty days after it receives the application, the board of township trustees, by notice published once a week for two consecutive weeks in at least one newspaper of general circulation in the township, shall notify the public that the application is on file in the office of the township fiscal officer and is available for inspection by the public during regular business hours. The notice shall also indicate the date and time of any public hearing by the legislative authority or board of township trustees on the application.

Within seventy-five days after the date the application is filed with the mayor of a municipal corporation, the legislative authority of the municipal corporation by ordinance or resolution shall approve or disapprove the application based on whether the proposed community entertainment district does or will substantially contribute to entertainment, retail, educational, sporting, social,

cultural, or arts opportunities for the community. The community considered shall at a minimum include the municipal corporation in which the community is located. Any approval of an application shall be by an affirmative majority vote of the legislative authority.

Within seventy-five days after the date the application is filed with a board of township trustees, the board by resolution shall approve or disapprove the application based on whether the proposed community entertainment district does or will substantially contribute to entertainment, retail, educational, sporting, social, cultural, or arts opportunities for the community. The community considered shall at a minimum include the township in which the community is located. Any approval of an application shall be by an affirmative majority vote of the board of township trustees.

If the legislative authority or board of township trustees disapproves the application, the applicant may make changes in the application to secure its approval by the legislative authority or board of township trustees. Any area approved by the legislative authority or board of township trustees constitutes a community entertainment district, and a local option election may be conducted in the district, as a type of community facility, under section 4301.356 of the Revised Code.

(D) All or part of an area designated as a community entertainment district may lose this designation as provided in this division. The legislative authority of a municipal corporation in which a community entertainment district is located, or the board of township trustees of the township in whose unincorporated area a community entertainment district is located, after giving notice of its proposed action by publication once a week for two consecutive weeks in at least one newspaper of general circulation in the municipal corporation or township, may determine by ordinance or resolution in the case of the legislative authority of a municipal corporation, or by resolution in the case of a board of township trustees of a township, that all or part of the area fails to meet the standards described in this section for designation of an area as a community entertainment district. If the legislative authority or board so determines, the area designated in the ordinance or resolution no longer constitutes a community entertainment district.

(Sub SB 107, effective 12-20-2005)

---

**Chapter 4303.**

**Liquor Permits**

---

**Restrictions on issuance of permits; Election on sale of spiritous liquor by the glass; Instructions by Secretary of State**

**[R.C. 4303.29]**

(A) No permit, other than an H permit, shall be issued to a firm or partnership unless all the members of said firm or partnership are citizens of the United States and a majority have resided in this state for one year prior to application for such permit. No permit, other than an H permit, shall be issued to an individual who is not a citizen of the United States who has resided in this state for at least one year prior to application for such permit. No permit, other than an E or H permit, shall be issued to any corporation organized under the laws of any country, territory, or state other than Ohio until it has furnished the division of liquor control with evidence that it has complied with the laws of this state relating to the transaction of business in this state.

The division may refuse to issue any permit to or refuse to renew any permit of any person convicted of any felony that is reasonably related to the person's fitness to operate a liquor permit business in this state. No holder of a permit shall sell, assign, transfer, or pledge such permit, without the written consent of the division.

(B) (1) No more than one of each type of C or D permits shall be issued to any one person, firm, or corporation in any county having a population of less than twenty-five thousand, and no more than one of each type of C or D permits to any one person, firm, or corporation for any additional twenty-five thousand or major fraction thereof in any county having a greater population than twenty-five thousand, provided that in the case of D-3, D-3a, D-4, and D-5 permits no more than one permit shall be issued to any one person, firm, or corporation in any county having a population of less than fifty thousand, and no more than one such permit to any one person, firm, or corporation for any additional fifty thousand or major fraction thereof in any county having a greater population than fifty thousand.

(2) No D-3 permit shall be issued to any club unless such club has been continuously engaged in the activity specified in section 4303.15 of the Revised Code, as a qualification for such class of permit, for two years at the time such permit is issued.

(3)(a) Subject to division (B)(3)(b) of this section, upon application by properly qualified persons, one C-1 and C-2 permit shall be issued for each one thousand population or part thereof, and one D-1 and D-2 permit shall be issued for each two thousand population or part thereof, in each municipal corporation and in the unincorporated area of each township.

Subject to division (B)(3)(b) of this section, not more than one D-3, D-4, or D-5 permit shall be issued for each two thousand population, or part thereof, in any municipal corporation and in the unincorporated area of any township, except that in any city of a population of fifty-five thousand or more one D-3 permit may be issued for each fifteen hundred population, or part thereof.

(b) (i) Division (B)(3)(a) of this section does not prohibit the transfer of location or the transfer of ownership and location of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal corporation or the unincorporated area of a township in which the number of permits of that class exceeds the number of such permits authorized to be issued under division (B)(3)(a) of this section to an economic development project located in another municipal corporation or the unincorporated area of another township in which no additional permits of that class may be issued to the applicant under division (B)(3)(a) of this section, but the transfer of location or transfer of ownership and location of the permit may occur only if the applicant notifies the municipal corporation or township to which the location of the permit will be transferred regarding the transfer and that municipal corporation or township acknowledges in writing to the division of liquor control, at the time the application for the transfer of location or transfer of ownership and location of the permit is filed, that the transfer will be to an economic development project. This acknowledgment by the municipal corporation or township does not prohibit it from requesting a hearing under section 4303.26 of the Revised Code. The applicant is eligible to apply for and receive the transfer of location of the permit under division (B)(3)(b) of this section if all permits of that class that may be issued under division (B)(3)(a) of this section in the applicable municipal corporation or unincorporated area of the township have already been issued or if the number of applications filed for permits of that class in that municipal corporation or the unincorporated area of that township exceed the number of permits of that class that may be issued there under division (B)(3)(a) of this section.

