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Sub. H. B. No. 159

Representatives Hagan, Oelslager, Seitz, Schaffer, J. Stewart, Callender,
Latta, Young, Cirelli, Willamowski, Grendell, DePiero, Boccieri, Carmichael,
Domenick, Fessler, Harwood, Hughes, McGregor, T. Patton
Senator Schuring

A B I L L

To amend sections 1901.31 and 2501.011 of the Revised 1
Code to add one additional judge for the Fifth 2
District Court of Appeals, to create the separate 3
office of clerk of the Clermont County Municipal 4
Court, to amend the version of section 1901.31 of 5
the Revised Code that is scheduled to take effect 6
January 1, 2004, to continue the provisions of 7
this act on and after that effective date, and to 8
declare an emergency. 9

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

Section 1. That sections 1901.31 and 2501.011 of the Revised 10
Code be amended to read as follows: 11

Sec. 1901.31. The clerk and deputy clerks of a municipal 12
court shall be selected, be compensated, give bond, and have 13
powers and duties as follows: 14

(A) There shall be a clerk of the court who is appointed or 15
elected as follows: 16

(1)(a) Except in the Akron, Barberton, Cuyahoga Falls, 17

Medina, Toledo, ~~Clermont county~~, Hamilton county, Portage county, 18
and Wayne county municipal courts, if the population of the 19
territory equals or exceeds one hundred thousand at the regular 20
municipal election immediately preceding the expiration of the 21
term of the present clerk, the clerk shall be nominated and 22
elected by the qualified electors of the territory in the manner 23
that is provided for the nomination and election of judges in 24
section 1901.07 of the Revised Code. 25

The clerk so elected shall hold office for a term of six 26
years, which term shall commence on the first day of January 27
following the clerk's election and continue until the clerk's 28
successor is elected and qualified. 29

(b) In the Hamilton county municipal court, the clerk of 30
courts of Hamilton county shall be the clerk of the municipal 31
court and may appoint an assistant clerk who shall receive the 32
compensation, payable out of the treasury of Hamilton county in 33
semimonthly installments, that the board of county commissioners 34
prescribes. The clerk of courts of Hamilton county, acting as the 35
clerk of the Hamilton county municipal court and assuming the 36
duties of that office, shall receive compensation at one-fourth 37
the rate that is prescribed for the clerks of courts of common 38
pleas as determined in accordance with the population of the 39
county and the rates set forth in sections 325.08 and 325.18 of 40
the Revised Code. This compensation shall be paid from the county 41
treasury in semimonthly installments and is in addition to the 42
annual compensation that is received for the performance of the 43
duties of the clerk of courts of Hamilton county, as provided in 44
sections 325.08 and 325.18 of the Revised Code. 45

(c) In the Portage county and Wayne county municipal courts, 46
the clerks of courts of Portage county and Wayne county shall be 47
the clerks, respectively, of the Portage county and Wayne county 48
municipal courts and may appoint a chief deputy clerk for each 49

branch that is established pursuant to section 1901.311 of the
Revised Code and assistant clerks as the judges of the municipal
court determine are necessary, all of whom shall receive the
compensation that the legislative authority prescribes. The clerks
of courts of Portage county and Wayne county, acting as the clerks
of the Portage county and Wayne county municipal courts and
assuming the duties of these offices, shall receive compensation
payable from the county treasury in semimonthly installments at
one-fourth the rate that is prescribed for the clerks of courts of
common pleas as determined in accordance with the population of
the county and the rates set forth in sections 325.08 and 325.18
of the Revised Code.

(d) Except as otherwise provided in division (A)(1)(d) of
this section, in the Akron municipal court, candidates for
election to the office of clerk of the court shall be nominated by
primary election. The primary election shall be held on the day
specified in the charter of the city of Akron for the nomination
of municipal officers. Notwithstanding section 3513.257 of the
Revised Code, the nominating petitions of independent candidates
shall be signed by at least two hundred fifty qualified electors
of the territory of the court.

The candidates shall file a declaration of candidacy and
petition, or a nominating petition, whichever is applicable, not
later than four p.m. of the seventy-fifth day before the day of
the primary election, in the form prescribed by section 3513.07 or
3513.261 of the Revised Code. The declaration of candidacy and
petition, or the nominating petition, shall conform to the
applicable requirements of section 3513.05 or 3513.257 of the
Revised Code.

If no valid declaration of candidacy and petition is filed by
any person for nomination as a candidate of a particular political
party for election to the office of clerk of the Akron municipal

court, a primary election shall not be held for the purpose of 82
nominating a candidate of that party for election to that office. 83
If only one person files a valid declaration of candidacy and 84
petition for nomination as a candidate of a particular political 85
party for election to that office, a primary election shall not be 86
held for the purpose of nominating a candidate of that party for 87
election to that office, and the candidate shall be issued a 88
certificate of nomination in the manner set forth in section 89
3513.02 of the Revised Code. 90

Declarations of candidacy and petitions, nominating 91
petitions, and certificates of nomination for the office of clerk 92
of the Akron municipal court shall contain a designation of the 93
term for which the candidate seeks election. At the following 94
regular municipal election, all candidates for the office shall be 95
submitted to the qualified electors of the territory of the court 96
in the manner that is provided in section 1901.07 of the Revised 97
Code for the election of the judges of the court. The clerk so 98
elected shall hold office for a term of six years, which term 99
shall commence on the first day of January following the clerk's 100
election and continue until the clerk's successor is elected and 101
qualified. 102

~~(e) In the Clermont county municipal court, the clerk of 103
courts of Clermont county shall be the clerk of the municipal 104
court. The clerk of courts of Clermont county, acting as the clerk 105
of the Clermont county municipal court and assuming the duties of 106
that office, shall receive compensation at one fourth the rate 107
that is prescribed for the clerks of courts of common pleas as 108
determined in accordance with the population of the county and the 109
rates set forth in sections 325.08 and 325.18 of the Revised Code. 110
This compensation shall be paid from the county treasury in 111
semimonthly installments and is in addition to the annual 112
compensation that is received for the performance of the duties of 113~~

~~the clerk of courts of Clermont county, as provided in sections 114~~
~~325.08 and 325.18 of the Revised Code. 115~~

~~(f)~~ Irrespective of the population of the territory of the 116
Medina municipal court, the clerk of that court shall be appointed 117
pursuant to division (A)(2)(a) of this section by the judges of 118
that court, shall hold office until the clerk's successor is 119
similarly appointed and qualified, and shall receive pursuant to 120
division (C) of this section the annual compensation that the 121
legislative authority prescribes and that is payable in 122
semimonthly installments from the same sources and in the same 123
manner as provided in section 1901.11 of the Revised Code. 124

