

As Passed by the Senate

**124th General Assembly
Regular Session
2001-2002**

Am. H. B. No. 499

**REPRESENTATIVES Cates, Latta, Seitz, Faber, Willamowski, Callender,
Webster, Jolivette, Schmidt, Coates, Womer Benjamin, Fessler, Schneider,
Schaffer, Carano, Salerno, Clancy
SENATORS Nein, Blessing, Herington**

A BILL

To amend section 2301.02 of the Revised Code to add 1
one additional judge for the general division of 2
the Butler County Court of Common Pleas to be 3
elected in 2002 and to declare an emergency. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2301.02 of the Revised Code be 5
amended to read as follows: 6

Sec. 2301.02. The number of judges of the court of common 7
pleas for each county, the time for the next election of the 8
judges in the several counties, and the beginning of their terms 9
shall be as follows: 10

(A) In Adams, Ashland, Fayette, and Pike counties, one judge, 11
elected in 1956, term to begin February 9, 1957; 12

In Brown, Crawford, Defiance, Highland, Holmes, Morgan, 13
Ottawa, and Union counties, one judge, to be elected in 1954, term 14
to begin February 9, 1955; 15

In Auglaize county, one judge, to be elected in 1956, term to 16

begin January 9, 1957; 17

In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin, 18
Jackson, Knox, Logan, Madison, Mercer, Monroe, Morrow, Paulding, 19
Vinton, and Wyandot counties, one judge, to be elected in 1956, 20
term to begin January 1, 1957; 21

In Carroll, Champaign, Clinton, Hocking, Meigs, Pickaway, 22
Preble, Shelby, Van Wert, and Williams counties, one judge, to be 23
elected in 1952, term to begin January 1, 1953; 24

In Harrison and Noble counties, one judge, to be elected in 25
1954, term to begin April 18, 1955; 26

In Henry and Putnam counties, one judge, to be elected in 27
1956, term to begin May 9, 1957; 28

In Huron county, one judge, to be elected in 1952, term to 29
begin May 14, 1953; 30

In Perry county, one judge, to be elected in 1954, term to 31
begin July 6, 1956; 32

In Sandusky county, two judges, one to be elected in 1954, 33
term to begin February 10, 1955, and one to be elected in 1978, 34
term to begin January 1, 1979; 35

(B) In Allen county, three judges, one to be elected in 1956, 36
term to begin February 9, 1957, the second to be elected in 1958, 37
term to begin January 1, 1959, and the third to be elected in 38
1992, term to begin January 1, 1993; 39

In Ashtabula county, three judges, one to be elected in 1954, 40
term to begin February 9, 1955, one to be elected in 1960, term to 41
begin January 1, 1961, and one to be elected in 1978, term to 42
begin January 2, 1979; 43

In Athens county, two judges, one to be elected in 1954, term 44
to begin February 9, 1955, and one to be elected in 1990, term to 45
begin July 1, 1991; 46

In Erie county, two judges, one to be elected in 1956, term 47
to begin January 1, 1957, and the second to be elected in 1970, 48
term to begin January 2, 1971; 49

In Fairfield county, three judges, one to be elected in 1954, 50
term to begin February 9, 1955, the second to be elected in 1970, 51
term to begin January 1, 1971, and the third to be elected in 52
1994, term to begin January 2, 1995; 53

In Geauga county, two judges, one to be elected in 1956, term 54
to begin January 1, 1957, and the second to be elected in 1976, 55
term to begin January 6, 1977; 56

In Greene county, four judges, one to be elected in 1956, 57
term to begin February 9, 1957, the second to be elected in 1960, 58
term to begin January 1, 1961, the third to be elected in 1978, 59
term to begin January 2, 1979, and the fourth to be elected in 60
1994, term to begin January 1, 1995; 61

In Hancock county, two judges, one to be elected in 1952, 62
term to begin January 1, 1953, and the second to be elected in 63
1978, term to begin January 1, 1979; 64

