

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 123**

**Representatives Johnson, Thomas, D.**

**Cosponsors: Representatives Bird, Fowler Arthur, Claggett, Daniels, Hiner**

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**A BILL**

To amend sections 3.02, 302.09, 305.02, 503.24, and 733.31 of the Revised Code to modify the procedures for filling vacancies in certain local elected offices.

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

**Section 1.** That sections 3.02, 302.09, 305.02, 503.24, and 733.31 of the Revised Code be amended to read as follows:

**Sec. 3.02.** (A) ~~When~~ Subject to division (B) of this section, when an elective office becomes vacant and is filled by appointment, such appointee shall hold the office until the appointee's successor is elected and qualified; and such successor shall be elected for the unexpired term, at the first general election for the office which is vacant that occurs more than forty days after the vacancy has occurred; provided that when the unexpired term ends within one year immediately following the date of such general election, an election to fill such unexpired term shall not be held and the appointment shall be for such unexpired term.

(B) In the case of a vacancy in an office for which the

term expires in a month other than November, December, or 19  
January, other than the office of judge or justice of any court, 20  
if no election is held to fill the vacancy for the remainder of 21  
the unexpired term, all of the following apply: 22

(1) If, when the vacancy occurs, a person has been 23  
certified as elected to the office for the following full term, 24  
the appointing authority shall notify the person to provide a 25  
copy of the person's certificate of election to the appointing 26  
authority. Upon being presented with a copy of the person's 27  
certificate of election, the appointing authority shall appoint 28  
the person to the office for the remainder of the unexpired 29  
term. If the person fails to qualify to hold the office for the 30  
remainder of the unexpired term, another person shall be 31  
appointed under division (A) of this section to fill the vacancy 32  
for the remainder of the unexpired term. 33

(2) If, when the vacancy occurs, a person has not been 34  
certified as elected to the office for the following full term, 35  
and the person appointed to fill the vacancy under division (A) 36  
of this section is not elected to the office for the following 37  
full term, the person shall hold the office only until the 38  
person who is elected to the office for the following full term 39  
is appointed and qualifies to serve the remainder of the 40  
unexpired term under division (B) (3) of this section. However, 41  
if the person who is elected to the office for the following 42  
full term fails to qualify to hold the office for the remainder 43  
of the unexpired term under division (B) (3) of this section, the 44  
person appointed to fill the vacancy under division (A) of this 45  
section shall hold the office for the remainder of the unexpired 46  
term. 47

(3) If the person who is elected to the office for the 48

following full term was not already appointed to the office 49  
under division (A) of this section, the appointing authority 50  
shall notify the person to provide a copy of the person's 51  
certificate of election to the appointing authority. Upon being 52  
presented with a copy of the person's certificate of election, 53  
the appointing authority shall appoint the person to the office 54  
for the remainder of the unexpired term. 55

(4) As used in division (B) of this section, "appointing 56  
authority" does not include a committee of a political party or 57  
a committee of persons designated by a candidate. In the case of 58  
an office for which such a committee may fill a vacancy, the 59  
person who is designated to make an appointment to fill a 60  
vacancy in an elective office whose previous occupant was 61  
elected as an independent candidate is the appointing authority 62  
for purposes of this division. 63

(C) When an elective office becomes vacant and is filled 64  
by appointment under division (A) or (B) (2) of this section, the 65  
appointing authority shall, immediately but no later than seven 66  
days after making the appointment, certify it to the board of 67  
elections and to the secretary of state. The board of elections 68  
or, in the case of an appointment to a statewide office, the 69  
secretary of state shall issue a certificate of appointment to 70  
the appointee. Certificates of appointment shall be in such form 71  
as the secretary of state shall prescribe. 72

~~(C)~~ (D) When an elected candidate fails to qualify for the 73  
office to which the candidate has been elected, the office shall 74  
be filled as in the case of a vacancy. Until so filled, the 75  
incumbent officer shall continue to hold office. This section 76  
does not postpone the time for such election beyond that at 77  
which it would have been held had no such vacancy occurred, or 78

affect the official term, or the time for the commencement 79  
thereof, of any person elected to such office before the 80  
occurrence of such vacancy. 81

**Sec. 302.09.** When a vacancy occurs in the board of county 82  
commissioners or in the office of county auditor, county 83  
treasurer, prosecuting attorney, clerk of the court of common 84  
pleas, sheriff, county recorder, county engineer, or coroner 85  
more than forty days before the next general election for state 86  
and county officers, the vacancy shall be filled as provided for 87  
in ~~divisions (A) and (B) of~~ section 305.02 of the Revised Code. 88

