

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 266**

**Senator Oelslager**

**Cosponsor: Senators Coley, Hite, Patton, LaRose**

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**A BILL**

To amend section 305.02 of the Revised Code to  
clarify the circumstances under which a  
political party may appoint a person to fill a  
vacancy in certain county elective offices.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 305.02 of the Revised Code be  
amended to read as follows:

**Sec. 305.02.** (A) If a vacancy in the office of county  
commissioner, prosecuting attorney, county auditor, county  
treasurer, clerk of the court of common pleas, sheriff, county  
recorder, county engineer, or coroner occurs more than forty  
days before the next general election for state and county  
officers, a successor shall be elected at such election for the  
unexpired term unless such term expires within one year  
immediately following the date of such general election.

In either event, the vacancy shall be filled as provided  
in this section and the appointee shall hold office until a  
successor is elected and qualified.

(B) If a vacancy occurs from any cause in any of the

offices named in division (A) of this section, the county 19  
central committee of the political party with which the last 20  
occupant of the office ~~was~~is affiliated at the time the vacancy 21  
occurs shall appoint a person to hold the office and to perform 22  
the duties thereof until a successor is elected and has 23  
qualified, except that if such vacancy occurs because of the 24  
death, resignation, or inability to take the office of an 25  
officer-elect whose term has not yet begun, an appointment to 26  
take such office at the beginning of the term shall be made by 27  
the central committee of the political party with which such 28  
officer-elect ~~was~~is affiliated at the time the vacancy occurs. 29

(C) Not less than five nor more than forty-five days after 30  
a vacancy occurs, the county central committee shall meet for 31  
the purpose of making an appointment under this section. Not 32  
less than four days before the date of such meeting the 33  
chairperson or secretary of such central committee shall send by 34  
first class mail to every member of such central committee a 35  
written notice which shall state the time and place of such 36  
meeting and the purpose thereof. A majority of the members of 37  
the central committee present at such meeting may make the 38  
appointment. 39

(D) If the last occupant of the office or the officer- 40  
elect ~~was elected as an independent candidate~~ is not affiliated 41  
with a political party at the time the vacancy occurs, the board 42  
of county commissioners shall make such appointment at the time 43  
when the vacancy occurs, except where the vacancy is in the 44  
office of county commissioner, in which case the prosecuting 45  
attorney and the remaining commissioners or a majority of them 46  
shall make the appointment. 47

(E) Appointments made under this section shall be 48

certified by the appointing county central committee or by the 49  
board of county commissioners to the county board of elections 50  
and to the secretary of state, and the persons so appointed and 51  
certified shall be entitled to all remuneration provided by law 52  
for the offices to which they are appointed. 53

(F) The board of county commissioners may appoint a person 54  
to hold any of the offices named in division (A) of this section 55  
as an acting officer and to perform the duties thereof between 56  
the occurrence of the vacancy and the time when the officer 57  
appointed by the central committee qualifies and takes the 58  
office. 59

(G) A person appointed prosecuting attorney or assistant 60  
prosecuting attorney shall give bond and take the oath of office 61  
prescribed by section 309.03 of the Revised Code for the 62  
prosecuting attorney. 63

**Section 2.** That existing section 305.02 of the Revised 64  
Code is hereby repealed. 65