



**GUIDE TO
LOCAL LIQUOR
OPTIONS
ELECTIONS**

2022

VOTE!

The information in this publication is current as of 10/2022.

However, this publication may be revised at any time due to changes in Ohio or federal law. Please visit the Secretary of State's website at OhioSoS.gov.

Introduction

This guide was prepared to comply with [R.C. 3501.05\(P\)](#) 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 online at <https://www.ohiosos.gov/elections/elections-administration/forms-and-petitions> .

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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.¹

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.

Definitions²

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 1 percent or more of alcohol by volume.

"Intoxicating Liquor" and "Liquor"

Refers to a broad classification including all liquids and compounds, other than beer, containing at least ½ of 1 percent of alcohol by volume. This includes cider and alcohol, and all solids and confections which contain ½ of 1 percent of alcohol by volume.

"Mixed Beverages"

Refers to premixed, bottled products and solids and confections 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.

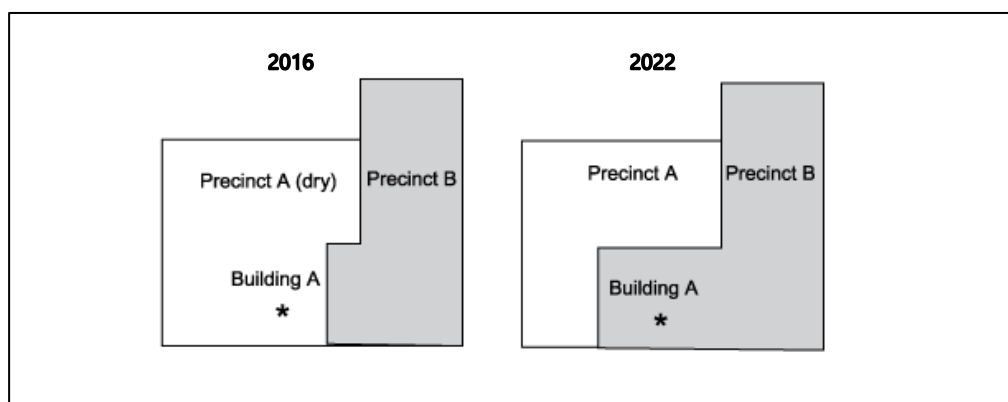
¹ [R.C. 4301.32.](#)

² [R.C. 4301.01.](#)

Determining Current Status of Precinct

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:



Precinct boundaries as of 2016 (left) and redrawn boundaries as of 2022 (right).

The redrawn area places building “A” within Precinct B.

In 2016, Building A was constructed in Precinct A, which is a dry precinct. In 2019, voters in Precinct B approved the sale of beer and wine and mixed beverages. In 2020, 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 2021 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 to sell wine and mixed beverages only if the voters in Precinct B again approve a local liquor option allowing the sale of wine and mixed beverages.

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.³ 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 votes to adopt the changes.

Exception: *Generally, a local liquor option election is held in a single precinct.⁴ 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*

³ [R.C. 3501.18](#).

⁴ [R.C. 4301.32](#), [4303.29\(C\)\(2\)](#), [4305.14\(B\)](#).

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.⁵

Effect of Local Liquor Option Elections

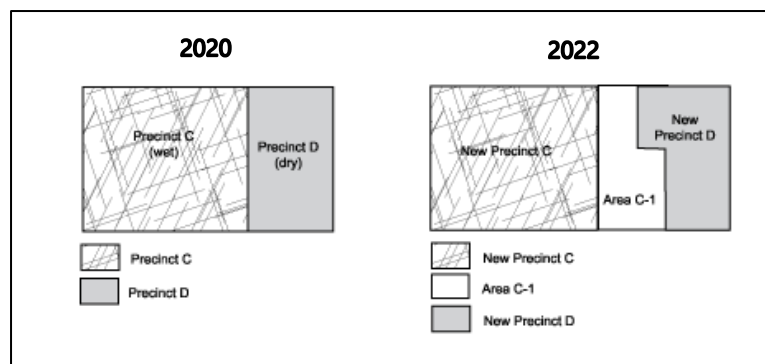
In most cases, a local liquor option election will affect the entire precinct in which the election is held.⁶ There are, however, four exceptions to the precinct-wide effect of a local liquor option election:

