

**As Reported by the Senate Judiciary--Civil Justice Committee**

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**Sub. H. B. No. 431**

**Representatives Okey, Huffman**

**Cosponsors: Representatives Garland, Murray, Derickson, Domenick, Stebelton, Skindell, McGregor, DeGeeter, Yuko, Chandler, Fende, Harwood, Coley, Bacon, Batchelder, Beck, Belcher, Blessing, Bolon, Boose, Brown, Bulp, Carney, Combs, Evans, Foley, Garrison, Gerberry, Goyal, Grossman, Harris, Letson, Luckie, McClain, Oelslager, Patten, Pillich, Pryor, Snitchler, Williams, B., Zehringer**

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**A B I L L**

To amend sections 1901.026, 1901.07, and 3519.16 and 1  
to enact sections 1901.028, 1905.06, 2746.01, 2  
2746.02, 2746.03, 2746.04, 2746.05, 2746.06, 3  
2746.07, 2746.08, 2746.09, and 3501.383 of the 4  
Revised Code to provide consolidated references to 5  
Revised Code sections that establish costs and 6  
fees, other than attorney fees, in the courts of 7  
record of this state; to give the Supreme Court of 8  
Ohio exclusive, original jurisdiction in all 9  
challenges to initiative and referendum petitions; 10  
to require the circulator of a petition to file 11  
certain specified information with the Secretary 12  
of State; to increase the number of signatures to 13  
one hundred on a nominating petition for election 14  
as a judge of the Hamilton County Municipal Court, 15  
require that the petition be filed not later than 16  
four p.m. of the day before the day of the primary 17  
election, and provide that the petition conform to 18

specified requirements provided for those 19  
petitions of candidacy; to require the Secretary 20  
of State or a board of elections to determine the 21  
number of part-petitions received, the total 22  
number of signatures appearing on the 23  
part-petitions, and provide a receipt to the 24  
individual who filed the petition identifying the 25  
number of part-petitions received and the total 26  
number of signatures appearing on the 27  
part-petitions; to apportion the contribution of 28  
municipal corporations and townships within the 29  
territorial jurisdiction of the Stow Municipal 30  
Court toward the operating costs of that court on 31  
a per capita basis subject to annual caps; and to 32  
impose an additional court cost of twenty-five 33  
dollars on a defendant who is convicted or pleads 34  
guilty in a mayor's court within the territorial 35  
jurisdiction of the Stow Municipal Court. 36

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

**Section 1.** That sections 1901.026, 1901.07, and 3519.16 be 37  
amended and sections 1901.028, 1905.06, 2746.01, 2746.02, 2746.03, 38  
2746.04, 2746.05, 2746.06, 2746.07, 2746.08, 2746.09, and 3501.383 39  
of the Revised Code be enacted to read as follows: 40

**Sec. 1901.026.** (A) The current operating costs of a municipal 41  
court, other than a county-operated municipal court and the Stow 42  
municipal court, that has territorial jurisdiction under section 43  
1901.02 or 1901.182 of the Revised Code that extends beyond the 44  
corporate limits of the municipal corporation in which the court 45  
is located shall be apportioned pursuant to this section among all 46  
of the municipal corporations and townships that are within the 47

territory of the court. Each municipal corporation and each 48  
township within the territory of the municipal court shall be 49  
assigned a proportionate share of the current operating costs of 50  
the municipal court that is equal to the percentage of the total 51  
criminal and civil caseload of the municipal court that arose in 52  
that municipal corporation or township. Each municipal corporation 53  
and each township then shall be liable for its assigned 54  
proportionate share of the current operating costs of the court, 55  
subject to division (B) of this section. 56

For purposes of this section, the criminal and civil caseload 57  
that arose in a municipal corporation or township is the total 58  
number of criminal cases filed in the municipal court during the 59  
preceding calendar year that arose out of offenses that occurred 60  
in the municipal corporation or township and the total number of 61  
civil cases filed in the municipal court during the preceding 62  
calendar year in which the address of the majority of the 63  
defendants that are designated in the caption of the case and that 64  
have addresses within municipal corporations or townships within 65  
the territory of the court is within the municipal corporation or 66  
township or, if there is no majority of such defendants, in which 67  
the address of the first such defendant is within the municipal 68  
corporation or township. 69

(B) A municipal corporation or township within the territory 70  
of a municipal court is not required to pay that part of its 71  
proportionate share of the current operating costs of the court, 72  
as determined in accordance with division (A) of this section, 73  
that exceeds the total amount of costs, fees, fines, bail, or 74  
other moneys that was disbursed by the clerk of the court under 75  
division (F) of section 1901.31 of the Revised Code, to the 76  
municipal corporation or township during the period for which its 77  
proportionate share of the current operating costs was determined. 78  
The municipal corporation in which the court is located is liable, 79

in addition to its proportionate share, for any part of the 80  
proportionate share of a municipal corporation or township that 81  
the municipal corporation or township is not required to pay under 82  
this division. 83