~~(g)~~(f) Except as otherwise provided in division (A)(1)~~(g)~~(f) 125
of this section, in the Barberton municipal court, candidates for 126
election to the office of clerk of the court shall be nominated by 127
primary election. The primary election shall be held on the day 128
specified in the charter of the city of Barberton for the 129
nomination of municipal officers. Notwithstanding section 3513.257 130
of the Revised Code, the nominating petitions of independent 131
candidates shall be signed by at least two hundred fifty qualified 132
electors of the territory of the court. 133

The candidates shall file a declaration of candidacy and 134
petition, or a nominating petition, whichever is applicable, not 135
later than four p.m. of the seventy-fifth day before the day of 136
the primary election, in the form prescribed by section 3513.07 or 137
3513.261 of the Revised Code. The declaration of candidacy and 138
petition, or the nominating petition, shall conform to the 139
applicable requirements of section 3513.05 or 3513.257 of the 140
Revised Code. 141

If no valid declaration of candidacy and petition is filed by 142
any person for nomination as a candidate of a particular political 143
party for election to the office of clerk of the Barberton 144
municipal court, a primary election shall not be held for the 145

purpose of nominating a candidate of that party for election to 146
that office. If only one person files a valid declaration of 147
candidacy and petition for nomination as a candidate of a 148
particular political party for election to that office, a primary 149
election shall not be held for the purpose of nominating a 150
candidate of that party for election to that office, and the 151
candidate shall be issued a certificate of nomination in the 152
manner set forth in section 3513.02 of the Revised Code. 153

Declarations of candidacy and petitions, nominating 154
petitions, and certificates of nomination for the office of clerk 155
of the Barberton municipal court shall contain a designation of 156
the term for which the candidate seeks election. At the following 157
regular municipal election, all candidates for the office shall be 158
submitted to the qualified electors of the territory of the court 159
in the manner that is provided in section 1901.07 of the Revised 160
Code for the election of the judges of the court. The clerk so 161
elected shall hold office for a term of six years, which term 162
shall commence on the first day of January following the clerk's 163
election and continue until the clerk's successor is elected and 164
qualified. 165

~~(h)~~(g) Except as otherwise provided in division (A)(1)~~(h)~~(g) 166
of this section, in the Cuyahoga Falls municipal court, candidates 167
for election to the office of clerk of the court shall be 168
nominated by primary election. The primary election shall be held 169
on the day specified in the charter of the city of Cuyahoga Falls 170
for the nomination of municipal officers. Notwithstanding section 171
3513.257 of the Revised Code, the nominating petitions of 172
independent candidates shall be signed by at least two hundred 173
fifty qualified electors of the territory of the court. 174

The candidates shall file a declaration of candidacy and 175
petition, or a nominating petition, whichever is applicable, not 176
later than four p.m. of the seventy-fifth day before the day of 177

the primary election, in the form prescribed by section 3513.07 or 178
3513.261 of the Revised Code. The declaration of candidacy and 179
petition, or the nominating petition, shall conform to the 180
applicable requirements of section 3513.05 or 3513.257 of the 181
Revised Code. 182

If no valid declaration of candidacy and petition is filed by 183
any person for nomination as a candidate of a particular political 184
party for election to the office of clerk of the Cuyahoga Falls 185
municipal court, a primary election shall not be held for the 186
purpose of nominating a candidate of that party for election to 187
that office. If only one person files a valid declaration of 188
candidacy and petition for nomination as a candidate of a 189
particular political party for election to that office, a primary 190
election shall not be held for the purpose of nominating a 191
candidate of that party for election to that office, and the 192
candidate shall be issued a certificate of nomination in the 193
manner set forth in section 3513.02 of the Revised Code. 194

Declarations of candidacy and petitions, nominating 195
petitions, and certificates of nomination for the office of clerk 196
of the Cuyahoga Falls municipal court shall contain a designation 197
of the term for which the candidate seeks election. At the 198
following regular municipal election, all candidates for the 199
office shall be submitted to the qualified electors of the 200
territory of the court in the manner that is provided in section 201
1901.07 of the Revised Code for the election of the judges of the 202
court. The clerk so elected shall hold office for a term of six 203
years, which term shall commence on the first day of January 204
following the clerk's election and continue until the clerk's 205
successor is elected and qualified. 206

~~(i)~~(h) Except as otherwise provided in division (A)(1)~~(i)~~(h) 207
of this section, in the Toledo municipal court, candidates for 208
election to the office of clerk of the court shall be nominated by 209

primary election. The primary election shall be held on the day 210
specified in the charter of the city of Toledo for the nomination 211
of municipal officers. Notwithstanding section 3513.257 of the 212
Revised Code, the nominating petitions of independent candidates 213
shall be signed by at least two hundred fifty qualified electors 214
of the territory of the court. 215

The candidates shall file a declaration of candidacy and 216
petition, or a nominating petition, whichever is applicable, not 217
later than four p.m. of the seventy-fifth day before the day of 218
the primary election, in the form prescribed by section 3513.07 or 219
3513.261 of the Revised Code. The declaration of candidacy and 220
petition, or the nominating petition, shall conform to the 221
applicable requirements of section 3513.05 or 3513.257 of the 222
Revised Code. 223

If no valid declaration of candidacy and petition is filed by 224
any person for nomination as a candidate of a particular political 225
party for election to the office of clerk of the Toledo municipal 226
court, a primary election shall not be held for the purpose of 227
nominating a candidate of that party for election to that office. 228
If only one person files a valid declaration of candidacy and 229
petition for nomination as a candidate of a particular political 230
party for election to that office, a primary election shall not be 231
held for the purpose of nominating a candidate of that party for 232
election to that office, and the candidate shall be issued a 233
certificate of nomination in the manner set forth in section 234
3513.02 of the Revised Code. 235

Declarations of candidacy and petitions, nominating 236
petitions, and certificates of nomination for the office of clerk 237
of the Toledo municipal court shall contain a designation of the 238
term for which the candidate seeks election. At the following 239
regular municipal election, all candidates for the office shall be 240
submitted to the qualified electors of the territory of the court 241

in the manner that is provided in section 1901.07 of the Revised 242
Code for the election of the judges of the court. The clerk so 243
elected shall hold office for a term of six years, which term 244
shall commence on the first day of January following the clerk's 245
election and continue until the clerk's successor is elected and 246
qualified. 247

(2)(a) Except for the Alliance, Auglaize county, Brown 248
county, Columbiana county, Lorain, Massillon, and Youngstown 249
municipal courts, in a municipal court for which the population of 250
the territory is less than one hundred thousand and in the Medina 251
municipal court, the clerk shall be appointed by the court, and 252
the clerk shall hold office until the clerk's successor is 253
appointed and qualified. 254

(b) In the Alliance, Lorain, Massillon, and Youngstown 255
municipal courts, the clerk shall be elected for a term of office 256
as described in division (A)(1)(a) of this section. 257

