

H. B. No. 257
As Introduced

_____ moved to amend as follows:

In line 1 of the title, after "sections" insert "305.02," 1

In line 6, after "sections" insert "305.02," 2

After line 166, insert: 3

"Sec. 305.02. (A) If a vacancy in the office of county 4
commissioner, prosecuting attorney, county auditor, county 5
treasurer, clerk of the court of common pleas, sheriff, county 6
recorder, county engineer, or coroner occurs more than forty 7
days before the next general election for state and county 8
officers, a successor shall be elected at such election for the 9
unexpired term unless such term expires within one year 10
immediately following the date of such general election. 11

In either event, the vacancy shall be filled as provided 12
in this section and the appointee shall hold office until a 13
successor is elected and qualified. 14

(B) If a vacancy occurs from any cause in any of the 15
offices named in division (A) of this section, then not later 16
than forty-five days after the vacancy occurs, a person shall be 17



appointed to hold the office and to perform the duties thereof 18
until a successor is elected and has qualified. The appointment 19
shall be made as follows: 20

(1) If the last occupant of the office was elected as a 21
partisan candidate, the county central committee of the 22
political party that nominated the last occupant of the office 23
for the current term shall make the appointment. However, if 24
such vacancy occurs because of the death, resignation, or 25
inability to take the office of an officer-elect whose term has 26
not yet begun, and the officer-elect was elected as a partisan 27
candidate, an appointment to take such office at the beginning 28
of the term shall be made by the central committee of the 29
political party that nominated the officer-elect as a candidate 30
for that office for that term. 31

A county central committee that makes an appointment under 32
division (B) (1) of this section shall meet for that purpose not 33
less than five nor more than forty-five days after the vacancy 34
occurs. Not less than four days before the date of such meeting 35
the chairperson or secretary of such central committee shall 36
send by first class mail to every member of such central 37
committee a written notice which shall state the time and place 38
of such meeting and the purpose thereof. A majority of the 39
members of the central committee present at such meeting may 40
make the appointment. The central committee may use a secret 41
ballot process to make the appointment under division (B) (1) of 42
this section. 43

(2) If the last occupant of the office or the officer- 44
elect was elected to serve the current term as an independent 45
candidate, the board of county commissioners shall make the 46
appointment, except where the vacancy is in the office of county 47

commissioner, in which case the prosecuting attorney and the 48
remaining commissioners or a majority of them shall make the 49
appointment. 50

(C) Appointments made under this section shall be 51
certified by the appointing county central committee or by the 52
board of county commissioners to the county board of elections 53
and to the secretary of state, and the persons so appointed and 54
certified shall be entitled to all remuneration provided by law 55
for the offices to which they are appointed. 56

(D) The board of county commissioners may appoint a person 57
to hold any of the offices named in division (A) of this section 58
as an acting officer and to perform the duties thereof between 59
the occurrence of the vacancy and the time when the officer 60
appointed under division (B) of this section qualifies and takes 61
the office. 62

(E) A person appointed prosecuting attorney or assistant 63
prosecuting attorney shall give bond and take the oath of office 64
prescribed by section 309.03 of the Revised Code for the 65
prosecuting attorney." 66

In line 533, after "sections" insert "305.02," 67

The motion was _____ agreed to.

SYNOPSIS 68

County central committees; secret ballot to fill vacancies 69

R.C. 305.02 70

Permits a county central committee, if there is a vacancy 71
in the office of county commissioner, prosecuting attorney, 72
county auditor, county treasurer, clerk of the court of common 73
pleas, sheriff, county recorder, county engineer, or coroner, 74
and if the official was elected as a partisan candidate, to fill 75
the vacancy using a secret ballot process (requiring a majority 76
vote as under continuing law). 77