(C) The auditors or chief fiscal officers of each of the 84  
municipal corporations and townships within the territory of a 85  
municipal court for which the current operating costs are 86  
apportioned under this section shall meet not less than once each 87  
six months at the office of the auditor or chief fiscal officer of 88  
the municipal corporation in which the court is located to 89  
determine the proportionate share due from each municipal 90  
corporation and each township, to determine whether any municipal 91  
corporation or township is not required to pay any part of its 92  
proportionate share under division (B) of this section, and to 93  
adjust accounts. The meetings shall be held at the direction of 94  
the auditor or chief fiscal officer of the municipal corporation 95  
in which the court is located, and the auditor or chief fiscal 96  
officer shall preside at the meetings. The proportionate share of 97  
each of the municipal corporations and townships, as reduced or 98  
increased in accordance with division (B) of this section, is 99  
payable from the general fund of the municipal corporation or 100  
township or from any other fund designated or funds appropriated 101  
for the purpose of paying the particular municipal corporation's 102  
or township's proportionate share of the current operating costs 103  
of the court. 104

The court of common pleas of the county in which a municipal 105  
court for which the current operating costs are apportioned under 106  
this section is located has jurisdiction over any civil action 107  
that is commenced to determine the current operating costs of the 108  
court, the proportionate share of the current operating costs to 109  
be paid by a particular municipal corporation or township within 110  
the territory of the court, or whether a municipal corporation or 111

township is not required to pay any part of its proportionate 112  
share under division (B) of this section. 113

(D) For purposes of this section: 114

(1) "Operating costs" means the figure that is derived by 115  
subtracting the total of all costs that are collected and paid to 116  
the city treasury by the clerk of the municipal court pursuant to 117  
division (F) of section 1901.31 of the Revised Code and all 118  
interest received and paid to the city treasury in relation to the 119  
costs pursuant to division (G) of section 1901.31 of the Revised 120  
Code from the total of the amounts payable from the city treasury 121  
for the operation of the court pursuant to sections 1901.10, 122  
1901.11, 1901.111, 1901.12, 1901.31, 1901.311, 1901.312, 1901.32, 123  
1901.33, 1901.331, 1901.36, 1901.37, and 1901.38 of the Revised 124  
Code, other than any amounts payable from the city treasury for 125  
the operation of the court involving construction, capital 126  
improvements, rent, or the provision of heat and light. 127

(2) "Township" means a township that has adopted a limited 128  
home rule government pursuant to Chapter 504. of the Revised Code. 129

(3) "Criminal caseload" when used in regard to a township 130  
means cases arising from a violation of a township resolution for 131  
which a fine is imposed under Chapter 504. of the Revised Code. 132

Sec. 1901.028. (A) The current operating costs of the Stow 133  
municipal court shall be apportioned pursuant to this section 134  
among all of the municipal corporations and townships that are 135  
within the territory of the court. Each municipal corporation and 136  
each township within the territorial jurisdiction of the Stow 137  
municipal court shall be assigned a proportionate share of the 138  
current operating costs of the municipal court that is equal to 139  
that municipal corporation's or township's percentage of the 140  
combined populations of all the municipal corporations and 141  
townships within the territorial jurisdiction of the court, 142

according to the most recent federal decennial census. Each 143  
municipal corporation and each township then shall be liable for 144  
its assigned proportionate share of the current operating costs of 145  
the court, subject to the caps set forth in division (B) of this 146  
section. 147

(B)(1) A municipal corporation or township within the 148  
territorial jurisdiction of the Stow municipal court, other than 149  
the city of Stow, is not required to pay that part of its 150  
proportionate share of the current operating costs of the court, 151  
as determined in accordance with division (A) of this section, 152  
that exceeds the following caps: 153

(a) For each of the calendar years 2010 through 2013, the 154  
average amount that the municipal corporation or township paid 155  
toward the operating costs of the Cuyahoga Falls municipal court 156  
for the calendar years 2007 and 2008; 157

(b) For the calendar year 2014 and each calendar year 158  
thereafter, the amount of the previous calendar year's cap plus 159  
three per cent. 160

(2) The city of Stow is liable for any part of the operating 161  
costs of the Stow municipal court that the other municipal 162  
corporations and townships within the territorial jurisdiction of 163  
the court are not required to pay under this section. 164

(C) At least once each year, the chief fiscal officer of the 165  
city of Stow shall determine the proportionate share of the 166  
current operating costs of the Stow municipal court due from each 167  
municipal corporation and each township within the territorial 168  
jurisdiction of the court and shall inform the chief fiscal 169  
officer of each of those municipal corporations and townships of 170  
the amount due. The proportionate share of each municipal 171  
corporation and township is payable from the general fund of the 172  
municipal corporation or township or from any other fund 173

designated or funds appropriated for the purpose of paying the 174  
municipal corporation's or township's proportionate share. 175

The Summit county court of common pleas has jurisdiction over 176  
any civil action that is commenced to determine the current 177  
operating costs of the Stow municipal court or the proportionate 178  
share of the current operating costs of that court to be paid by a 179  
particular municipal corporation or township within the territory 180  
of the Stow municipal court. 181

