

AN ACT

To amend sections 731.43 and 733.08 of the Revised Code to require that when a vacancy in the office of mayor of a city occurs under certain circumstances, an election be held to fill the office for part of the unexpired term, and to allow the president pro tempore of the legislative authority of a village having a population of less than two thousand to choose whether to resume serving on the legislative authority after filling a vacancy in the office of mayor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 731.43 and 733.08 of the Revised Code be amended to read as follows:

Sec. 731.43. (A) ~~When~~ (1) Except as otherwise provided in division (A)(2) of this section, when the office of a member of the legislative authority of a village becomes vacant, the vacancy shall be filled by election by the legislative authority for the unexpired term. If the legislative authority fails within thirty days to fill such vacancy, the mayor shall fill it by appointment except that, subject to division (A)(2) of this section, when the vacancy occurs because of the operation of section 733.25 of the Revised Code, the successor shall hold office only for the period the president pro tempore of the legislative authority holds the office of mayor.

(2) WHEN A VACANCY OCCURS IN THE OFFICE OF A MEMBER OF THE LEGISLATIVE AUTHORITY OF A VILLAGE WITH A POPULATION OF LESS THAN TWO THOUSAND BECAUSE OF THE OPERATION OF SECTION 733.25 OF THE REVISED CODE, AT THE TIME THE PRESIDENT PRO TEMPORE BECOMES MAYOR THE PRESIDENT PRO TEMPORE SHALL DECIDE WHETHER THE PRESIDENT PRO TEMPORE WISHES TO SERVE THE REMAINDER OF THE PRESIDENT PRO TEMPORE'S UNEXPIRED TERM AS A MEMBER OF THE LEGISLATIVE AUTHORITY OF THE VILLAGE WHEN THE MAYOR'S SUCCESSOR IS ELECTED AND QUALIFIED

IN ACCORDANCE WITH THAT SECTION. IF THE PRESIDENT PRO TEMPORE DECIDES TO SERVE THE REMAINDER OF THE PRESIDENT PRO TEMPORE'S UNEXPIRED TERM AS A MEMBER OF THE LEGISLATIVE AUTHORITY, THE VACANCY ON THE LEGISLATIVE AUTHORITY SHALL NOT BE FILLED AND THE PRESIDENT PRO TEMPORE SHALL RESUME SERVING THE PRESIDENT PRO TEMPORE'S UNEXPIRED TERM ON THE LEGISLATIVE AUTHORITY AS SOON AS THE MAYOR'S SUCCESSOR IS ELECTED AND QUALIFIED. IF THE PRESIDENT PRO TEMPORE DECIDES NOT TO RESUME SERVING THE REMAINDER OF THE PRESIDENT PRO TEMPORE'S UNEXPIRED TERM AS A MEMBER OF THE LEGISLATIVE AUTHORITY AS SOON AS THE MAYOR'S SUCCESSOR IS ELECTED AND QUALIFIED, THEN THE VACANCY IN THE OFFICE OF MEMBER OF THE LEGISLATIVE AUTHORITY SHALL BE FILLED IN ACCORDANCE WITH THIS SECTION.

(B) Except as otherwise provided in this division, when the office of a member of the legislative authority of a city becomes vacant either because a member ceases to hold the office before the end of ~~his~~ the member's term or because a member-elect fails to take office, the vacancy shall be filled for the remainder of the unexpired term by a person chosen by the residents of that city who are members of the county central committee of the political party by which the last occupant of that office or the member-elect was nominated. If the vacancy occurs in the office of a ward representative in a city where the political party which nominated the last occupant of that office is organized into a city controlling committee with more than one member from the ward where the vacancy exists, the members of the city controlling committee representing that ward shall choose the person to fill the vacancy.

(C) Not less than five nor more than forty-five days after a vacancy occurs, the specified members of the city or county committee shall meet to make an appointment to fill the vacancy. At least four days before the date of such meeting the ~~chairman~~ chairperson or secretary of the city or county committee shall notify each committee member eligible to vote on filling the vacancy by first class mail of the date, time, and place of the meeting and its purpose. A majority of all eligible committee members constitutes a quorum, and a majority of the quorum is required to make the appointment. If election to the office so vacated took place at a nonpartisan election, or if the office was occupied by, or was to be occupied by a person not nominated at a primary election, or if the appointment was not made by the

committee members in accordance with this section, the vacancy shall be filled in the same manner as a vacancy in the legislative authority of a village, as provided in this section.

Sec. 733.08. (A) In case of the death, resignation, or removal of the mayor, the vacancy in the office of mayor shall be filled ~~for the remainder of the unexpired term, until a successor is elected and qualified,~~ by a person chosen by the residents of that city who are members of the city central committee if there is one, or if not then of the county central committee, of the political party with which the last occupant of the office was affiliated. If the vacancy occurs because of the death, resignation, or inability to take office of a mayor-elect, an appointment to take the office at the beginning of the term shall be made by the members of the central committee who reside in the city where the vacancy occurs.

Not less than five nor more than forty-five days after the vacancy occurs, the specified members of the city or county committee shall meet to make an appointment to fill the vacancy. Not less than four days before the date of the meeting the committee ~~chairman~~ chairperson or secretary shall send, by mail to every member eligible to vote on filling the vacancy, a written notice stating the date, time, and place of the meeting and its purpose. A majority of the eligible members present at the meeting may make the appointment.

If the last occupant of the office of mayor or the mayor-elect was elected as an independent candidate, the vacancy shall be filled, until a successor is elected and qualified, by election by the legislative authority ~~for the unexpired term.~~

(B) If a vacancy in the office of mayor occurs more than forty days before the next regular municipal election, a successor shall be elected at that election for the unexpired term unless the unexpired term ends within one year immediately following the date of that election, in which case an election to fill the unexpired term shall not be held and the person appointed or elected under division (A) of this section shall hold the office for the unexpired term. If an election is held under this division, the person appointed or elected by the legislative authority under division (A) of this section shall hold the office until a successor is elected and qualified under this division.

Am. H. B. No. 445

4

SECTION 2. That existing sections 731.43 and 733.08 of the Revised Code are hereby repealed.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

Am. H. B. No. 445

5

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____