A permit transferred under division (B)(3)(b) of this section may be subsequently transferred to a different owner at the same location, or to the same owner or a different owner at a different location in the same municipal corporation or in the unincorporated area of the same township, as long as the same or new location meets the economic development project criteria set forth in this section

(ii) Factors that shall be used to determine the designation of an economic development project include, but are not limited to, architectural certification of the plans and the cost of the project, the number of jobs that will be created by the project, projected earnings of the project, projected tax revenues for the political subdivisions in which the project will be located, and the amount of financial investment in the project. The superintendent of liquor control shall determine whether the existing or proposed business that is seeking a permit described in division (B)(3)(b) of this section qualifies as an economic development project and, if the superintendent determines that it so qualifies, shall designate the business as an economic development project.

(4) Nothing in this section shall be construed to restrict the issuance of a permit to a municipal corporation for use at a municipally owned airport at which commercial airline companies operate regularly scheduled flights on which space is available to the public. A municipal corporation applying for a permit for such a municipally owned airport is exempt, in regard to that application, from the population restrictions contained in this section and from population quota restrictions contained in any rule of the liquor control commission. A municipal corporation applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a municipally owned airport is subject to section 4303.31 of the Revised Code.

(5) Nothing in this section shall be construed to prohibit the issuance of a D permit to the board of trustees of a soldiers' memorial for a premises located at a soldiers' memorial established pursuant to Chapter 345. of the Revised Code. An application for a D permit by such a board for such a premises is exempt from the population restrictions contained in this section and from the population quota restrictions contained in any rule of the liquor control commission. The location of a D permit issued to the board of trustees of a soldiers' memorial for a premises located at a soldiers' memorial shall not be transferred. A board of trustees of a soldiers' memorial applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a soldiers' memorial is subject to section 4303.31 of the Revised Code.

(6) Nothing in this section shall be construed to restrict the issuance of a permit for a premises located at a golf course owned by a municipal corporation, township, or county, owned by a park district created under Chapter 1545. of the Revised Code, or owned by the state. The location of such a permit issued on or after September 26, 1984, for a premises located at such a golf course shall not be transferred. Any application for such a permit is exempt from the population quota restrictions contained in this section and from the population quota restrictions contained in any rule of the liquor control commission. A municipal corporation, township, county, park district, or state agency applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf course is subject to section 4303.31 of the Revised Code.

(7) As used in division (B)(7) of this section, "fair" has the same meaning as in section 991.01 of the Revised Code, "state fairgrounds" means the property that is held by the state for the purpose of conducting fairs, expositions, and exhibits and that is maintained and managed by the Ohio expositions commission under section 991.03 of the Revised Code, and "capitol square" has the same meaning as in section 105.41 of the Revised Code.

Nothing in this section shall be construed to restrict the issuance of one or more D permits to one or more applicants for all or a part of either the state fairgrounds or capitol square. An application for a D permit for the state fairgrounds or capitol square is exempt from the population quota restrictions contained in this section and from the population quota restrictions contained in any rule of the liquor control commission. The location of a D permit issued for the state fairgrounds or capitol square shall not be transferred. An applicant for a D-1, D-2, D-3, or D-5 permit for the state fairgrounds is not subject to section 4303.31 of the Revised Code.

Pursuant to section 1711.09 of the Revised Code, the holder of a D permit issued for the state fairgrounds shall not deal in spirituous liquor at the state fairgrounds during, or for one week before or for three days after, any fair held at the state fairgrounds.

(8) Nothing in this section shall be construed to prohibit the issuance of a D permit for a premises located at a zoological park at which sales have been approved in an election held under former section 4301.356 of the Revised Code. An application for a D permit for such a premises is exempt from the population restrictions contained in this section, from the population quota restrictions contained in any rule of the liquor control commission, and from section 4303.31 of the Revised Code. The location of a D permit issued for a premises at such a zoological park shall not be transferred, and no quota or other restrictions shall be placed on the number of D permits that may be issued for a premises at such a zoological park.

(C) (1) No D-3, D-4, D-5, or D-5a permit shall be issued in any election precinct in any municipal corporation or in any election precinct in the unincorporated area of any township, in which at the November, 1933, election a majority of the electors voting thereon in the municipal corporation or in the unincorporated area of the township voted against the repeal of Section 9 of Article XV, Ohio Constitution, unless the sale of spirituous liquor by the glass is authorized by a majority vote of the electors voting on the question in the precinct at an election held pursuant to this section or by a majority vote of the electors of the precinct voting on question (C) at a special local option election held in the precinct pursuant to section 4301.35 of the Revised Code. Upon the request of an elector, the board of elections of the county that encompasses the precinct shall furnish the elector with a copy of the instructions prepared by the secretary of state under division (P) of section 3501.05 of the Revised Code and, within fifteen days after the request, a certificate of the number of signatures required for a valid petition under this section.