1. Site-specific local liquor option election following finding of a nuisance⁷

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)⁸

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:



In 2020, the voters in Precinct C passed a local liquor option election authorizing the sale of wine and mixed beverages for off-premises consumption only. Precinct D is a dry precinct. In 2022, the board of elections re-drew the precinct lines affecting Precincts C and D. As a result, part of Precinct D is now a part of Precinct C (labeled Area C-1). Area C-1 is dry while the remainder of New Precinct C is wet for the sale of wine and mixed beverages for off-premises consumption. A petitioner may place a limited effect local liquor option question on the ballot to authorize the sale of wine and mixed beverages for off-premises consumption in Area C-1.

⁵ [R.C. 4301.324](#).

⁶ [R.C. 4301.36](#), [4301.361](#), [4301.362](#).

⁷ [R.C. 3767.03](#), [3767.05](#), [4301.321](#), [4301.331](#), [4301.352](#).

⁸ [R.C. 4301.322](#), [4301.353](#), [4301.354](#).

This election would be voted upon by all registered voters in New Precinct C, but the results of the election would only affect Area C-1. The limited effect election could not be used to authorize the sale of spirituous liquor in Area C-1 because that type of alcohol sales is not currently authorized in the remainder of New Precinct C.

3. Particular use at a specific location (non-nuisance)⁹

This type of election authorizes the sale of beer, wine and mixed beverages, and/or 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 facility¹⁰

A local liquor option election concerning a community facility (as defined below) may be placed on the ballot by petition, resolution, or ordinance submitted to the board of elections not later than the 90th day prior to a general election or a special election held on a day on which a primary election may be held. 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

Local liquor option elections may be held only on the day of a general or, with one exception noted below, a special election held on a day on which a primary election may be held. General election is defined to mean the election held on the first Tuesday after the first Monday in November of any year.¹¹ Primary election is defined to mean an election held for the purposes of nominating candidates.¹² As a result of a change in law in 2022,¹³ local liquor option questions may appear on the ballot on the day of a primary election even if no candidate offices appear on the ballot in the precinct affected by the local liquor option question.¹⁴

⁹ [R.C. 4301.323, 4301.333, 4301.355, 4301.365, 4301.39.](#)

¹⁰ [R.C. 4301.324, 4301.334, 4301.356, 4301.365, 4301.37\(F\), 4301.80.](#)

¹¹ [R.C. 3501.01.](#)

¹² [R.C. 3501.01.](#)

¹³ [Sub. S.B. 102](#) of the 134th General Assembly.

¹⁴ [R.C. 4301.33, 4301.331, 4305.14\(B\).](#)

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 page 27.

Note: *Local Liquor Option Election for a Particular Location* ([Form 5-R](#))

Elections held pursuant to [R.C. 4301.355](#) are subject to the four-year moratorium provision; i.e., a question regarding the same use at the location named in the petition cannot be submitted to the voters for a period of at least four years from the date of the most recent election on that same question. However, the statutory definition of the term “use” includes the type of each liquor permit held or applied for by the petitioner as described in [R.C. 4303.11](#) to [4303.183](#), which in turn includes a description of the type of beer or intoxicating liquor sales authorized by each permit.

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 90th day before the day of a general election or a special election held on a day on which a primary election may be held.

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)¹⁵

If a valid and sufficient petition is filed on whether to permit the sale of beer for consumption off-premises only, on-premises only, or both on- and off-premises, a special election shall be held in the precinct on one or both of the following questions, as designated in the petition:

(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, _____?*¹⁶

(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, _____?*¹⁷

¹⁵ [Form 5-A, R.C. 4305.14\(B\)](#).

¹⁶ [R.C. 4305.14\(B\)\(1\)](#).

¹⁷ [R.C. 4305.14\(B\)\(2\)](#).