(c) In the Auglaize county and Brown county municipal courts, 258
the clerks of courts of Auglaize county and Brown county shall be 259
the clerks, respectively, of the Auglaize county and Brown county 260
municipal courts and may appoint a chief deputy clerk for each 261
branch that is established pursuant to section 1901.311 of the 262
Revised Code, and assistant clerks as the judge of the court 263
determines are necessary, all of whom shall receive the 264
compensation that the legislative authority prescribes. The clerks 265
of courts of Auglaize county and Brown county, acting as the 266
clerks of the Auglaize county and Brown county municipal courts 267
and assuming the duties of these offices, shall receive 268
compensation payable from the county treasury in semimonthly 269
installments at one-fourth the rate that is prescribed for the 270
clerks of courts of common pleas as determined in accordance with 271
the population of the county and the rates set forth in sections 272
325.08 and 325.18 of the Revised Code. 273

(d) In the Columbiana county municipal court, the clerk of
courts of Columbiana county shall be the clerk of the municipal
court, may appoint a chief deputy clerk for each branch office
that is established pursuant to section 1901.311 of the Revised
Code, and may appoint any assistant clerks that the judges of the
court determine are necessary. All of the chief deputy clerks and
assistant clerks shall receive the compensation that the
legislative authority prescribes. The clerk of courts of
Columbiana county, acting as the clerk of the Columbiana county
municipal court and assuming the duties of that office, shall
receive compensation payable from the county treasury in
semimonthly installments at one-fourth the rate that is prescribed
for the clerks of courts of common pleas as determined in
accordance with the population of the county and the rates set
forth in sections 325.08 and 325.18 of the Revised Code.

(3) During the temporary absence of the clerk due to illness,
vacation, or other proper cause, the court may appoint a temporary
clerk, who shall be paid the same compensation, have the same
authority, and perform the same duties as the clerk.

(B) Except in the ~~Clermont county~~, Hamilton county, Medina,
Portage county, and Wayne county municipal courts, if a vacancy
occurs in the office of the clerk of the Alliance, Lorain,
Massillon, or Youngstown municipal court or occurs in the office
of the clerk of a municipal court for which the population of the
territory equals or exceeds one hundred thousand because the clerk
ceases to hold the office before the end of the clerk's term or
because a clerk-elect fails to take office, the vacancy shall be
filled, until a successor is elected and qualified, by a person
chosen by the residents of the territory of the court who are
members of the county central committee of the political party by
which the last occupant of that office or the clerk-elect was
nominated. Not less than five nor more than fifteen days after a

vacancy occurs, those members of that county central committee 306
shall meet to make an appointment to fill the vacancy. At least 307
four days before the date of the meeting, the chairperson or a 308
secretary of the county central committee shall notify each such 309
member of that county central committee by first class mail of the 310
date, time, and place of the meeting and its purpose. A majority 311
of all such members of that county central committee constitutes a 312
quorum, and a majority of the quorum is required to make the 313
appointment. If the office so vacated was occupied or was to be 314
occupied by a person not nominated at a primary election, or if 315
the appointment was not made by the committee members in 316
accordance with this division, the court shall make an appointment 317
to fill the vacancy. A successor shall be elected to fill the 318
office for the unexpired term at the first municipal election that 319
is held more than one hundred twenty days after the vacancy 320
occurred. 321

(C)(1) In a municipal court, other than the Auglaize county, 322
the Brown county, the Columbiana county, and the Lorain municipal 323
courts, for which the population of the territory is less than one 324
hundred thousand and in the Medina municipal court, the clerk of 325
the municipal court shall receive the annual compensation that the 326
presiding judge of the court prescribes, if the revenue of the 327
court for the preceding calendar year, as certified by the auditor 328
or chief fiscal officer of the municipal corporation in which the 329
court is located or, in the case of a county-operated municipal 330
court, the county auditor, is equal to or greater than the 331
expenditures, including any debt charges, for the operation of the 332
court payable under this chapter from the city treasury or, in the 333
case of a county-operated municipal court, the county treasury for 334
that calendar year, as also certified by the auditor or chief 335
fiscal officer. If the revenue of a municipal court, other than 336
the Auglaize county, the Brown county, the Columbiana county, and 337
the Lorain municipal courts, for which the population of the 338

territory is less than one hundred thousand or the revenue of the 339
Medina municipal court for the preceding calendar year as so 340
certified is not equal to or greater than those expenditures for 341
the operation of the court for that calendar year as so certified, 342
the clerk of a municipal court shall receive the annual 343
compensation that the legislative authority prescribes. As used in 344
this division, "revenue" means the total of all costs and fees 345
that are collected and paid to the city treasury or, in a 346
county-operated municipal court, the county treasury by the clerk 347
of the municipal court under division (F) of this section and all 348
interest received and paid to the city treasury or, in a 349
county-operated municipal court, the county treasury in relation 350
to the costs and fees under division (G) of this section. 351

(2) In a municipal court, other than the ~~Clermont county,~~ 352
Hamilton county, Medina, Portage county, and Wayne county 353
municipal courts, for which the population of the territory is one 354
hundred thousand or more, and in the Lorain municipal court, the 355
clerk of the municipal court shall receive annual compensation in 356
a sum equal to eighty-five per cent of the salary of a judge of 357
the court. 358

(3) The compensation of a clerk described in division (C)(1) 359
or (2) of this section is payable in semimonthly installments from 360
the same sources and in the same manner as provided in section 361
1901.11 of the Revised Code. 362

(D) Before entering upon the duties of the clerk's office, 363
the clerk of a municipal court shall give bond of not less than 364
six thousand dollars to be determined by the judges of the court, 365
conditioned upon the faithful performance of the clerk's duties. 366

(E) The clerk of a municipal court may do all of the 367
following: administer oaths, take affidavits, and issue executions 368
upon any judgment rendered in the court, including a judgment for 369
unpaid costs; issue, sign, and attach the seal of the court to all 370

writs, process, subpoenas, and papers issuing out of the court; 371
and approve all bonds, sureties, recognizances, and undertakings 372
fixed by any judge of the court or by law. The clerk may refuse to 373
accept for filing any pleading or paper submitted for filing by a 374
person who has been found to be a vexatious litigator under 375
section 2323.52 of the Revised Code and who has failed to obtain 376
leave to proceed under that section. The clerk shall do all of the 377
following: file and safely keep all journals, records, books, and 378
papers belonging or appertaining to the court; record the 379
proceedings of the court; perform all other duties that the judges 380
of the court may prescribe; and keep a book showing all receipts 381
and disbursements, which book shall be open for public inspection 382
at all times. 383

The clerk shall prepare and maintain a general index, a 384
docket, and other records that the court, by rule, requires, all 385
of which shall be the public records of the court. In the docket, 386
the clerk shall enter, at the time of the commencement of an 387
action, the names of the parties in full, the names of the 388
counsel, and the nature of the proceedings. Under proper dates, 389
the clerk shall note the filing of the complaint, issuing of 390
summons or other process, returns, and any subsequent pleadings. 391
The clerk also shall enter all reports, verdicts, orders, 392
judgments, and proceedings of the court, clearly specifying the 393
relief granted or orders made in each action. The court may order 394
an extended record of any of the above to be made and entered, 395
under the proper action heading, upon the docket at the request of 396
any party to the case, the expense of which record may be taxed as 397
costs in the case or may be required to be prepaid by the party 398
demanding the record, upon order of the court. 399

