

As Reported by the House Criminal Justice Committee

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

H. B. No. 499

REPRESENTATIVES Cates, Latta, Seitz, Faber, Willamowski, Callender

A B I L L

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

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

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

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

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

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

In Auglaize county, one judge, to be elected in 1956, term to
begin January 9, 1957;

In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin,
Jackson, Knox, Logan, Madison, Mercer, Monroe, Morrow, Paulding,

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 77
begin on January 1, 1971; 78

In Muskingum county, three judges, one to be elected in 1968, 79

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;

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;

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;

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;

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;

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;

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;

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,
term to begin January 1, 1991;

In Belmont and Jefferson counties, two judges, to be elected
in 1954, terms to begin January 1, 1955, and February 9, 1955,

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
elected in 1988, terms to begin January 4, 1989, and January 5,
1989, respectively, and two to be elected in 1998, terms to begin
January 2, 1999, and January 3, 1999, respectively;

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

In Richland 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 February 9, 1961, and the third to be elected in
1968, term to begin January 2, 1969;

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

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

In Trumbull county, six judges, one to be elected in 1952,
term to begin January 1, 1953, the second to be elected in 1954,
term to begin January 1, 1955, the third to be elected in 1956,
term to begin January 1, 1957, the fourth to be elected in 1964,
term to begin January 1, 1965, the fifth to be elected in 1976,
term to begin January 2, 1977, and the sixth to be elected in
1994, term to begin January 3, 1995;

(C) In Cuyahoga county, thirty-nine judges; eight to be

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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
 elected in 1996, term to begin January 2, 1997; 201

In Hamilton county, twenty-one judges; eight to be elected in 202
 1966, terms to begin January 1, 1967, January 2, 1967, and from 203

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

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

In Mahoning county, seven judges; three to be elected in
1954, terms to begin January 1, 1955, January 2, 1955, and
February 9, 1955, respectively; one to be elected in 1956, term to
begin January 1, 1957; one to be elected in 1952, term to begin
January 1, 1953; one to be elected in 1968, term to begin January
2, 1969; and one to be elected in 1990, term to begin July 1,
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, 236
respectively; one to be elected in 1964, term to begin January 3, 237
1965; one to be elected in 1968, term to begin January 3, 1969; 238
three to be elected in 1976, terms to begin on successive days 239
beginning January 4, 1977, to January 6, 1977; two to be elected 240
in 1990, terms to begin July 1, 1991, and July 2, 1991, 241
respectively; and one to be elected in 1992, term to begin January 242
1, 1993. 243

In Stark county, eight judges; one to be elected in 1958, 244
term to begin on January 2, 1959; two to be elected in 1954, terms 245
to begin on January 1, 1955, and February 9, 1955, respectively; 246
two to be elected in 1952, terms to begin January 1, 1953, and 247
April 16, 1953, respectively; one to be elected in 1966, term to 248
begin on January 4, 1967; and two to be elected in 1992, terms to 249
begin January 1, 1993, and January 2, 1993, respectively; 250

In Summit county, eleven judges; four to be elected in 1954, 251
terms to begin January 1, 1955, January 2, 1955, January 3, 1955, 252
and February 9, 1955, respectively; three to be elected in 1958, 253
terms to begin January 1, 1959, January 2, 1959, and May 17, 1959, 254
respectively; one to be elected in 1966, term to begin January 4, 255
1967; one to be elected in 1968, term to begin January 5, 1969; 256
one to be elected in 1990, term to begin May 1, 1991; and one to 257
be elected in 1992, term to begin January 6, 1993. 258

Notwithstanding the foregoing provisions, in any county 259
having two or more judges of the court of common pleas, in which 260
more than one-third of the judges plus one were previously elected 261
at the same election, if the office of one of those judges so 262
elected becomes vacant more than forty days prior to the second 263
general election preceding the expiration of that judge's term, 264
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
next general election, and the term of that judge shall commence
on the first day of the year following that general election, on
which day no other judge's term begins, so that the number of
judges that the county shall elect shall not be reduced.

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

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

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

(B) Notwithstanding any contrary provision of section 3513.05
of the Revised Code or any other provision of the Revised Code to
the contrary, for the 2002 primary election, the petitions
accompanying the declarations of candidacy for party nomination
for the office of judge of the Butler County Court of Common Pleas

established by this act shall be open to public inspection until 4
p.m. on March 2, 2002.

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

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

Section 4. 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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