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FOR IMMEDIATE RELEASE:

ETHICS COMMISSION ISSUES ADVISORY OPINION

At its November 10, 2021 meeting, the Ohio Ethics Commission issued formal [Advisory Opinion 2021 – 02](#), which addresses the question of whether a member of a legislative body of a local governmental entity can vote to elect him/herself to serve as presiding officer of the public entity, such as a city council. The question arose since in many situations, serving as a presiding officer results in additional payments for increased duties in a leadership role.

In the opinion, the Commission determined that members of city and village councils, township boards of trustees and county boards of commissioners are not prohibited from voting to elect himself or herself to serve as a presiding officer, provided that the amount of any additional payment for this service is set prior to the vote.

“The Ethics Law generally prohibits public officials and employees from using their public positions to secure or accept anything of value that could have a ‘substantial and improper influence’ on the official or employee,” stated Executive Director Paul M. Nick. “However, the Commission concluded in this advisory opinion that the election of presiding officers by a legislative body would not result in that substantial and improper influence.”

Several factors were considered in making the determination, including:

- members of local legislative bodies are required by law or statute to select a member of their public body to serve as presiding officer;
- the election of the presiding officer is a unique process devoid of outside interests since all candidates and voters are contained within a select group; and
- the amount of any additional payments that the elected presiding officer receives for performing these additional duties is set prior to voting.

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