

**As Reported by the House Judiciary and Ethics Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Am. H. B. No. 302**

**Representative Adams, R.**

**Cosponsor: Representative Letson**

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**A B I L L**

To amend section 1901.31 of the Revised Code to make 1  
the clerk of courts of Miami County the clerk of 2  
the Miami County Municipal Court and to declare an 3  
emergency. 4

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

**Section 1.** That section 1901.31 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 7  
court shall be selected, be compensated, give bond, and have 8  
powers and duties as follows: 9

(A) There shall be a clerk of the court who is appointed or 10  
elected as follows: 11

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 12  
county, Miami county, Montgomery county, Portage county, and Wayne 13  
county municipal courts and through December 31, 2008, the 14  
Cuyahoga Falls municipal court, if the population of the territory 15  
equals or exceeds one hundred thousand at the regular municipal 16  
election immediately preceding the expiration of the term of the 17  
present clerk, the clerk shall be nominated and elected by the 18  
qualified electors of the territory in the manner that is provided 19

for the nomination and election of judges in section 1901.07 of 20  
the Revised Code. 21

The clerk so elected shall hold office for a term of six 22  
years, which term shall commence on the first day of January 23  
following the clerk's election and continue until the clerk's 24  
successor is elected and qualified. 25

(b) In the Hamilton county municipal court, the clerk of 26  
courts of Hamilton county shall be the clerk of the municipal 27  
court and may appoint an assistant clerk who shall receive the 28  
compensation, payable out of the treasury of Hamilton county in 29  
semimonthly installments, that the board of county commissioners 30  
prescribes. The clerk of courts of Hamilton county, acting as the 31  
clerk of the Hamilton county municipal court and assuming the 32  
duties of that office, shall receive compensation at one-fourth 33  
the rate that is prescribed for the clerks of courts of common 34  
pleas as determined in accordance with the population of the 35  
county and the rates set forth in sections 325.08 and 325.18 of 36  
the Revised Code. This compensation shall be paid from the county 37  
treasury in semimonthly installments and is in addition to the 38  
annual compensation that is received for the performance of the 39  
duties of the clerk of courts of Hamilton county, as provided in 40  
sections 325.08 and 325.18 of the Revised Code. 41

(c) In the Portage county and Wayne county municipal courts, 42  
the clerks of courts of Portage county and Wayne county shall be 43  
the clerks, respectively, of the Portage county and Wayne county 44  
municipal courts and may appoint a chief deputy clerk for each 45  
branch that is established pursuant to section 1901.311 of the 46  
Revised Code and assistant clerks as the judges of the municipal 47  
court determine are necessary, all of whom shall receive the 48  
compensation that the legislative authority prescribes. The clerks 49  
of courts of Portage county and Wayne county, acting as the clerks 50  
of the Portage county and Wayne county municipal courts and 51

assuming the duties of these offices, shall receive compensation 52  
payable from the county treasury in semimonthly installments at 53  
one-fourth the rate that is prescribed for the clerks of courts of 54  
common pleas as determined in accordance with the population of 55  
the county and the rates set forth in sections 325.08 and 325.18 56  
of the Revised Code. 57

(d) In the Montgomery county and Miami county municipal ~~court~~ 58  
courts, the ~~clerk~~ clerks of courts of Montgomery county and Miami 59  
county shall be the ~~clerk~~ clerks, respectively, of the Montgomery 60  
county and Miami county municipal ~~court~~ courts. The ~~clerk~~ clerks 61  
of courts of Montgomery county and Miami county, acting as the 62  
~~clerk~~ clerks of the Montgomery county and Miami county municipal 63  
~~court~~ courts and assuming the duties of ~~that office~~ these offices, 64  
shall receive compensation at one-fourth the rate that is 65  
prescribed for the clerks of courts of common pleas as determined 66  
in accordance with the population of the county and the rates set 67  
forth in sections 325.08 and 325.18 of the Revised Code. This 68  
compensation shall be paid from the county treasury in semimonthly 69  
installments and is in addition to the annual compensation that is 70  
received for the performance of the duties of the ~~clerk~~ clerks of 71  
courts of Montgomery county and Miami county, as provided in 72  
sections 325.08 and 325.18 of the Revised Code. 73