Upon the petition of thirty-five per cent of the total number of voters voting in any such precinct for the office of governor at the preceding general election, filed with the board of elections of the county in which such precinct is located not later than seventy-five days before a general election, such board shall prepare ballots and hold an election at such general election upon the question of allowing spirituous liquor to be sold by the glass in such precinct. Such ballots shall be approved in form by the secretary of state. The results of such election shall be certified by the board to the secretary of state, who shall certify the same to the division.

(2) No holder of a class D-3 permit issued for a boat or vessel shall sell spirituous liquor in any precinct, in which the election provided for in this section may be held, unless the sale of such liquor by the drink has been authorized by vote of the electors as provided in this section or in section 4301.35 of the Revised Code.

(D) Any holder of a C or D permit whose permit premises were purchased in 1986 or 1987 by the state of Ohio or any state agency for highway purposes shall be issued the same permit at another location notwithstanding any quota restrictions contained in this chapter or in any rule of the liquor control commission.

(Sub HB 371, effective 10-11-2002)

---

**Chapter 4305.**

**Tax on Bulk Sales of Malt Beverages**

---

**Local option on sale of beer; Information provided to and by petitioner; Procedure of board of elections; Distribution of instructions.**

**[R.C. 4305.14]**

(A) The following questions regarding the sale of beer by holders of C or D permits may be presented to the qualified electors of an election precinct:

(1)“Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for off-premises consumption only be permitted within this precinct?”

(2)“Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for on-premises consumption only, and under permits which authorize sale for both on-premises and off-premises consumption, be permitted in this precinct?”

The exact wording of the question as submitted and form of ballot as printed shall be determined by the board of elections in the county wherein the election is held, subject to approval of the secretary of state.

Upon the request of an elector, a board of elections of a county that encompasses an election precinct shall furnish to the elector a copy of the instructions prepared by the secretary of state under division (P) of section 3501.05 of the Revised Code and, within fifteen days after the request, with a certificate indicating the number of valid signatures that will be required on a petition to hold a special election in that precinct on either or both of the questions specified in this section.

The board shall provide to a petitioner, at the time the petitioner takes out a petition, the names of the streets and, if appropriate, the address numbers of residences and business establishments within the precinct in which the election is sought, and a form prescribed by the secretary of state for notifying affected permit holders of the circulation of a petition for an election for the submission of one or more of the questions specified in division (A) of this section. The petitioner shall, not less than forty-five days before the petition-filing deadline for an election provided for in this section, file with the division of liquor control the information regarding names of streets and, if appropriate, address numbers of residences and business establishments provided by the board of elections, and specify to the division the precinct that is concerned or that would be affected by the results of the election and the filing deadline. The division shall, within a reasonable period of time and not later than fifteen days before the filing deadline, supply the petitioner with a list of the names and addresses of permit holders who would be affected by the election. The list shall contain a heading with the following words: “liquor permit holders who would be affected by the question(s) set forth on a petition for a local option election.”

Within five days after receiving from the division the list of liquor permit holders who would be affected by the question or questions set forth on a petition for local option election, the petitioner shall, using the form provided by the board of elections, notify by certified mail each

permit holder whose name appears on that list. The form for notifying affected permit holders shall require the petitioner to state the petitioner's name and street address and shall contain a statement that a petition is being circulated for an election for the submission of the question or questions specified in division (B) of this section. The form shall require the petitioner to state the question or questions to be submitted as they appear on the petition.

The petitioner shall attach a copy of the list provided by the division to each petition paper. A part petition paper circulated at any time without the list of affected permit holders attached to it is invalid.

At the time of filing the petition with the board of elections, the petitioner shall provide to the board of elections the list supplied by the division and an affidavit certifying that the petitioner notified all affected permit holders on the list in the manner and within the time required in this section and that, at the time each signer of the petition signed the petition, the petition paper contained a copy of the list of affected permit holders.

Within five days after receiving a petition calling for an election for the submission of the question or questions set forth in this section, the board of elections shall give notice by certified mail that it has received the petition to all liquor permit holders whose names appear on the list of affected permit holders filed by the petitioner. Failure of the petitioner to supply the affidavit required by this section and a complete and accurate list of liquor permit holders invalidates the entire petition. The board of elections shall provide to a permit holder who would be affected by a proposed local option election, on the permit holder's request, the names of the streets, and, if appropriate, the address numbers of residences and business establishments within the precinct in which the election is sought and that would be affected by the results of the election. The board may charge a reasonable fee for this information when provided to the petitioner and the permit holder.

Upon presentation not later than four p.m. of the seventy-fifth day before the day of a general or primary election, of a petition to the board of elections of the county wherein such election is sought to be held, requesting the holding of such election on either or both of the questions specified in this section, signed by qualified electors of the precinct concerned equal in number to thirty-five per cent of the total number of votes cast in the precinct concerned for the office of governor at the preceding general election for that office, such board shall submit the question or questions specified in the petition to the electors of the precinct concerned, on the day of the next general or primary election, whichever occurs first.

