

As Reported by the Senate Judiciary--Civil Justice Committee

124th General Assembly

Regular Session

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Am. H. B. No. 499

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

A B I L L

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

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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

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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	80
begin January 1, 1979, and one to be elected in 2002, term to	81
begin January 2, 2003;	82
In Portage county, three judges, one to be elected in 1956,	83
term to begin January 1, 1957, the second to be elected in 1960,	84
term to begin January 1, 1961, and the third to be elected in	85
1986, term to begin January 2, 1987;	86
In Ross county, two judges, one to be elected in 1956, term	87
to begin February 9, 1957, and the second to be elected in 1976,	88
term to begin January 1, 1977;	89
In Scioto county, three judges, one to be elected in 1954,	90
term to begin February 10, 1955, the second to be elected in 1960,	91
term to begin January 1, 1961, and the third to be elected in	92
1994, term to begin January 2, 1995;	93
In Seneca county, two judges, one to be elected in 1956, term	94
to begin January 1, 1957, and the second to be elected in 1986,	95
term to begin January 2, 1987;	96
In Warren county, three judges, one to be elected in 1954,	97
term to begin February 9, 1955, the second to be elected in 1970,	98
term to begin January 1, 1971, and the third to be elected in	99
1986, term to begin January 1, 1987;	100
In Washington county, two judges, one to be elected in 1952,	101
term to begin January 1, 1953, and one to be elected in 1986, term	102
to begin January 1, 1987;	103
In Wood county, three judges, one to be elected in 1968, term	104
beginning January 1, 1969, the second to be elected in 1970, term	105
to begin January 2, 1971, and the third to be elected in 1990,	106
term to begin January 1, 1991;	107

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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

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

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

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1954, terms to begin January 1, 1955, January 2, 1955, and January 234
 3, 1955, respectively; four to be elected in 1952, terms to begin 235
 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
the court of common pleas shall be created. The judge who is to
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 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. 326

Section 5. This act is hereby declared to be an emergency 327
measure necessary for the immediate preservation of the public 328
peace, health, and safety. The reason for such necessity is that a 329
person desiring to become a candidate for a party nomination at 330
the primary election to be held on May 7, 2002, and for election 331
under this act as the judge for the general division of the Butler 332
County Court of Common Pleas who is to be elected in the general 333
election on November 5, 2002, and whose term begins on January 3, 334
2003, must file a declaration of candidacy and petition as 335
provided in Section 3 of this act, not later than four p.m. on 336
February 28, 2002. Therefore, this act shall go into immediate 337
effect. 338