2. **Spirituous Liquor by the Glass ([Form 5-B](#))**¹⁸

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).*¹⁹

Shall the sale of spirituou s 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)**²⁰

If a valid and sufficient petition is filed on whether to permit the sale of wine and mixed beverages for consumption off-premises only, on-premises only, or both on- and off-premises; and/or to permit the sale of spirituou s liquor by the glass; and/or to permit state liquor stores or liquor agency stores to sell spirituou s liquor by the package, a special election shall be held in the precinct on one or more of the following four questions, as designated in the petition:

- **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 _____?*²¹

- **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 _____?*²²

- **Spirituou s Liquor by the Glass**

(C) *Shall the sale of spirituou s liquors by the glass be permitted in _____?*²³

- **State Liquor Store/Liquor Agency Store**

(D) *Shall state liquor stores or liquor agency stores for the sale of spirituou s liquor by the package, for consumption off the premises where sold, be permitted in _____?*²⁴

4. **Sunday Sales of Intoxicating Liquor and Beer ([Form 5-D](#)) (Beer is implied in all three questions)**²⁵

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 the 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 on Sunday?*

¹⁸ [R.C. 4303.29\(C\)](#).

¹⁹ [1957 OAG 1153](#).

²⁰ [R.C. 4301.35](#).

²¹ [R.C. 4301.35\(A\)](#).

²² [R.C. 4301.35\(B\)](#).

²³ [R.C. 4301.35\(C\)](#).

²⁴ [R.C. 4301.35\(D\)](#).

²⁵ [R.C. 4301.33, 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 _____ for consumption on the premises where sold 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 on Sunday?*

No C or D permit holder who first applied for such a permit after April 15, 1982, may 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 (B)(1), (B)(2), or (B)(3) of [R.C. 4301.354](#), or on question (B)(2) of [R.C. 4301.355](#).

5. Limited Effect Local Liquor Option Election (**Form 5-P**)²⁶

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, 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.²⁷

- (1) *Shall the sale 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 precinct, _____?*²⁸
- (2) *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, _____?*²⁹

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.

²⁶ [R.C. 4301.332, 4301.353.](#)

²⁷ [R.C. 4301.322.](#)

²⁸ [R.C. 4301.353\(A\).](#)

²⁹ [R.C. 4301.353\(B\).](#)

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.

6. Limited Effect Election for Sunday Sales (**Form 5-Q**)³⁰

The following questions for Sunday sales, 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 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 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 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.

7. Particular Location (non-nuisance) Local Liquor Option Election (**Form 5-R**)³¹

This type of election authorizes the sale of one or more of three categories of alcoholic beverages – (1) beer, (2) wine and mixed beverages, and (3) spirituous liquor – at a specific location in an election precinct upon the filing of a valid and sufficient petition by one of the following four individuals associated with that specific location:

- holder of a liquor permit issued for that location,
- applicant for the issuance or transfer of a permit for that location,³²

³⁰ [R.C. 4301.332, 4301.354.](#)

³¹ [R.C. 4301.355.](#)

³² For questions about an Economic Development Transfer (TRES), please contact the Division of Liquor Control.

- operator, or an applicant who seeks to become the operator, of a liquor agency store at that location, or
- designated agent of any of those parties.

No one other than a holder or applicant for the necessary liquor 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 in which the specific location is situated as of the date the petition is filed with the board of elections:

- (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, 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 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, A-2f, A-3a, 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, D-5l, D-5m, D-5n, D-5o 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?

Note: Although the law requires each petition paper to contain a description of the sales allowed by each liquor permit listed on the petition, the law does not provide for any liquor permit description to be included in the ballot language.

8. Sale of Beer and Intoxicating Liquor at Community Facilities (Form 5-S)³³

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 90th day prior to the general election or special election held on a day on which a primary election may be held. 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:

³³ [R.C. 4301.356](#).

Shall the sale of beer and intoxicating liquor be permitted on all days of the week, including 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)?

9. Non-Petition Question: Particular Site Adjudged a Nuisance³⁴

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?

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 below.

³⁴ [R.C. 4301.352](#).

