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H.B. 153
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Becker

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SUMMARY

- Requires a county officer to appear at the officer's principal office location at least five days out of any 30-day period to satisfy the officer's duties.
- Decreases from 90 to 30 the number of days after which the office of county auditor or county treasurer becomes vacant if the auditor or treasurer fails to perform their duties.
- Requires the board of county commissioners to declare an office vacant before the office is deemed vacant.
- Designates the bill as the "Working Officials Requirements Key Act" or "WORK Act."

DETAILED ANALYSIS

Vacancy in county offices

The bill, designated the "Working Officials Requirements Key Act" or "WORK Act,"¹ modifies the law regarding vacancy in county offices. Currently, if a county officer fails to perform the duties of their office for 90 consecutive days (30 consecutive days in the case of county auditors and county treasurers), the office is deemed vacant by operation of law. The bill modifies this in three ways. First, the bill subjects all county officers to the 30-day standard. Second, the bill requires the board of county commissioners to declare an office vacant before the office is deemed vacant by operation of law. Finally, the bill specifies that appearing at the officer's principal office location on at least five days out of 30 consecutive days is a duty of office, thus requiring an officer to appear at their principal office location at least five days out of any 30-day period to avoid vacating the office.²

¹ Section 3.

² R.C. 305.03.

COMMENT

Ohio Constitution, Article II, Section 38 specifies that an officer may be removed from office “upon complaint and hearing.” By allowing a board of county commissioners to remove a county officer without a complaint and hearing process, the bill may violate this constitutional provision.

HISTORY

Action	Date
Introduced	03-20-19