



Ohio Revised Code

Section 305.02 Vacancy in county offices filled by election or appointment.

Effective: April 3, 2023

Legislation: House Bill 405

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

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

(B) If a vacancy occurs from any cause in any of the offices named in division (A) of this section, then not later than forty-five days after the vacancy occurs, a person shall be appointed to hold the office and to perform the duties thereof until a successor is elected and has qualified. The appointment shall be made as follows:

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

A county central committee that makes an appointment under division (B)(1) of this section shall meet for that purpose not less than five nor more than forty-five days after the vacancy occurs. Not less than four days before the date of such meeting the chairperson or secretary of such central committee shall send by first class mail to every member of such central committee a written notice which shall state the time and place of such meeting and the purpose thereof. A majority of the members of the central committee present at such meeting may make the appointment.



(2) If the last occupant of the office or the officer-elect was elected to serve the current term as an independent candidate, the board of county commissioners shall make the appointment, except where the vacancy is in the office of county commissioner, in which case the prosecuting attorney and the remaining commissioners or a majority of them shall make the appointment.

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

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

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