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Bill Analysis
Legislative Service Commission

H.B. 475

125th General Assembly
(As Introduced)

Reps. Setzer, C. Evans, Schaffer, Flowers, Aslanides

BILL SUMMARY

- Provides for the temporary replacement of county, township, municipal corporation, and school district elected officials who are called to active duty in the armed forces.

CONTENT AND OPERATION

Overview

The bill authorizes the temporary replacement of county, township, municipal corporation, and school district elected officials who are called to active duty in the armed forces. The bill defines "active duty" to mean active duty pursuant to (1) an executive order of the President of the United States, (2) an act of the United States Congress, (3) an order of the Governor, as its commander in chief, to the National Guard to perform any training or duty under specified circumstances, or (4) an order of the Governor to the Ohio organized militia to aid civil authorities in (a) executing the laws of Ohio, (b) suppressing insurrection, (c) repelling invasion, (d) acting in the event of a disaster in Ohio, or (e) promoting the health, safety, and welfare of Ohio citizens (R.C. 305.031(A)(1), 503.242(A), 733.311(A), and 3313.111(B)).

Temporary replacement of county elected officials

Under the bill, whenever any county elected official, who is a member of the Ohio National Guard or another reserve component of the United States armed forces, is called to active duty, the official may elect to temporarily resign (R.C. 305.031(B)). The bill defines "county elected official" to include the county auditor, county treasurer, county engineer, county recorder, prosecuting attorney, sheriff, county coroner, clerk of the court of common pleas, clerk of a county-operated municipal court, and clerk of a county court (R.C. 305.031(A)(2), by cross-reference to R.C. 301.28(A)(3)--not in the bill).

The county elected official called to active duty must give notice of the temporary resignation in the same manner as the official would give notice of resignation from office. The county central committee of the official's political party must appoint a temporary replacement or, if the official was elected as an independent candidate, the board of county commissioners must appoint a temporary replacement, unless the official is a county commissioner (see **COMMENT**). In the latter case, the prosecuting attorney and the remaining county commissioners, or a majority of them, must appoint a temporary replacement. The temporary county official must serve until the county elected official returns from active duty or until the expiration of the county elected official's term, whichever occurs first. (R.C. 305.031(B).)

Temporary replacement of township trustees

Under the bill, whenever a township trustee, who is a member of the Ohio National Guard or another reserve component of the United States armed forces, is called to active duty, the township trustee may elect to temporarily resign. The township trustee must give notice of the temporary resignation in the same manner as the township trustee would give notice of resignation from that office. (R.C. 503.242(B).)

The board of township trustees generally must appoint a person having the qualifications of an elector as a temporary replacement. If, however, the township is without a board or if no appointment is made within 30 days after the giving of the notice of temporary resignation, a majority of the persons designated as "the committee of five" on the last-filed nominating petition of the township trustee called to active duty who are township residents must appoint a person having the qualifications of an elector as a temporary replacement. The temporary township trustee must serve until the township trustee returns from active duty or until the expiration of the township trustee's term, whichever occurs first. (R.C. 503.242(B).)

Temporary replacement of city and village elected officers

Under the bill, whenever any elected city or village officer, who is a member of the Ohio National Guard or another reserve component of the United States armed forces, is called to active duty, the officer may elect to temporarily resign. The officer must give notice of the temporary resignation in writing to the clerk of the municipal corporation's legislative authority. The clerk then must provide that notice to all then serving members of that legislative authority. (R.C. 733.311(B).)

The legislative authority must promptly elect, by a majority vote of the then serving members, a temporary replacement for the elected officer. The temporary

city or village officer must serve until the elected officer returns from active duty or until the expiration of the elected officer's term, whichever occurs first. (R.C. 733.311(B).)

The provisions described in the immediately preceding paragraph do not apply to a city or village that has adopted a charter pursuant to the Ohio Constitution, unless the charter incorporates those provisions or the general laws of Ohio by reference when the charter is silent (R.C. 733.311(C)).

Temporary replacement of school board members

Under the bill, whenever any elected member of any board of education, except for the board of any joint vocational or cooperative education school district, who is a member of the Ohio National Guard or another reserve component of the United States armed forces, is called to active duty, the board member may elect to temporarily resign. The board member must give notice of the temporary resignation in the same manner as the board member would give notice of resignation from that office. (R.C. 3313.111(A) and (B).)

The board of education, by a majority vote of all the remaining board members, must appoint a temporary replacement at its next regular or special meeting that occurs ten or more days after the notice of temporary resignation is given. The temporary board member must serve until the board member returns from active duty or until the expiration of the board member's term, whichever occurs first. (R.C. 3313.111(B).)

COMMENT

Although the definition of "county elected official" does not explicitly mention the office of county commissioner, the definition apparently includes this office (R.C. 301.28(A)(3)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-27-04	p. 1790

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