

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 823**

**Representatives Thomas, D., Mathews, T.**

**Cosponsors: Representatives Bird, Click, Daniels, Deeter, Fischer, Gross, John, Kishman, Klopfenstein, Lear, Lorenz, McClain, Ritter, Troy, Williams**

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To amend sections 3.07, 3.17, 305.03, 503.241, and 3313.11 and to enact section 3.171 of the Revised Code to allow an elected official who is deployed on active military duty to retain the official's position and to attend meetings virtually.

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

**Section 1.** That sections 3.07, 3.17, 305.03, 503.241, and 3313.11 be amended and section 3.171 of the Revised Code be enacted to read as follows:

**Sec. 3.07.** ~~Any~~ Subject to section 3.171 of the Revised Code, any person holding office in this state, or in any municipal corporation, county, or subdivision thereof, coming within the official classification in Section 38 of Article II, Ohio Constitution, who willfully and flagrantly exercises authority or power not authorized by law, refuses or willfully neglects to enforce the law or to perform any official duty imposed upon ~~him~~ the person by law, or is guilty of gross neglect of duty, gross immorality, drunkenness, misfeasance, malfeasance, or nonfeasance is guilty of misconduct in office.

Upon complaint and hearing in the manner provided for in 20  
sections 3.07 to 3.10, inclusive, of the Revised Code, such 21  
person shall have judgment of forfeiture of said office with all 22  
its emoluments entered thereon against ~~him~~the person, creating 23  
thereby in said office a vacancy to be filled as prescribed by 24  
law. The proceedings provided for in such sections are in 25  
addition to impeachment and other methods of removal authorized 26  
by law, and such sections do not divest the governor or any 27  
other authority of the jurisdiction given in removal 28  
proceedings. 29

**Sec. 3.17.** ~~Any~~ Except as otherwise provided in section 30  
3.171 of the Revised Code, any member of a board, commission, 31  
council, board of trustees of an institution of higher 32  
education, or other public body of the state, except a member of 33  
the general assembly or a judge of any court in the state, who 34  
fails to attend at least three-fifths of the regular and special 35  
meetings held by that board, commission, council, board of 36  
trustees, or public body during any two-year period forfeits the 37  
member's position on that board, commission, council, board of 38  
trustees, or public body. 39

**Sec. 3.171.** (A) As used in this section: 40

(1) "Active duty" means full-time duty in the armed forces 41  
of the United States or the Ohio national guard, including full- 42  
time training duty, annual training duty, and active state duty 43  
for members of the national guard. 44

(2) "Armed forces of the United States" has the same 45  
meaning as in section 5907.01 of the Revised Code. 46

(3) "Elected official" means a person who holds an 47  
elective office of the state or a political subdivision. 48

(4) "Public body" has the same meaning as in section 121.22 of the Revised Code. 49  
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(B) When an elected official is an active or reserve member of the armed forces of the United States or the Ohio national guard and is deployed on active duty, all of the following apply: 51  
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(1) Notwithstanding section 121.22 of the Revised Code, the elected official may attend any meeting of a public body of which the elected official is a member, and may hear and vote on any matter before the public body, through teleconference, video conference, or any other similar synchronous electronic technology. 55  
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(2) The elected official shall not be considered absent from a meeting of any public body of which the elected official is a member for purposes of any provision of law that requires a member of a public body to attend a certain number of meetings of the public body in order to avoid forfeiting the person's office. This division applies regardless of whether the elected official attends any meetings virtually as permitted under division (B)(1) of this section. 61  
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(3) The elected official is not considered to be absent from the state or a political subdivision for purposes of any provision of law that specifies that an office becomes vacant when the official is absent. 69  
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(4) The elected official is not considered to have committed nonfeasance in office or otherwise failed to perform the duties of the office by reason of the elected official's absence while deployed on active duty. 73  
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**Sec. 305.03.** (A) Whenever any county officer fails to 77

perform the duties of office for thirty consecutive days, except 78  
in case of sickness or injury as provided in divisions (B) and 79  
(C) of this section, the office shall be deemed vacant. 80  
Performing the duties of office includes a county officer 81  
appearing in person at the officer's principal office location 82  
on at least one out of thirty consecutive days. 83

(B) Whenever any county officer is absent because of 84  
sickness or injury, the officer shall cause to be filed with the 85  
board of county commissioners a certificate from a physician, 86  
certified nurse-midwife, clinical nurse specialist, or certified 87  
nurse practitioner of the officer's sickness or injury. If the 88  
certificate is not filed with the board within ten days after 89  
the expiration of thirty consecutive days, the office shall be 90  
deemed vacant. 91

(C) Whenever a county officer files a certificate under 92  
division (B) of this section, but continues to be absent for an 93  
additional thirty days commencing immediately after the last day 94  
on which this certificate may be filed under division (B) of 95  
this section, the office shall be deemed vacant. 96

(D) If at any time two county commissioners in a county 97  
are absent and have filed a certificate under division (B) of 98  
this section, the county coroner, in addition to performing the 99  
duties of coroner, shall serve as county commissioner until at 100  
least one of the absent commissioners returns to office or until 101  
the office of at least one of the absent commissioners is deemed 102  
vacant under this section and the vacancy is filled. If the 103  
coroner so requests, the coroner shall be paid a per diem rate 104  
for the coroner's service as a commissioner. That per diem rate 105  
shall be the annual salary specified by law for a county 106  
commissioner of that county whose term of office began in the 107

same year as the coroner's term of office began, divided by the 108  
number of days in the year. 109