(F) The clerk of a municipal court shall receive, collect, 400
and issue receipts for all costs, fees, fines, bail, and other 401
moneys payable to the office or to any officer of the court. The 402

clerk shall each month disburse to the proper persons or officers, 403
and take receipts for, all costs, fees, fines, bail, and other 404
moneys that the clerk collects. Subject to sections 3375.50 and 405
4511.193 of the Revised Code and to any other section of the 406
Revised Code that requires a specific manner of disbursement of 407
any moneys received by a municipal court and except for the 408
Hamilton county, Lawrence county, and Ottawa county municipal 409
courts, the clerk shall pay all fines received for violation of 410
municipal ordinances into the treasury of the municipal 411
corporation the ordinance of which was violated and shall pay all 412
fines received for violation of township resolutions adopted 413
pursuant to Chapter 504. of the Revised Code into the treasury of 414
the township the resolution of which was violated. Subject to 415
sections 1901.024 and 4511.193 of the Revised Code, in the 416
Hamilton county, Lawrence county, and Ottawa county municipal 417
courts, the clerk shall pay fifty per cent of the fines received 418
for violation of municipal ordinances and fifty per cent of the 419
fines received for violation of township resolutions adopted 420
pursuant to Chapter 504. of the Revised Code into the treasury of 421
the county. Subject to sections 3375.50, 3375.53, 4511.99, and 422
5503.04 of the Revised Code and to any other section of the 423
Revised Code that requires a specific manner of disbursement of 424
any moneys received by a municipal court, the clerk shall pay all 425
fines collected for the violation of state laws into the county 426
treasury. Except in a county-operated municipal court, the clerk 427
shall pay all costs and fees the disbursement of which is not 428
otherwise provided for in the Revised Code into the city treasury. 429
The clerk of a county-operated municipal court shall pay the costs 430
and fees the disbursement of which is not otherwise provided for 431
in the Revised Code into the county treasury. Moneys deposited as 432
security for costs shall be retained pending the litigation. The 433
clerk shall keep a separate account of all receipts and 434
disbursements in civil and criminal cases, which shall be a 435

permanent public record of the office. On the expiration of the 436
term of the clerk, the clerk shall deliver the records to the 437
clerk's successor. The clerk shall have other powers and duties as 438
are prescribed by rule or order of the court. 439

(G) All moneys paid into a municipal court shall be noted on 440
the record of the case in which they are paid and shall be 441
deposited in a state or national bank, or a domestic savings and 442
loan association, as defined in section 1151.01 of the Revised 443
Code, that is selected by the clerk. Any interest received upon 444
the deposits shall be paid into the city treasury, except that, in 445
a county-operated municipal court, the interest shall be paid into 446
the treasury of the county in which the court is located. 447

On the first Monday in January of each year, the clerk shall 448
make a list of the titles of all cases in the court that were 449
finally determined more than one year past in which there remains 450
unclaimed in the possession of the clerk any funds, or any part of 451
a deposit for security of costs not consumed by the costs in the 452
case. The clerk shall give notice of the moneys to the parties who 453
are entitled to the moneys or to their attorneys of record. All 454
the moneys remaining unclaimed on the first day of April of each 455
year shall be paid by the clerk to the city treasurer, except 456
that, in a county-operated municipal court, the moneys shall be 457
paid to the treasurer of the county in which the court is located. 458
The treasurer shall pay any part of the moneys at any time to the 459
person who has the right to the moneys upon proper certification 460
of the clerk. 461

(H) Deputy clerks may be appointed by the clerk and shall 462
receive the compensation, payable in semimonthly installments out 463
of the city treasury, that the clerk may prescribe, except that 464
the compensation of any deputy clerk of a county-operated 465
municipal court shall be paid out of the treasury of the county in 466
which the court is located. Each deputy clerk shall take an oath 467

of office before entering upon the duties of the deputy clerk's 468
office and, when so qualified, may perform the duties appertaining 469
to the office of the clerk. The clerk may require any of the 470
deputy clerks to give bond of not less than three thousand 471
dollars, conditioned for the faithful performance of the deputy 472
clerk's duties. 473

(I) For the purposes of this section, whenever the population 474
of the territory of a municipal court falls below one hundred 475
thousand but not below ninety thousand, and the population of the 476
territory prior to the most recent regular federal census exceeded 477
one hundred thousand, the legislative authority of the municipal 478
corporation may declare, by resolution, that the territory shall 479
be considered to have a population of at least one hundred 480
thousand. 481

(J) The clerk or a deputy clerk shall be in attendance at all 482
sessions of the municipal court, although not necessarily in the 483
courtroom, and may administer oaths to witnesses and jurors and 484
receive verdicts. 485

Sec. 2501.011. (A) ~~Except as otherwise provided in this~~ 486
~~division, there~~ There shall be ~~two~~ three additional judges of the 487
court of appeals of the fifth district, composed of Ashland, 488
Coshocton, Delaware, Fairfield, Guernsey, Holmes, Knox, Licking, 489
Morgan, Morrow, Muskingum, Perry, Richland, Stark, and Tuscarawas 490
counties. ~~From February 11, 2001, through February 10, 2007, there~~ 491
~~shall be three additional judges of the court of appeals of the~~ 492
~~fifth district.~~ 493

One of the additional judges of the fifth district court of 494
appeals shall be elected at the general election in 1980 for a 495
term of six years beginning February 10, 1981. One of the 496
additional judges of the fifth district court of appeals shall be 497
elected at the general election in 1982 for a term of six years 498

beginning February 10, 1983. One of the additional judges of the 499
fifth district court of appeals shall be elected at the general 500
election in 2000 for a term of six years beginning February 11, 501
2001. The ~~two~~ additional judges ~~whose terms begin on February 10~~ 502
shall thereafter be elected to hold terms of six years. 503

In the fifth district, any three judges shall comprise the 504
court of appeals in the hearing and disposition of cases in 505
accordance with any local rules of practice and procedure that may 506
be adopted by the judges of the court. 507

(B) There shall be two additional judges of the court of 508
appeals of the sixth district, composed of Erie, Fulton, Huron, 509
Lucas, Ottawa, Sandusky, Williams, and Wood counties. 510

One of the additional judges of the sixth district court of 511
appeals shall be elected at the general election in 1980 for a 512
term of six years beginning February 10, 1981. One of the 513
additional judges of the sixth district court of appeals shall be 514
elected at the general election in 1990 for a term of six years 515
beginning on February 10, 1991. The additional judges shall 516
thereafter be elected to hold terms of six years. 517

In the sixth district, any three judges shall comprise the 518
court of appeals in the hearing and disposition of cases in 519
accordance with any ~~±~~ local rules of practice and procedure that 520
may be adopted by the judges of the court. 521