(D) For purposes of this section: 182

(1) "Operating costs" means the amount that is derived by 183  
subtracting the total of all costs that are collected and paid to 184  
the Stow city treasury by the clerk of the municipal court 185  
pursuant to division (F) of section 1901.31 of the Revised Code, 186  
all costs that are paid to the Stow city treasury by the clerk of 187  
a mayor's court pursuant to section 1905.06 of the Revised Code, 188  
and all interest that is received and paid to the Stow city 189  
treasury pursuant to division (G) of section 1901.31 of the 190  
Revised Code and that is earned on the costs received pursuant to 191  
division (F) of this section and section 1905.06 of the Revised 192  
Code from the total of the amounts payable from the Stow city 193  
treasury for the operation of the court pursuant to sections 194  
1901.10, 1901.11, 1901.111, 1901.12, 1901.31, 1901.311, 1901.312, 195  
1901.32, 1901.33, 1901.331, 1901.36, 1901.37, and 1901.38 of the 196  
Revised Code, other than any amounts payable from the Stow city 197  
treasury for the operation of the court involving construction, 198  
capital improvements, or rent. 199

(2) "Township" means a township that has adopted a limited 200  
home rule government pursuant to Chapter 504. of the Revised Code. 201

**Sec. 1901.07.** (A) All municipal court judges shall be elected 202  
on the nonpartisan ballot for terms of six years. In a municipal 203  
court in which only one judge is to be elected in any one year, 204

that judge's term commences on the first day of January after the 205  
election. In a municipal court in which two or more judges are to 206  
be elected in any one year, their terms commence on successive 207  
days beginning the first day of January, following the election, 208  
unless otherwise provided by section 1901.08 of the Revised Code. 209  
210

(B) All candidates for municipal court judge may be nominated 211  
either by nominating petition or by primary election, except that 212  
if the jurisdiction of a municipal court extends only to the 213  
corporate limits of the municipal corporation in which the court 214  
is located and that municipal corporation operates under a 215  
charter, all candidates shall be nominated in the same manner 216  
provided in the charter for the office of municipal court judge 217  
or, if no specific provisions are made in the charter for the 218  
office of municipal court judge, in the same manner as the charter 219  
prescribes for the nomination and election of the legislative 220  
authority of the municipal corporation. 221

If the jurisdiction of a municipal court extends beyond the 222  
corporate limits of the municipal corporation in which it is 223  
located or if the jurisdiction of the court does not extend beyond 224  
the corporate limits of the municipal corporation in which it is 225  
located and no charter provisions apply, all candidates for party 226  
nomination to the office of municipal court judge shall file a 227  
declaration of candidacy and petition not later than four p.m. of 228  
the ninetieth day before the day of the primary election in the 229  
form prescribed by section 3513.07 of the Revised Code. The 230  
petition shall conform to the requirements provided for those 231  
petitions of candidacy contained in section 3513.05 of the Revised 232  
Code, except that the petition shall be signed by at least fifty 233  
electors of the territory of the court. If no valid declaration of 234  
candidacy is filed for nomination as a candidate of a political 235  
party for election to the office of municipal court judge, or if 236

the number of persons filing the declarations of candidacy for 237  
nominations as candidates of one political party for election to 238  
the office does not exceed the number of candidates that that 239  
party is entitled to nominate as its candidates for election to 240  
the office, no primary election shall be held for the purpose of 241  
nominating candidates of that party for election to the office, 242  
and the candidates shall be issued certificates of nomination in 243  
the manner set forth in section 3513.02 of the Revised Code. 244

If the jurisdiction of a municipal court extends beyond the 245  
corporate limits of the municipal corporation in which it is 246  
located or if the jurisdiction of the court does not extend beyond 247  
the corporate limits of the municipal corporation in which it is 248  
located and no charter provisions apply, nonpartisan candidates 249  
for the office of municipal court judge shall file nominating 250  
petitions not later than four p.m. of the day before the day of 251  
the primary election in the form prescribed by section 3513.261 of 252  
the Revised Code. The petition shall conform to the requirements 253  
provided for those petitions of candidacy contained in section 254  
3513.257 of the Revised Code, except that the petition shall be 255  
signed by at least fifty electors of the territory of the court. 256

The nominating petition or declaration of candidacy for a 257  
municipal court judge shall contain a designation of the term for 258  
which the candidate seeks election. At the following regular 259  
municipal election, the candidacies of the judges nominated shall 260  
be submitted to the electors of the territory on a nonpartisan, 261  
judicial ballot in the same manner as provided for judges of the 262  
court of common pleas, except that, in a municipal corporation 263  
operating under a charter, all candidates for municipal court 264  
judge shall be elected in conformity with the charter if 265  
provisions are made in the charter for the election of municipal 266  
court judges. 267

(C) Notwithstanding divisions (A) and (B) of this section, in 268

the following municipal courts, the judges shall be nominated and 269  
elected as follows: 270

(1) In the Cleveland municipal court, the judges shall be 271  
nominated only by petition. The petition shall be signed by at 272  
least fifty electors of the territory of the court. It shall be in 273  
the statutory form and shall be filed in the manner and within the 274  
time prescribed by the charter of the city of Cleveland for filing 275  
petitions of candidates for municipal offices. Each elector shall 276  
have the right to sign petitions for as many candidates as are to 277  
be elected, but no more. The judges shall be elected by the 278  
electors of the territory of the court in the manner provided by 279  
law for the election of judges of the court of common pleas. 280