(e) Except as otherwise provided in division (A)(1)(e) of 74  
this section, in the Akron municipal court, candidates for 75  
election to the office of clerk of the court shall be nominated by 76  
primary election. The primary election shall be held on the day 77  
specified in the charter of the city of Akron for the nomination 78  
of municipal officers. Notwithstanding any contrary provision of 79  
section 3513.05 or 3513.257 of the Revised Code, the declarations 80  
of candidacy and petitions of partisan candidates and the 81  
nominating petitions of independent candidates for the office of 82  
clerk of the Akron municipal court shall be signed by at least 83

fifty qualified electors of the territory of the court. 84

The candidates shall file a declaration of candidacy and 85  
petition, or a nominating petition, whichever is applicable, not 86  
later than four p.m. of the ninetieth day before the day of the 87  
primary election, in the form prescribed by section 3513.07 or 88  
3513.261 of the Revised Code. The declaration of candidacy and 89  
petition, or the nominating petition, shall conform to the 90  
applicable requirements of section 3513.05 or 3513.257 of the 91  
Revised Code. 92

If no valid declaration of candidacy and petition is filed by 93  
any person for nomination as a candidate of a particular political 94  
party for election to the office of clerk of the Akron municipal 95  
court, a primary election shall not be held for the purpose of 96  
nominating a candidate of that party for election to that office. 97  
If only one person files a valid declaration of candidacy and 98  
petition for nomination as a candidate of a particular political 99  
party for election to that office, a primary election shall not be 100  
held for the purpose of nominating a candidate of that party for 101  
election to that office, and the candidate shall be issued a 102  
certificate of nomination in the manner set forth in section 103  
3513.02 of the Revised Code. 104

Declarations of candidacy and petitions, nominating 105  
petitions, and certificates of nomination for the office of clerk 106  
of the Akron municipal court shall contain a designation of the 107  
term for which the candidate seeks election. At the following 108  
regular municipal election, all candidates for the office shall be 109  
submitted to the qualified electors of the territory of the court 110  
in the manner that is provided in section 1901.07 of the Revised 111  
Code for the election of the judges of the court. The clerk so 112  
elected shall hold office for a term of six years, which term 113  
shall commence on the first day of January following the clerk's 114  
election and continue until the clerk's successor is elected and 115

qualified. 116

(f) Except as otherwise provided in division (A)(1)(f) of 117  
this section, in the Barberton municipal court, candidates for 118  
election to the office of clerk of the court shall be nominated by 119  
primary election. The primary election shall be held on the day 120  
specified in the charter of the city of Barberton for the 121  
nomination of municipal officers. Notwithstanding any contrary 122  
provision of section 3513.05 or 3513.257 of the Revised Code, the 123  
declarations of candidacy and petitions of partisan candidates and 124  
the nominating petitions of independent candidates for the office 125  
of clerk of the Barberton municipal court shall be signed by at 126  
least fifty qualified electors of the territory of the court. 127

The candidates shall file a declaration of candidacy and 128  
petition, or a nominating petition, whichever is applicable, not 129  
later than four p.m. of the ninetieth day before the day of the 130  
primary election, in the form prescribed by section 3513.07 or 131  
3513.261 of the Revised Code. The declaration of candidacy and 132  
petition, or the nominating petition, shall conform to the 133  
applicable requirements of section 3513.05 or 3513.257 of the 134  
Revised Code. 135