(C) There shall be one additional judge of the court of 522
appeals of the seventh district, composed of Belmont, Carroll, 523
Columbiana, Harrison, Jefferson, Mahoning, Monroe, and Noble 524
counties. 525

The additional judge shall be elected at the general election 526
in 1996 for a term of six years beginning February 10, 1997. The 527
additional judge thereafter shall be elected to hold terms of six 528
years. 529

In the seventh district, any three judges shall comprise the 530
court of appeals in the hearing and disposition of cases in 531
accordance with any local rules of practice and procedure that may 532
be adopted by the judges of the court. 533

(D) The judges provided for in this section and sections 534
2501.012 and 2501.013 of the Revised Code shall exercise the same 535
powers and jurisdiction and perform the same duties as the judges 536
of the courts of appeals; and shall receive the same compensation, 537
as provided by law, for the judges of the courts of appeals. 538

Section 2. That existing sections 1901.31 and 2501.011 of the 539
Revised Code are hereby repealed. 540

Section 3. That the version of section 1901.31 of the Revised 541
Code that is scheduled to take effect January 1, 2004, be amended 542
to read as follows: 543

Sec. 1901.31. The clerk and deputy clerks of a municipal 544
court shall be selected, be compensated, give bond, and have 545
powers and duties as follows: 546

(A) There shall be a clerk of the court who is appointed or 547
elected as follows: 548

(1)(a) Except in the Akron, Barberton, Cuyahoga Falls, 549
Medina, Toledo, ~~Clermont county~~, Hamilton county, Portage county, 550
and Wayne county municipal courts, if the population of the 551
territory equals or exceeds one hundred thousand at the regular 552
municipal election immediately preceding the expiration of the 553
term of the present clerk, the clerk shall be nominated and 554
elected by the qualified electors of the territory in the manner 555
that is provided for the nomination and election of judges in 556
section 1901.07 of the Revised Code. 557

The clerk so elected shall hold office for a term of six 558

years, which term shall commence on the first day of January 559
following the clerk's election and continue until the clerk's 560
successor is elected and qualified. 561

(b) In the Hamilton county municipal court, the clerk of 562
courts of Hamilton county shall be the clerk of the municipal 563
court and may appoint an assistant clerk who shall receive the 564
compensation, payable out of the treasury of Hamilton county in 565
semimonthly installments, that the board of county commissioners 566
prescribes. The clerk of courts of Hamilton county, acting as the 567
clerk of the Hamilton county municipal court and assuming the 568
duties of that office, shall receive compensation at one-fourth 569
the rate that is prescribed for the clerks of courts of common 570
pleas as determined in accordance with the population of the 571
county and the rates set forth in sections 325.08 and 325.18 of 572
the Revised Code. This compensation shall be paid from the county 573
treasury in semimonthly installments and is in addition to the 574
annual compensation that is received for the performance of the 575
duties of the clerk of courts of Hamilton county, as provided in 576
sections 325.08 and 325.18 of the Revised Code. 577

(c) In the Portage county and Wayne county municipal courts, 578
the clerks of courts of Portage county and Wayne county shall be 579
the clerks, respectively, of the Portage county and Wayne county 580
municipal courts and may appoint a chief deputy clerk for each 581
branch that is established pursuant to section 1901.311 of the 582
Revised Code and assistant clerks as the judges of the municipal 583
court determine are necessary, all of whom shall receive the 584
compensation that the legislative authority prescribes. The clerks 585
of courts of Portage county and Wayne county, acting as the clerks 586
of the Portage county and Wayne county municipal courts and 587
assuming the duties of these offices, shall receive compensation 588
payable from the county treasury in semimonthly installments at 589
one-fourth the rate that is prescribed for the clerks of courts of 590

common pleas as determined in accordance with the population of 591
the county and the rates set forth in sections 325.08 and 325.18 592
of the Revised Code. 593

(d) Except as otherwise provided in division (A)(1)(d) of 594
this section, in the Akron municipal court, candidates for 595
election to the office of clerk of the court shall be nominated by 596
primary election. The primary election shall be held on the day 597
specified in the charter of the city of Akron for the nomination 598
of municipal officers. Notwithstanding section 3513.257 of the 599
Revised Code, the nominating petitions of independent candidates 600
shall be signed by at least two hundred fifty qualified electors 601
of the territory of the court. 602

The candidates shall file a declaration of candidacy and 603
petition, or a nominating petition, whichever is applicable, not 604
later than four p.m. of the seventy-fifth day before the day of 605
the primary election, in the form prescribed by section 3513.07 or 606
3513.261 of the Revised Code. The declaration of candidacy and 607
petition, or the nominating petition, shall conform to the 608
applicable requirements of section 3513.05 or 3513.257 of the 609
Revised Code. 610

If no valid declaration of candidacy and petition is filed by 611
any person for nomination as a candidate of a particular political 612
party for election to the office of clerk of the Akron municipal 613
court, a primary election shall not be held for the purpose of 614
nominating a candidate of that party for election to that office. 615
If only one person files a valid declaration of candidacy and 616
petition for nomination as a candidate of a particular political 617
party for election to that office, a primary election shall not be 618
held for the purpose of nominating a candidate of that party for 619
election to that office, and the candidate shall be issued a 620
certificate of nomination in the manner set forth in section 621
3513.02 of the Revised Code. 622

Declarations of candidacy and petitions, nominating 623
petitions, and certificates of nomination for the office of clerk 624
of the Akron municipal court shall contain a designation of the 625
term for which the candidate seeks election. At the following 626
regular municipal election, all candidates for the office shall be 627
submitted to the qualified electors of the territory of the court 628
in the manner that is provided in section 1901.07 of the Revised 629
Code for the election of the judges of the court. The clerk so 630
elected shall hold office for a term of six years, which term 631
shall commence on the first day of January following the clerk's 632
election and continue until the clerk's successor is elected and 633
qualified. 634

~~(e) In the Clermont county municipal court, the clerk of 635
courts of Clermont county shall be the clerk of the municipal 636
court. The clerk of courts of Clermont county, acting as the clerk 637
of the Clermont county municipal court and assuming the duties of 638
that office, shall receive compensation at one fourth the rate 639
that is prescribed for the clerks of courts of common pleas as 640
determined in accordance with the population of the county and the 641
rates set forth in sections 325.08 and 325.18 of the Revised Code. 642
This compensation shall be paid from the county treasury in 643
semimonthly installments and is in addition to the annual 644
compensation that is received for the performance of the duties of 645
the clerk of courts of Clermont county, as provided in sections 646
325.08 and 325.18 of the Revised Code. 647~~

~~(f)~~ Irrespective of the population of the territory of the 648
Medina municipal court, the clerk of that court shall be appointed 649
pursuant to division (A)(2)(a) of this section by the judges of 650
that court, shall hold office until the clerk's successor is 651
similarly appointed and qualified, and shall receive pursuant to 652
division (C) of this section the annual compensation that the 653
legislative authority prescribes and that is payable in 654

semimonthly installments from the same sources and in the same 655
manner as provided in section 1901.11 of the Revised Code. 656