In Lawrence county, two judges, one to be elected in 1954, 65
term to begin February 9, 1955, and the second to be elected in 66
1976, term to begin January 1, 1977; 67

In Marion county, three judges, one to be elected in 1952, 68
term to begin January 1, 1953, the second to be elected in 1976, 69
term to begin January 2, 1977, and the third to be elected in 70
1998, term to begin February 9, 1999; 71

In Medina county, three judges, one to be elected in 1956, 72
term to begin January 1, 1957, the second to be elected in 1966, 73
term to begin January 1, 1967, and the third to be elected in 74
1994, term to begin January 1, 1995; 75

In Miami county, two judges, one to be elected in 1954, term 76

to begin February 9, 1955, and one to be elected in 1970, term to
begin on January 1, 1971; 77
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In Muskingum county, three judges, one to be elected in 1968,
term to begin August 9, 1969, one to be elected in 1978, term to
begin January 1, 1979, and one to be elected in 2002, term to
begin January 2, 2003; 79
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In Portage county, three judges, one to be elected in 1956,
term to begin January 1, 1957, the second to be elected in 1960,
term to begin January 1, 1961, and the third to be elected in
1986, term to begin January 2, 1987; 83
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In Ross county, two judges, one to be elected in 1956, term
to begin February 9, 1957, and the second to be elected in 1976,
term to begin January 1, 1977; 87
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In Scioto county, three judges, one to be elected in 1954,
term to begin February 10, 1955, the second to be elected in 1960,
term to begin January 1, 1961, and the third to be elected in
1994, term to begin January 2, 1995; 90
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In Seneca county, two judges, one to be elected in 1956, term
to begin January 1, 1957, and the second to be elected in 1986,
term to begin January 2, 1987; 94
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In Warren county, three judges, one to be elected in 1954,
term to begin February 9, 1955, the second to be elected in 1970,
term to begin January 1, 1971, and the third to be elected in
1986, term to begin January 1, 1987; 97
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In Washington county, two judges, one to be elected in 1952,
term to begin January 1, 1953, and one to be elected in 1986, term
to begin January 1, 1987; 101
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In Wood county, three judges, one to be elected in 1968, term
beginning January 1, 1969, the second to be elected in 1970, term
to begin January 2, 1971, and the third to be elected in 1990, 104
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term to begin January 1, 1991;	107
In Belmont and Jefferson counties, two judges, to be elected	108
in 1954, terms to begin January 1, 1955, and February 9, 1955,	109
respectively;	110
In Clark county, four judges, one to be elected in 1952, term	111
to begin January 1, 1953, the second to be elected in 1956, term	112
to begin January 2, 1957, the third to be elected in 1986, term to	113
begin January 3, 1987, and the fourth to be elected in 1994, term	114
to begin January 2, 1995.	115
In Clermont county, four judges, one to be elected in 1956,	116
term to begin January 1, 1957, the second to be elected in 1964,	117
term to begin January 1, 1965, the third to be elected in 1982,	118
term to begin January 2, 1983, and the fourth to be elected in	119
1986, term to begin January 2, 1987;	120
In Columbiana county, two judges, one to be elected in 1952,	121
term to begin January 1, 1953, and the second to be elected in	122
1956, term to begin January 1, 1957;	123
In Delaware county, two judges, one to be elected in 1990,	124
term to begin February 9, 1991, the second to be elected in 1994,	125
term to begin January 1, 1995;	126
In Lake county, six judges, one to be elected in 1958, term	127
to begin January 1, 1959, the second to be elected in 1960, term	128
to begin January 2, 1961, the third to be elected in 1964, term to	129
begin January 3, 1965, the fourth and fifth to be elected in 1978,	130
terms to begin January 4, 1979, and January 5, 1979, respectively,	131
and the sixth to be elected in 2000, term to begin January 6,	132
2001;	133
In Licking county, three judges, one to be elected in 1954,	134
term to begin February 9, 1955, one to be elected in 1964, term to	135
begin January 1, 1965, and one to be elected in 1990, term to	136
begin January 1, 1991;	137