If no valid declaration of candidacy and petition is filed by 136  
any person for nomination as a candidate of a particular political 137  
party for election to the office of clerk of the Barberton 138  
municipal court, a primary election shall not be held for the 139  
purpose of nominating a candidate of that party for election to 140  
that office. If only one person files a valid declaration of 141  
candidacy and petition for nomination as a candidate of a 142  
particular political party for election to that office, a primary 143  
election shall not be held for the purpose of nominating a 144  
candidate of that party for election to that office, and the 145  
candidate shall be issued a certificate of nomination in the 146  
manner set forth in section 3513.02 of the Revised Code. 147

Declarations of candidacy and petitions, nominating 148  
petitions, and certificates of nomination for the office of clerk 149  
of the Barberton municipal court shall contain a designation of 150  
the term for which the candidate seeks election. At the following 151  
regular municipal election, all candidates for the office shall be 152  
submitted to the qualified electors of the territory of the court 153  
in the manner that is provided in section 1901.07 of the Revised 154  
Code for the election of the judges of the court. The clerk so 155  
elected shall hold office for a term of six years, which term 156  
shall commence on the first day of January following the clerk's 157  
election and continue until the clerk's successor is elected and 158  
qualified. 159

(g)(i) Through December 31, 2008, except as otherwise 160  
provided in division (A)(1)(g)(i) of this section, in the Cuyahoga 161  
Falls municipal court, candidates for election to the office of 162  
clerk of the court shall be nominated by primary election. The 163  
primary election shall be held on the day specified in the charter 164  
of the city of Cuyahoga Falls for the nomination of municipal 165  
officers. Notwithstanding any contrary provision of section 166  
3513.05 or 3513.257 of the Revised Code, the declarations of 167  
candidacy and petitions of partisan candidates and the nominating 168  
petitions of independent candidates for the office of clerk of the 169  
Cuyahoga Falls municipal court shall be signed by at least fifty 170  
qualified electors of the territory of the court. 171

The candidates shall file a declaration of candidacy and 172  
petition, or a nominating petition, whichever is applicable, not 173  
later than four p.m. of the ninetieth day before the day of the 174  
primary election, in the form prescribed by section 3513.07 or 175  
3513.261 of the Revised Code. The declaration of candidacy and 176  
petition, or the nominating petition, shall conform to the 177  
applicable requirements of section 3513.05 or 3513.257 of the 178  
Revised Code. 179

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 Cuyahoga Falls municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

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

(ii) Division (A)(1)(g)(i) of this section shall have no effect after December 31, 2008.

(h) Except as otherwise provided in division (A)(1)(h) of this section, in the Toledo 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 Toledo for the nomination of municipal officers. Notwithstanding any contrary provision of

section 3513.05 or 3513.257 of the Revised Code, the declarations 212  
of candidacy and petitions of partisan candidates and the 213  
nominating petitions of independent candidates for the office of 214  
clerk of the Toledo municipal court shall be signed by at least 215  
fifty qualified electors of the territory of the court. 216

The candidates shall file a declaration of candidacy and 217  
petition, or a nominating petition, whichever is applicable, not 218  
later than four p.m. of the ninetieth day before the day of the 219  
primary election, in the form prescribed by section 3513.07 or 220  
3513.261 of the Revised Code. The declaration of candidacy and 221  
petition, or the nominating petition, shall conform to the 222  
applicable requirements of section 3513.05 or 3513.257 of the 223  
Revised Code. 224

If no valid declaration of candidacy and petition is filed by 225  
any person for nomination as a candidate of a particular political 226  
party for election to the office of clerk of the Toledo municipal 227  
court, a primary election shall not be held for the purpose of 228  
nominating a candidate of that party for election to that office. 229  
If only one person files a valid declaration of candidacy and 230  
petition for nomination as a candidate of a particular political 231  
party for election to that office, a primary election shall not be 232  
held for the purpose of nominating a candidate of that party for 233  
election to that office, and the candidate shall be issued a 234  
certificate of nomination in the manner set forth in section 235  
3513.02 of the Revised Code. 236