(B) The board shall proceed as follows:

- (1) Such board shall, upon the filing of a petition under this section, but not later than the sixty-eighth day before the day of the election for which the question or questions on the petition would qualify for submission to the electors of the precinct, examine and determine the sufficiency of the signatures and review, examine, and determine the validity of such petition and, in case of overlapping precinct petitions presented within that period, determine which of the petitions shall govern the further proceedings of the board. In the case where the board determines that two or more overlapping petitions are valid, the earlier petition shall govern. The board shall certify the sufficiency of signatures contained in the petition as of the time of filing and the validity of the petition as of the time of certification as described in

*Guide to Local Liquor Option Elections*

---

division (C)(1) of this section if the board finds the petition to be both sufficient and valid.

(2) If the petition contains sufficient signatures and is valid, and, in case of overlapping precinct petitions, after the board has determined the governing petition, the board shall order the holding of a special election in the precinct for the submission of the question or questions specified in the petition, on the day of the next general or primary election, whichever occurs first.

(3) All petitions filed with a board of elections under this section shall be open to public inspection under rules adopted by the board.

(C) Protest against a local option petition may be filed by any qualified elector eligible to vote on the question or questions specified in the petition or by a permit holder in the precinct as described in the petition, not later than four p.m. of the sixty-fourth day before the day of such general or primary election for which the petition qualified. Such protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon filing of such protest the election officials with whom it is filed shall promptly fix the time for hearing it, and shall forthwith mail notice of the filing of the protest and the time for hearing it to the person who filed the petition which is protested and to the person who filed the protest. At the time and place fixed, the election officials shall hear the protest and determine the validity of the petition.

(D) If a majority of the electors voting on the question in the precinct vote “yes” on question (1) or (2) as set forth in division (A) of this section, the sale of beer as specified in that question shall be permitted in the precinct and no subsequent election shall be held in the precinct under this section on the same question for a period of at least four years from the date of the most recent election.

If a majority of the electors voting on the question in the precinct vote “no” on question (1) or (2) as set forth in division (A) of this section, no C or D permit holder shall sell beer as specified in that question within the precinct during the period the election is in effect and no subsequent election shall be held in the precinct under this section on the same question for a period of at least four years from the date of the most recent election.

(Am Sub HB 3, effective 5-2-2006)

**Signatures on local option petition; Affidavit of circulator.****[R.C. 4305.15]**

The petition provided for in section 4305.14 of the Revised Code may consist of one or more separate petition papers. Petitions shall be governed by the rules set forth in section 3501.38 of the Revised Code.

(Am Sub HB 1062, effective 3-23-1981)

OHIO COUNTY BOARDS OF ELECTION

<p><i>ADAMS</i> Adams Co. Services Annex 215 N. Cross St., Rm. 103 West Union, OH 45693 P (937) 544-2633 F (937) 544-5111 E-Mail: <a href="mailto:adams@sos.state.oh.us">adams@sos.state.oh.us</a></p>	<p><i>ALLEN</i> 204 N. Main St. Lima, OH 45801 P (419) 223-8530 F (419) 222-0311 E-Mail: <a href="mailto:allen@sos.state.oh.us">allen@sos.state.oh.us</a></p>	<p><i>ASHLAND</i> 110 Cottage St. Ashland, OH 44805 P (419) 282-4224 F (419) 282-4260 E-Mail: <a href="mailto:khowman@ashlandcounty.org">khowman@ashlandcounty.org</a></p>
<p><i>ASHTABULA</i> 8 W. Walnut St. Jefferson, OH 44047 P (440) 576-6915 F (440) 576-1445 E-Mail: <a href="mailto:elections@co.ashtabula.oh.us">elections@co.ashtabula.oh.us</a></p>	<p><i>ATHENS</i> 15 S. Court St., Rm. 130 Athens, OH 45701 P (740) 592-3201 F (740) 592-3262 E-Mail: <a href="mailto:athens@sos.state.oh.us">athens@sos.state.oh.us</a></p>	<p><i>AUGLAIZE</i> 209 S. Blackhoff, Rm. 205 Wapakoneta, OH 45895 P (419) 739-6720 F (419) 739-6721 E-Mail: <a href="mailto:augelec@bright.net">augelec@bright.net</a></p>
<p><i>BELMONT</i> 103 Plaza Dr., Suite B PO Box 663 St. Clairsville, OH 43950 P (740) 526-0188 F (740) 526-0512 E-Mail: <a href="mailto:belmont@sos.state.oh.us">belmont@sos.state.oh.us</a></p>	<p><i>BROWN</i> Administration Bldg. 800 Mt. Orab Pk. Georgetown, OH 45121 P (937) 378-3008 F (937) 378-6457 E-Mail: <a href="mailto:brown@sos.state.oh.us">brown@sos.state.oh.us</a></p>	<p><i>BUTLER</i> 315 High St., 10th Fl. Government Svcs. Bldg. Hamilton, OH 45011-6016 P (513) 887-3700 F (513) 887-5535 E-Mail: <a href="mailto:butler@sos.state.oh.us">butler@sos.state.oh.us</a></p>
<p><i>CARROLL</i> Court House 119 S. Lisbon St., Suite 102 Carrollton, OH 44615-1489 P (330) 627-2610 F (330) 627-5387 E-Mail: <a href="mailto:carroll@sos.state.oh.us">carroll@sos.state.oh.us</a></p>	<p><i>CHAMPAIGN</i> 1512 S US 68, Suite L100 Urbana, OH 43078-9288 P (937) 484-1575 F (937) 484-1578 E-Mail: <a href="mailto:champaign@sos.state.oh.us">champaign@sos.state.oh.us</a></p>	<p><i>CLARK</i> 25 W. Pleasant St. PO Box 1766 Springfield, OH 45501-1766 P (937) 328-2491 F (937) 328-2603 E-Mail: <a href="mailto:clark@sos.state.oh.us">clark@sos.state.oh.us</a></p>
<p><i>CLERMONT</i> 76 S. Riverside Dr. Batavia, OH 45103-2961 P (513) 732-7275 F (513) 732-7330 E-Mail: <a href="mailto:clermont@sos.state.oh.us">clermont@sos.state.oh.us</a></p>	<p><i>CLINTON</i> 46 S. South St., 1ST fl. Wilmington, OH 45177 P (937) 382-3537 F (937) 383-3538 E-Mail: <a href="mailto:vote@cinci.rr.com">vote@cinci.rr.com</a></p>	<p><i>COLUMBIANA</i> 41 N. Park Ave. Lisbon, OH 44432 P (330) 424-1448 F (330) 424-6661 E-Mail: <a href="mailto:columbia@sos.state.oh.us">columbia@sos.state.oh.us</a></p>