In Lorain county, eight judges, two to be elected in 1952, 138
terms to begin January 1, 1953, and January 2, 1953, respectively, 139
one to be elected in 1958, term to begin January 3, 1959, one to 140
be elected in 1968, term to begin January 1, 1969, two to be 141
elected in 1988, terms to begin January 4, 1989, and January 5, 142
1989, respectively, and two to be elected in 1998, terms to begin 143
January 2, 1999, and January 3, 1999, respectively; 144

In Butler county, ~~nine~~ ten judges, one to be elected in 1956, 145
term to begin January 1, 1957; two to be elected in 1954, terms to 146
begin January 1, 1955, and February 9, 1955, respectively; one to 147
be elected in 1968, term to begin January 2, 1969; one to be 148
elected in 1986, term to begin January 3, 1987; two to be elected 149
in 1988, terms to begin January 1, 1989, and January 2, 1989, 150
respectively; one to be elected in 1992, term to begin January 4, 151
1993; and ~~one~~ two to be elected in 2002, ~~term~~ terms to begin 152
January 2, 2003, and January 3, 2003, respectively; 153

In Richland county, three judges, one to be elected in 1956, 154
term to begin January 1, 1957, the second to be elected in 1960, 155
term to begin February 9, 1961, and the third to be elected in 156
1968, term to begin January 2, 1969; 157

In Tuscarawas county, two judges, one to be elected in 1956, 158
term to begin January 1, 1957, and the second to be elected in 159
1960, term to begin January 2, 1961; 160

In Wayne county, two judges, one to be elected in 1956, term 161
beginning January 1, 1957, and one to be elected in 1968, term to 162
begin January 2, 1969; 163

In Trumbull county, six judges, one to be elected in 1952, 164
term to begin January 1, 1953, the second to be elected in 1954, 165
term to begin January 1, 1955, the third to be elected in 1956, 166
term to begin January 1, 1957, the fourth to be elected in 1964, 167
term to begin January 1, 1965, the fifth to be elected in 1976, 168

term to begin January 2, 1977, and the sixth to be elected in 169
1994, term to begin January 3, 1995; 170

(C) In Cuyahoga county, thirty-nine judges; eight to be 171
elected in 1954, terms to begin on successive days beginning from 172
January 1, 1955, to January 7, 1955, and February 9, 1955, 173
respectively; eight to be elected in 1956, terms to begin on 174
successive days beginning from January 1, 1957, to January 8, 175
1957; three to be elected in 1952, terms to begin from January 1, 176
1953, to January 3, 1953; two to be elected in 1960, terms to 177
begin on January 8, 1961, and January 9, 1961, respectively; two 178
to be elected in 1964, terms to begin January 4, 1965, and January 179
5, 1965, respectively; one to be elected in 1966, term to begin on 180
January 10, 1967; four to be elected in 1968, terms to begin on 181
successive days beginning from January 9, 1969, to January 12, 182
1969; two to be elected in 1974, terms to begin on January 18, 183
1975, and January 19, 1975, respectively; five to be elected in 184
1976, terms to begin on successive days beginning January 6, 1977, 185
to January 10, 1977; two to be elected in 1982, terms to begin 186
January 11, 1983, and January 12, 1983, respectively; and two to 187
be elected in 1986, terms to begin January 13, 1987, and January 188
14, 1987, respectively; 189

