

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 824

Representative Brennan

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.

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 sections 3.07 to 3.10, inclusive, of the Revised Code, such person shall have judgment of forfeiture of said office with all

its emoluments entered thereon against ~~him~~the person, creating 22
thereby in said office a vacancy to be filled as prescribed by 23
law. The proceedings provided for in such sections are in 24
addition to impeachment and other methods of removal authorized 25
by law, and such sections do not divest the governor or any 26
other authority of the jurisdiction given in removal 27
proceedings. 28

Sec. 3.17. ~~Any~~ Except as otherwise provided in section 29
3.171 of the Revised Code, any member of a board, commission, 30
council, board of trustees of an institution of higher 31
education, or other public body of the state, except a member of 32
the general assembly or a judge of any court in the state, who 33
fails to attend at least three-fifths of the regular and special 34
meetings held by that board, commission, council, board of 35
trustees, or public body during any two-year period forfeits the 36
member's position on that board, commission, council, board of 37
trustees, or public body. 38

Sec. 3.171. (A) As used in this section: 39

(1) "Active duty" means full-time duty in the armed forces 40
of the United States or the Ohio national guard, including full- 41
time training duty, annual training duty, and active state duty 42
for members of the national guard. 43

(2) "Armed forces of the United States" has the same 44
meaning as in section 5907.01 of the Revised Code. 45

(3) "Elected official" means a person who holds an 46
elective office of the state or a political subdivision. 47

(4) "Public body" has the same meaning as in section 48
121.22 of the Revised Code. 49

(B) Subject to division (C) of this section, when an 50

elected official is an active or reserve member of the armed 51
forces of the United States or the Ohio national guard and is 52
deployed on active duty, all of the following apply: 53

(1) The elected official shall not be considered absent 54
from a meeting of any public body of which the elected official 55
is a member for purposes of any provision of law that requires a 56
member of a public body to attend a certain number of meetings 57
of the public body in order to avoid forfeiting the person's 58
office. The absence shall be recorded as excused for military 59
duty. 60

(2) The elected official is not considered to be absent 61
from the state or a political subdivision for purposes of any 62
provision of law that specifies that an office becomes vacant 63
when the official is absent. 64

(3) The elected official is not considered to have 65
committed nonfeasance in office or otherwise failed to perform 66
the duties of the office by reason of the elected official's 67
absence while deployed on active duty. 68

(4) The elected official's compensation, benefits, or 69
seniority as an officer of the state or the political 70
subdivision shall not be reduced, withheld, or denied by reason 71
of the elected official's absence while deployed on active duty. 72

(C) (1) An elected official to whom division (B) of this 73
section applies is eligible for the benefits of that division 74
only if the elected official does both of the following: 75

(a) Provides advance written notice of the elected 76
official's deployment if it is practicable to do so. If it is 77
not practicable to do so, the elected official shall provide 78
written notice as soon as reasonably possible after being 79

<u>deployed.</u>	80
<u>(b) Provides documentation of the elected official's</u>	81
<u>deployment, including the dates of deployment, when that</u>	82
<u>documentation is reasonably available. The documentation of</u>	83
<u>deployment may be redacted to remove sensitive or confidential</u>	84
<u>information and is not required to include any classified or</u>	85
<u>operational information. Documentation of deployment may include</u>	86
<u>any of the following:</u>	87
<u>(i) Official military orders;</u>	88
<u>(ii) A written statement or verification from the elected</u>	89
<u>official's commanding officer;</u>	90
<u>(iii) Documentation of military pay or duty;</u>	91
<u>(iv) Any other credible evidence of deployment.</u>	92
<u>(2) The elected official shall file the notice and</u>	93
<u>documentation of deployment described in division (C) (1) of this</u>	94
<u>section in the following office, as applicable:</u>	95
<u>(a) In the case of the governor, the lieutenant governor,</u>	96
<u>the auditor of state, the secretary of state, the treasurer of</u>	97
<u>state, or the attorney general, the notice and documentation</u>	98
<u>shall be filed in the office of the secretary of state.</u>	99
<u>(b) In the case of a member of the general assembly, the</u>	100
<u>notice and documentation shall be filed with the clerk of the</u>	101
<u>senate or the house of representatives, as applicable.</u>	102
<u>(c) In the case of a justice of the supreme court, a</u>	103
<u>judge, or a clerk of a court, the notice and documentation shall</u>	104
<u>be filed in the office of the clerk of the appropriate court.</u>	105
<u>(d) In the case of a member of the legislative authority</u>	106