(2) In the Toledo municipal court, the judges shall be 281  
nominated only by petition. The petition shall be signed by at 282  
least fifty electors of the territory of the court. It shall be in 283  
the statutory form and shall be filed in the manner and within the 284  
time prescribed by the charter of the city of Toledo for filing 285  
nominating petitions for city council. Each elector shall have the 286  
right to sign petitions for as many candidates as are to be 287  
elected, but no more. The judges shall be elected by the electors 288  
of the territory of the court in the manner provided by law for 289  
the election of judges of the court of common pleas. 290

(3) In the Akron municipal court, the judges shall be 291  
nominated only by petition. The petition shall be signed by at 292  
least fifty electors of the territory of the court. It shall be in 293  
statutory form and shall be filed in the manner and within the 294  
time prescribed by the charter of the city of Akron for filing 295  
nominating petitions of candidates for municipal offices. Each 296  
elector shall have the right to sign petitions for as many 297  
candidates as are to be elected, but no more. The judges shall be 298  
elected by the electors of the territory of the court in the 299  
manner provided by law for the election of judges of the court of 300

common pleas. 301

(4) In the Hamilton county municipal court, the judges shall 302  
be nominated only by petition. The petition shall be signed by at 303  
least  ~~fifty~~  one hundred electors of the  ~~territory of the court~~  304  
judicial district of the county from which the candidate seeks  305  
election, which petitions shall be signed, verified, and filed  ~~in~~  306  
 ~~the manner and within the time required by law for nominating~~  307  
 ~~petitions for members of council of the city of Cincinnati~~  not  308  
later than four p.m. of the day before the day of the primary  309  
election in the form prescribed by section 3513.261 of the Revised  310  
Code. Unless otherwise provided in this section, the petition  311  
shall conform to the requirements provided for those petitions of  312  
candidacy contained in section 3513.257 of the Revised Code. The 313  
judges shall be elected by the electors of the  ~~territory of the~~  314  
 ~~court~~  relative judicial district of the county at the regular 315  
municipal election and in the manner provided by law for the 316  
election of judges of the court of common pleas. 317

(5) In the Franklin county municipal court, the judges shall 318  
be nominated only by petition. The petition shall be signed by at 319  
least fifty electors of the territory of the court. The petition 320  
shall be in the statutory form and shall be filed in the manner 321  
and within the time prescribed by the charter of the city of 322  
Columbus for filing petitions of candidates for municipal offices. 323  
The judges shall be elected by the electors of the territory of 324  
the court in the manner provided by law for the election of judges 325  
of the court of common pleas. 326

(6) In the Auglaize, Brown, Carroll, Clermont, Crawford, 327  
Hocking, Jackson, Lawrence, Madison, Miami, Morrow, and Wayne 328  
county municipal courts, the judges shall be nominated only by 329  
petition. The petitions shall be signed by at least fifty electors 330  
of the territory of the court and shall conform to the provisions 331  
of this section. 332

(D) In the Portage county municipal court, the judges shall 333  
be nominated either by nominating petition or by primary election, 334  
as provided in division (B) of this section. 335

(E) As used in this section, as to an election for either a 336  
full or an unexpired term, "the territory within the jurisdiction 337  
of the court" means that territory as it will be on the first day 338  
of January after the election. 339

Sec. 1905.06. A mayor's court within the territorial 340  
jurisdiction of the Stow municipal court in which a person is 341  
convicted of or pleads guilty to any offense or violation shall 342  
impose twenty-five dollars as costs in the case in addition to any 343  
other court costs that the court is required by law to impose upon 344  
the offender. The court shall not waive the payment of the 345  
additional court costs established by this section unless the 346  
court determines that the offender is indigent and waives the 347  
payment of all court costs and fines imposed upon the indigent 348  
offender. 349

The clerk of the mayor's court shall transmit all money 350  
collected under this section during a month to the Stow city 351  
treasury not later than the tenth business day of the following 352  
month for deposit into the general revenue fund of the city of 353  
Stow. 354

Sec. 2746.01. A court of record of this state shall tax as 355  
costs or otherwise require the payment of fees for the following 356  
services rendered or as compensation for the following persons or 357  
any other of the following fees that are applicable in a 358  
particular case: 359

(A) Appraisers, commissioners, or arbitrators appointed to 360  
make or procure an appraisal or valuation of any property, as 361  
provided in section 2335.02 of the Revised Code; 362