Process for 5-A, 5-C, 5-D, 5-P, and 5-Q Petitions³⁵

- **Beer ([Form 5-A](#))**³⁶
- **Four Questions ([Form 5-C](#)):**³⁷
 - (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](#))**³⁸
- **Local Liquor Option Election Affecting a Portion of a Precinct ([Form 5-P](#))**³⁹
- **Local Liquor Option Election for Sunday Sales Affecting a Portion of a Precinct ([Form 5-Q](#))**⁴⁰

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 do any of the following: 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](#).*⁴¹

Designate One Person as “the 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 their 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. 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 145, 120 and 90 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-P](#), or [5-Q](#))**, requested by the petitioner;
2. ***Guide to Local Liquor Option Elections;***
3. **[Form 5-F](#), Certificate of Required Number of Signatures**, containing the minimum number of valid signatures required to place on the ballot the question(s) indicated on the petition.

³⁵ [R.C. 4301.32, 4301.33, 4305.14.](#)

³⁶ [R.C. 4305.14.](#)

³⁷ [R.C. 4301.35\(A\)-\(D\).](#)

³⁸ [R.C. 4301.351\(C\).](#)

³⁹ [R.C. 4301.353.](#)

⁴⁰ [R.C. 4301.354.](#)

⁴¹ [R.C. 4301.332\(A\).](#)

The board of elections must issue **Form 5-F** to the petitioner within 15 days after the petitioner's request. The petition must be signed by a number of qualified electors of the precinct that is equal in number to at least 35 percent of the total number of votes cast in that precinct for the office of governor at the most recent gubernatorial election except that if the petition is solely for a Sunday sales question, the petition only needs the signatures of 50 qualified electors;

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-P, or 5-Q**;
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 55 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 25 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 Holder(s)

Within five days after receiving from the Division of Liquor Control the list of liquor permit holder(s) 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 Petition

A petition may consist of one or more separate papers, each of which generally is referred to as a part-petition. 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, but must be at least 18 years of age.*

File Petition

The petitioner must file all the following documents with the appropriate board of elections no later than 4 p.m. on the 90th day before the election.

1. Petition;
2. The list of names and addresses of permit holders who would be affected by the election, as supplied by the Division of Liquor Control;
3. An affidavit (**Form 5-N**) certifying that the petitioner notified each affected permit holder in the manner and time required, and that each part-petition contained a copy of the list of the affected permit holder(s) at the time each signer of the petition affixed their signature. *Failure of the petitioner to supply either a complete and accurate list of liquor permit holder(s), as furnished to him or her by the Division of Liquor Control, or the affidavit, invalidates the entire petition;* and
4. The appropriate filing fee for each petition (not necessarily a separate fee for each question).⁴²

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 Holder(s)

Within five days of receiving the petition, the board of elections must notify, by certified mail, the permit holder(s) 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 78 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.⁴³

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.

⁴² [R.C. 3513.10\(B\)\(2\)](#)

⁴³ [R.C. 3501.03](#).

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)⁴⁴

Note: A Local liquor Option election for spirituous liquor by the glass may be submitted to electors only at a general election.⁴⁵

Designate One Person as “the 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 their 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. 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 90 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; and**
- 3. Form 5-F,** Certificate of Required Number of Signatures, containing the minimum number of valid signatures required to place on the ballot the question set forth on the petition. The board of elections must issue **Form 5-F** to the petitioner within 15 days after the petitioner’s request. The petition (**Form 5-B**) must be signed by a number of qualified electors of the precinct that is equal in number to at least 35 percent of the total number of votes cast in that precinct for the office of governor at 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, but must be at least 18 years of age.

File Petition

The petition must be filed with the board of elections no later than 4 p.m. on the 90th day before the general election. The petition must be accompanied by the appropriate filing fee.⁴⁶

Board of Elections Must Determine Petition’s Validity and Sufficiency

⁴⁴ [R.C. 4301.32, 4303.29.](#)

⁴⁵ [R.C. 4303.29.](#)

⁴⁶ [R.C. 3513.10\(B\)\(2\).](#)

Not later than the 78th 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.⁴⁷

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.⁴⁸

⁴⁷ [R.C. 4301.33, 4301.331, 4305.14.](#)

⁴⁸ [R.C. 3501.03.](#)

Process for Particular Use at a Specific Location Local Liquor Option Election (Non-nuisance: [Form 5-R](#))⁴⁹

Generally

This type of election authorizes the sale of three categories of alcoholic beverages at a specific location in an election precinct:

Category 1: Beer;

Category 2: Wine and mixed beverages; and

Category 3: Spirituous liquor.