**OHIO COUNTY BOARDS OF ELECTION**

<p><i>COSHOCTON</i> 724 S. 7th St., Rm. 100 Coshocton, OH 43812 P (740) 622-1117 F (740) 623-6524 E-Mail: <a href="mailto:coshocto@sos.state.oh.us">coshocto@sos.state.oh.us</a></p>	<p><i>CRAWFORD</i> 130 N. Walnut St., Suite A Bucyrus, OH 44820-2383 P (419) 562-8721 F (419) 562-2235 E-Mail: <a href="mailto:crawford@sos.state.oh.us">crawford@sos.state.oh.us</a></p>	<p><i>CUYAHOGA</i> 2925 Euclid Ave. Cleveland, OH 44115-2497 P (216) 443-3200 F (216) 443-6633 E-Mail: <a href="mailto:cuyahoga@sos.state.oh.us">cuyahoga@sos.state.oh.us</a></p>
<p><i>DARKE</i> 300 Garst Ave. Greenville, OH 45331 P (937) 548-1835 F (937) 548-2820 E-Mail: <a href="mailto:darkeboe@yahoo.com">darkeboe@yahoo.com</a></p>	<p><i>DEFIANCE</i> 1300 E. Second St., Suite 103 Defiance, OH 43512 P (419) 782-8543 F (419) 782-5773 E-Mail: <a href="mailto:defiance@sos.state.oh.us">defiance@sos.state.oh.us</a></p>	<p><i>DELAWARE</i> 140 N. Sandusky St. Delaware, OH 43015 P (740) 833-2080 F (740) 833-2079 E-Mail: <a href="mailto:delaware@sos.state.oh.us">delaware@sos.state.oh.us</a></p>
<p><i>ERIE</i> 2900 Columbus Ave. Sandusky, OH 44870 P (419) 627-7601 F (419) 626-0034 E-Mail: <a href="mailto:erie@sos.state.oh.us">erie@sos.state.oh.us</a></p>	<p><i>FAIRFIELD</i> 951 Liberty Dr. Lancaster, OH 43130 P (740) 687-7000 F (740) 681-4727 E-Mail: <a href="mailto:fairfiel@sos.state.oh.us">fairfiel@sos.state.oh.us</a></p>	<p><i>FAYETTE</i> 133 S. Main St., Ste. 404 Washington CH. OH 43160 P (740) 335-1190 F (740) 333-3574 E-Mail: <a href="mailto:fayette@sos.state.oh.us">fayette@sos.state.oh.us</a></p>
<p><i>FRANKLIN</i> 280 E. Broad St., 1st Floor Columbus, OH 43215-4572 P (614) 462-3100 F (614) 462-3489 E-Mail: <a href="mailto:franklin@sos.state.oh.us">franklin@sos.state.oh.us</a></p>	<p><i>FULTON</i> 525 N. Shoop Ave. Wauseon, OH 43567 P (419) 335-6841 F (419) 337-2363 E-Mail: <a href="mailto:fulton@sos.state.oh.us">fulton@sos.state.oh.us</a></p>	<p><i>GALLIA</i> Court House 18 Locust St, 2nd fl. Gallipolis, OH 45631-1292 P (740) 446-1600 F (740) 441-2049 E-Mail: <a href="mailto:gcboe@aceinter.net">gcboe@aceinter.net</a></p>
<p><i>GEAUGA</i> 470 Center Street, Bldg. 6-A Chardon, OH 44024-1238 P (440) 279-2030 F (440) 285-0959 E-Mail: <a href="mailto:akimbrew@co.geauga.oh.us">akimbrew@co.geauga.oh.us</a></p>	<p><i>GREENE</i> 651 Dayton-Xenia Rd. Xenia, OH 45385 P (937) 562-7470 F (937) 562-7477 E-Mail: <a href="mailto:TSmith@co.greene.oh.us">TSmith@co.greene.oh.us</a></p>	<p><i>GUERNSEY</i> 627 Wheeling Ave., Suite 101 Cambridge, OH 43725 P (740) 432-2680 F (740) 432-6784 E-Mail: <a href="mailto:guernsey@sos.state.oh.us">guernsey@sos.state.oh.us</a></p>

