

**Note from the Attorney General's Office:**

1983 Op. Att'y Gen. No. 83-089 was overruled by  
2004 Op. Att'y Gen. No. 2004-008.

**OPINION NO. 83-089****Syllabus:**

Pursuant to R.C. 3501.17, the total cost of all chargeable items used in conducting an election for a municipal court judge must be apportioned among the political subdivisions within the territorial jurisdiction of the court in and for which such election is held.

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**To: Gregory W. Happ, Medina County Prosecuting Attorney, Medina, Ohio**  
**By: Anthony J. Celebrezze, Jr., Attorney General, December 20, 1983**

I have before me your request for an opinion as to whether the costs of a municipal court judicial election should be apportioned among all subdivisions within such court's jurisdiction, or charged to the municipality in which such court is seated and recovered from moneys collected as fees by the court.

R.C. 3501.17 sets forth the method by which election costs are apportioned, and provides, in pertinent part:

The expenses of the board of elections shall be paid from the county treasury, in pursuance of appropriations by the board of county commissioners, in the same manner as other county expenses are paid. . . . The board of elections shall not incur any obligation involving the expenditure of money unless there are moneys sufficient in the funds appropriated therefor to meet such obligations. Such expenses shall be apportioned among the county and the various subdivisions as provided in this section, and the amount chargeable to each subdivision shall be withheld by the auditor from the moneys payable thereto at the time of the next tax settlement. At the time of submitting budget estimates in each year, the board of elections shall submit to the taxing authority of each subdivision an estimate of the amount to be withheld therefrom during the next fiscal year.

The entire compensation of the members of the board of elections and of the director, deputy director, and other employees in the board's offices; the expenditures for the rental, furnishing, and equipping of the office of the board and for the necessary office supplies for the use of the board; the expenditures for the acquisition, repair, care, and custody of the polling places, booths, guardrails, and other equipment for polling places; the cost of pollbooks, tally sheets, maps, flags, ballot boxes, and all other permanent records and equipment; the cost of all elections held in and for the state and county; and all other expenses of the board which are not chargeable to a political subdivision in accordance with this section shall be paid in the same manner as other county expenses are paid.

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<sup>1</sup> You have indicated that the election to which your letter refers is the regular municipal election held in the odd-numbered years.

The compensation of judges and clerks of elections; the cost of renting, moving, heating, and lighting polling places and of placing and removing ballot boxes and other fixtures and equipment thereof; the cost of printing and delivering ballots, cards of instructions, and other election supplies; and all other expenses of conducting primaries and elections in the odd-numbered years shall be charged to the subdivisions in and for which such primaries or elections are held. The charge for each primary or general election in odd-numbered years for each subdivision shall be determined in the following manner: first, the total cost of all chargeable items used in conducting such elections shall be ascertained; second, the total charge shall be divided by the number of precincts participating in such election, in order to fix the cost per precinct; third, the cost per precinct shall be prorated by the board of elections to the subdivisions conducting elections for the nomination or election of offices in such precinct; fourth, the total cost for each subdivision shall be determined by adding the charges prorated to it in each precinct within the subdivision. (Emphasis added.)

Thus, the total costs of all chargeable items used in conducting an election are to be ascertained, apportioned evenly among the precincts which participated in the election, and the cost per precinct prorated and charged to the subdivisions conducting elections for offices in such precinct. The term "subdivision" as used in this section clearly refers to political subdivisions which are defined to include counties, townships, cities, villages or school districts. R.C. 3501.01(T). In order to allocate costs pursuant to R.C. 3501.17, one must determine the subdivisions in and for which the particular election is held.

The procedure for the election of municipal court judges is set forth under R.C. 1901.07 which provides, in pertinent part, as follows:

The nominating petition or declaration of candidacy shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, the candidacies of the judges nominated shall be submitted to the electors of the territory on a nonpartisan, judicial ballot in the same manner as provided for judges of the court of common pleas, except that in a municipal corporation operating under a charter, candidates shall be elected in conformity to the charter if provisions are made therefor.

The territory referred to herein is more fully described in the remaining paragraphs of R.C. 1901.07 as the "territory within the jurisdiction of the court." The territorial jurisdiction of each municipal court in the state is established by the provisions of R.C. 1901.02. Your letter specifically refers to the election for judge of the Medina Municipal Court. Pursuant to R.C. 1901.02, the territorial jurisdiction of this court is established as follows:

The Medina municipal court has jurisdiction within the municipal corporations of Briarwood Beach, Brunswick, Chippewa-on-the-Lake, and Spencer, and within the townships of Brunswick, Chatham, Granger, Hinckley, Lafayette, Litchfield, Liverpool, Medina, Montville, Spencer, and York in Medina county.

In accordance with the terms of R.C. 1901.07, the candidacies of the judges nominated must be submitted to the electors of the subdivisions declared to be within the territorial jurisdiction of the court. Those subdivisions must be considered as "the subdivisions in and for which such . . . elections are held" under R.C. 3501.17.

In response to your question, it is, therefore, my opinion, and you are advised, that pursuant to R.C. 3501.17 the total cost of all chargeable items used in conducting an election for a municipal court judge must be apportioned among the political subdivisions within the territorial jurisdictions of the court in and for which such election is held.