Declarations of candidacy and petitions, nominating 237  
petitions, and certificates of nomination for the office of clerk 238  
of the Toledo municipal court shall contain a designation of the 239  
term for which the candidate seeks election. At the following 240  
regular municipal election, all candidates for the office shall be 241  
submitted to the qualified electors of the territory of the court 242  
in the manner that is provided in section 1901.07 of the Revised 243

Code for the election of the judges of the court. The clerk so 244  
elected shall hold office for a term of six years, which term 245  
shall commence on the first day of January following the clerk's 246  
election and continue until the clerk's successor is elected and 247  
qualified. 248

(2)(a) Except for the Alliance, Auglaize county, Brown 249  
county, Columbiana county, Holmes county, Putnam county, Lorain, 250  
Massillon, and Youngstown municipal courts, in a municipal court 251  
for which the population of the territory is less than one hundred 252  
thousand, the clerk shall be appointed by the court, and the clerk 253  
shall hold office until the clerk's successor is appointed and 254  
qualified. 255

(b) In the Alliance, Lorain, Massillon, and Youngstown 256  
municipal courts, the clerk shall be elected for a term of office 257  
as described in division (A)(1)(a) of this section. 258

(c) In the Auglaize county, Brown county, Holmes county, and 259  
Putnam county municipal courts, the clerks of courts of Auglaize 260  
county, Brown county, Holmes county, and Putnam county shall be 261  
the clerks, respectively, of the Auglaize county, Brown county, 262  
Holmes county, and Putnam county municipal courts and may appoint 263  
a chief deputy clerk for each branch office that is established 264  
pursuant to section 1901.311 of the Revised Code, and assistant 265  
clerks as the judge of the court determines are necessary, all of 266  
whom shall receive the compensation that the legislative authority 267  
prescribes. The clerks of courts of Auglaize county, Brown county, 268  
Holmes county, and Putnam county, acting as the clerks of the 269  
Auglaize county, Brown county, Holmes county, and Putnam county 270  
municipal courts and assuming the duties of these offices, shall 271  
receive compensation payable from the county treasury in 272  
semimonthly installments at one-fourth the rate that is prescribed 273  
for the clerks of courts of common pleas as determined in 274  
accordance with the population of the county and the rates set 275

forth in sections 325.08 and 325.18 of the Revised Code. 276

(d) In the Columbiana county municipal court, the clerk of 277  
courts of Columbiana county shall be the clerk of the municipal 278  
court, may appoint a chief deputy clerk for each branch office 279  
that is established pursuant to section 1901.311 of the Revised 280  
Code, and may appoint any assistant clerks that the judges of the 281  
court determine are necessary. All of the chief deputy clerks and 282  
assistant clerks shall receive the compensation that the 283  
legislative authority prescribes. The clerk of courts of 284  
Columbiana county, acting as the clerk of the Columbiana county 285  
municipal court and assuming the duties of that office, shall 286  
receive in either biweekly installments or semimonthly 287  
installments, as determined by the payroll administrator, 288  
compensation payable from the county treasury at one-fourth the 289  
rate that is prescribed for the clerks of courts of common pleas 290  
as determined in accordance with the population of the county and 291  
the rates set forth in sections 325.08 and 325.18 of the Revised 292  
Code. 293

(3) During the temporary absence of the clerk due to illness, 294  
vacation, or other proper cause, the court may appoint a temporary 295  
clerk, who shall be paid the same compensation, have the same 296  
authority, and perform the same duties as the clerk. 297

(B) Except in the Hamilton county, Montgomery county, Miami 298  
county, Portage county, and Wayne county municipal courts, if a 299  
vacancy occurs in the office of the clerk of the Alliance, Lorain, 300  
Massillon, or Youngstown municipal court or occurs in the office 301  
of the clerk of a municipal court for which the population of the 302  
territory equals or exceeds one hundred thousand because the clerk 303  
ceases to hold the office before the end of the clerk's term or 304  
because a clerk-elect fails to take office, the vacancy shall be 305  
filled, until a successor is elected and qualified, by a person 306  
chosen by the residents of the territory of the court who are 307