of a political subdivision, a school district board of 107
education, or the governing board of an educational service 108
center, the notice and documentation shall be filed with the 109
chairperson of the legislative authority or the board. If the 110
elected official is the chairperson, the notice and 111
documentation shall be filed with the member of the legislative 112
authority or the board who is the acting chairperson in the 113
chairperson's absence. 114

(e) In the case of an elected official who holds any other 115
county office, the notice and documentation shall be filed in 116
the office of the county auditor. 117

(f) In the case of an elected official who holds any other 118
municipal office, the notice and documentation shall be filed in 119
the office of the city auditor or village clerk. 120

(g) In the case of an elected official who holds any other 121
township office, the notice and documentation shall be filed in 122
the office of the township fiscal officer. 123

(3) A notice of deployment filed under division (C) (1) (a) 124
of this section is a public record for purposes of section 125
149.43 of the Revised Code. Documentation of deployment filed 126
under division (C) (1) (b) of this section is not a public record 127
for purposes of section 149.43 of the Revised Code, but the fact 128
that it has been filed and the date of filing are matters of 129
public record for purposes of that section. 130

(D) An elected official who knowingly files a false notice 131
of deployment or documentation of deployment under division (C) 132
(1) of this section with the intent to obtain any benefit under 133
division (B) of this section to which the elected official is 134
not entitled is guilty of misconduct in office and is subject to 135

removal upon complaint and hearing in the manner provided for in 136
sections 3.07 to 3.10 of the Revised Code. 137

(E) This section supersedes any conflicting provision of a 138
charter, ordinance, resolution, rule, or policy adopted by a 139
political subdivision but does not limit any greater protection 140
provided under state or federal law. 141

(F) Nothing in this section shall be construed to limit 142
the authority of either house of the general assembly to 143
determine its own rules, judge the qualifications of its 144
members, or discipline or expel a member as provided in the Ohio 145
Constitution. Deployment on active duty is a presumptively valid 146
justification for absence, and each house of the general 147
assembly is encouraged to adopt rules consistent with this 148
section. 149

Sec. 305.03. (A) Whenever any county officer fails to 150
perform the duties of office for thirty consecutive days, except 151
in case of sickness or injury as provided in divisions (B) and 152
(C) of this section, the office shall be deemed vacant. 153
Performing the duties of office includes a county officer 154
appearing in person at the officer's principal office location 155
on at least one out of thirty consecutive days. 156

(B) Whenever any county officer is absent because of 157
sickness or injury, the officer shall cause to be filed with the 158
board of county commissioners a certificate from a physician, 159
certified nurse-midwife, clinical nurse specialist, or certified 160
nurse practitioner of the officer's sickness or injury. If the 161
certificate is not filed with the board within ten days after 162
the expiration of thirty consecutive days, the office shall be 163
deemed vacant. 164

(C) Whenever a county officer files a certificate under 165
division (B) of this section, but continues to be absent for an 166
additional thirty days commencing immediately after the last day 167
on which this certificate may be filed under division (B) of 168
this section, the office shall be deemed vacant. 169

(D) If at any time two county commissioners in a county 170
are absent and have filed a certificate under division (B) of 171
this section, the county coroner, in addition to performing the 172
duties of coroner, shall serve as county commissioner until at 173
least one of the absent commissioners returns to office or until 174
the office of at least one of the absent commissioners is deemed 175
vacant under this section and the vacancy is filled. If the 176
coroner so requests, the coroner shall be paid a per diem rate 177
for the coroner's service as a commissioner. That per diem rate 178
shall be the annual salary specified by law for a county 179
commissioner of that county whose term of office began in the 180
same year as the coroner's term of office began, divided by the 181
number of days in the year. 182

