

ADVISORY 2025-05

September 30, 2025

To: All County Board of Elections
Board Members, Directors, and Deputy Directors

Re: House Bill 96 – State Operating Budget Bill for Fiscal Years 2026-2027

BACKGROUND

The passage of the biennial state operating budget (House Bill 96), prioritized support for county boards of elections, poll workers, and election security and integrity. I greatly appreciate your partnership during the budget process and your outreach to your representatives in the state legislature to ensure our shared priorities were included in the final, enacted budget.

This advisory alerts boards of elections to changes in the administration of elections resulting from the passage of House Bill 96 (HB 96). More specifically, HB 96 makes changes to several statutes governing the following: 1) pay increases for board members, 2) upfront funding for boards of elections, 3) the status of poll workers as public employees, 5) the signature requirements for placing local issues on the ballot, 3) costs of local liquor option elections, 6) village dissolutions, 7) the election of members to the State Board of Education, 8) "sin taxes" in Cuyahoga County, 9) public records law, 10) administrative changes, 11) initiated constitutional amendments and referendum elections, 12) resort area tax levies, and 13) the Ohio Elections Commission. These changes are effective today, September 30, 2025, notwithstanding changes to the Ohio Elections Commission, which are effective January 1, 2026.

SUMMARY

A. Pay Increases for Board Members

House Bill 96 amended [R.C. 3501.12](#) to include (C)(2), which provides for well-deserved pay increases for boards of elections members in the amount of 5% annually beginning in calendar year 2026 through calendar year 2029.¹

¹ [R.C. 3501.12\(C\)\(2\)](#).

B. Upfront Funding for Boards of Elections

Addressing a long-term concern of boards of elections, the budget bill amended [R.C. 111.27](#), creating the fund from which this office reimburses boards of elections for statutorily authorized expenses, as well as training and education programs for board members and staff. As a result of the amendment, this office may now provide advancements for those expenses, subject to recoupment.

C. Poll workers and Ohio Public Employees Retirement System (OPERS)

Election integrity starts on the front lines with Ohio's poll workers, and this budget makes it easier to recruit retired public employees to serve. After years of conflict between requirements for the Ohio Public Employees Retirement System and precinct election officials, HB 96 amended [R.C. 145.012\(A\)\(5\)](#) to expressly exclude precinct election officials from the definition of "public employee". As a result, retired public employees may serve as precinct election officials without risking any OPERS retirement benefits.

D. Local Government Questions and Issues

The statutes governing initiative and referendum petitions for limited home rule townships and municipal corporations were amended to increase the required number of signatures from 10 percent to 35 percent of the number of electors who voted for governor at the most recent general election for that office in the township or municipality.² [Form 6-J](#), which is available on the Secretary of State's website, has been updated to reflect the new signature requirement.

Similarly, HB 96 amended [R.C. 519.12\(H\)](#) to increase the number of petition signatures required for township zoning referendum from 15 percent to 35 percent. Boards should be aware, however, that the petition template language in the statute was not updated to reflect the new signature requirement. My office intends to flag this issue for correction by the General Assembly. Until then, the requirement does not change, and boards should watch for petitions that are filed without the requisite number of signatures. [Form 6-O](#), which is also available on the Secretary of State's website, has been updated to reflect the new signature requirements.

Notably, HB 96 created two carveouts to the referendum process set forth in [R.C. 519.12](#). First, zoning amendments for property involved in a megaproject, as defined in [R.C. 122.17](#), are

² [R.C. 504.14\(B\)](#); [R.C. 731.29](#).

exempt from referendum and take effect immediately upon adoption.³ Second, if the amendment is related to planned-unit development regulations, the board of elections shall 1) determine the sufficiency of and validity of the petition not later than 30 days after the petition is certified to the board by the board of township trustees, and 2) if the board of elections determines there are insufficient signatures, it must immediately notify the person who filed the petition and afford them the opportunity to submit additional signatures not later than 10 days after notification.⁴

E. Costs for Local Liquor Options

HB 96 amended [R.C. 3501.17\(D\)](#) to place the costs of local option election for alcohol sales pursuant to [R.C. 4301.32](#) to [R.C. 4301.391](#) on the petitioner if the election is held on a day other than the day of a primary or general election, or on the day of a special election of a political subdivision that is submitting a question or issue.⁵

F. Village Dissolution

Pursuant to [R.C. 703.331](#), villages may be dissolved following a review by the county auditor, treasurer, and one county commissioner due to lack of services or candidates. HB 96 amended this statute to include electric services among the list of services to be considered. In addition, prior to the amendments, the village dissolution process was limited to villages with a maximum population of 150.⁶ HB 96 increased this population threshold to 500. Template #704 of the [Questions and Issue Handbook](#) remains the appropriate ballot language template.