members of the county central committee of the political party by 308  
which the last occupant of that office or the clerk-elect was 309  
nominated. Not less than five nor more than fifteen days after a 310  
vacancy occurs, those members of that county central committee 311  
shall meet to make an appointment to fill the vacancy. At least 312  
four days before the date of the meeting, the chairperson or a 313  
secretary of the county central committee shall notify each such 314  
member of that county central committee by first class mail of the 315  
date, time, and place of the meeting and its purpose. A majority 316  
of all such members of that county central committee constitutes a 317  
quorum, and a majority of the quorum is required to make the 318  
appointment. If the office so vacated was occupied or was to be 319  
occupied by a person not nominated at a primary election, or if 320  
the appointment was not made by the committee members in 321  
accordance with this division, the court shall make an appointment 322  
to fill the vacancy. A successor shall be elected to fill the 323  
office for the unexpired term at the first municipal election that 324  
is held more than one hundred thirty-five days after the vacancy 325  
occurred. 326

(C)(1) In a municipal court, other than the Auglaize county, 327  
the Brown county, the Columbiana county, the Holmes county, the 328  
Putnam county, and the Lorain municipal courts, for which the 329  
population of the territory is less than one hundred thousand, the 330  
clerk of the municipal court shall receive the annual compensation 331  
that the presiding judge of the court prescribes, if the revenue 332  
of the court for the preceding calendar year, as certified by the 333  
auditor or chief fiscal officer of the municipal corporation in 334  
which the court is located or, in the case of a county-operated 335  
municipal court, the county auditor, is equal to or greater than 336  
the expenditures, including any debt charges, for the operation of 337  
the court payable under this chapter from the city treasury or, in 338  
the case of a county-operated municipal court, the county treasury 339  
for that calendar year, as also certified by the auditor or chief 340

fiscal officer. If the revenue of a municipal court, other than 341  
the Auglaize county, the Brown county, the Columbiana county, the 342  
Putnam county, and the Lorain municipal courts, for which the 343  
population of the territory is less than one hundred thousand for 344  
the preceding calendar year as so certified is not equal to or 345  
greater than those expenditures for the operation of the court for 346  
that calendar year as so certified, the clerk of a municipal court 347  
shall receive the annual compensation that the legislative 348  
authority prescribes. As used in this division, "revenue" means 349  
the total of all costs and fees that are collected and paid to the 350  
city treasury or, in a county-operated municipal court, the county 351  
treasury by the clerk of the municipal court under division (F) of 352  
this section and all interest received and paid to the city 353  
treasury or, in a county-operated municipal court, the county 354  
treasury in relation to the costs and fees under division (G) of 355  
this section. 356

(2) In a municipal court, other than the Hamilton county, 357  
Montgomery county, Miami county, Portage county, and Wayne county 358  
municipal courts, for which the population of the territory is one 359  
hundred thousand or more, and in the Lorain municipal court, the 360  
clerk of the municipal court shall receive annual compensation in 361  
a sum equal to eighty-five per cent of the salary of a judge of 362  
the court. 363

(3) The compensation of a clerk described in division (C)(1) 364  
or (2) of this section and of the clerk of the Columbiana county 365  
municipal court is payable in either semimonthly installments or 366  
biweekly installments, as determined by the payroll administrator, 367  
from the same sources and in the same manner as provided in 368  
section 1901.11 of the Revised Code, except that the compensation 369  
of the clerk of the Carroll county municipal court is payable in 370  
biweekly installments. 371

(D) Before entering upon the duties of the clerk's office, 372

the clerk of a municipal court shall give bond of not less than 373  
six thousand dollars to be determined by the judges of the court, 374  
conditioned upon the faithful performance of the clerk's duties. 375

