



Lynda J. Jacobsen

*Bill Analysis*  
Legislative Service Commission

## **H.B. 125**

126th General Assembly  
(As Introduced)

**Reps. Wolpert, Buehrer, McGregor, Skindell**

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### **BILL SUMMARY**

- Requires the declaration of candidacy and petition or the nominating petition for a candidate for municipal court judge or for an elected municipal court clerk to contain the signatures of 50 qualified electors of the territory of the court.
- Requires a declaration of candidacy and petition for a party candidate for municipal court judge or for an elected municipal court clerk to be filed by 4 p.m. of the 75th day before the day of the primary election or by 4 p.m. of the 60th day before the day of a presidential primary election.
- Requires a nominating petition for an independent candidate for municipal court judge or for an elected municipal court clerk to be filed by 4 p.m. of the day before the day of the primary election.
- Eliminates a statutory requirement that all candidates for certain municipal courts be nominated by nominating petition only.
- Eliminates the specific signature and filing requirements applicable to candidates for municipal court judge or for an elected municipal court clerk in certain municipal courts.

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### **CONTENT AND OPERATION**

#### ***Petition signatures required for candidates for municipal court***

##### ***In general***

All municipal court judges are elected on the nonpartisan ballot for terms of six years. Those judges may be nominated either by nominating petition or by primary election. (R.C. 1901.07.) Candidates that are nominated by primary

election must file a declaration of candidacy and petition; the petition must be signed by not less than 50 qualified electors of the same political party as the political party of which the candidate is a member (R.C. 3513.05--not in the bill). Candidates that are nominated by nominating petition must file that petition; under existing law, the number of signatures required on that petition varies depending upon the municipal court to which the candidate is seeking election. For example, a nominating petition for the office of judge of the Akron municipal court currently must be signed by 250 electors of the territory of the court. A similar petition filed for the office of judge of the Hamilton county municipal court must be signed by 1,000 electors of the territory of the court. (R.C. 1901.07(B).)

The bill eliminates the varying number of signatures required on nominating petitions filed for different municipal courts, and instead requires 50 signatures for either a declaration of candidacy and petition or for a nominating petition for a person seeking to become a candidate for the office of municipal court judge. (R.C. 1901.07.)

#### **Election for an unexpired term**

If a vacancy occurs in the office of municipal court judge or in the office of an elected municipal court clerk after the 100th day before the primary election and before the 40th day before the general election, a person seeking election to the unexpired term of that municipal court judge or clerk must file a nominating petition to become a candidate for that election. Existing law generally requires nominating petitions, in such a case, to be signed by qualified electors of the territory of the court not less in number than 1% of the number of electors who voted for governor at the most recent regular state election in that territory, or by 2,500 electors, whichever is less. For municipal courts in which specific numbers of signatures are required for nominating petitions (see **Petition signatures for candidates for municipal court: in general,**" above), existing law requires the nominating petitions to be signed by qualified electors of the territory of the court not less in number than 1% of the number of electors who voted for governor at the most recent regular state election in that territory, or by the number of electors generally needed for a nominating petition for that court, whichever is less. (R.C. 1901.07(B) and 1901.10(A)(1).)

The bill eliminates the varying number of signatures required on nominating petitions filed for unexpired terms for different municipal courts, and instead requires a person seeking to become a candidate for an unexpired term as a municipal court judge or an elected municipal court clerk to file a nominating petition signed by at least 50 qualified electors of the territory of the court. (R.C. 1901.10(A)(1)(c).)

### **Filing deadline for candidates for municipal court judge**

Under existing law, unless charter provisions of a particular municipal corporation apply, nonpartisan candidates for the office of municipal court judge generally must file their nominating petitions not later than 4 p.m. of the day before the day of the primary election, and candidates for party nomination to the office of municipal court judge generally must file their statements of candidacy and petitions not later than 4 p.m. of the 75th day before the day of the primary election (or the 60th day before the day of a presidential primary election). However, existing law also contains specific exceptions to this general rule. For example, nominating petitions for the Cleveland municipal court are required to be filed in the manner and within the time prescribed by the charter of the city of Cleveland for filing petitions of candidates for municipal offices. (R.C. 1901.07(B) and (C).)

The bill eliminates the different filing deadlines applicable to specific municipal courts and instead establishes a general rule that applies to all municipal courts (1) whose jurisdiction extends beyond the corporation limits of the municipal corporation in which it is located or (2) whose jurisdiction does not extend beyond the corporation limits of the municipal corporation in which it is located and to which no municipal charter provisions apply. For those courts, all nonpartisan candidates for the office of municipal court judge must file their nominating petitions not later than 4 p.m. of the day before the day of the primary election, and candidates for party nomination to that office must file their declarations of candidacy and petitions not later than 4 p.m. of the 75th day before the day of the primary election (or the 60th day before a presidential primary election). Applicable municipal charter provisions governing the nomination and election of candidates for the office of municipal court judge will still apply, under the bill, to any municipal court whose jurisdiction does not extend beyond the corporation limits of the municipal corporation in which the court is located.

Also, existing law requires all candidates for certain municipal courts to be nominated by nominating petition only. The bill eliminates this requirement. The significance of this change will vary depending on whether a charter is involved and the provisions of that charter. (R.C. 1901.07(B).)

### **Filing requirements for candidates for municipal court clerk**

Under existing law, candidates for the office of municipal court clerk generally are nominated and elected in the manner provided for the nomination and election of municipal court judges (R.C. 1901.31(A)(1)(a)). For certain municipal courts, existing law provides specific procedures for the nomination and election or for the appointment of municipal court clerks. For example, in the Barberton municipal court candidates for election to the office of municipal court

clerk must be nominated by a primary election held on the day specified in the charter of the city of Barberton for the nomination of municipal officers. Nominating petitions for independent candidates for that office must be signed by at least 250 qualified electors of the territory of the court. (R.C. 1901.31(A)(1)(f).)

The bill retains the general requirement that candidates for municipal court clerk be nominated and elected in the same manner as candidates are nominated and elected for the office of municipal court judge. It also eliminates the specific nomination and election procedures applicable to the *election* of clerks of the Akron, Barberton, Cuyahoga Falls, and Toledo municipal courts. Thus, candidates for the office of clerk of those four municipal courts must, under the bill, be nominated and elected in the same manner as candidates are nominated and elected for judge of those municipal courts. However, the specific procedures for the *appointment* of a municipal court clerk for the Medina County, Hamilton County, Portage County, and Wayne County municipal courts remains unchanged by the bill. (R.C. 1901.31(A)(1) and 1901.33(D).)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-10-05	p. 304

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