G. State Board of Education

HB 96 repealed R.C. 3513.259, thereby eliminating 11 elected positions on the State Board of Education. Effective for the 2026 election, these positions will no longer be on the ballot. To that end, a “member of the board” was removed from the filing fee schedule in [R.C. 3513.10](#). The [2026 Candidate Guide](#) has been updated to remove all references to these positions.

H. Sin Tax Changes for Certain Jurisdictions

H.B. 96 amended [R.C. 307.697\(E\)](#). Prior to the amendment, division (E) prohibited county commissions from levying taxes under division (A) on or after September 23, 2008. Effective

³ [R.C. 519.12\(J\)\(1\)](#).

⁴ [R.C. 519.12\(J\)\(2\)\(a\)-\(b\)](#).

⁵ [R.C. 3501.17\(D\)\(2\)](#).

⁶ [R.C. 703.34\(B\)](#).

September 30, 2025, county commissioners of a county with a population greater than 1,100,000 but less than 1,300,000 may levy taxes under R.C. 307.697 “for the purpose of reimbursing a county for costs incurred in the construction of a sports facility . . .”⁷ Counties that fall within the parameters set forth in division (E) may submit the question of a tax to voters as a tax on tobacco and vapor products under [R.C. 5743.511](#), a tax on alcohol to finance sports facilities under [R.C. 4301.421\(C\)](#), a cigarette sales tax under [R.C. 5743.024\(D\)](#), or all as a single question. At this time, Cuyahoga County is the only county impacted by these amendments.

I. Administrative Amendments

Finally, HB 96 made changes to several statutes that boards should be aware of as part of their day-to-day operations. First, the bill amended public records law to state that “personal notes or any document, device, or item * * * of a public official * * * that is used, maintained, and accessed solely by the individual who creates it or causes its creation” is not a record for purposes of public records law.”⁸

[Revised Code 9.64](#) was amended to require political subdivisions to adopt standards to safeguard against cybersecurity threats and ransomware attacks, and to follow certain reporting requirements. These changes were made because local governments have increasingly become targets for cyberattacks. For purposes of the statute, a political subdivision is defined as a “county, township, municipal corporation, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.”⁹ Your board of county commissioners is the legislative authority responsible for adopting and implementing your county’s cybersecurity program. Thus, boards should consult with the county and legal counsel regarding county compliance. That program notwithstanding, boards must continue to comply with [Directive 2025-29](#). Because of the hard work you have put in over the past 7 years, your boards are seen as a model for cybersecurity and ahead of most other local and county government offices. We offer the work that all of you have done as an example for other local governments in implementing this new requirement.

⁷ [R.C. 307.697\(E\)](#).

⁸ [R.C. 149.011\(G\)](#).

⁹ [R.C. 9.64](#).

J. Initiated Constitutional Amendments and Referendum Elections

[Revised Code 3501.02\(E\)](#) was amended to provide that proposed constitutional amendments, proposed measures submitted by the general assembly or referendum petitions may be submitted to the general election occurring 125 days subsequent to the filing of the petition. Prior to the amendment, the measures must be submitted to the general election occurring in at least 60 days for a referendum, and 90 days for an initiated measure.

K. Resort Area Tax Levy

HB 96 amended [R.C. 5739.101](#) to add division (G). Pursuant to existing division (B), the legislative authority of a municipal corporation may pass a resolution or ordinance declaring itself a resort area and, within that resolution or ordinance, may levy a tax. The amendment permits the legislative authority to increase the tax levied to two or two and one-half per cent, to be voted upon at a general or special election. In addition, division (G) provides the process the legislative authority shall follow for certifying the resolution or ordinance, the notice to the municipal corporation, or township, and the form of the ballot. The [Questions and Issues Handbook](#) has been updated to include the new form of the ballot template, Template #416, and guidance.

L. Ohio Elections Commission

House Bill 96 abolished the Ohio Elections Commission and replaced it with the Ohio Election Integrity Commission. However, unlike the foregoing amendments, these particular changes are effective January 1, 2026. Boards must continue to submit filing fees to the Ohio Elections Commission through December 31, 2025, as required by [R.C. 3513.10](#) and Section 525.50 of HB 96. My office will issue separate guidance related to the formation and functioning of the new Ohio Election Integrity Commission in the coming months.

If you have any questions concerning this advisory, please contact the Secretary of State's elections counsel at 614-728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State