(E) The clerk of a municipal court may do all of the 376  
following: administer oaths, take affidavits, and issue executions 377  
upon any judgment rendered in the court, including a judgment for 378  
unpaid costs; issue, sign, and attach the seal of the court to all 379  
writs, process, subpoenas, and papers issuing out of the court; 380  
and approve all bonds, sureties, recognizances, and undertakings 381  
fixed by any judge of the court or by law. The clerk may refuse to 382  
accept for filing any pleading or paper submitted for filing by a 383  
person who has been found to be a vexatious litigator under 384  
section 2323.52 of the Revised Code and who has failed to obtain 385  
leave to proceed under that section. The clerk shall do all of the 386  
following: file and safely keep all journals, records, books, and 387  
papers belonging or appertaining to the court; record the 388  
proceedings of the court; perform all other duties that the judges 389  
of the court may prescribe; and keep a book showing all receipts 390  
and disbursements, which book shall be open for public inspection 391  
at all times. 392

The clerk shall prepare and maintain a general index, a 393  
docket, and other records that the court, by rule, requires, all 394  
of which shall be the public records of the court. In the docket, 395  
the clerk shall enter, at the time of the commencement of an 396  
action, the names of the parties in full, the names of the 397  
counsel, and the nature of the proceedings. Under proper dates, 398  
the clerk shall note the filing of the complaint, issuing of 399  
summons or other process, returns, and any subsequent pleadings. 400  
The clerk also shall enter all reports, verdicts, orders, 401  
judgments, and proceedings of the court, clearly specifying the 402  
relief granted or orders made in each action. The court may order 403  
an extended record of any of the above to be made and entered, 404

under the proper action heading, upon the docket at the request of 405  
any party to the case, the expense of which record may be taxed as 406  
costs in the case or may be required to be prepaid by the party 407  
demanding the record, upon order of the court. 408

(F) The clerk of a municipal court shall receive, collect, 409  
and issue receipts for all costs, fees, fines, bail, and other 410  
moneys payable to the office or to any officer of the court. The 411  
clerk shall each month disburse to the proper persons or officers, 412  
and take receipts for, all costs, fees, fines, bail, and other 413  
moneys that the clerk collects. Subject to sections 307.515 and 414  
4511.193 of the Revised Code and to any other section of the 415  
Revised Code that requires a specific manner of disbursement of 416  
any moneys received by a municipal court and except for the 417  
Hamilton county, Lawrence county, and Ottawa county municipal 418  
courts, the clerk shall pay all fines received for violation of 419  
municipal ordinances into the treasury of the municipal 420  
corporation the ordinance of which was violated and shall pay all 421  
fines received for violation of township resolutions adopted 422  
pursuant to section 503.52 or 503.53 or Chapter 504. of the 423  
Revised Code into the treasury of the township the resolution of 424  
which was violated. Subject to sections 1901.024 and 4511.193 of 425  
the Revised Code, in the Hamilton county, Lawrence county, and 426  
Ottawa county municipal courts, the clerk shall pay fifty per cent 427  
of the fines received for violation of municipal ordinances and 428  
fifty per cent of the fines received for violation of township 429  
resolutions adopted pursuant to section 503.52 or 503.53 or 430  
Chapter 504. of the Revised Code into the treasury of the county. 431  
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 432  
Code and to any other section of the Revised Code that requires a 433  
specific manner of disbursement of any moneys received by a 434  
municipal court, the clerk shall pay all fines collected for the 435  
violation of state laws into the county treasury. Except in a 436  
county-operated municipal court, the clerk shall pay all costs and 437

fees the disbursement of which is not otherwise provided for in 438  
the Revised Code into the city treasury. The clerk of a 439  
county-operated municipal court shall pay the costs and fees the 440  
disbursement of which is not otherwise provided for in the Revised 441  
Code into the county treasury. Moneys deposited as security for 442  
costs shall be retained pending the litigation. The clerk shall 443  
keep a separate account of all receipts and disbursements in civil 444  
and criminal cases, which shall be a permanent public record of 445  
the office. On the expiration of the term of the clerk, the clerk 446  
shall deliver the records to the clerk's successor. The clerk 447  
shall have other powers and duties as are prescribed by rule or 448  
order of the court. 449