While the coroner is serving as a county commissioner, the 183
coroner shall be considered an acting county commissioner and 184
shall perform the duties of the office of county commissioner 185
until at least one of the absent commissioners returns to office 186
or until the office of at least one of the absent commissioners 187
is deemed vacant. Before assuming the office of acting county 188
commissioner, the coroner shall take an oath of office as 189
provided in sections 3.22 and 3.23 of the Revised Code. The 190
coroner's service as an acting county commissioner does not 191
constitute the holding of an incompatible public office or 192
employment in violation of any statutory or common law 193
prohibition against the simultaneous holding of more than one 194
public office or employment. 195

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

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

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

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

Such vacancy shall be filled in the manner provided by section 503.24 of the Revised Code. Whenever any township officer is absent from the township because of sickness or injury, the officer shall cause to be filed with the board of township trustees a certificate from a physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner of the officer's sickness or injury. If such certificate is not filed with the board within ten days after the expiration of the ninety consecutive days of absence from

the township, the officer's office shall be deemed vacant and 226
the board of township trustees shall declare a vacancy to exist 227
in such office. 228

This section ~~shall~~does not apply to a township officer- 229
~~while in the active military service of the United States to~~ 230
whom division (B) of section 3.171 of the Revised Code applies. 231

Sec. 3313.11. Notwithstanding division (D) of section 232
3311.19 and division (D) of section 3311.52 of the Revised Code, 233
this section does not apply to any joint vocational or 234
cooperative education school district. 235

~~A-Except as otherwise provided in section 3.171 of the~~ 236
Revised Code, a vacancy in any board of education may be caused 237
by death, nonresidence, resignation, removal from office, 238
failure of a person elected or appointed to qualify within ten 239
days after the organization of the board or of appointment or 240
election, removal from the district, or absence from meetings of 241
the board for a period of ninety days, if such absence is caused 242
by reasons declared insufficient by a two-thirds vote of the 243
remaining members of the board, which vote must be taken and 244
entered upon the records of the board not less than thirty days 245
after such absence. 246

If the board members are selected by appointment pursuant 247
to division (B) or (F) of section 3311.71 of the Revised Code, 248
the appointing authority responsible for the appointment shall 249
fill any such vacancy by appointment of an individual to serve 250
the remainder of the unexpired term from a slate of at least 251
three persons proposed by the municipal school district 252
nominating panel established under that section. If the member 253
creating the vacancy resides in a municipal school district but 254
not in the municipal corporation containing the greatest portion 255

of the district's territory, the individuals included on such 256
slate shall also reside in the municipal school district but not 257
in the municipal corporation containing the greatest portion of 258
the district's territory. 259

If the board members are selected by election, the board 260
shall fill any such vacancy at its next regular or special 261
meeting, not earlier than ten days after such vacancy occurs. A 262
majority vote of all the remaining members of the board may fill 263
any such vacancy. Immediately after such a vote, the treasurer 264
of the board of education shall give written notice to the board 265
of elections responsible for conducting elections for that 266
school district that a vacancy has been filled, and the name of 267
the person appointed to fill the vacancy. Each person selected 268
by the board or probate court to fill a vacancy shall hold 269
office for the shorter of the following periods: until the 270
completion of the unexpired term, or until the first day of 271
January immediately following the next regular board of 272
education election taking place more than ninety days after a 273
person is selected by the board or probate court to fill the 274
vacancy. At that election, a special election to fill the 275
vacancy shall be held in accordance with laws controlling 276
regular elections for board of education members, except that no 277
such special election shall be held if the unexpired term ends 278
on or before the first day of January immediately following that 279
regular board of education election. The term of a person chosen 280
at a special election under this section shall begin on the 281
first day of January immediately following the election, and the 282
person shall serve for the remainder of the unexpired term. 283
Whenever the need for a special election under this section 284
becomes known, the board of education shall immediately give 285
written notice of this fact to the board of elections 286

responsible for conducting the regular board of education	287
election for that school district.	288
The term of a board of education member shall not be	289
lengthened by the member's resignation and subsequent selection	290
by the board or probate court under this section.	291
Section 2. That existing sections 3.07, 3.17, 305.03,	292
503.241, and 3313.11 of the Revised Code are hereby repealed.	293