<p><i>HAMILTON</i> 824 Broadway Cincinnati, OH 45202 P (513) 632-7000 F (513) 579-0988 E-Mail: <a href="mailto:hamilton@sos.state.oh.us">hamilton@sos.state.oh.us</a></p>	<p><i>HANCOCK</i> 209 W. Main Cross St., #103 Findlay, OH 45840 P (419) 422-3245 F (419) 424-7293 E-Mail: <a href="mailto:bdelections@co.hancock.oh.us">bdelections@co.hancock.oh.us</a></p>	<p><i>HARDIN</i> One Court House Sq., Ste. 170 Kenton, OH 43326 P (419) 674-2211 F (419) 674-2213 E-Mail: <a href="mailto:hardin@sos.state.us">hardin@sos.state.us</a></p>
<p><i>HARRISON</i> Court House 100 W Market St Cadiz, OH 43907 P (740) 942-8866 F (740) 942-8531 E-Mail: <a href="mailto:harrison@sos.state.oh.us">harrison@sos.state.oh.us</a></p>	<p><i>HENRY</i> 1813 Oakwood Ave. Napoleon, OH 43545 P (419) 592-7956 F (419) 592-7957 E-Mail: <a href="mailto:henry@sos.state.oh.us">henry@sos.state.oh.us</a></p>	<p><i>HIGHLAND</i> 119 Gov. Foraker Pl. Hillsboro, OH 45133 P (937) 393-9961 F (937) 393-5854 E-Mail: <a href="mailto:highland@sos.state.oh.us">highland@sos.state.oh.us</a></p>
<p><i>HOCKING</i> 1 E. Main St., PO Box 109 Logan, OH 43138 P (740) 380-8683 F (740) 380-3712 E-Mail: <a href="mailto:hocking@sos.state.oh.us">hocking@sos.state.oh.us</a></p>	<p><i>HOLMES</i> 75 E. Clinton St., Ste. 108 Millersburg, OH 44654 P (330) 674-5921 F (330) 674-5978 E-Mail: <a href="mailto:holmes@sos.state.oh.us">holmes@sos.state.oh.us</a></p>	<p><i>HURON</i> County Admin. Bldg. 180 Milan Ave. Norwalk, OH 44857 P (419) 668-8238 F (419) 668-8710 E-Mail: <a href="mailto:huron@sos.state.oh.us">huron@sos.state.oh.us</a></p>
<p><i>JACKSON</i> Courthouse 226 Main St., Ste. 2 Jackson, OH 45640 P (740) 286-2905 F (740) 288-3631 E-Mail: <a href="mailto:jackson@sos.state.oh.us">jackson@sos.state.oh.us</a></p>	<p><i>JEFFERSON</i> 117 N. Third St. Steubenville, OH 43952-4499 P (740) 283-8522 F (740) 283-8640 E-Mail: <a href="mailto:jcboe@sbcglobal.net">jcboe@sbcglobal.net</a></p>	<p><i>KNOX</i> 117 E. High St., Ste. 210 Mt. Vernon, OH 43050 P (740) 393-6716 F (740) 393-6717 E-Mail: <a href="mailto:knox@sos.state.oh.us">knox@sos.state.oh.us</a></p>
<p><i>LAKE</i> 105 Main St., PO Box 490 Painesville, OH 44077-0490 P (440) 350-2700 F (440) 350-2670 E-Mail: <a href="mailto:elections@lakecountyohio.org">elections@lakecountyohio.org</a></p>	<p><i>LAWRENCE</i> Veterans Square 111 S. Fourth St. Ironton, OH 45638 P (740) 532-0444 F (740) 533-2730 E-Mail: <a href="mailto:mwipert@cloh.com">mwipert@cloh.com</a></p>	<p><i>LICKING</i> County Admin. Bldg. 20 S. Second St. Newark, OH 43055 P (740) 670-5030 F (740) 670-5081 E-Mail: <a href="mailto:licking@sos.state.oh.us">licking@sos.state.oh.us</a></p>