**Sec. 305.02.** (A) If a vacancy in the office of county 89  
commissioner, prosecuting attorney, county auditor, county 90  
treasurer, clerk of the court of common pleas, sheriff, county 91  
recorder, county engineer, or coroner occurs more than forty 92  
days before the next general election for state and county 93  
officers, a successor shall be elected at such election for the 94  
unexpired term unless such term expires within one year 95  
immediately following the date of such general election. 96

In either event, the vacancy shall be filled as provided 97  
in this section and the appointee shall hold office until a 98  
successor is elected and qualified. 99

(B) If Subject to division (C) of this section, if 100  
vacancy occurs from any cause in any of the offices named in 101  
division (A) of this section, then not later than forty-five 102  
days after the vacancy occurs, a person shall be appointed to 103  
hold the office and to perform the duties thereof until a 104  
successor is elected and has qualified. The appointment shall be 105  
made as follows: 106

(1) If the last occupant of the office was elected as a 107

partisan candidate, the county central committee of the 108  
political party that nominated the last occupant of the office 109  
for the current term shall make the appointment. However, if 110  
such vacancy occurs because of the death, resignation, or 111  
inability to take the office of an officer-elect whose term has 112  
not yet begun, and the officer-elect was elected as a partisan 113  
candidate, an appointment to take such office at the beginning 114  
of the term shall be made by the central committee of the 115  
political party that nominated the officer-elect as a candidate 116  
for that office for that term. 117

A county central committee that makes an appointment under 118  
division (B) (1) of this section shall meet for that purpose not 119  
less than five nor more than forty-five days after the vacancy 120  
occurs. Not less than four days before the date of such meeting 121  
the chairperson or secretary of such central committee shall 122  
send by first class mail to every member of such central 123  
committee a written notice which shall state the time and place 124  
of such meeting and the purpose thereof. A majority of the 125  
members of the central committee present at such meeting may 126  
make the appointment. 127

(2) If the last occupant of the office or the officer- 128  
elect was elected to serve the current term as an independent 129  
candidate, the board of county commissioners shall make the 130  
appointment, except where the vacancy is in the office of county 131  
commissioner, in which case the prosecuting attorney and the 132  
remaining commissioners or a majority of them shall make the 133  
appointment. 134

(C) In the case of a vacancy in the office of county 135  
auditor or county treasurer, if no election is held to fill the 136  
vacancy for the remainder of the unexpired term, all of the 137

following apply: 138

(1) If, when the vacancy occurs, a person has been 139  
certified as elected to the office for the following full term, 140  
the board of county commissioners shall notify the person to 141  
provide a copy of the person's certificate of election to the 142  
board. Upon being presented with a copy of the person's 143  
certificate of election, the board shall appoint the person to 144  
the office for the remainder of the unexpired term. If the 145  
person fails to qualify to hold the office for the remainder of 146  
the unexpired term, another person shall be appointed under 147  
division (B) of this section to fill the vacancy for the 148  
remainder of the unexpired term. 149

(2) If, when the vacancy occurs, a person has not been 150  
certified as elected to the office for the following full term, 151  
and the person appointed to fill the vacancy under division (B) 152  
of this section is not elected to the office for the following 153  
full term, the person shall hold the office only until the 154  
person who is elected to the office for the following full term 155  
is appointed and qualifies to serve the remainder of the 156  
unexpired term under division (C) (3) of this section. However, 157  
if the person who is elected to the office for the following 158  
full term fails to qualify to hold the office for the remainder 159  
of the unexpired term under division (C) (3) of this section, the 160  
person appointed to fill the vacancy under division (B) of this 161  
section shall hold the office for the remainder of the unexpired 162  
term. 163

(3) If the person who is elected to the office for the 164  
following full term was not already appointed to the office 165  
under division (B) of this section, the board of county 166  
commissioners shall notify the person to provide a copy of the 167

person's certificate of election to the board. Upon being 168  
presented with a copy of the person's certificate of election, 169  
the board shall appoint the person to the office for the 170  
remainder of the unexpired term. 171

(D) Appointments made under this section shall be 172  
certified by the appointing county central committee or by the 173  
board of county commissioners to the county board of elections 174  
and to the secretary of state, and the persons so appointed and 175  
certified shall be entitled to all remuneration provided by law 176  
for the offices to which they are appointed. 177

~~(D)~~ (E) The board of county commissioners may appoint a 178  
person to hold any of the offices named in division (A) of this 179  
section as an acting officer and to perform the duties thereof 180  
between the occurrence of the vacancy and the time when the 181  
officer appointed under division (B) or (C) of this section 182  
qualifies and takes the office. 183

~~(E)~~ (F) A person appointed prosecuting attorney or 184  
assistant prosecuting attorney shall give bond and take the oath 185  
of office prescribed by section 309.03 of the Revised Code for 186  
the prosecuting attorney. 187