<u>(B) Auctioneers appointed to conduct any public auction of</u>	363
<u>goods, chattels, or lands required to be sold by an officer of the</u>	364
<u>court, as provided in section 2335.021 of the Revised Code;</u>	365
<u>(C) Commissioners appointed to make partition of lands or to</u>	366
<u>assign dower and appraisers of real or personal property on</u>	367
<u>execution, replevin, or attachment or to fix the value of exempt</u>	368
<u>property, as provided in section 2335.01 of the Revised Code;</u>	369
<u>(D) Deposit of rent with the clerk of court by a resident of</u>	370
<u>a manufactured home park, as provided in section 3733.121 of the</u>	371
<u>Revised Code, or by a tenant of residential premises, as provided</u>	372
<u>in section 5321.08 of the Revised Code;</u>	373
<u>(E) Interpreters, as provided in section 2335.09 of the</u>	374
<u>Revised Code;</u>	375
<u>(F) Fees in a civil action or appeal commenced by an inmate</u>	376
<u>against a government entity or employee, as provided in section</u>	377
<u>2969.22 of the Revised Code;</u>	378
<u>(G) Procurement of a transcript of a judgment or proceeding</u>	379
<u>or exemplification of a record in an appeal or other civil action,</u>	380
<u>as provided in section 2303.21 of the Revised Code;</u>	381
<u>(H) Publication of an advertisement, notice, or proclamation</u>	382
<u>required to be published by a trustee, assignee, executor,</u>	383
<u>administrator, receiver, or other officer of the court or a party</u>	384
<u>in a case or proceeding, as provided in section 7.13 of the</u>	385
<u>Revised Code;</u>	386
<u>(I) Publication of calendars, motion dockets, legal</u>	387
<u>advertisements, and notices, the fees for which are not fixed by</u>	388
<u>law, as provided in section 2701.09 of the Revised Code;</u>	389
<u>(J) Sheriffs, as provided in section 311.17 of the Revised</u>	390
<u>Code;</u>	391
<u>(K) Township constables or members of the police force of a</u>	392

<u>township police district or joint police district, as provided in</u>	393
<u>section 509.15 of the Revised Code;</u>	394
<u>(L) Witnesses, as follows:</u>	395
<u>(1) Fees and mileage in civil cases, as provided in section</u>	396
<u>2335.06 of the Revised Code;</u>	397
<u>(2) Fees and mileage in criminal cases, as provided in</u>	398
<u>section 2335.08 of the Revised Code;</u>	399
<u>(3) Fees in all cases or proceedings not specified in</u>	400
<u>sections 2335.06 and 2335.08 of the Revised Code, as provided in</u>	401
<u>section 2335.05 of the Revised Code;</u>	402
<u>(4) Fees of municipal police officers in state felony cases,</u>	403
<u>as provided in section 2335.17 of the Revised Code;</u>	404
<u>(5) Fees in arbitration proceedings, as provided in section</u>	405
<u>2711.06 of the Revised Code.</u>	406
<b><u>Sec. 2746.02. A court of record of this state shall tax as</u></b>	407
<b><u>costs or otherwise require the payment of fees for the following</u></b>	408
<b><u>services rendered, as compensation for the following persons, or</u></b>	409
<b><u>as part of the sentence imposed by the court, or any other of the</u></b>	410
<b><u>following fees that are applicable in a particular case:</u></b>	411
<u>(A) In a felony case, financial sanctions, as provided in</u>	412
<u>section 2929.18 of the Revised Code;</u>	413
<u>(B) In any criminal case, the costs of prosecution, as</u>	414
<u>provided in section 2947.23 of the Revised Code;</u>	415
<u>(C) In a case in which an offender is sentenced for</u>	416
<u>endangering children in violation of section 2919.22 of the</u>	417
<u>Revised Code, the costs of the offender's supervised community</u>	418
<u>service work, as provided in section 2919.22 of the Revised Code;</u>	419
<u>(D) In a case in which a defendant is charged with violating</u>	420
<u>a protection order in violation of section 2919.27 of the Revised</u>	421

Code or of a municipal ordinance that is substantially similar to 422  
that section, the costs of any evaluation and preceding 423  
examination of the defendant, as provided in section 2919.271 of 424  
the Revised Code; 425

(E) Presentence psychological or psychiatric reports, as 426  
provided in section 2947.06 of the Revised Code; 427

(F) In a criminal proceeding, the taking of a deposition of a 428  
person who is imprisoned in a detention facility or state 429  
correctional institution within this state or who is in the 430  
custody of the department of youth services, as provided in 431  
section 2945.47 of the Revised Code; 432

(G) In a case in which a person is convicted of or pleads 433  
guilty to any offense other than a traffic offense that is not a 434  
moving violation or in which a child is found to be a delinquent 435  
child or a juvenile traffic offender for an act which, if 436  
committed by an adult, would be an offense other than a traffic 437  
offense that is not a moving violation, additional costs and bail, 438  
if applicable, as provided in sections 2743.70 and 2949.091 of the 439  
Revised Code, but subject to waiver as provided in section 440  
2949.092 of the Revised Code; 441

(H) In a case in which a person is convicted of or pleads 442  
guilty to a moving violation or in which a child is found to be a 443  
juvenile traffic offender for an act which, if committed by an 444  
adult, would be a moving violation, additional costs and bail, if 445  
applicable, as provided in sections 2949.093 and 2949.094 of the 446  
Revised Code, but subject to waiver as provided in section 447  
2949.092 of the Revised Code; 448

(I) In a proceeding for post-conviction relief, a transcript, 449  
as provided in section 2953.21 of the Revised Code; 450

(J) In a proceeding for the sealing of a conviction record, 451  
the fee provided for in section 2953.32 of the Revised Code. 452

Sec. 2746.03. In addition to any applicable fees or costs set forth in sections 2746.01 and 2746.02 of the Revised Code or any other applicable provision of law, the supreme court, a court of appeals, or the court of claims shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or any other of the following fees that are applicable in a particular case:

(A) In the supreme court, filing fees, as provided in section 2503.17 of the Revised Code;

(B) In a court of appeals:

(1) Fees collectible by the clerk of a court of common pleas when acting as the clerk of the court of appeals of the county, as provided in section 2303.03 of the Revised Code;

(2) Additional filing fees or charges for special projects, programs, or services, as provided in section 2501.16 of the Revised Code;

(3) Sheriffs or other officers who serve process, as provided in section 2501.19 of the Revised Code;

(4) Shorthand reporters, as provided in section 2501.17 of the Revised Code.