While the coroner is serving as a county commissioner, the 110  
coroner shall be considered an acting county commissioner and 111  
shall perform the duties of the office of county commissioner 112  
until at least one of the absent commissioners returns to office 113  
or until the office of at least one of the absent commissioners 114  
is deemed vacant. Before assuming the office of acting county 115  
commissioner, the coroner shall take an oath of office as 116  
provided in sections 3.22 and 3.23 of the Revised Code. The 117  
coroner's service as an acting county commissioner does not 118  
constitute the holding of an incompatible public office or 119  
employment in violation of any statutory or common law 120  
prohibition against the simultaneous holding of more than one 121  
public office or employment. 122

The coroner shall give a new bond in the same amount and 123  
signed and approved as provided in section 305.04 of the Revised 124  
Code. The bond shall be conditioned for the faithful discharge 125  
of the coroner's duties as acting county commissioner and for 126  
the payment of any loss or damage that the county may sustain by 127  
reason of the coroner's failure in those duties. The bond, along 128  
with the oath of office and approval of the probate judge 129  
indorsed on it, shall be deposited and paid for as provided for 130  
the bonds in section 305.04 of the Revised Code. 131

(E) Any vacancy declared under this section shall be 132  
filled in the manner provided by section 305.02 of the Revised 133  
Code. 134

(F) This section ~~shall~~ does not apply to a county officer- 135  
~~while in the active military service of the United States to~~ 136  
whom division (B) of section 3.171 of the Revised Code applies. 137

**Sec. 503.241.** Whenever any township officer ceases to 138  
reside in the township, or is absent from the township for 139  
ninety consecutive days, except in case of sickness or injury as 140  
provided in this section, the officer's office shall be deemed 141  
vacant and the board of township trustees shall declare a 142  
vacancy to exist in such office. 143

Such vacancy shall be filled in the manner provided by 144  
section 503.24 of the Revised Code. Whenever any township 145  
officer is absent from the township because of sickness or 146  
injury, the officer shall cause to be filed with the board of 147  
township trustees a certificate from a physician, certified 148  
nurse-midwife, clinical nurse specialist, or certified nurse 149  
practitioner of the officer's sickness or injury. If such 150  
certificate is not filed with the board within ten days after 151  
the expiration of the ninety consecutive days of absence from 152  
the township, the officer's office shall be deemed vacant and 153  
the board of township trustees shall declare a vacancy to exist 154  
in such office. 155

This section ~~shall~~does not apply to a township officer- 156  
~~while in the active military service of the United States to~~ 157  
whom division (B) of section 3.171 of the Revised Code applies. 158

**Sec. 3313.11.** Notwithstanding division (D) of section 159  
3311.19 and division (D) of section 3311.52 of the Revised Code, 160  
this section does not apply to any joint vocational or 161  
cooperative education school district. 162

~~A~~Except as otherwise provided in section 3.171 of the 163  
Revised Code, a vacancy in any board of education may be caused 164  
by death, nonresidence, resignation, removal from office, 165  
failure of a person elected or appointed to qualify within ten 166  
days after the organization of the board or of appointment or 167

election, removal from the district, or absence from meetings of 168  
the board for a period of ninety days, if such absence is caused 169  
by reasons declared insufficient by a two-thirds vote of the 170  
remaining members of the board, which vote must be taken and 171  
entered upon the records of the board not less than thirty days 172  
after such absence. 173

If the board members are selected by appointment pursuant 174  
to division (B) or (F) of section 3311.71 of the Revised Code, 175  
the appointing authority responsible for the appointment shall 176  
fill any such vacancy by appointment of an individual to serve 177  
the remainder of the unexpired term from a slate of at least 178  
three persons proposed by the municipal school district 179  
nominating panel established under that section. If the member 180  
creating the vacancy resides in a municipal school district but 181  
not in the municipal corporation containing the greatest portion 182  
of the district's territory, the individuals included on such 183  
slate shall also reside in the municipal school district but not 184  
in the municipal corporation containing the greatest portion of 185  
the district's territory. 186

If the board members are selected by election, the board 187  
shall fill any such vacancy at its next regular or special 188  
meeting, not earlier than ten days after such vacancy occurs. A 189  
majority vote of all the remaining members of the board may fill 190  
any such vacancy. Immediately after such a vote, the treasurer 191  
of the board of education shall give written notice to the board 192  
of elections responsible for conducting elections for that 193  
school district that a vacancy has been filled, and the name of 194  
the person appointed to fill the vacancy. Each person selected 195  
by the board or probate court to fill a vacancy shall hold 196  
office for the shorter of the following periods: until the 197  
completion of the unexpired term, or until the first day of 198

January immediately following the next regular board of 199  
education election taking place more than ninety days after a 200  
person is selected by the board or probate court to fill the 201  
vacancy. At that election, a special election to fill the 202  
vacancy shall be held in accordance with laws controlling 203  
regular elections for board of education members, except that no 204  
such special election shall be held if the unexpired term ends 205  
on or before the first day of January immediately following that 206  
regular board of education election. The term of a person chosen 207  
at a special election under this section shall begin on the 208  
first day of January immediately following the election, and the 209  
person shall serve for the remainder of the unexpired term. 210  
Whenever the need for a special election under this section 211  
becomes known, the board of education shall immediately give 212  
written notice of this fact to the board of elections 213  
responsible for conducting the regular board of education 214  
election for that school district. 215

The term of a board of education member shall not be 216  
lengthened by the member's resignation and subsequent selection 217  
by the board or probate court under this section. 218

**Section 2.** That existing sections 3.07, 3.17, 305.03, 219  
503.241, and 3313.11 of the Revised Code are hereby repealed. 220