Note: *“Wine and mixed beverages” is a single category, requiring **BOTH** wine and mixed beverages. Thus, petition may request “beer and wine and mixed beverages” or “wine and mixed beverages and spirituous liquor,” but **NOT** “beer and wine” or “beer and mixed beverages” or “mixed beverages and spirituous liquor.”*

The petition may request authorization to sell only one of the three categories, or any combination of the three, or all three categories of alcoholic beverages.

A petition for a particular use at a specific location can only be used by the following four entities:

1. Holder of the liquor permit(s) listed on the petition,
2. Applicant for the issuance or transfer of the liquor permit(s) for the location named in the petition,⁵⁰
3. Applicant who seeks to operate a liquor agency store, or
4. Designated agent of the holder or applicant for the liquor permit(s) for, or the operator of a liquor agency store at, the location named in the petition.

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 legally associated with the premises named in the petition – i.e., the only premises to be affected by the election – files with the board of elections a valid and sufficient petition ([Form 5-R](#)), properly executed affidavit ([Form 5-N](#)), 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.

Because only the location named in the petition will be affected by the election, there is no requirement that notice be given to the Division of Liquor Control or to any other permit holder who might be located within the precinct named in the petition before the petition is circulated.

Petitioners - Note well: *The name used on the petition to designate the permit holder, permit applicant, or operator of a liquor agency store – including, if applicable, any trade or fictitious name*

⁴⁹ [R.C. 4301.323, 4301.333, 4301.355, 4301.365, 4301.39.](#)

⁵⁰ For questions about an Economic Development Transfer (TRES), please contact the Division of Liquor Control.

*under which it does, or intends to 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 Division 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.⁵¹*

The petitioner serves as the contact person for the local liquor option issue. Consequently, the petitioner must:

- Provide their name and mailing address to the board of elections, and
- 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. 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 90 days before the election.

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

1. **Petition ([Form 5-R](#))**;
2. **[Form 5-N](#) Affidavit of Intended Use**;
3. **Guide to Local Liquor Option Elections**; and
4. **[Form 5-F](#), Certificate of Required Number of Signatures**, containing the minimum number of valid signatures required to place on the ballot the question(s) indicated on the petition. The board of elections must issue [Form 5-F](#) to the petitioner within 15 days after the petitioner's request. The petition ([Form 5-R](#)) must be signed by a number of qualified electors of the precinct that is equal in number to at least 35 percent of the total number of votes cast in that precinct for the office of governor at the most recent gubernatorial election, except that if the petition is solely for a Sunday sales question, the petition only needs the signatures of 50 qualified electors.

Note: A circulator of a local liquor option petition is not required to be an elector, but must be at least 18 years of age.

[R.C. 4301.333](#) mandates that each part of a [5-R](#) petition contain all of the following information:

1. A notice that the petition is for the submission of the question or questions set forth in [R.C. 4301.355](#);
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;

⁵¹ [R.C. 3501.38\(l\)](#).

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 [R.C. 4301.355](#) apply. The law provides that, for purposes of this petition, “use” means **all** of the following:

- The **type of each liquor permit** applied for by the applicant or held by the liquor permit holder as described in [R.C. 4303.11](#) to [4303.183](#), **including a description of the type of beer or intoxicating liquor sales authorized by each permit** as provided in those sections (for example: C-2 liquor permit authorizing off-premise sales);

***Note:** Failure to list the type of sales authorized by the permit on the petition will invalidate the petition. Some examples of the type of sales authorized include, but are not limited to, “on-premise sales,” “off-premise sales,” and “on/off premise sales,” depending upon the type of liquor permit.*

- If a **liquor agency store**, the fact that the business is operated as a liquor agency store authorized to operate by this state; and
- A **description of the general nature of the business** of the applicant, liquor permit holder, or liquor agency store (for example: convenience store).

File Petition

The petitioner must file all of the following documents with the board of elections not later than 4 p.m. on the 90th day before a general election or a special election held on a day on which a primary election may be held:

1. **Petition ([Form 5-R](#)).**
2. **[Form 5-N](#) Affidavit of Intended Use.**
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.