(C) In the court of claims:

(1) The fees provided for in section 2743.09 of the Revised Code;

(2) Witness fees and mileage, as provided in section 2743.06 of the Revised Code.

Sec. 2746.04. In addition to any applicable fees or costs set forth in sections 2746.01 and 2746.02 of the Revised Code or any other applicable provision of law, a court of common pleas shall tax as costs or otherwise require the payment of fees for the

following services rendered or as compensation for the following 482  
persons or any other of the following fees that are applicable in 483  
a particular case: 484

(A) The fees provided for in section 2303.20 of the Revised 485  
Code; 486

(B) Additional fees to computerize the court, make available 487  
computerized legal research services, computerize the office of 488  
the clerk of the court, provide financial assistance to legal aid 489  
societies, support the office of the state public defender, fund 490  
shelters for victims of domestic violence, and special projects of 491  
the court, as provided in section 2303.201 and, for a court that 492  
has a domestic relations division, section 2301.031 of the Revised 493  
Code; 494

(C) Filing for a divorce decree under section 3105.10 or a 495  
decree of dissolution under section 3105.65 of the Revised Code, 496  
as provided in section 3109.14 of the Revised Code; 497

(D) Filing of a foreign judgment pursuant to section 2329.022 498  
of the Revised Code, as provided in section 2329.025 of the 499  
Revised Code; 500

(E) Interpreters, as provided in section 2301.14 of the 501  
Revised Code; 502

(F) Jurors in civil actions, as provided in section 2335.28 503  
of the Revised Code; 504

(G) Shorthand reporters, as provided in sections 2301.21 and 505  
2301.24 of the Revised Code; 506

(H) In a case involving the operation by a nonresident of a 507  
vessel upon the waters in this state, or the operation on the 508  
waters in this state of a vessel owned by a nonresident if 509  
operated with his consent, actual traveling expenses of the 510  
defendant, as provided in section 1547.36 of the Revised Code; 511

(I) In a civil case, the expenses of taking a deposition of a person who is imprisoned in a workhouse, juvenile detention facility, jail, or state correctional institution within this state, or who is in the custody of the department of youth services, as provided in section 2317.06 of the Revised Code; 512  
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(J) In proceedings relating to the examination of a judgment debtor under sections 2333.09 to 2333.27 of the Revised Code, compensation for clerks, sheriffs, referees, receivers, and witnesses, as provided in section 2333.27 of the Revised Code. 517  
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**Sec. 2746.05.** In addition to any applicable fees or costs set forth in sections 2746.01, 2746.02, and 2746.04 of the Revised Code or any other applicable provision of law, a juvenile court shall tax as costs or otherwise require the payment of fees for the following services or as compensation for the following persons: 521  
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(A) The fees provided for in section 2151.54 of the Revised Code; 527  
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(B) Additional fees to computerize the court, make available computerized legal research services, and computerize the office of the clerk of the court, as provided in sections 2151.541, 2153.081, and 2301.031 of the Revised Code; 529  
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(C) The costs of house arrest with electronic monitoring, as provided in section 2152.19 of the Revised Code; 533  
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(D) Witness fees, as provided in section 2151.28 of the Revised Code. 535  
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**Sec. 2746.06.** In addition to any applicable fees or costs set forth in sections 2746.01, 2746.02, and 2746.04 of the Revised Code or any other applicable provision of law, and subject to any waiver of fees for combat zone casualties under section 2101.164 of the Revised Code and any reduction of fees under section 537  
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2101.20 of the Revised Code, a probate court shall tax as costs or 542  
otherwise require the payment of fees for the following services 543  
rendered or as compensation for the following persons or any other 544  
of the following fees that are applicable in a particular case: 545

(A) The fees provided for in sections 2101.16, 2101.17, 546  
2101.18, and 2101.32 of the Revised Code; 547

(B) Additional fees to computerize the court, make available 548  
computerized legal research services, and computerize the office 549  
of the clerk of the court, as provided in section 2101.162 of the 550  
Revised Code; 551

(C) In a proceeding upon the assignment of property in trust 552  
for the benefit of creditors, the fees provided for in section 553  
1313.52 of the Revised Code; 554

(D) The fees allowable to a special master commissioner under 555  
section 2101.07 of the Revised Code; 556

(E) In a proceeding filed pursuant to dispute resolution 557  
procedures established by rule of the probate judge, a filing fee, 558  
as provided in section 2101.163 of the Revised Code; 559

(F) Costs incident to the appoint of a fiduciary, as provided 560  
in section 2101.21 of the Revised Code; 561

(G) A fee for solemnizing a marriage, as provided in section 562  
2101.27 of the Revised Code; 563

