



ADVISORY 2021-04

September 16, 2021

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

Re: Results and Impact of 2020 Federal Decennial Census

SUMMARY

On August 12, 2021, the United States Census Bureau released the official results of the 2020 federal decennial census. This Advisory explains how the results may impact municipal corporations (cities and villages), petition signature requirements for city school district candidates, and the redistricting of congressional and state legislative districts.

INSTRUCTIONS

I. MUNICIPAL RECLASSIFICATION

Pursuant to the Ohio Constitution and Ohio Revised Code, municipal corporations are classified into cities and villages. Municipal corporations that have a population of 5,000 or more are cities; all others are villages.¹ The Secretary of State will issue proclamations declaring the population of all municipal corporations based on the official results of the 2020 federal decennial census.² As a result of the 2020 federal decennial census, some municipal corporations must be reclassified (from city to village or from village to city). Classifications of municipalities will become official 30 days after the Secretary of State issues the proclamations.³ When a city's classification reverts to a village because of the federal decennial census results, the city may conduct an enumeration pursuant to [R.C. 703.02](#). All questions regarding the process of enumeration should be directed to the city law director or the legislative authority of the city.

Accompanying this Advisory is a Microsoft Excel workbook containing the following information: (1) a list of the population of each county, city, village, township, and school district in the state and (2) a list of cities and villages that are changing classification.

II. CHARTERED MUNICIPALITY STATUS

Some provisions of this Advisory may not apply to a municipal corporation that adopted a charter containing provisions that differ from the Ohio Revised Code. Accordingly, candidates for municipal office in a chartered municipality must review the municipality's charter.

¹ [Art. XVIII, § 1 of the Ohio Constitution](#) and [R.C.703.01\(A\)](#).

² [R.C. 703.06](#).

³ [R.C. 703.06](#).

III. TYPE OF ELECTION TO BE HELD

The change in a municipal corporation’s status (from a village to a city or vice versa) should not affect the type of elections held in the municipal corporation (i.e., primary or nonpartisan election).⁴ If a municipal corporation’s status is changing, candidates for municipal office should file for office in the same manner that they would have filed for office if the municipal corporation’s status were not changing (i.e., declaration of candidacy or nominating petition).

IV. OFFICERS TO BE ELECTED

According to [R.C. 703.07](#), officers of a village advancing to a city, or of a city reducing to a village, “shall continue in office until succeeded by the proper officers of the new municipal corporation at the regular municipal election, and the ordinances thereof not inconsistent with the laws relating to the new municipal corporation shall continue in force until changed or repealed.” Accordingly, officers elected at the November 2021 General Election will be the officers of a city, if a village is advancing to a city, or the officers of a village, if a city is reducing to a village.⁵

V. OFFICE OF MUNICIPAL COURT CLERK

Except as otherwise provided in [R.C. 1901.31](#), the clerk of a municipal court is an elected position if the population of the territory served by the court equals or exceeds 100,000; however, if the population of the territory served by the court is less than 100,000, the position is appointed. Additionally, [R.C. 1901.31](#) outlines whether an assistant clerk of courts may be appointed. The 2020 federal decennial census results may change a clerk’s position from an appointed position to an elected position. If a board of elections has questions about a specific municipal court clerk position and whether the position is elected or appointed, the board should consult with its legal counsel, the prosecuting attorney, and the municipal court.

VI. CITY WARDS

According to [R.C. 731.06](#), the legislative authority of a city is responsible for subdividing the city into wards within 90 days after the first day of October following the federal decennial census year. Questions about dividing a city into wards should be directed to the city law director or the legislative authority of the city.

VII. CITY SCHOOL DISTRICTS

The minimum number of valid signatures for candidate petitions for a city school district board of education is based upon the total population of the city school district.⁶ Please review the attached spreadsheet that reflects the population of all school districts in the state in order to determine the correct number of valid signatures required to be filed for a city school district in

⁴ [R.C. 3513.01](#).

⁵ See [1951 OAG 62](#).

⁶ [R.C. 3513.254](#).

your county, if applicable. Note that this change does not affect petitions already filed for the November 2021 General Election.

VIII. CENSUS BLOCKS

A board of elections may divide any portion of a political subdivision located within its county into precincts and may establish, define, divide, rearrange, and combine the several election precincts within its county. However, a board cannot change the number of precincts or the precinct boundaries during the 25 days immediately preceding a primary or general election, nor between January 1 and the day on which the members of a county central committee of a political party are elected (*i.e.*, May 3, 2022).⁷ Precincts must be drawn along census block lines, and those lines change with the release of each federal decennial census.⁸ Therefore, boards must work with their county global information system (GIS) coordinators to redraw certain precincts by the end of 2021.

A board of elections may apply in writing to the Secretary of State for a waiver of the census block requirement if drawing precinct boundaries by census blocks is not feasible for either of the following reasons:⁹

- (1) Physical boundaries or residential development practices exist that would cause unusual hardship for voters; or
- (2) A precinct would contain more than 1,400 voters.

Any waiver request must explain in detail why the waiver is needed for a particular block. Additionally, the board's waiver request must include the appropriate map showing the relevant, existing (and proposed, if changed) precinct and census block boundaries.¹⁰ Boards must use the Secretary of State's prescribed [Form 50](#) for this purpose.

IX. FEDERAL AND STATE REDISTRICTING

The number of federal congressional districts apportioned to Ohio is based upon the state's relative population in the federal decennial census. As a result of reapportionment, Ohio is losing one congressional district (reduced from 16 to 15 districts).¹¹ Ohioans approved constitutional amendments in 2015 and 2018 that change both the federal and state redistricting processes. Article XIX of the Ohio Constitution gives the General Assembly primary responsibility for congressional redistricting. As such, the General Assembly will realign the boundaries of the state's congressional districts in accordance with Article XIX. The Ohio Constitution sets a series of deadlines for the congressional redistricting process, the earliest of which is September 30, 2021.¹²

⁷ [R.C. 3501.18](#).

⁸ [R.C. 3501.18](#).

⁹ [R.C. 3501.18](#) and [R.C. 3501.29](#).

¹⁰ [R.C. 3501.18](#) and [R.C. 3501.29](#).

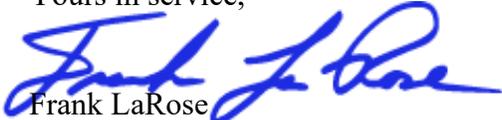
¹¹ <https://www.census.gov/library/visualizations/2021/dec/2020-apportionment-map.html>.

¹² See [Article XIX of the Ohio Constitution](#).

According to Article XI of the Ohio Constitution, the Ohio Redistricting Commission must realign the boundaries of the state's House of Representatives and Senate districts. The total number of members of the Ohio House of Representatives and Senate will not change.¹³

We will provide you with additional information regarding federal and state redistricting as it becomes available. If you have any questions regarding this Advisory, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,


Frank LaRose
Ohio Secretary of State

¹³ See [Article XI of the Ohio Constitution](#).