***Note:** 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, such as a letter from the applicant identifying the agent as such.*

4. **Appropriate filing fee.**⁵²

Note to Petitioners: The law requires you to file the affidavit ([Form 5-N](#)) and, if applicable, the written evidence of the designation of agent, at the time you file the petition ([Form 5-R](#)). Failure to comply will result in the invalidation of the entire petition.⁵³

Board of Elections Must Determine Petition’s Validity and Sufficiency

Not later than the 78th day before the election, the board of elections must examine and determine the validity and sufficiency of the petition for certification of the question(s) to the ballot.⁵⁴

Board of Elections’ Notice Requirements

Upon the filing of a [5-R](#) Petition seeking an election on a particular use at a specific location, the board of elections may email a copy of the front side of one part of the petition to the Division of

⁵² [R.C. 3513.10 \(B\)\(2\)](#).

⁵³ [R.C. 4301.333\(C\)\(2\)](#).

⁵⁴ [R.C. 4301.33](#), [4301.331](#), [4305.14](#).

Liquor Control at localoption@com.ohio.gov, for verification prior to certification that the petitioner is an applicant, permit holder, or liquor agency store at the location specified on the petition.

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 the board's 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.⁵⁵

Special Instructions

Twenty-Nine Day Rule for Liquor Permit Holder Whose Permit is Made Partially or Wholly Unlawful Due to Results of Certain Local Liquor Option Elections

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);
- [R.C. 4301.351](#) (Sunday sales in entire precinct);
- [R.C. 4301.353](#) (sales in a portion of a precinct);
- [R.C. 4303.29](#) (sale of spirituous liquor by the glass); or
- [R.C. 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 with the board of elections a valid and sufficient petition for a particular use at a specific location (**Form 5-R**) 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 that 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 of either of the following events (whichever occurs earlier):

1. The board of elections determines that the petition (**Form 5-R**) filed by the permit holder pursuant to [R.C. 4301.39 \(G\)](#) is invalid; or
2. An election held pursuant to [R.C. 4301.355](#) concerning the liquor permit holder resulted in a majority no vote.

⁵⁵ [R.C. 3501.03](#).

Process for 5-S Petition

Process for Local Liquor Option Petition (Sale of Beer and Intoxicating Liquor at a Community Facility: [Form 5-S](#))⁵⁶

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 90th day prior to a general election or a special election held on a day on which a primary election may be held. 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 their 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. 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 120 and 90 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*;**
- 3. [Form 5-F](#), Certificate of Required Number of Signatures**, containing the minimum number of valid signatures required to place on the ballot the question set forth on the petition. The board of elections must issue [Form 5-F](#) to the petitioner within 15 days after the petitioner’s request. The petition ([Form 5-S](#)) must be signed by a number of qualified electors of the municipal corporation or unincorporated area of the township in which the community facility is located that is equal in number to at least 10 percent of the total number of votes cast in the municipal corporation or unincorporated area of the township for the office of governor at the most recent gubernatorial election.
- 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, below.)

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.

⁵⁶ [R.C. 4301.01\(B\)\(19\)](#), [4301.324](#), [4301.334](#), [4301.356](#), [4301.365](#), [4301.37\(F\)](#), [4301.80](#).

Note: A circulator of a local liquor option petition is not required to be an elector, but must be at least 18 years of age.

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 name and address of any permit holder for, or within, the community facility. The **petitioner** must file all such 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 90th day before a general election or a special election held on a day on which a primary election may be held, accompanied by the appropriate filing fee.⁵⁷ 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 78th 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.⁵⁸

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 must be posted or inserted in a newspaper published in the county.⁵⁹

⁵⁷ [R.C. 3513.10\(B\)\(2\)](#).

⁵⁸ [R.C. 4301.334](#)

⁵⁹ [R.C. 3501.03](#).