(H) The additional marriage license fee provided for in 564  
section 3113.34 of the Revised Code; 565

(I) The fee for deposit of a will provided for in section 566  
2107.07 of the Revised Code; 567

(J) In a proceeding for the appointment of a guardian for an 568  
alleged incompetent, physicians and other qualified persons to 569  
examine, investigate, or represent the alleged incompetent, as 570

<u>provided in section 2111.031 of the Revised Code;</u>	571
<u>(K) In an action to obtain authority to sell real estate, the fees for failure to enter a release and satisfaction provided for in section 2127.19 of the Revised Code;</u>	572 573 574
<u>(L) In a proceeding in aid of execution, the fees provided for in section 2333.26 and 2333.27 of the Revised Code.</u>	575 576
<u>Sec. 2746.07. In addition to any applicable fees or costs set forth in sections 2746.01, 2746.02, and 2746.04 of the Revised Code or any other applicable provision of law, a municipal court shall tax as costs or otherwise require the payment of fees for the following services or as compensation for the following persons:</u>	577 578 579 580 581 582
<u>(A) The fees and costs provided for in section 1901.26 of the Revised Code;</u>	583 584
<u>(B) Additional fees to computerize the court, make available computerized legal research services, and computerize the office of the clerk of the court, as provided in section 1901.261 of the Revised Code;</u>	585 586 587 588
<u>(C) Jurors, as provided in section 1901.25 of the Revised Code;</u>	589 590
<u>(D) In proceedings in the small claims division, the fees and costs provided for in sections 1925.02, 1925.04, 1925.05, 1925.11, and 1925.15 of the Revised Code;</u>	591 592 593
<u>(E) In a case in which an accused is brought before the court pursuant to a warrant to keep the peace, an appeal bond, as provided in section 2933.06 of the Revised Code;</u>	594 595 596
<u>(F) In a proceeding filed pursuant to dispute resolution procedures established by rule of the court, a filing fee, as provided in section 1901.262 of the Revised Code;</u>	597 598 599

(G) In a case in which the clerk of the Cleveland municipal court files a copy of a defendant's bond with the county recorder, the recording fees and charges, as provided in section 1901.21 of the Revised Code. 600  
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**Sec. 2746.08.** In addition to any applicable fees or costs set forth in sections 2746.01, 2746.02, and 2746.04 of the Revised Code or any other applicable provision of law, a county court shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or such other of the following fees as are applicable in a particular case: 604  
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(A) The fees and costs provided for in section 1907.24 of the Revised Code; 611  
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(B) Additional fees to computerize the court, make available computerized legal research services, and computerize the office of the clerk of the court, as provided in section 1907.261 of the Revised Code; 613  
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(C) Arbitrators, as provided in section 1907.42 of the Revised Code; 617  
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(D) Jurors, as provided in section 1907.28 of the Revised Code; 619  
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(E) Performing a marriage ceremony, as provided in section 1907.26 of the Revised Code; 621  
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(F) Witnesses, as provided in section 1907.27 of the Revised Code; 623  
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(G) In proceedings in the small claims division, the fees and costs provided for in sections 1925.02, 1925.04, 1925.05, 1925.11, and 1925.15 of the Revised Code; 625  
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(H) In a case in which an accused is brought before the court pursuant to a warrant to keep the peace, an appeal bond, as 628  
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provided in section 2933.06 of the Revised Code; 630

(I) In a proceeding filed pursuant to dispute resolution 631  
procedures established by rule of the court, a filing fee, as 632  
provided in section 1907.262 of the Revised Code. 633

**Sec. 2746.09.** In addition to any other applicable fees or 634  
costs set forth in this chapter, a court shall tax as costs or 635  
otherwise require the payment of the following fees, costs, or 636  
expenses: 637

(A) The costs and expenses of a receiver allowed by the court 638  
under section 323.49 of the Revised Code in a proceeding brought 639  
by a county treasurer to be appointed receiver for the purposes of 640  
collecting taxes and assessments charged upon real estate; 641

(B) The expenses of a referee or receiver allowed by the 642  
court under section 1334.08 of the Revised Code in an action 643  
brought by the attorney general pursuant to that section for a 644  
violation of the business opportunity plans act; 645

(C) The expenses of a referee or receiver allowed by the 646  
court under section 1345.07 of the Revised Code in an action 647  
brought by the attorney general pursuant to that section for a 648  
violation of the consumer sales practices act; 649

(D) The expenses of a master or receiver allowed by the court 650  
under section 5311.27 of the Revised Code in an action brought by 651  
the attorney general pursuant to that section for a violation of 652  
the condominium act; 653

(E) Fees to which a receiver appointed under section 2715.20 654  
or 2735.01 of the Revised Code may be entitled; 655

(F) Fees allowed to a receiver under any applicable rule of 656  
court. 657

**Sec. 3501.383.** The secretary of state or a board of 658

elections, upon receipt of a declaration of candidacy and 659  
petition, nominating petition, or any other petition for the 660  
purpose of becoming a candidate for any nomination or office or 661  
for the holding of an election on any question or issue shall do 662  
both of the following: 663

(A) Determine the number of part-petitions received and the 664  
total number of signatures appearing on the part-petitions; 665