In Franklin county, twenty-one judges; two to be elected in 190
1954, terms to begin January 1, 1955, and February 9, 1955, 191
respectively; four to be elected in 1956, terms to begin January 192
1, 1957, to January 4, 1957; four to be elected in 1958, terms to 193
begin January 1, 1959, to January 4, 1959; three to be elected in 194
1968, terms to begin January 5, 1969, to January 7, 1969; three to 195
be elected in 1976, terms to begin on successive days beginning 196
January 5, 1977, to January 7, 1977; one to be elected in 1982, 197
term to begin January 8, 1983; one to be elected in 1986, term to 198
begin January 9, 1987; two to be elected in 1990, terms to begin 199
July 1, 1991, and July 2, 1991, respectively; and one to be 200

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elected in 1996, term to begin January 2, 1997;

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In Hamilton county, twenty-one judges; eight to be elected in
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1966, terms to begin January 1, 1967, January 2, 1967, and from
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February 9, 1967, to February 14, 1967, respectively; five to be
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elected in 1956, terms to begin from January 1, 1957, to January
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5, 1957; one to be elected in 1964, term to begin January 1, 1965;
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one to be elected in 1974, term to begin January 15, 1975; one to
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be elected in 1980, term to begin January 16, 1981; two to be
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elected at large in the general election in 1982, terms to begin
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April 1, 1983; one to be elected in 1990, term to begin July 1,
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1991; and two to be elected in 1996, terms to begin January 3,
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1997, and January 4, 1997, respectively;

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In Lucas county, fourteen judges; two to be elected in 1954,
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terms to begin January 1, 1955, and February 9, 1955,
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respectively; two to be elected in 1956, terms to begin January 1,
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1957, and October 29, 1957, respectively; two to be elected in
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1952, terms to begin January 1, 1953, and January 2, 1953,
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respectively; one to be elected in 1964, term to begin January 3,
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1965; one to be elected in 1968, term to begin January 4, 1969;
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two to be elected in 1976, terms to begin January 4, 1977, and
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January 5, 1977, respectively; one to be elected in 1982, term to
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begin January 6, 1983; one to be elected in 1988, term to begin
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January 7, 1989; one to be elected in 1990, term to begin January
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2, 1991; and one to be elected in 1992, term to begin January 2,
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1993;

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In Mahoning county, seven judges; three to be elected in
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1954, terms to begin January 1, 1955, January 2, 1955, and
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February 9, 1955, respectively; one to be elected in 1956, term to
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begin January 1, 1957; one to be elected in 1952, term to begin
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January 1, 1953; one to be elected in 1968, term to begin January
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2, 1969; and one to be elected in 1990, term to begin July 1,
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1991;

In Montgomery county, fifteen judges; three to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, and January 3, 1955, respectively; four to be elected in 1952, terms to begin January 1, 1953, January 2, 1953, July 1, 1953, July 2, 1953, respectively; one to be elected in 1964, term to begin January 3, 1965; one to be elected in 1968, term to begin January 3, 1969; three to be elected in 1976, terms to begin on successive days beginning January 4, 1977, to January 6, 1977; two to be elected in 1990, terms to begin July 1, 1991, and July 2, 1991, respectively; and one to be elected in 1992, term to begin January 1, 1993.

In Stark county, eight judges; one to be elected in 1958, term to begin on January 2, 1959; two to be elected in 1954, terms to begin on January 1, 1955, and February 9, 1955, respectively; two to be elected in 1952, terms to begin January 1, 1953, and April 16, 1953, respectively; one to be elected in 1966, term to begin on January 4, 1967; and two to be elected in 1992, terms to begin January 1, 1993, and January 2, 1993, respectively;

In Summit county, eleven judges; four to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, January 3, 1955, and February 9, 1955, respectively; three to be elected in 1958, terms to begin January 1, 1959, January 2, 1959, and May 17, 1959, respectively; one to be elected in 1966, term to begin January 4, 1967; one to be elected in 1968, term to begin January 5, 1969; one to be elected in 1990, term to begin May 1, 1991; and one to be elected in 1992, term to begin January 6, 1993.