(G) All moneys paid into a municipal court shall be noted on 450  
the record of the case in which they are paid and shall be 451  
deposited in a state or national bank, or a domestic savings and 452  
loan association, as defined in section 1151.01 of the Revised 453  
Code, that is selected by the clerk. Any interest received upon 454  
the deposits shall be paid into the city treasury, except that, in 455  
a county-operated municipal court, the interest shall be paid into 456  
the treasury of the county in which the court is located. 457

On the first Monday in January of each year, the clerk shall 458  
make a list of the titles of all cases in the court that were 459  
finally determined more than one year past in which there remains 460  
unclaimed in the possession of the clerk any funds, or any part of 461  
a deposit for security of costs not consumed by the costs in the 462  
case. The clerk shall give notice of the moneys to the parties who 463  
are entitled to the moneys or to their attorneys of record. All 464  
the moneys remaining unclaimed on the first day of April of each 465  
year shall be paid by the clerk to the city treasurer, except 466  
that, in a county-operated municipal court, the moneys shall be 467  
paid to the treasurer of the county in which the court is located. 468  
The treasurer shall pay any part of the moneys at any time to the 469

person who has the right to the moneys upon proper certification 470  
of the clerk. 471

(H) Deputy clerks of a municipal court other than the Carroll 472  
county municipal court may be appointed by the clerk and shall 473  
receive the compensation, payable in either biweekly installments 474  
or semimonthly installments, as determined by the payroll 475  
administrator, out of the city treasury, that the clerk may 476  
prescribe, except that the compensation of any deputy clerk of a 477  
county-operated municipal court shall be paid out of the treasury 478  
of the county in which the court is located. The judge of the 479  
Carroll county municipal court may appoint deputy clerks for the 480  
court, and the deputy clerks shall receive the compensation, 481  
payable in biweekly installments out of the county treasury, that 482  
the judge may prescribe. Each deputy clerk shall take an oath of 483  
office before entering upon the duties of the deputy clerk's 484  
office and, when so qualified, may perform the duties appertaining 485  
to the office of the clerk. The clerk may require any of the 486  
deputy clerks to give bond of not less than three thousand 487  
dollars, conditioned for the faithful performance of the deputy 488  
clerk's duties. 489

(I) For the purposes of this section, whenever the population 490  
of the territory of a municipal court falls below one hundred 491  
thousand but not below ninety thousand, and the population of the 492  
territory prior to the most recent regular federal census exceeded 493  
one hundred thousand, the legislative authority of the municipal 494  
corporation may declare, by resolution, that the territory shall 495  
be considered to have a population of at least one hundred 496  
thousand. 497

(J) The clerk or a deputy clerk shall be in attendance at all 498  
sessions of the municipal court, although not necessarily in the 499  
courtroom, and may administer oaths to witnesses and jurors and 500  
receive verdicts. 501

**Section 2.** That existing section 1901.31 of the Revised Code 502  
is hereby repealed. 503

**Section 3.** Section 1901.31 of the Revised Code is presented 504  
in this act as a composite of the section as amended by Am. Sub. 505  
H.B. 48, Am. Sub. H.B. 238, and Sub. H.B. 338, all of the 128th 506  
General Assembly. The General Assembly, applying the principle 507  
stated in division (B) of section 1.52 of the Revised Code that 508  
amendments are to be harmonized if reasonably capable of 509  
simultaneous operation, finds that the composite is the resulting 510  
version of the section in effect prior to the effective date of 511  
the section as presented in this act. 512

**Section 4.** This act is hereby declared to be an emergency 513  
measure necessary for the immediate preservation of the public 514  
peace, health, and safety. The reason for such necessity is that 515  
there is currently no clerk of the Miami County Municipal Court to 516  
fulfill the duties of the clerk of the Miami County Municipal 517  
Court under section 1901.31 of the Revised Code. Therefore, this 518  
act shall go into immediate effect. 519