**OHIO COUNTY BOARDS OF ELECTION**

<p><i>LOGAN</i> Court House, Rm. 1 101 S. Main St. Bellefontaine, OH 43311 P (937) 599-7255 F (937) 599-7270 E-Mail: <a href="mailto:elections@co.logan.oh.us">elections@co.logan.oh.us</a></p>	<p><i>LORAIN</i> 1985 N. Ridge Rd., East Lorain, OH 44055 P (440) 326-5901 or 5900 F (440) 326-5931 E-Mail: <a href="mailto:lorain@sos.state.oh.us">lorain@sos.state.oh.us</a></p>	<p><i>LUCAS</i> One Government Ctr, Ste 300 Toledo, OH 43604-2250 P (419) 213-4001 F (419) 213-4069 E-Mail: <a href="mailto:BOE@co.lucas.oh.us">BOE@co.lucas.oh.us</a></p>
<p><i>MADISON</i> 117 W. High St, Ste. 102 London, OH 43140 P (740) 852-9424 F (740) 852-7131 E-Mail: <a href="mailto:madison@sos.state.oh.us">madison@sos.state.oh.us</a></p>	<p><i>MAHONING</i> 2801 Market St. Youngstown, OH 44507 P (330) 783-2474 F (330) 783-2801 E-Mail: <a href="mailto:tmccabe@mahoningcountyoh.gov">tmccabe@mahoningcountyoh.gov</a></p>	<p><i>MARION</i> 222 W. Center St. Marion, OH 43302 P (740) 223-4090 F (740) 223-4099 E-Mail: <a href="mailto:marion@sos.state.oh.us">marion@sos.state.oh.us</a></p>
<p><i>MEDINA</i> 4210 N. Jefferson St. P. O. Box 506 Medina, OH 44256 P (330) 722-9278 F (330) 722-9299 E-Mail: <a href="mailto:medina@sos.state.oh.us">medina@sos.state.oh.us</a></p>	<p><i>MEIGS</i> 117 E. Memorial Dr. Pomeroy, OH 45769-0688 P (740) 992-2697 F (740) 992-2645 E-Mail: <a href="mailto:meigsboe@frogned.net">meigsboe@frogned.net</a></p>	<p><i>MERCER</i> 101 N. Main St., Rm. 107 Celina, OH 45822 P (419) 586-2215 F (419) 586-2748 E-Mail: <a href="mailto:mercer@sos.state.oh.us">mercer@sos.state.oh.us</a></p>
<p><i>MIAMI</i> Court House 215 W. Main St. Troy, OH 45373 P (937) 440-3900 F (937) 440-3901 E-Mail: <a href="mailto:elections55@co.miami.oh.us">elections55@co.miami.oh.us</a></p>	<p><i>MONROE</i> Courthouse, Rm. 15 101 N. Main St. Woodsfield, OH 43793 P (740) 472-0929 F (740) 472-2517 E-Mail: <a href="mailto:monroe@sos.state.oh.us">monroe@sos.state.oh.us</a></p>	<p><i>MONTGOMERY</i> 451 W. Third St, PO Box 8705 Dayton, OH 45481-8705 P (937) 225-5656 F (937) 496-7798 E-Mail: <a href="mailto:montgome@sos.state.oh.us">montgome@sos.state.oh.us</a></p>
<p><i>MORGAN</i> 155 E. Main St., Rm. 157 McConnelsville, OH 43756 P (740) 962-3116 F (740) 962-3099 E-Mail: <a href="mailto:morgan@sos.state.oh.us">morgan@sos.state.oh.us</a></p>	<p><i>MORROW</i> 619 West Marion Rd., Rm. 146 Mt. Gilead, OH 43338 P (419) 946-4026 F (419) 946-9861 E-Mail: <a href="mailto:morrow@sos.state.oh.us">morrow@sos.state.oh.us</a></p>	<p><i>MUSKINGUM</i> 205 N. Seventh St. Zanesville, OH 43701-3709 P (740) 455-7120 F (740) 455-7178 E-Mail: <a href="mailto:muskboe@netpluscom.com">muskboe@netpluscom.com</a></p>

<p><i>NOBLE</i> 190 Court House Caldwell, OH 43724 P (740) 732-2057 F (740) 732-6577 E-Mail: <a href="mailto:noble@sos.state.oh.us">noble@sos.state.oh.us</a></p>	<p><i>OTTAWA</i> 8444 W. State, Rte. 163 Suite 101 Oak Harbor, OH 43449-8885 P (419) 898-3071 F (419) 898-3146 E-Mail: <a href="mailto:ottawa@sos.state.oh.us">ottawa@sos.state.oh.us</a></p>	<p><i>PAULDING</i> 105 E. Perry St. Paulding, OH 45879-1412 P (419) 399-8230 F (419) 399-8250 E-Mail: <a href="mailto:paulding@sos.state.oh.us">paulding@sos.state.oh.us</a></p>
<p><i>PERRY</i> 121 W. Brown St. PO Box 187 New Lexington, OH 43764 P (740) 342-2134 F (740) 342-4787 E-Mail: <a href="mailto:perry@sos.state.oh.us">perry@sos.state.oh.us</a></p>	<p><i>PICKAWAY</i> 141 W. Main St., Suite 800 Circleville, OH 43113 P (740) 474-1100 F (740) 477-2991 E-Mail: <a href="mailto:pickawayboe@dragonbbs.com">pickawayboe@dragonbbs.com</a></p>	<p><i>PIKE</i> 230 Waverly Plaza, Suite 1100 Waverly, OH 45690 P (740) 947-2039 F (740) 947-5973 E-Mail: <a href="mailto:pike@sos.state.oh.us">pike@sos.state.oh.us</a></p>
<p><i>PORTAGE</i> 449 S. Meridian St., Rm. 101 Ravenna, OH 44266 P (330) 297-3511 F (330) 297-3518 E-Mail: <a href="mailto:portage@sos.state.oh.us">portage@sos.state.oh.us</a></p>	<p><i>PREBLE</i> Court House 101 E. Main St. Eaton, OH 45320-1758 P (937) 456-8117 F (937) 456-2986 E-Mail: <a href="mailto:pcelect@infinet.com">pcelect@infinet.com</a></p>	<p><i>PUTNAM</i> 245 E. Main St., Ste. 102 Ottawa, OH 45875-1957 P (419) 523-3343 F (419) 523-3417 E-Mail: <a href="mailto:putcoboe@bright.net">putcoboe@bright.net</a></p>
<p><i>RICHLAND</i> 1495 W. Longview Suite 101 Mansfield, OH 44902 P (419) 774-5530 F (419) 774-5534 E-Mail: <a href="mailto:boardofelections@mansfieldohio.net">boardofelections@mansfieldohio.net</a></p>	<p><i>ROSS</i> 475 Western Ave., Suite D PO Box 1663 Chillicothe, OH 45601 P (740) 775-2350 F (740) 775-2383 E-Mail: <a href="mailto:rossboe@horizonview.net">rossboe@horizonview.net</a></p>	<p><i>SANDUSKY</i> 2020 Countryside Dr. Fremont, OH 43420 P (419) 334-6180 F (419) 334-6184 E-Mail: <a href="mailto:sandusky@sos.state.oh.us">sandusky@sos.state.oh.us</a></p>
<p><i>SCIOTO</i> 602 Seventh St, Rm. 105 Portsmouth, OH 45662 P (740) 353-4178 F (740) 355-8363 E-Mail: <a href="mailto:scioto@sos.state.oh.us">scioto@sos.state.oh.us</a></p>	<p><i>SENECA</i> 71 S. Washington St., Ste. 1101 – P. O. Box 667 Tiffin, OH 44883-0667 P (419) 447-4424 F (419) 443-7925 E-Mail: <a href="mailto:seneca@sos.state.oh.us">seneca@sos.state.oh.us</a></p>	<p><i>SHELBY</i> Annex Building 129 E. Court St. Sidney, OH 45365 P (937) 498-7207 F (937) 498-7326 E-Mail: <a href="mailto:shelby@sos.state.oh.us">shelby@sos.state.oh.us</a></p>