~~(g)(f)~~ Except as otherwise provided in division (A)(1)~~(g)(f)~~ 657
of this section, in the Barberton municipal court, candidates for 658
election to the office of clerk of the court shall be nominated by 659
primary election. The primary election shall be held on the day 660
specified in the charter of the city of Barberton for the 661
nomination of municipal officers. Notwithstanding section 3513.257 662
of the Revised Code, the nominating petitions of independent 663
candidates shall be signed by at least two hundred fifty qualified 664
electors of the territory of the court. 665

The candidates shall file a declaration of candidacy and 666
petition, or a nominating petition, whichever is applicable, not 667
later than four p.m. of the seventy-fifth day before the day of 668
the primary election, in the form prescribed by section 3513.07 or 669
3513.261 of the Revised Code. The declaration of candidacy and 670
petition, or the nominating petition, shall conform to the 671
applicable requirements of section 3513.05 or 3513.257 of the 672
Revised Code. 673

If no valid declaration of candidacy and petition is filed by 674
any person for nomination as a candidate of a particular political 675
party for election to the office of clerk of the Barberton 676
municipal court, a primary election shall not be held for the 677
purpose of nominating a candidate of that party for election to 678
that office. If only one person files a valid declaration of 679
candidacy and petition for nomination as a candidate of a 680
particular political party for election to that office, a primary 681
election shall not be held for the purpose of nominating a 682
candidate of that party for election to that office, and the 683
candidate shall be issued a certificate of nomination in the 684
manner set forth in section 3513.02 of the Revised Code. 685

Declarations of candidacy and petitions, nominating 686

petitions, and certificates of nomination for the office of clerk 687
of the Barberton municipal court shall contain a designation of 688
the term for which the candidate seeks election. At the following 689
regular municipal election, all candidates for the office shall be 690
submitted to the qualified electors of the territory of the court 691
in the manner that is provided in section 1901.07 of the Revised 692
Code for the election of the judges of the court. The clerk so 693
elected shall hold office for a term of six years, which term 694
shall commence on the first day of January following the clerk's 695
election and continue until the clerk's successor is elected and 696
qualified. 697

~~(h)~~(g) Except as otherwise provided in division (A)(1)~~(h)~~(g) 698
of this section, in the Cuyahoga Falls municipal court, candidates 699
for election to the office of clerk of the court shall be 700
nominated by primary election. The primary election shall be held 701
on the day specified in the charter of the city of Cuyahoga Falls 702
for the nomination of municipal officers. Notwithstanding section 703
3513.257 of the Revised Code, the nominating petitions of 704
independent candidates shall be signed by at least two hundred 705
fifty qualified electors of the territory of the court. 706

The candidates shall file a declaration of candidacy and 707
petition, or a nominating petition, whichever is applicable, not 708
later than four p.m. of the seventy-fifth day before the day of 709
the primary election, in the form prescribed by section 3513.07 or 710
3513.261 of the Revised Code. The declaration of candidacy and 711
petition, or the nominating petition, shall conform to the 712
applicable requirements of section 3513.05 or 3513.257 of the 713
Revised Code. 714

If no valid declaration of candidacy and petition is filed by 715
any person for nomination as a candidate of a particular political 716
party for election to the office of clerk of the Cuyahoga Falls 717
municipal court, a primary election shall not be held for the 718

purpose of nominating a candidate of that party for election to 719
that office. If only one person files a valid declaration of 720
candidacy and petition for nomination as a candidate of a 721
particular political party for election to that office, a primary 722
election shall not be held for the purpose of nominating a 723
candidate of that party for election to that office, and the 724
candidate shall be issued a certificate of nomination in the 725
manner set forth in section 3513.02 of the Revised Code. 726

Declarations of candidacy and petitions, nominating 727
petitions, and certificates of nomination for the office of clerk 728
of the Cuyahoga Falls municipal court shall contain a designation 729
of the term for which the candidate seeks election. At the 730
following regular municipal election, all candidates for the 731
office shall be submitted to the qualified electors of the 732
territory of the court in the manner that is provided in section 733
1901.07 of the Revised Code for the election of the judges of the 734
court. The clerk so elected shall hold office for a term of six 735
years, which term shall commence on the first day of January 736
following the clerk's election and continue until the clerk's 737
successor is elected and qualified. 738

~~(i)~~(h) Except as otherwise provided in division (A)(1)~~(i)~~(h) 739
of this section, in the Toledo municipal court, candidates for 740
election to the office of clerk of the court shall be nominated by 741
primary election. The primary election shall be held on the day 742
specified in the charter of the city of Toledo for the nomination 743
of municipal officers. Notwithstanding section 3513.257 of the 744
Revised Code, the nominating petitions of independent candidates 745
shall be signed by at least two hundred fifty qualified electors 746
of the territory of the court. 747

The candidates shall file a declaration of candidacy and 748
petition, or a nominating petition, whichever is applicable, not 749
later than four p.m. of the seventy-fifth day before the day of 750

the primary election, in the form prescribed by section 3513.07 or 751
3513.261 of the Revised Code. The declaration of candidacy and 752
petition, or the nominating petition, shall conform to the 753
applicable requirements of section 3513.05 or 3513.257 of the 754
Revised Code. 755

If no valid declaration of candidacy and petition is filed by 756
any person for nomination as a candidate of a particular political 757
party for election to the office of clerk of the Toledo municipal 758
court, a primary election shall not be held for the purpose of 759
nominating a candidate of that party for election to that office. 760
If only one person files a valid declaration of candidacy and 761
petition for nomination as a candidate of a particular political 762
party for election to that office, a primary election shall not be 763
held for the purpose of nominating a candidate of that party for 764
election to that office, and the candidate shall be issued a 765
certificate of nomination in the manner set forth in section 766
3513.02 of the Revised Code. 767

Declarations of candidacy and petitions, nominating 768
petitions, and certificates of nomination for the office of clerk 769
of the Toledo municipal court shall contain a designation of the 770
term for which the candidate seeks election. At the following 771
regular municipal election, all candidates for the office shall be 772
submitted to the qualified electors of the territory of the court 773
in the manner that is provided in section 1901.07 of the Revised 774
Code for the election of the judges of the court. The clerk so 775
elected shall hold office for a term of six years, which term 776
shall commence on the first day of January following the clerk's 777
election and continue until the clerk's successor is elected and 778
qualified. 779

(2)(a) Except for the Alliance, Auglaize county, Brown 780
county, Columbiana county, Lorain, Massillon, and Youngstown 781
municipal courts, in a municipal court for which the population of 782

the territory is less than one hundred thousand and in the Medina 783
municipal court, the clerk shall be appointed by the court, and 784
the clerk shall hold office until the clerk's successor is 785
appointed and qualified. 786

