

# STATUTORY REQUIREMENTS BEFORE COMMENCING JUDICIAL SERVICE FOR ELECTED OR APPOINTED JUDGES

The following is a step-by-step guide that summarizes the statutory requirements an elected or appointed judge must address before commencing judicial service. Please consult the cited statutes for additional information.

## STEP 1: REQUIRED DOCUMENTATION

The Ohio Revised Code directs the preparation of two documents relative to your election or appointment to judicial office: (1) a certificate of election or appointment and (2) a Governor's commission. You must have both the certificate and commission before you may take the oath of office and begin performing judicial duties.<sup>1</sup>

### CERTIFICATE OF ELECTION OR APPOINTMENT

Following your election or appointment as judge, a certificate of election or appointment, as applicable, is issued by one of the following entities:<sup>2</sup>

- For a Supreme Court justice, the Secretary of State;
- For an appellate judge whose district consists of more than one county, the county board of elections of the most populous county in the district;
- For all other judges, the county board of elections.

After the certificate of election or appointment is issued and you pay a required \$5.00 fee (or \$2.00 fee for a county court judge), the board of elections forwards the certificate and fee to the Secretary of State.<sup>3</sup>

### GOVERNOR'S COMMISSION

Once the Secretary of State receives the certificate of election or appointment and fee, a commission for the Governor's signature is prepared. The signed Governor's commission is then transmitted to the clerk of the court of common pleas of the county in which you reside. Upon receipt of the commission, the clerk transmits the commission to you.<sup>4</sup>

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<sup>1</sup> R.C. 107.05

<sup>2</sup> R.C. 3505.35, 3505.36, and 3505.38

<sup>3</sup> R.C. 107.06 and 107.07

<sup>4</sup> R.C. 107.06, 107.07, and 2701.06

## **STEP 2: OATH OF OFFICE**

Once you receive the Governor’s commission, you may take the oath of office. You must take the oath of office upon the commencement of each term of office. For individuals having conscientious scruples against taking an oath, an affirmation may be taken, which has the same effect as an oath.<sup>5</sup> The Revised Code specifies the form of the oath, when the oath of office must be taken, and who may administer the oath.

### **FORM OF OATH**

The form of the oath of office is prescribed by law.<sup>6</sup> The attached example, which you may use, contains the prescribed language.

### **WHEN OATH MUST BE TAKEN**

You must take the oath of office on or prior to the first day of your official term of office.<sup>7</sup> However, when that first day begins may vary as follows:

- For judges appointed to complete the balance of a term of office, the first day of the official term is the date on which he or she will assume office, which is reflected on the Governor’s commission;
- For judges elected to complete the balance of a term of office, the first day of the official term is when he or she is elected and qualified, which is the date upon which the following have been completed: the judge has been elected, received a Governor’s commission, taken the oath of office, and, if applicable, paid a bond;<sup>8</sup>
- For judges elected to a full term of office, the first day of the official term is the date specified in the Revised Code.

Finally, a Supreme Court justice must appear before the Supreme Court, or a justice of the Supreme Court if the Court is not in session, and take the oath of office on or prior to the first day of the justice’s official term. The taking of the oath must be entered on the Supreme Court’s journal.<sup>9</sup>

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<sup>5</sup> R.C. 3.20

<sup>6</sup> R.C. 3.23

<sup>7</sup> R.C. 3.23

<sup>8</sup> Art. IV, Sec. 13 of the Ohio Constitution. See also *State v. Neibling*, 6 Ohio St. 40, 44 (1856)

<sup>9</sup> R.C. 2701.05

## WHO MAY ADMINISTER OATH

For a Supreme Court justice, the oath of office must be administered by another member of the Supreme Court.<sup>10</sup> For a trial or appellate court judge, the oath of office may be administered by any of the following persons:

- A person holding state or local elective office in Ohio, including a municipal or county court judge and a clerk of a court of common pleas, but only to a person elected or appointed within the same geographical constituency;<sup>11</sup>
- A Supreme Court justice, court of appeals judge, or common pleas judge, anywhere in Ohio;<sup>12</sup>
- A member of the General Assembly, anywhere in Ohio;<sup>13</sup>
- An Ohio notary public, anywhere in Ohio;<sup>14</sup>
- A municipal court clerk.<sup>15</sup>

## CERTIFICATION AND FILING OF OATH

The oath of office must include a certification containing all of the information set forth in the attached example (this certification is not the same as the Governor's certification addressed above). The oath and certification must be transmitted to both of the following offices within 20 days of the first day of your official term of office:<sup>16</sup>

- The original to the clerk of the court to which you have been elected or appointed. For multi-county appellate courts, it is recommended that the oath be filed with each county clerk in the jurisdiction of the appellate court.
- A copy to the Office of Chief Legal Counsel of the Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215.

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<sup>10</sup> R.C. 2701.05

<sup>11</sup> R.C. 3.24. Note, a retired judge may only administer the oath if the retired judge is currently serving on assignment by the Chief Justice as a municipal or county court judge pursuant to Art. IV, Sec. 6(C) of the Ohio Constitution.

<sup>12</sup> R.C. 3.24. Note, a retired judge may only administer the oath if the retired judge is currently serving on assignment by the Chief Justice as a Supreme Court justice or a court of appeals or common pleas judge pursuant to Art. IV, Sec. 6(C) of the Ohio Constitution.

<sup>13</sup> R.C. 3.24

<sup>14</sup> R.C. 3.24 and 147.07

<sup>15</sup> R.C. 1901.31. The Revised Code does not indicate if there is any territorial / geographical limitation.

<sup>16</sup> R.C. 3.23

### STEP 3: BONDS

Only the following judges are required to post a bond prior to entering into judicial office:

- **A judge of the probate division of the court of common pleas.** The judge is required to post a bond to the state of at least \$5,000.00 and deposit the bond with the oath of office in the county treasurer's office;<sup>17</sup>
- **A judge of the juvenile division of the court of common pleas acting as clerk of the juvenile division.** The judge is required to give a bond in an amount determined by the board of county commissioners;<sup>18</sup>
- **A judge of the juvenile division of the Cuyahoga County Court of Common Pleas.** The judge is required to give a bond of at least \$5,000.00.<sup>19</sup>

If you have questions, please contact:

Office of the Chief Legal Counsel  
Supreme Court of Ohio  
614.387.9510  
[legpol@sc.ohio.gov](mailto:legpol@sc.ohio.gov)

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<sup>17</sup> R.C. 2101.03

<sup>18</sup> R.C. 2151.12

<sup>19</sup> R.C. 2153.10

**JUDICIAL OATH OF OFFICE**  
(pursuant to R.C. 3.23)

I, \_\_\_\_\_  
(insert name)  
do solemnly swear (or affirm)  
that I will support the Constitution of the United States  
and the Constitution of Ohio,  
will administer justice without respect to persons,  
and will faithfully and impartially  
discharge and perform all the duties incumbent upon me  
as \_\_\_\_\_,  
(insert office)  
according to the best of my ability and understanding.

(This I do as I shall answer unto God.)

\_\_\_\_\_  
Judge's Signature

**CERTIFICATION**

I, \_\_\_\_\_, administered the foregoing Judicial Oath  
of Office to Judge \_\_\_\_\_, of the  
\_\_\_\_\_, for a term of office beginning \_\_\_\_\_, \_\_\_\_\_, and  
ending \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date