Notwithstanding the foregoing provisions, in any county having two or more judges of the court of common pleas, in which more than one-third of the judges plus one were previously elected at the same election, if the office of one of those judges so elected becomes vacant more than forty days prior to the second general election preceding the expiration of that judge's term,

the office that that judge had filled shall be abolished as of the 265
date of the next general election, and a new office of judge of 266
the court of common pleas shall be created. The judge who is to 267
fill that new office shall be elected for a six-year term at the 268
next general election, and the term of that judge shall commence 269
on the first day of the year following that general election, on 270
which day no other judge's term begins, so that the number of 271
judges that the county shall elect shall not be reduced. 272

Judges of the probate division of the court of common pleas 273
are judges of the court of common pleas but shall be elected 274
pursuant to sections 2101.02 and 2101.021 of the Revised Code, 275
except in Adams, Harrison, Henry, Morgan, Morrow, Noble, and 276
Wyandot counties in which the judge of the court of common pleas 277
elected pursuant to this section also shall serve as judge of the 278
probate division. 279

Section 2. That existing section 2301.02 of the Revised Code 280
is hereby repealed. 281

Section 3. (A) Notwithstanding any contrary provision of 282
section 3513.05 of the Revised Code or any other provision of the 283
Revised Code to the contrary, for the primary election held in 284
2002, any person desiring to become a candidate for party 285
nomination for the office of judge of the Butler County Court of 286
Common Pleas established by this act shall file a declaration of 287
candidacy and petition and pay the fee, if any, required by 288
section 3513.10 of the Revised Code, not later than 4:00 p.m. on 289
February 28, 2002. The declaration of candidacy and petition shall 290
be filed at the same time as one instrument with the Board of 291
Elections of Butler County. 292

(B) Notwithstanding any contrary provision of section 3513.05 293
of the Revised Code or any other provision of the Revised Code to 294

the contrary, for the 2002 primary election, the petitions 295
accompanying the declarations of candidacy for party nomination 296
for the office of judge of the Butler County Court of Common Pleas 297
established by this act shall be open to public inspection until 4 298
p.m. on March 2, 2002. 299

(C) Notwithstanding any contrary provision of section 3513.05 300
of the Revised Code or any other provision of the Revised Code to 301
the contrary, for the 2002 primary election, the Board of 302
Elections of Butler county, not later than 4:00 p.m. on March 2, 303
2002, shall examine and determine the validity or invalidity of 304
the signatures on the petitions filed with it for party nomination 305
for the office of judge of the Butler County Court of Common Pleas 306
established by this act. 307

(D) Except as otherwise provided in divisions (A), (B), and 308
(C) of this section, for the 2002 primary election, the provisions 309
of section 3513.05 of the Revised Code and any other provisions of 310
the Revised Code that are applicable to party nominations for the 311
office of judge of a court of common pleas apply to a party 312
nomination for the office of judge of the Butler County Court of 313
Common Pleas established by this act. 314

Section 4. (A) Pursuant to sections 141.04 and 141.05 of the 315
Revised Code, the state shall pay its required portion of the 316
compensation of the new judge of the Butler County Court of Common 317
Pleas who is first elected in 2002, and whose term begins on 318
January 3, 2003, that is due for services that the judge performs 319
from January 3, 2003, through June 30, 2003. 320

(B) Notwithstanding sections 141.04 and 141.05 of the Revised 321
Code, Butler County shall reimburse the state for the amount of 322
compensation that the state pays pursuant to division (A) of this 323
section for the new judge of the Butler County Court of Common 324
Pleas whose term began on January 3, 2003, for services the judge 325

performs from January 3, 2003, through June 30, 2003.

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Section 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that a person desiring to become a candidate for a party nomination at the primary election to be held on May 7, 2002, and for election under this act as the judge for the general division of the Butler County Court of Common Pleas who is to be elected in the general election on November 5, 2002, and whose term begins on January 3, 2003, must file a declaration of candidacy and petition as provided in Section 3 of this act, not later than four p.m. on February 28, 2002. Therefore, this act shall go into immediate effect.

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