(b) In the Alliance, Lorain, Massillon, and Youngstown 787
municipal courts, the clerk shall be elected for a term of office 788
as described in division (A)(1)(a) of this section. 789

(c) In the Auglaize county and Brown county municipal courts, 790
the clerks of courts of Auglaize county and Brown county shall be 791
the clerks, respectively, of the Auglaize county and Brown county 792
municipal courts and may appoint a chief deputy clerk for each 793
branch that is established pursuant to section 1901.311 of the 794
Revised Code, and assistant clerks as the judge of the court 795
determines are necessary, all of whom shall receive the 796
compensation that the legislative authority prescribes. The clerks 797
of courts of Auglaize county and Brown county, acting as the 798
clerks of the Auglaize county and Brown county municipal courts 799
and assuming the duties of these offices, shall receive 800
compensation payable from the county treasury in semimonthly 801
installments at one-fourth the rate that is prescribed for the 802
clerks of courts of common pleas as determined in accordance with 803
the population of the county and the rates set forth in sections 804
325.08 and 325.18 of the Revised Code. 805

(d) In the Columbiana county municipal court, the clerk of 806
courts of Columbiana county shall be the clerk of the municipal 807
court, may appoint a chief deputy clerk for each branch office 808
that is established pursuant to section 1901.311 of the Revised 809
Code, and may appoint any assistant clerks that the judges of the 810
court determine are necessary. All of the chief deputy clerks and 811
assistant clerks shall receive the compensation that the 812
legislative authority prescribes. The clerk of courts of 813
Columbiana county, acting as the clerk of the Columbiana county 814

municipal court and assuming the duties of that office, shall 815
receive compensation payable from the county treasury in 816
semimonthly installments at one-fourth the rate that is prescribed 817
for the clerks of courts of common pleas as determined in 818
accordance with the population of the county and the rates set 819
forth in sections 325.08 and 325.18 of the Revised Code. 820

(3) During the temporary absence of the clerk due to illness, 821
vacation, or other proper cause, the court may appoint a temporary 822
clerk, who shall be paid the same compensation, have the same 823
authority, and perform the same duties as the clerk. 824

(B) Except in the ~~Clermont county~~, Hamilton county, Medina, 825
Portage county, and Wayne county municipal courts, if a vacancy 826
occurs in the office of the clerk of the Alliance, Lorain, 827
Massillon, or Youngstown municipal court or occurs in the office 828
of the clerk of a municipal court for which the population of the 829
territory equals or exceeds one hundred thousand because the clerk 830
ceases to hold the office before the end of the clerk's term or 831
because a clerk-elect fails to take office, the vacancy shall be 832
filled, until a successor is elected and qualified, by a person 833
chosen by the residents of the territory of the court who are 834
members of the county central committee of the political party by 835
which the last occupant of that office or the clerk-elect was 836
nominated. Not less than five nor more than fifteen days after a 837
vacancy occurs, those members of that county central committee 838
shall meet to make an appointment to fill the vacancy. At least 839
four days before the date of the meeting, the chairperson or a 840
secretary of the county central committee shall notify each such 841
member of that county central committee by first class mail of the 842
date, time, and place of the meeting and its purpose. A majority 843
of all such members of that county central committee constitutes a 844
quorum, and a majority of the quorum is required to make the 845
appointment. If the office so vacated was occupied or was to be 846

occupied by a person not nominated at a primary election, or if 847
the appointment was not made by the committee members in 848
accordance with this division, the court shall make an appointment 849
to fill the vacancy. A successor shall be elected to fill the 850
office for the unexpired term at the first municipal election that 851
is held more than one hundred twenty days after the vacancy 852
occurred. 853

(C)(1) In a municipal court, other than the Auglaize county, 854
the Brown county, the Columbiana county, and the Lorain municipal 855
courts, for which the population of the territory is less than one 856
hundred thousand and in the Medina municipal court, the clerk of 857
the municipal court shall receive the annual compensation that the 858
presiding judge of the court prescribes, if the revenue of the 859
court for the preceding calendar year, as certified by the auditor 860
or chief fiscal officer of the municipal corporation in which the 861
court is located or, in the case of a county-operated municipal 862
court, the county auditor, is equal to or greater than the 863
expenditures, including any debt charges, for the operation of the 864
court payable under this chapter from the city treasury or, in the 865
case of a county-operated municipal court, the county treasury for 866
that calendar year, as also certified by the auditor or chief 867
fiscal officer. If the revenue of a municipal court, other than 868
the Auglaize county, the Brown county, the Columbiana county, and 869
the Lorain municipal courts, for which the population of the 870
territory is less than one hundred thousand or the revenue of the 871
Medina municipal court for the preceding calendar year as so 872
certified is not equal to or greater than those expenditures for 873
the operation of the court for that calendar year as so certified, 874
the clerk of a municipal court shall receive the annual 875
compensation that the legislative authority prescribes. As used in 876
this division, "revenue" means the total of all costs and fees 877
that are collected and paid to the city treasury or, in a 878
county-operated municipal court, the county treasury by the clerk 879

of the municipal court under division (F) of this section and all 880
interest received and paid to the city treasury or, in a 881
county-operated municipal court, the county treasury in relation 882
to the costs and fees under division (G) of this section. 883

(2) In a municipal court, other than the ~~Clermont county~~, 884
Hamilton county, Medina, Portage county, and Wayne county 885
municipal courts, for which the population of the territory is one 886
hundred thousand or more, and in the Lorain municipal court, the 887
clerk of the municipal court shall receive annual compensation in 888
a sum equal to eighty-five per cent of the salary of a judge of 889
the court. 890

(3) The compensation of a clerk described in division (C)(1) 891
or (2) of this section is payable in semimonthly installments from 892
the same sources and in the same manner as provided in section 893
1901.11 of the Revised Code. 894

(D) Before entering upon the duties of the clerk's office, 895
the clerk of a municipal court shall give bond of not less than 896
six thousand dollars to be determined by the judges of the court, 897
conditioned upon the faithful performance of the clerk's duties. 898

(E) The clerk of a municipal court may do all of the 899
following: administer oaths, take affidavits, and issue executions 900
upon any judgment rendered in the court, including a judgment for 901
unpaid costs; issue, sign, and attach the seal of the court to all 902
writs, process, subpoenas, and papers issuing out of the court; 903
and approve all bonds, sureties, recognizances, and undertakings 904
fixed by any judge of the court or by law. The clerk may refuse to 905
accept for filing any pleading or paper submitted for filing by a 906
person who has been found to be a vexatious litigator under 907
section 2323.52 of the Revised Code and who has failed to obtain 908
leave to proceed under that section. The clerk shall do all of the 909
following: file and safely keep all journals, records, books, and 910
papers belonging or appertaining to the court; record the 911

proceedings of the court; perform all other duties that the judges 912
of the court may prescribe; and keep a book showing all receipts 913
and disbursements, which book shall be open for public inspection 914
at all times. 915

