



**H.B. 559**

123rd General Assembly  
(As Reported by H. Criminal Justice)

**Reps. Coughlin, Williams, Callender**

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**BILL SUMMARY**

- Revises the manner in which the clerks of the Barberton and Cuyahoga Falls Municipal courts are elected.

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**CONTENT AND OPERATION**

**Existing law**

Generally, if the population of a municipal court's territory equals or exceeds 100,000 at the regular municipal election immediately preceding the term of the present clerk, the clerk is nominated and elected in the manner that is provided for the nomination and election of judges (see **COMMENT 1**). The clerk holds office for a term of six years, commencing on the first day of January following the clerk's election and continuing until the clerk's successor is elected and qualified. (R.C. 1901.31(A)(1)(a).) For the purposes of this section, the populations of the territories of the Barberton and Cuyahoga Falls Municipal courts both exceed 100,000.<sup>1</sup>

**Operation of the bill**

The bill would provide that regardless of the populations of Barberton and Cuyahoga Falls for the purposes of this section, the clerks must be elected in the process described below (R.C. 1901.31(A)(1)(a), (g), and (h)). The procedures for these two provisions are parallel and also parallel the existing procedure for the clerk of the Akron Municipal Court. The most significant deviations from the existing procedures appear to be the existence of a primary election, a reduction in the number of signatures required for independent candidates' nominating petitions, the date on which declarations of candidacy and petitions or nominating petitions must be filed, and the date on which the primary must be held.

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<sup>1</sup> According to figures supplied by the Ohio Supreme Court.

Generally, in the Barberton or Cuyahoga Falls Municipal Court, candidates for election to the office of clerk of the court must be nominated by primary election.<sup>2</sup> The primary election must be held on the day specified in the charter of the City of Barberton or City of Cuyahoga Falls, as appropriate, for the nomination of municipal officers. Notwithstanding the provisions in the Elections Law regarding statements of candidacy and nominating petitions for independent candidates, the nominating petitions of independent candidates must be signed by at least 250 qualified electors of the territory of the court.<sup>3</sup>

The candidates must file a declaration of candidacy and petition (for party candidates), or a nominating petition (for independent candidates), whichever is applicable, not later than 4 p.m. of the 75th day before the day of the primary election, in the form prescribed by the Elections Law. The declaration of candidacy and petition, or the nominating petition, must conform to the applicable requirements of the Elections Law regarding the declaration of candidacy and petition or the nominating petition, as appropriate.

If no person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to the office of clerk, no primary election will be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to the office of clerk, no primary election will be held for the purpose of nominating a candidate of that party for election to that office, and the candidate must be issued a certificate of nomination.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Barberton or Cuyahoga Falls Municipal Court must designate the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office must be submitted to the qualified electors of the territory of the court in the manner that the Revised Code provides for the election of the judges of the court (see **COMMENT 1**). The clerk so elected holds office for a term of six years,

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<sup>2</sup> *Under existing law, because the jurisdiction of the Barberton or Cuyahoga Falls Municipal Courts extends beyond the corporate limits of those municipal corporations, all candidates for Barberton or Cuyahoga Falls Municipal Court Clerk must be nominated only by petition (R.C. 1901.07(B) and 1901.31(A)(1)(a)).*

<sup>3</sup> *R.C. 3513.257(C) provides that if the candidacy is to be voted on by electors in a district in which 5,000 or more electors voted for the office of Governor in the most recent gubernatorial election, the nominating petition must contain a number of signatures equal to at least 1% of those electors.*

commencing on the first day of January following the clerk's election and continuing until the clerk's successor is elected and qualified. (R.C. 1901.31(A)(1)(a), (g), and (h).)

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## COMMENT

1. R.C. 1901.07 generally provides that all municipal court judges must be elected on the nonpartisan ballot for terms of six years. All candidates for municipal judge may be nominated either by nominating petition or by primary election, except that if the jurisdiction of a municipal court extends only to the corporate limits of the municipal corporation in which the court is located and that municipal corporation operates under a charter, all candidates must be nominated in the same manner provided in the charter for the office of municipal judge, or if no specific provisions are made in the charter for the office of municipal judge, in the same manner as the charter prescribes for the nomination and election of the legislative authority of the municipal corporation.

If a municipal corporation that has a municipal court has a charter that specifies a primary date other than the date specified in the Elections Law, and if the jurisdiction of the court extends beyond the corporate limits of the municipal corporation, all candidates for the office of municipal judge of that court must be nominated only by petition.

If no charter provisions apply, all candidates for party nomination to the office of municipal judge must file a declaration of candidacy and petition not later than 4 p.m. of the 75th day before the day of the primary election, or if the primary election is a presidential primary election, not later than 4 p.m. of the 60th day before the day of the presidential primary election. The petition must be in a statutorily prescribed form and must conform to the requirements for petitions of candidacy. If no person files a valid declaration of candidacy for nomination as a candidate of a political party for election to the office of municipal judge, or if the number of persons filing the declarations of candidacy for nominations as candidates of one political party for election to the office does not exceed the number of candidates that that party is entitled to nominate as its candidates for election to the office, no primary election will be held for the purpose of nominating candidates of that party for election to the office, and the candidates must be issued certificates of nomination.

If no charter provisions apply, nonpartisan candidates filing nominating petitions for the office of municipal judge must file them not later than 4 p.m. of the day before the day of the primary election. The petition must conform to the requirements provided for such petitions of candidacy.

The nominating petition or declaration of candidacy for a municipal judge must contain a designation of the term for which the candidate seeks election. At the following regular municipal election, the candidacies of the judges nominated must be submitted to the electors of the territory on a nonpartisan, judicial ballot in the same manner as provided for judges of the court of common pleas, except that, in a municipal corporation operating under a charter, all candidates for municipal judge must be elected in conformity with the charter if provisions are made in the charter for the election of municipal judges.

2. The Barberton Municipal Court has jurisdiction within Coventry, Franklin, and Green Townships, within all of Copley Township except within the municipal corporation of Fairlawn, and within the municipal corporations of Clinton and Norton, in Summit County (R.C. 1901.02(B)).

3. The Cuyahoga Falls Municipal Court has jurisdiction within Boston, Hudson, Northfield Center, Sagamore Hills, and Twinsburg Townships, and within the municipal corporations of Boston Heights, Hudson, Munroe Falls, Northfield, Peninsula, Reminderville, Silver Lake, Stow, Tallmadge, Twinsburg, and Macedonia, in Summit County (R.C. 1901.02(B)).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-26-00	p. 1575
Reported, H. Criminal Justice	04-12-00	p. 1823

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