Process for site specific local liquor option election following finding of a nuisance (by judgment entry only)⁶⁰

Generally

Instead 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 pursuant to [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.⁶¹

Procedure

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:⁶²

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 90th day before the day of a general election or a special election held on a day on which a primary election may be held. 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

⁶⁰ [R.C. 3767.03, 3767.05, 4301.321, 4301.33, 4301.331, 4301.352.](#)

⁶¹ [R.C. 3767.05\(E\).](#)

⁶² [R.C. 4301.331.](#)

No later than five days after the filing described above, 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 78 days before the day of the next general election or a special election held on a day on which a primary election may be held, whichever is earlier, the board must certify the sufficiency and validity of the certified copy of the judgment entry and 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 must be posted or inserted in a newspaper published in the county.⁶³

Note: *Effect of Pending Appeal: 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.*⁶⁴

General Requirements for Petitions

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.⁶⁵

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;
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 (except for community facility which is 10 percent) of the total number of votes cast for governor in such precinct at the most recent gubernatorial election, except that if the petition is solely for a Sunday sales question, the petition only needs the signatures of 50 qualified electors;

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](#)).*⁶⁶

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 90th day before the election;

⁶³ [R.C. 3501.03](#).

⁶⁴ [R.C. 3767.05\(G\)](#).

⁶⁵ [R.C. 3501.38\(K\)](#).

⁶⁶ [R.C. 4301.32](#), [4303.29\(C\)](#), [4305.14](#).

5. Conform to all of the requirements for petitions established by [R.C. 3501.38](#), [3503.06\(C\)\(1\)\(a\)](#) 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 their name to clearly identify their signature.
 - Each signer must place on the petition, after their 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 their own name on any petition. 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 they witnessed the affixing of every signature, that all signers were to the best of their knowledge and belief qualified to sign, and that every signature is to the best of their 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 their 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 they do 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 their 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 must 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 an elector, but must be at least 18 years of age.*

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 ([Form 5-D](#)), or a portion of the precinct ([Forms 5-P](#) and [5-Q](#)), 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](#).*⁶⁷

Upon filing the petition [Form 5-A](#), [5-C](#), [5-D](#), [5-P](#), or [5-Q](#) 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 required by law.⁶⁸

⁶⁷ [R.C. 4301.332\(A\)](#).

⁶⁸ [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	(Odd & Even)	3-E
		97 thru 125		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	(Odd & Even)	3-C
		51 thru 148	(Odd & Even)	4-E
		153 thru 311	(Odd Only)	4-B
		172 thru 210	(Even Only)	4-A
		233 thru 311	(Odd & Even)	4-B
		337 thru 448	(Odd & Even)	4-C
Washington Street	South	18 thru 146	(Odd & Even)	3-C
		162 thru 2402	(Even Only)	3-C
		161 thru 245	(Odd Only)	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 they receive 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. Harrison St. (Liberty Twp.) Boxes 1-100
2. Washington St. (Smith Twp.)
3. Washington St. (Main Twp.) Boxes 1-36 (Odd and Even)

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:

- | | | |
|------------------|----------------|----------------|
| State Route #1 | (Liberty Twp.) | Boxes 1-100 |
| As of 2-27-2013: | Boxes 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 2021 general election ballot cannot be submitted to voters in that precinct again until the 2025 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 Instructions” on page 18.

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.

Protests⁶⁹

All petitions filed with a board of elections must be open for public inspection under reasonable rules adopted by the board of elections.⁷⁰

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-P, and 5-Q**: 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 74th 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 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 must also 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.

⁶⁹ [R.C. 4301.33, 4301.331, 4301.332, 4301.333, 4305.14.](#)

⁷⁰ [R.C. 149.011.](#)

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) 644-2360

email: localoption@com.state.oh.us

www.com.ohio.gov/divisions-and-programs/liquor-control

For information regarding election questions, contact:

Ohio Secretary of State

Elections Division

22 North Fourth St., 15th Floor

Columbus, OH 43215

(614) 466-2585

(877) 767-6446

TTY: (614) 728-3295

e-mail: election@OhioSoS.gov

www.OhioSoS.gov

Local Liquor Option Forms

Prescribed forms related to the placement of local liquor option questions may be found on the Secretary of State's website here: <https://www.ohiosos.gov/elections/elections-administration/forms-and-petitions>



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SOS 0566 (04/2022)
printed in-house