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November 6, 2008

Hale Township Trustees
Attn: Ron Cronley
22265 C. Rd. 265
Mt. Victory, Ohio 43340

Re: Filling vacancy of Township Trustee

Dear Hale Township Trustees:

The question presented to our office is what procedures are to be followed to fill a position of a Township Trustee when a vacancy occurs.

This question has been presented due to the fact of the election of Edward Elliott to the position of County Commissioner and the necessity for him to vacate the present position of Hale Township Trustee when he assumes the office of County Commissioner.

Under O.R.C. 503.24, the Board of Township Trustees shall appoint a person having the qualifications of an elector to fill the position for the unexpired term or until a successor is elected.

If no appointment is made within thirty (30) days after the occurrence of a vacancy, a majority of the persons designated as the committee of five on the last-filed nominating petition of the Township officer whose vacancy is to be filled who are residence of the Township shall appoint a person having the qualifications of an elector to fill the vacancy for the unexpired term or until a successor is elected.

If such members fails to make an appointment within ten (10) days after the thirty-day period in which the Board of Township Trustees are to make an appointment, then the presiding Probate Judge of the County shall appoint a suitable person having the qualifications of an elector in the Township to fill the unexpired term or until a successor is elected.

I have attached a copy of the revised code 503.24 that describes the procedure for filling a vacancy for your review.

Please feel free to contact our office if you have any questions.

Sincerely,

Bradford W. Bailey, Prosecutor

Larry A. Gossard, Paralegal/Office Manager

TITLE 5. **TOWNSHIPS**
CHAPTER 503. GENERAL PROVISIONS
OFFICERS

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ORC Ann. 503.24 (2008)

§ 503.24. Vacancy in **township** office

If there is a vacancy by reason of the nonacceptance, death, or removal of a person chosen to an office in any **township** at the regular election, or if there is a vacancy from any other cause, the board of **township** trustees shall appoint a person having the qualifications of an elector to fill such vacancy for the **unexpired term** or until a successor is elected.

If a **township** is without a board or if no appointment is made within thirty days after the occurrence of a vacancy, a majority of the persons designated as the committee of five on the last-filed nominating petition of the **township** officer whose vacancy is to be filled who are residents of the **township** shall appoint a person having the qualifications of an elector to fill the vacancy for the **unexpired term** or until a successor is elected. If at least three of the committee members who are residents of the **township** cannot be found, or if that number of such members fails to make an appointment within ten days after the thirty-day period in which the board of **township** trustees is authorized to make an appointment, then the presiding probate judge of the county shall appoint a suitable person having the qualifications of an elector in the **township** to fill the vacancy for the **unexpired term** or until a successor is elected.

If a vacancy occurs in a **township** elective office more than forty days before the next general election for municipal and **township** officers a successor shall be chosen at that election to fill the **unexpired term**, provided the **term** does not expire within one year from the day of the election. If the **term** expires within one year from the day of the next general election for municipal and **township** officers, a successor appointed pursuant to this section shall serve out the **unexpired term**.

 **History:**

RS §§ 1451, 1452; S&C 1569; 51 v 489, § 20; 74 v 16; 83 v 28; 87 v 119; 97 v 76; 97 v 187; 98 v 172; GC §§ 3261, 3262; 113 v 10; 118 v 484; Bureau of Code Revision, 10-1-53; 127 v 1039 (Eff 1-1-58); 138 v H 399 (Eff 1-17-80); 143 v S 170. Eff 1-9-91.