**Sec. 503.24.** ~~If~~ (A) Subject to division (D) of this 188  
section, if there is a vacancy by reason of the nonacceptance, 189  
death, or removal of a person chosen to an office in any 190  
township at the regular election, or if there is a vacancy from 191  
any other cause, the board of township trustees shall appoint a 192  
person having the qualifications of an elector to fill such 193  
vacancy for the unexpired term or until a successor is elected. 194

~~If~~ (B) Subject to division (D) of this section, if a 195  
township is without a board or if no appointment is made within 196

thirty days after the occurrence of a vacancy, a majority of the 197  
persons designated as the committee of five on the last-filed 198  
nominating petition of the township officer whose vacancy is to 199  
be filled who are residents of the township shall appoint a 200  
person having the qualifications of an elector to fill the 201  
vacancy for the unexpired term or until a successor is elected. 202  
If at least three of the committee members who are residents of 203  
the township cannot be found, or if that number of such members 204  
fails to make an appointment within ten days after the thirty- 205  
day period in which the board of township trustees is authorized 206  
to make an appointment, then the presiding probate judge of the 207  
county shall appoint a suitable person having the qualifications 208  
of an elector in the township to fill the vacancy for the 209  
unexpired term or until a successor is elected. 210

(C) If a vacancy occurs in a township elective office more 211  
than forty days before the next general election for municipal 212  
and township officers a successor shall be chosen at that 213  
election to fill the unexpired term, provided the term does not 214  
expire within one year from the day of the election. If the term 215  
expires within one year from the day of the next general 216  
election for municipal and township officers, a successor 217  
appointed pursuant to this section shall serve out the unexpired 218  
term, subject to division (D) of this section. 219

(D) In the case of a vacancy in the office of township 220  
fiscal officer, if no election is held to fill the vacancy for 221  
the remainder of the unexpired term, all of the following apply: 222

(1) If, when the vacancy occurs, a person has been 223  
certified as elected to the office for the following full term, 224  
the board of township trustees or, if the township is without a 225  
board, the presiding probate judge of the county shall notify 226



the person to provide a copy of the person's certificate of 227  
election to the board or the judge, as applicable. Upon being 228  
presented with a copy of the person's certificate of election, 229  
the board or the judge, as applicable, shall appoint the person 230  
to the office for the remainder of the unexpired term. If the 231  
person fails to qualify to hold the office for the remainder of 232  
the unexpired term, another person shall be appointed under 233  
division (A) or (B) of this section to fill the vacancy for the 234  
remainder of the unexpired term. 235

(2) If, when the vacancy occurs, a person has not been 236  
certified as elected to the office for the following full term, 237  
and the person appointed to fill the vacancy under division (A) 238  
or (B) of this section is not elected to the office for the 239  
following full term, the person shall hold the office only until 240  
the person who is elected to the office for the following full 241  
term is appointed and qualifies to serve the remainder of the 242  
unexpired term under division (D) (3) of this section. However, 243  
if the person who is elected to the office for the following 244  
full term fails to qualify to hold the office for the remainder 245  
of the unexpired term under division (D) (3) of this section, the 246  
person appointed to fill the vacancy under division (A) or (B) 247  
of this section shall hold the office for the remainder of the 248  
unexpired term. 249

(3) If the person who is elected to the office for the 250  
following full term was not already appointed to the office 251  
under division (A) or (B) of this section, the board of township 252  
trustees or, if the township is without a board, the presiding 253  
probate judge of the county shall notify the person to provide a 254  
copy of the person's certificate of election to the board or the 255  
judge, as applicable. Upon being presented with a copy of the 256  
person's certificate of election, the board or the judge, as 257

applicable, shall appoint the person to the office for the 258  
remainder of the unexpired term. 259

**Sec. 733.31.** (A) ~~Unless~~ Subject to division (F) of this 260  
section and unless otherwise provided by law, vacancies arising 261  
in appointive and elective offices of villages shall be filled 262  
by appointment by the mayor for the remainder of the unexpired 263  
term, provided that: 264

(1) Vacancies in the office of mayor shall be filled in 265  
the manner provided by section 733.25 of the Revised Code; 266

(2) Vacancies in the membership of the legislative 267  
authority shall be filled in the manner provided by section 268  
731.43 of the Revised Code; 269

(3) Vacancies in the office of president pro tempore of a 270  
village legislative authority shall be filled in the manner 271  
provided by section 731.11 of the Revised Code. 272

In the event of a vacancy in the office of village clerk 273  
or treasurer, the mayor may appoint a person to serve as an 274  
acting officer to perform the duties of the office until a 275  
permanent officer is appointed to fill the vacancy. 276