**OHIO COUNTY BOARDS OF ELECTION**

<p><i>STARK</i> 201 Third St., NE Canton, OH 44702-1296 P (330) 451-8683 F (330) 451-7000 E-Mail: <a href="mailto:boe@co.stark.oh.us">boe@co.stark.oh.us</a></p>	<p><i>SUMMIT</i> 470 Grant St. Akron, OH 44311-1157 P (330) 643-5200 F (330) 643-5422 E-Mail: <a href="mailto:summit@sos.state.oh.us">summit@sos.state.oh.us</a></p>	<p><i>TRUMBULL</i> 2947 Youngstown Rd., SE Warren, OH 44484 P (330) 369-4050 F (330) 369-4160 E-Mail: <a href="mailto:kelly@tcvote.com">kelly@tcvote.com</a></p>
<p><i>TUSCARAWAS</i> Courthouse Square PO Box 69 New Philadelphia, OH 44663 P (330) 343-8819 F (330) 343-3125 E-Mail: <a href="mailto:tuscaraw@sos.state.oh.us">tuscaraw@sos.state.oh.us</a></p>	<p><i>UNION</i> 940 London Ave., Suite 1000 Union County Service Ctr. Marysville, OH 43040 P (937) 642-2836 F (937) 642-2823 E-Mail: <a href="mailto:union@sos.state.oh.us">union@sos.state.oh.us</a></p>	<p><i>VAN WERT</i> 120 E. Main St. Van Wert, OH 45891-1428 P (419) 238-4192 F (419) 238-7145 E-Mail: <a href="mailto:vanwert@sos.state.oh.us">vanwert@sos.state.oh.us</a></p>
<p><i>VINTON</i> 112 N. Market St. McArthur, OH 45651 P (740) 596-5855 F (740) 596-1907 E-Mail: <a href="mailto:vinton@sos.state.oh.us">vinton@sos.state.oh.us</a></p>	<p><i>WARREN</i> 406 Justice Drive, Room 323 Lebanon, OH 45036-2314 P (513) 695-1358 F (513) 695-2953 E-Mail: <a href="mailto:johnsr@co.warren.oh.us">johnsr@co.warren.oh.us</a></p>	<p><i>WASHINGTON</i> Court House 205 Putnam St. Marietta, OH 45750 P (740) 374-6828 F (740) 374-7698 E-Mail: <a href="mailto:washingt@sos.state.oh.us">washingt@sos.state.oh.us</a></p>
<p><i>WAYNE</i> County Admin Bldg 200 Vanover St., Suite 1 Wooster, OH 44691-4849 P (330) 287-5480 F (330) 287-5686 E-Mail: <a href="mailto:votewayne@sssnet.com">votewayne@sssnet.com</a></p>	<p><i>WILLIAMS</i> 228 S. Main St. Bryan, OH 43506 P (419) 636-1854 F (419) 636-2975 E-Mail: <a href="mailto:williams@sos.state.oh.us">williams@sos.state.oh.us</a></p>	<p><i>WOOD</i> 1 Court House Sq. Bowling Green, OH 43402 P (419) 354-9120 F (419) 354-1730 E-Mail: <a href="mailto:dhazard@co.wood.oh.us">dhazard@co.wood.oh.us</a></p>
<p><i>WYANDOT</i> 109 S. Sandusky Ave., Rm. 12 Upper Sandusky, OH 43351 P (419) 294-1226 F (419) 294-6437 E-Mail: <a href="mailto:wyandot@sos.state.oh.us">wyandot@sos.state.oh.us</a></p>		



---

**OFFICE OF THE OHIO SECRETARY OF STATE**  
**180 E. BROAD ST. – 15TH FLOOR**  
**COLUMBUS, OH 43215**  
**614.466.2585**  
**ELECTION@SOS.STATE.OH.US**  
**WWW.SOS.STATE.OH.US**