(B) Provide a receipt to the individual who filed the 666  
petition identifying the number of part-petitions received and the 667  
total number of signatures appearing on the part-petitions. 668

~~**Sec. 3519.16.** The circulator of any part petition, the 669  
committee interested in the petition, or any elector may file with 670  
the board of elections a protest against the board's findings made 671  
pursuant to section 3519.15 of the Revised Code. Protests shall be 672  
in writing and shall specify reasons for the protest. Protests for 673  
all initiative and referendum petitions other than those to be 674  
voted on by electors throughout the entire state shall be filed 675  
not later than four p.m. of the seventy fourth day before the day 676  
of the election. Once a protest is filed, the board shall proceed 677  
to establish the sufficiency or insufficiency of the signatures 678  
and of the verification of those signatures in an action before 679  
the court of common pleas in the county. The action shall be 680  
brought within three days after the protest is filed, and it shall 681  
be heard forthwith by a judge of that court, whose decision shall 682  
be certified to the board. The signatures that are adjudged 683  
sufficient or the part petitions that are adjudged properly 684  
verified shall be included with the others by the board, and those 685  
found insufficient and all those part petitions that are adjudged 686  
not properly verified shall not be included (A) Pursuant to 687  
Section 1g of Article II, Ohio Constitution, the supreme court of 688  
Ohio shall have exclusive, original jurisdiction in all challenges 689~~

to initiative and referendum petitions. 690

(B) The circulator of any petition shall include upon each 691  
part-petition filed with the secretary of state a designation of 692  
the county in which the part-petition was circulated and a number 693  
for each part-petition. In any county where part-petitions are 694  
circulated, each part-petition shall be numbered sequentially. 695  
Upon the filing of the petition with the secretary of state, the 696  
circulator of any petition shall also file the following: 697

(1) An electronic copy of the petition filed along with a 698  
verification that the electronic copy is a true representation of 699  
the original paper petition filed with the secretary of state; 700

(2) A summary of the number of part-petitions filed per 701  
county and the number of signatures on each part-petition; 702

(3) An index of the electronic copy. 703

(C) For a request made under Chapter 149. of the Revised Code 704  
for the inspection or copying of the original petition filed with 705  
the secretary of state, the request is fulfilled when the 706  
secretary of state provides inspection of or copies of the 707  
electronic copy filed by the circulator of the petition. This 708  
section applies from the time of the initial filing of the 709  
petition with the secretary of state and remains applicable until 710  
the part-petitions are returned to the secretary of state from the 711  
local board of elections after a determination of sufficiency of 712  
the petition pursuant to section 3519.15 of the Revised Code. 713

(D) Discrepancies between the electronic copy filed under 714  
division (B)(1) of this section and the original paper petitions 715  
as filed with the secretary of state shall not render the petition 716  
invalid. Discrepancies between a filed electronic copy and the 717  
original paper petition, if the product of fraud, shall be subject 718  
to criminal penalties under section 3599.36 of the Revised Code. 719

(E) The properly verified part-petitions, together with the 720

report of the board, shall be returned to the secretary of state 721  
not less than sixty days before the election, provided that, in 722  
the case of an initiated law to be presented to the general 723  
assembly, the boards shall promptly check and return the petitions 724  
together with their report. The secretary of state shall notify 725  
the chairperson of the committee in charge of the circulation as 726  
to the sufficiency or insufficiency of the petition and the extent 727  
of the insufficiency. 728

(F) If the petition is found insufficient because of an 729  
insufficient number of valid signatures, the committee shall be 730  
allowed ten additional days after the notification by the 731  
secretary of state for the filing of additional signatures to the 732  
petition. No additional signatures may be collected by the 733  
circulator of the petition until the secretary of state determines 734  
the sufficiency of the signatures that the circulator originally 735  
filed with the secretary of state. The part-petitions of the 736  
supplementary petition that appear to the secretary of state to be 737  
properly verified, upon their receipt by the secretary of state, 738  
shall forthwith be forwarded to the boards of the several counties 739  
together with the part-petitions of the original petition that 740  
have been properly verified. They shall be immediately examined 741  
and passed upon as to the validity and sufficiency of the 742  
signatures on them by each of the boards and returned within five 743  
days to the secretary of state with the report of each board. No 744  
signature on a supplementary part-petition that is the same as a 745  
signature on an original part-petition shall be counted. The 746  
number of signatures in both the original and supplementary 747  
petitions, properly verified, shall be used by the secretary of 748  
state in determining the total number of signatures to the 749  
petition that the secretary of state shall record and announce. If 750  
they are sufficient, the amendment, proposed law, or law shall be 751  
placed on the ballot as required by law. If the petition is found 752  
insufficient, the secretary of state shall notify the committee in 753

charge of the circulation of the petition. 754

**Section 2.** That existing sections 1901.026, 1901.07, and 755  
3519.16 of the Revised Code are hereby repealed. 756

**Section 3.** The city of Stow shall not bill municipal 757  
corporations and townships for amounts due as shares of the 758  
operating costs of the Stow Municipal Court for the calendar year 759  
2010 under section 1901.028 of the Revised Code, as enacted by 760  
this act, until after December 31, 2010. 761