The clerk shall prepare and maintain a general index, a 916
docket, and other records that the court, by rule, requires, all 917
of which shall be the public records of the court. In the docket, 918
the clerk shall enter, at the time of the commencement of an 919
action, the names of the parties in full, the names of the 920
counsel, and the nature of the proceedings. Under proper dates, 921
the clerk shall note the filing of the complaint, issuing of 922
summons or other process, returns, and any subsequent pleadings. 923
The clerk also shall enter all reports, verdicts, orders, 924
judgments, and proceedings of the court, clearly specifying the 925
relief granted or orders made in each action. The court may order 926
an extended record of any of the above to be made and entered, 927
under the proper action heading, upon the docket at the request of 928
any party to the case, the expense of which record may be taxed as 929
costs in the case or may be required to be prepaid by the party 930
demanding the record, upon order of the court. 931

(F) The clerk of a municipal court shall receive, collect, 932
and issue receipts for all costs, fees, fines, bail, and other 933
moneys payable to the office or to any officer of the court. The 934
clerk shall each month disburse to the proper persons or officers, 935
and take receipts for, all costs, fees, fines, bail, and other 936
moneys that the clerk collects. Subject to sections 3375.50 and 937
4511.193 of the Revised Code and to any other section of the 938
Revised Code that requires a specific manner of disbursement of 939
any moneys received by a municipal court and except for the 940
Hamilton county, Lawrence county, and Ottawa county municipal 941
courts, the clerk shall pay all fines received for violation of 942
municipal ordinances into the treasury of the municipal 943

corporation the ordinance of which was violated and shall pay all 944
fines received for violation of township resolutions adopted 945
pursuant to Chapter 504. of the Revised Code into the treasury of 946
the township the resolution of which was violated. Subject to 947
sections 1901.024 and 4511.193 of the Revised Code, in the 948
Hamilton county, Lawrence county, and Ottawa county municipal 949
courts, the clerk shall pay fifty per cent of the fines received 950
for violation of municipal ordinances and fifty per cent of the 951
fines received for violation of township resolutions adopted 952
pursuant to Chapter 504. of the Revised Code into the treasury of 953
the county. Subject to sections 3375.50, 3375.53, 4511.19, and 954
5503.04 of the Revised Code and to any other section of the 955
Revised Code that requires a specific manner of disbursement of 956
any moneys received by a municipal court, the clerk shall pay all 957
fines collected for the violation of state laws into the county 958
treasury. Except in a county-operated municipal court, the clerk 959
shall pay all costs and fees the disbursement of which is not 960
otherwise provided for in the Revised Code into the city treasury. 961
The clerk of a county-operated municipal court shall pay the costs 962
and fees the disbursement of which is not otherwise provided for 963
in the Revised Code into the county treasury. Moneys deposited as 964
security for costs shall be retained pending the litigation. The 965
clerk shall keep a separate account of all receipts and 966
disbursements in civil and criminal cases, which shall be a 967
permanent public record of the office. On the expiration of the 968
term of the clerk, the clerk shall deliver the records to the 969
clerk's successor. The clerk shall have other powers and duties as 970
are prescribed by rule or order of the court. 971

(G) All moneys paid into a municipal court shall be noted on 972
the record of the case in which they are paid and shall be 973
deposited in a state or national bank, or a domestic savings and 974
loan association, as defined in section 1151.01 of the Revised 975
Code, that is selected by the clerk. Any interest received upon 976

the deposits shall be paid into the city treasury, except that, in 977
a county-operated municipal court, the interest shall be paid into 978
the treasury of the county in which the court is located. 979

On the first Monday in January of each year, the clerk shall 980
make a list of the titles of all cases in the court that were 981
finally determined more than one year past in which there remains 982
unclaimed in the possession of the clerk any funds, or any part of 983
a deposit for security of costs not consumed by the costs in the 984
case. The clerk shall give notice of the moneys to the parties who 985
are entitled to the moneys or to their attorneys of record. All 986
the moneys remaining unclaimed on the first day of April of each 987
year shall be paid by the clerk to the city treasurer, except 988
that, in a county-operated municipal court, the moneys shall be 989
paid to the treasurer of the county in which the court is located. 990
The treasurer shall pay any part of the moneys at any time to the 991
person who has the right to the moneys upon proper certification 992
of the clerk. 993

(H) Deputy clerks may be appointed by the clerk and shall 994
receive the compensation, payable in semimonthly installments out 995
of the city treasury, that the clerk may prescribe, except that 996
the compensation of any deputy clerk of a county-operated 997
municipal court shall be paid out of the treasury of the county in 998
which the court is located. Each deputy clerk shall take an oath 999
of office before entering upon the duties of the deputy clerk's 1000
office and, when so qualified, may perform the duties appertaining 1001
to the office of the clerk. The clerk may require any of the 1002
deputy clerks to give bond of not less than three thousand 1003
dollars, conditioned for the faithful performance of the deputy 1004
clerk's duties. 1005

(I) For the purposes of this section, whenever the population 1006
of the territory of a municipal court falls below one hundred 1007
thousand but not below ninety thousand, and the population of the 1008

territory prior to the most recent regular federal census exceeded 1009
one hundred thousand, the legislative authority of the municipal 1010
corporation may declare, by resolution, that the territory shall 1011
be considered to have a population of at least one hundred 1012
thousand. 1013

(J) The clerk or a deputy clerk shall be in attendance at all 1014
sessions of the municipal court, although not necessarily in the 1015
courtroom, and may administer oaths to witnesses and jurors and 1016
receive verdicts. 1017

Section 4. That the existing version of section 1901.31 of 1018
the Revised Code that is scheduled to take effect January 1, 2004, 1019
is hereby repealed. 1020

Section 5. Sections 3 and 4 of this act shall take effect 1021
January 1, 2004. 1022

Section 6. (A) Notwithstanding the requirements of section 1023
1901.31 of the Revised Code, as amended by Section 1 of this act, 1024
candidates for the office of Clerk of the Clermont County 1025
Municipal Court in 2003 shall be nonpartisan candidates only and 1026
shall file nominating petitions with the board of elections not 1027
later than four p.m. of the seventy-fifth day before the day of 1028
the general election. 1029

(B) Notwithstanding section 1901.31 of the Revised Code, as 1030
amended by Section 1 of this act, the Clerk of Courts of Clermont 1031
County shall continue to serve as Clerk of the Clermont County 1032
Municipal Court, as provided in section 1901.31 of the Revised 1033
Code before its amendment by this act, through December 31, 2003. 1034

Section 7. This act is hereby declared to be an emergency 1035
measure necessary for the immediate preservation of the public 1036
peace, health, and safety. The reason for such necessity is that 1037

Clermont County urgently needs to revise the method by which it	1038
selects the clerk of its municipal court, and the county will be	1039
adversely affected if this change does not take immediate effect.	1040
Therefore, this act shall go into immediate effect.	1041