(B) ~~Unless~~ Subject to division (F) of this section and 277  
unless otherwise provided by law, vacancies arising in 278  
appointive offices of cities shall be filled by appointment by 279  
the mayor for the remainder of the unexpired term. 280

(C) A vacancy in the office of president of the 281  
legislative authority of a city shall be filled in the same 282  
manner as provided in division (D) of this section. Vacancies in 283  
the office of mayor of a city shall be filled in the manner 284  
provided in section 733.08 of the Revised Code. Vacancies in the 285  
membership of the legislative authority of a city shall be 286

filled in the manner provided in section 731.43 of the Revised Code. 287  
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(D) In case of the death, resignation, removal, or disability of the director of law, auditor, or treasurer of a city and such vacancy occurs more than forty days before the next general election for such office, 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, subject to division (F) of this section. 289  
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(1) The county central committee of the political party that nominated the last occupant of the office as a candidate for that office for the current term, acting through its members who reside in the city where the vacancy occurs, shall appoint a person to hold the office and to perform the duties thereof until a successor is elected and has qualified, except that if such vacancy occurs because of the death, resignation, or inability to take the office of an officer-elect whose term has not yet begun, an appointment to take such 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. 299  
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(2) Not less than five nor more than forty-five days after a vacancy occurs, the county central committee, acting through its members who reside in the city where the vacancy occurs, shall meet for the purpose of making an appointment. Not less than four days before the date of the meeting the chairperson or secretary of the central committee shall send by first class 311  
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mail to every member of such central committee who resides in 317  
the city where the vacancy occurs a written notice which shall 318  
state the time and place of such meeting and the purpose 319  
thereof. A majority of the members of the central committee 320  
present at such meeting may make the appointment. 321

(E) If the last occupant of the office or the officer- 322  
elect, as provided in division (D) of this section, was elected 323  
to serve the current term as an independent candidate, the mayor 324  
of the city shall make the appointment at the time the vacancy 325  
occurs. 326

(F) In the case of a vacancy in the office of village 327  
clerk, village clerk-treasurer, or any other city or village 328  
elective office for which the term expires in a month other than 329  
November, December, or January, if no election is held to fill 330  
the vacancy for the remainder of the unexpired term, all of the 331  
following apply: 332

(1) If, when the vacancy occurs, a person has been 333  
certified as elected to the office for the following full term, 334  
the mayor shall notify the person to provide a copy of the 335  
person's certificate of election to the mayor. Upon being 336  
presented with a copy of the person's certificate of election, 337  
the mayor shall appoint the person to the office for the 338  
remainder of the unexpired term. If the person fails to qualify 339  
to hold the office for the remainder of the unexpired term, 340  
another person shall be appointed under divisions (A) to (E) of 341  
this section to fill the vacancy for the remainder of the 342  
unexpired term. 343

(2) If, when the vacancy occurs, a person has not been 344  
certified as elected to the office for the following full term, 345  
and the person appointed to fill the vacancy under divisions (A) 346

to (E) of this section is not elected to the office for the 347  
following full term, the person shall hold the office only until 348  
the person who is elected to the office for the following full 349  
term is appointed and qualifies to serve the remainder of the 350  
unexpired term under division (F) (3) of this section. However, 351  
if the person who is elected to the office for the following 352  
full term fails to qualify to hold the office for the remainder 353  
of the unexpired term under division (F) (3) of this section, the 354  
person appointed to fill the vacancy under divisions (A) to (E) 355  
of this section shall hold the office for the remainder of the 356  
unexpired term. 357

(3) If the person who is elected to the office for the 358  
following full term was not already appointed to the office 359  
under divisions (A) to (E) of this section, the mayor shall 360  
notify the person to provide a copy of the person's certificate 361  
of election to the mayor. Upon being presented with a copy of 362  
the person's certificate of election, the mayor shall appoint 363  
the person to the office for the remainder of the unexpired 364  
term. 365

(G) Appointments made under this section shall be 366  
certified by the appointing county central committee or by the 367  
mayor of the municipal corporation to the county board of 368  
elections and to the secretary of state. The persons so 369  
appointed and certified shall be entitled to all remuneration 370  
provided by law for the offices to which they are appointed. 371

~~(G)~~(H) The mayor of the city may appoint a person to hold 372  
the city office of director of law, auditor, or treasurer as an 373  
acting officer and to perform the duties thereof between the 374  
occurrence of the vacancy and the time when the person appointed 375  
by the central committee qualifies and takes the office. 376

<b>Section 2.</b> That existing sections 3.02, 302.09, 305.02,	377
503.24, and 733.31 of the Revised Code are hereby repealed.	378
<b>Section 3.</b> Sections 3.02, 302.09, 305.02, 503.24, and	379
733.31 of the Revised Code, as amended by this act, first apply	380
to vacancies that occur on or after the effective date of this	381
section.	382