

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

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

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

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

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

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 287
Code. 288

(D) In case of the death, resignation, removal, or 289
disability of the director of law, auditor, or treasurer of a 290
city and such vacancy occurs more than forty days before the 291
next general election for such office, a successor shall be 292
elected at such election for the unexpired term unless such term 293
expires within one year immediately following the date of such 294
general election. In either event, the vacancy shall be filled 295
as provided in this section and the appointee shall hold office 296
until a successor is elected and qualified, subject to division 297
(F) of this section. 298

(1) The county central committee of the political party 299
that nominated the last occupant of the office as a candidate 300
for that office for the current term, acting through its members 301
who reside in the city where the vacancy occurs, shall appoint a 302
person to hold the office and to perform the duties thereof 303
until a successor is elected and has qualified, except that if 304
such vacancy occurs because of the death, resignation, or 305
inability to take the office of an officer-elect whose term has 306
not yet begun, an appointment to take such office at the 307
beginning of the term shall be made by the members of the 308
central committee who reside in the city where the vacancy 309
occurs. 310

(2) Not less than five nor more than forty-five days after 311
a vacancy occurs, the county central committee, acting through 312
its members who reside in the city where the vacancy occurs, 313
shall meet for the purpose of making an appointment. Not less 314
than four days before the date of the meeting the chairperson or 315
secretary of the central committee shall send by first class 316

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

Section 2. That existing sections 3.02, 302.09, 305.02, 377
503.24, and 733.31 of the Revised Code are hereby repealed. 378

Section 3. 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