

July 22, 2026

The Honorable Melissa A. Schiffel
Delaware County Prosecuting Attorney
145 North Union Street
Delaware, Ohio 43015

SYLLABUS:

2026-007

1. Pursuant to R.C. 3375.22, if a county library district board was established before September 30, 2025, trustees appointed to a new term on or after that date are entitled to serve four-year terms.
2. The transitional staggering of terms “at the first appointment” applies only when a new county library district board is created.
3. The statute’s reference to seven-year terms for subsequent appointments is a scrivener’s error, should not be given effect, and instead must be read as four years.



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OPINION NO. 2026-007

The Honorable Melissa A. Schiffel
Delaware County Prosecuting Attorney
145 North Union Street
Delaware, Ohio 43015

Dear Prosecutor Schiffel:

You have requested my opinion regarding trustee term lengths for a county library district board. Your questions concern recent amendments to R.C. 3375.22, which took effect on September 30, 2025. 2025 Am.Sub.H.B. No. 96 ("H.B. 96"), p. 1305-1306. Based on the context you provided, I have reframed your questions below:

1. For a county library board that existed before September 30, 2025, does a trustee appointed on or after that date serve a full four-year term, or must they serve a shorter staggered term first?

2. In R.C. 3375.22, as amended by H.B. 96, does “at the first appointment” refer to (a) the creation of a new county library board or (b) the first appointments made to an existing board after September 30, 2025?
3. Does R.C. 3375.22 require that, after any initial shorter terms, “all subsequent appointments” to the library board return to seven-year terms?

For the reasons that follow, I find that appointments to existing boards on or after September 30, 2025, are to be for four years.¹ The first appointments to a newly created library board must be for shorter, transitional terms specified in statute to stagger them for future appointments. The reference to seven-year terms for subsequent appointments must be read as a drafting oversight, meaning that such appointments continue to be for four-year terms.

I

I will address your first two questions together because both turn on the meaning of the phrase “at the first ap-

¹ Note one narrow exception: R.C. 3375.22 provides that “[a]ny appointment made to fill a vacancy . . . shall be for the remainder of the unexpired term.” Thus, if a vacancy occurred in a seven-year term that began before September 30, 2025, the person appointed to fill the vacancy would complete the seven-year term. Any subsequent appointment to that seat would be for four years.

pointment” in R.C. 3375.22. Begin with the relevant text of the statute:

The term of office of [county library district] trustees, if appointed prior to [September 30, 2025], shall be seven years, except that ***at the first appointment*** the terms of those appointed by the judges shall expire in two, four, and six years respectively, and the terms of those appointed by the board of county commissioners shall expire in one, three, five, and seven years respectively. The term of office of trustees appointed on or after [September 30, 2025] shall be four years, except that ***at the first appointment*** the terms of those appointed by the judges shall expire in two, three, and four years respectively, and the terms of those appointed by the board of county commissioners shall expire in one, two, three, and four years respectively.

R.C. 3375.22 (Emphasis added.)

Before the statute was amended in 2025, R.C. 3375.22 provided that “[t]he term of office of said trustees shall be seven years, except that at the first appointment the terms of those appointed by the judges shall expire in two, four, and six years respectively, and the terms of

those appointed by the board of county commissioners shall expire in one, three, five, and seven years respectively.” *Id.* (prior to Sept. 30, 2025). The “first appointment” referred to the initial appointment of trustees to a newly created county library district. That first round of appointments served to assign the staggered terms for the trustees.

This interpretation is consistent with a well-established pattern in Ohio law governing local boards and commissions. Although the exact phrasing of R.C. 3375.22 is unique, it is routine for statutes to provide that the initial appointment of a board will involve staggered or shortened terms in order to establish an alternating cycle going forward. This structure appears throughout the Revised Code in provisions governing regional transit authorities (R.C. 306.33), boards of county hospital trustees (R.C. 339.02), park district boards (R.C. 1545.05), and port authority boards (R.C. 4582.03 and 4582.27), among others. These examples demonstrate that the General Assembly regularly employs “first appointment” provisions to stagger terms when a board is first composed.

In H.B. 96, the General Assembly amended R.C. 3375.22 to compress the staggered-term schedule from a seven-year span to a four-year span for terms starting after September 30, 2025. Aside from the shortened term lengths and distinction between appointments before and after September 30, 2025, the opera-

tive language closely parallels the prior version of the statute. As the Ohio Supreme Court has explained, when a legislature uses the same phrasing to introduce parallel concepts, it “communicates to a reader how ideas relate to each other, by phrasing parallel ideas in parallel grammatical constructions.” *Z.J. v. R.M.*, 2025-Ohio-5662, ¶22. We may safely presume that repeated words within a statute have a consistent meaning. See Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts*, §25, at 170 (2012).

Applying those principles here, the most natural reading is that the “first appointment” on or after September 30, 2025, still means the initial appointment of a newly created board. The General Assembly carried forward the same structural and grammatical framing that previously had a settled meaning. Under the presumption that identical terms within a statute ordinarily carry the same meaning, “first appointment” should not take on a new meaning without a clear textual signal. Therefore, the revised staggered-term schedule logically applies only to boards created on or after September 30, 2025.

Existing boards would not receive a new set of staggered terms because they were already staggered under prior law, and nothing in H.B. 96 clearly directs a re-staggering of functioning boards. In practice, the primary benefit of staggering is “to provide [boards]

with a measure of continuity to better enable them to carry out their statutory functions.” 1983 Ohio Atty.Gen.Ops. No. 83-007, at 2-36; *see also* 1993 Ohio Atty.Gen.Ops. No. 93-020, at 2-108, fn. 2; 1982 Ohio Atty.Gen.Ops. No. 82-015, at 2-51. If the stagger applied to every initial appointment of a trustee after September 30, 2025, the resulting long-term pattern for existing boards would include recurring gap years without appointments. If applied only to newly created boards, existing boards transition cleanly into four-year terms. This reinforces that the shortened initial terms in R.C. 3375.22 apply only when a board is first established.

II

Your last question highlights an internal inconsistency in amended R.C. 3375.22 that naturally invites confusion. As revised by H.B. 96, the statute first provides that trustees appointed to new terms on or after the amendment’s effective date “shall be four years,” except at “the first appointment” discussed above. Two sentences later, however, the statute states that “all subsequent appointments shall be for seven years.” The latter provision was not amended by H.B. 96. As a result, a literal reading would require such library trustees to serve four-year terms just once and then revert to seven-year terms for subsequent appointments.

Ohio courts have long recognized that when statutory text contains an apparent drafting error—one that would lead to an absurd, unworkable, or nonsensical result—the statute should not be applied literally. *See Stanton v. Frankel Bros. Realty Co.*, 117 Ohio St. 345, 349-350 (1927); *Delahoussaye v. Ohio State Racing Comm.*, 2004-Ohio-3388, ¶12 (10th Dist.); *State v. White*, 2013-Ohio-2058, ¶32 (5th Dist.); *State v. Williams*, 2013-Ohio-1026, ¶21 (8th Dist.). Courts may disregard or correct such errors when the intended meaning is clear and “the correction is textually simple.” Scalia & Garner, *Reading Law*, §37, at 193; *see also* Andrew S. Gold, *Absurd Results, Scrivener’s Errors, and Statutory Interpretation*, 75 U.Cin.L.Rev. 25 (2006). Here, a single word is at issue.

Prior attorney general opinions apply the same principle to scrivener’s errors. As early as 1918, the Attorney General concluded that “[w]here one word has been erroneously used for another and the context affords the means of construction, the proper word will be deemed substituted or supplied.” 1918 Ohio Atty.Gen.Ops. No. 970, p. 186, at syllabus. Later opinions similarly corrected or disregarded apparent drafting mistakes to preserve coherence in statutory schemes. *See* 1937 Ohio Atty.Gen.Ops. No. 777, p. 1413; 1987 Ohio Atty.Gen.Ops. No. 87-045 (correcting erroneous statutory cross-reference); 1983 Ohio Atty.Gen.Ops. No. 83-093 (correcting misnumbered salary schedule); 1979 Ohio Atty.Gen.Ops. No. 79-109 (correcting clerical er-

ror in paragraph lettering); 1970 Ohio Atty.Gen.Ops. No. 70-012 (addressing inconsistent state holiday designations); 1960 Ohio Atty.Gen.Ops. No. 1235 (correcting typographical error). These opinions consistently recognize that scrivener's errors should not thwart a statute's evident purpose or design.

Applying those principles here, interpreting R.C. 3375.22 to require four-year terms for appointments after September 30, 2025, but then reverting immediately to seven-year terms would undermine the recent amendment's purpose and produce a nonsensical appointment cycle. Moreover, the term-length provisions in R.C. 3375.22 should not "be read in isolation." 2025 Ohio Atty.Gen.Ops. No. 2025-002, Slip Op. at 4; 2-8. H.B. 96 likewise amended R.C. 3375.15 and 3375.30 to shorten the terms of trustees for school district free public libraries and regional library districts; neither statute includes language suggesting a return to seven-year terms. These parallel amendments reinforce that the General Assembly intended a uniform transition to four-year terms.

Legislative history confirms the point. That history, while not controlling, indicates that this incongruity was not intentional. After H.B. 96 was enacted, the Legislative Service Commission (LSC) published a final analysis that impartially summarizes the act's content. See Ohio Legislative Service Commission, *Final Analysis of H.B. 96*, available at <https://www.legisla->

ture.ohio.gov/download?key=25824 (accessed April 1, 2026) [<https://perma.cc/EX4T-YJKS>]. Although an LSC analysis does not have the force of law, it may provide useful interpretive context. See 2007 Ohio Atty.Gen.Ops. No. 2007-003, at 2-26; *Meeks v. Papadopoulos*, 62 Ohio St.2d 187, 191 (1980). The LSC Final Analysis of H.B. 96 contains no indication that the General Assembly intended trustee terms to revert to seven years immediately after establishing four-year terms. *Id.* at p. 589. The analysis merely notes the reduction from seven to four-year terms and the adjustment of staggered terms for first appointments. *Id.*; see also Legislative Service Commission, *Comparison Document for H.B. 96*, at p. 753 [<https://perma.cc/TR2J-VXRP>]. This suggests that the reference to seven-year terms for subsequent appointments was accidentally retained from prior law.

In summary, viewed in its broader statutory context, the final reference to seven-year terms in R.C. 3375.22 is most reasonably understood as a vestige of the prior law rather than an intentional return to the former term length. Therefore, after September 30, 2025—and after any initial shorter term for trustees appointed to a newly created board—all subsequent appointments are for four-year terms.

Conclusion

Accordingly, it is my opinion, and you are hereby advised that:

1. Pursuant to R.C. 3375.22, if a county library district board was established before September 30, 2025, trustees appointed to a new term on or after that date are entitled to serve four-year terms.
2. The transitional staggering of terms “at the first appointment” applies only when a new county library district board is created.
3. The statute’s reference to seven-year terms for subsequent appointments is a scrivener’s error, should not be given effect, and instead must be read as four years.

Respectfully,

A handwritten signature in blue ink, appearing to read 'D. Andrew Wilson', with a stylized, cursive script.

D. ANDREW WILSON
Ohio Attorney General