

ORDINANCE NO.: 2018-15 (*AMENDED AUGUST 14, 2018*)
SPONSOR: MAYOR NEUGEBAUER
INTRODUCED: JULY 10, 2018

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUMMIT COUNTY BOARD OF ELECTIONS TO SUBMIT A PROPOSED CHARTER AMENDMENT TO THE ELECTORS OF THE CITY OF GREEN, TO ESTABLISH A MAY PRIMARY ELECTION DATE FOR MUNICIPAL ELECTIONS IN THE CITY OF GREEN, IN ORDER TO REDUCE THE COST OF THE PRIMARY ELECTION FOR THE GREEN TAXPAYERS AND UPHOLD THE VOTING RIGHTS OF *ALL CITIZENS OF THE CITY OF GREEN, INCLUDING OVERSEAS MILITARY SERVICE MEMBERS*, TO BE VOTED UPON AT THE NOVEMBER 6, 2018 GENERAL ELECTION, AND DECLARING AN EMERGENCY.

WHEREAS, on August 14, 2018, the City of Green proposed an amendment to the Charter of the City of Green; and

WHEREAS, the state primary election is in May. Ohio Revised Code Section 3501.01(E)(1) states, in relevant part, that “Primary elections shall be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held”; and

WHEREAS, the City of Green primary election is currently in September, as Article 5 Section 3 of the Charter of the City of Green establishes the date for the primary election for municipal elections in the City as the “eighth Tuesday prior to such [general] municipal election”; and

WHEREAS, the proposed amendment to Article 5 Section 3 of the Charter will establish a primary election date for municipal elections within the City of Green consistent with the May primary election date established by the Ohio Revised Code; and

WHEREAS, because the September primary election date is so close to the November general election date, the September primary elections make it difficult and, in some instances, impossible for the Board of Elections to prepare complete ballots by the deadline prescribed by federal and state law for preparing ballots for use by military and overseas voters; and

WHEREAS, pursuant to Ohio Revised Code Section 3511.04, each county Board of Elections shall mail absentee ballots to **request their citizens, including** military service members serving overseas (following proper application), “not later than the forty-fifth day before the day of each general or primary election”; and

WHEREAS, as currently provided for in the Charter, there are only 56 days between the municipal primary election and the general election; therefore, there are only 11 days after the primary

election before the state-mandated deadline for mailing general election absentee ballots to military service members serving overseas; and

WHEREAS, pursuant to Ohio Revised Code Section 3513.22, the county Board of Elections has 21 days following the primary election to complete the Official Canvass of the primary election, which is 10 days after the state-mandated deadline for mailing general election absentee ballots to military service members serving overseas; and

WHEREAS, moving the municipal primary election date to May will enable the Board of Elections to properly comply with the voting rights of military service members serving overseas by providing sufficient time for the results of the primary election to be certified prior to the state-mandated deadline for mailing general election absentee ballots to such military service members; and

WHEREAS, moving the City of Green primary election to the same date as the state primary election date in May is expected to result in significant cost-savings to Green taxpayers because in larger elections a larger number of political subdivisions share in the expense of the election, thereby decreasing the per-precinct amount charged to each political subdivision; and

WHEREAS, the May primary election traditionally has a higher voter turnout than the September primary election; and

WHEREAS, moving the primary election date to May will protect the **voting** rights of **all the citizens of the City of Green, including** overseas military service members, save taxpayer funds, enhance voter turnout, and is therefore in the best interests of the citizens of the City of Green.

WHEREAS, the Charter of the City of Green and the Ohio Constitution Article XVIII, Section 9, requires City Council to pass an ordinance requesting the Board of Elections to submit the proposed Charter amendment to the citizens of the City of Green for consideration; and

WHEREAS, the Charter of the City of Green and the Ohio Constitution Article XVIII, Sections 8 and 9 requires the proposed Charter amendment to be submitted to the citizens of the City of Green for approval at an election to be held no less than sixty (60) days and no more than one hundred twenty (120) days from the date that City Council passes an ordinance requesting the issue to be submitted on the ballot; and

WHEREAS, Green City Council must take immediate action if this matter is to be put before the voters at the general election scheduled for November 6, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

Green City Council authorizes and directs the Summit County Board of Elections to submit the following proposed Charter amendment to the electors of the City of Green at the general elections scheduled for November 6, 2018 between the hours of 6:30 a.m. and 7:30 p.m., Eastern Standard Time of said day, of a proposal to amend the Charter of the City of Green.

SECTION TWO:

The proposed Charter amendment is:

ARTICLE V. NOMINATIONS AND ELECTIONS

Section 5.3 Nominations

There shall be no primary election for a municipal office unless the number of persons filing nominating petitions exceeds one (1) more than two (2) times the number of offices available for nomination. For the office of Mayor, there shall be no primary election unless four (4) or more persons file nominating petitions.

For the office of Councilmember At Large, if there are three (3) offices available, there shall be no Primary Election unless eight (8) or more persons file a nominating petition. For the office of a Ward Councilmember, there shall be no primary election for such ward unless four (4) or more persons file a nominating petition for such ward. For purposes of this provision affecting the necessity for a primary election, the term "nominating petition" shall include only those petition and nomination papers which the Board of Elections shall have reviewed, examined, and certified as to their sufficiency and validity.

In the event it is necessary to hold a primary election, ~~IN ORDER TO REDUCE THE COST OF THE PRIMARY ELECTION AND UPHOLD THE VOTING RIGHTS OF THE CITIZENS OF THE CITY OF GREEN, INCLUDING OVERSEAS MILITARY SERVICE MEMBERS~~, such nonpartisan primary election shall be held in the City on the ~~eight~~ Tuesday **FIRST TUESDAY AFTER THE FIRST MONDAY IN MAY** prior to such Municipal election. Those persons receiving the highest vote totals, and equal in number to twice the number of offices for which such election is held, shall be designated candidates for such office, subject to applicable provisions of this Charter. Each candidate shall file a separate petition. Group petitions shall not be used for any elective office in the City.

Forms provided by the Board of Elections, if appropriate, or by the City, for the nomination of nonpartisan candidates for such office, shall be used and filed with the Board of Elections as required by state law.

SECTION THREE:

That it is the desire and request of this Council that the ballot for said question shall be substantially in the following form:

PROPOSED CHARTER AMENDMENT

CITY OF GREEN

**A Majority Affirmative Vote Is
Necessary For Passage**

Shall Article 5 Section 3 of the Charter of the City of Green be amended to: move the primary election date for municipal elections to the first Tuesday after the first Monday in May to be consistent with the primary election date established by state law; reduce the cost of the primary election; and uphold the **voting** rights of **all the citizens of the City of Green.**~~including overseas military service members?~~

YES

NO

SECTION FOUR:

That the Clerk of Council is hereby directed to certify a copy of this ordinance to the Board of Elections of Summit County, Ohio immediately upon passage of this ordinance.

SECTION FIVE:

That the Clerk of Council is hereby directed and authorized to have the full text of the above proposed Charter amendment published once a week for not less than two (2) consecutive weeks in a newspaper of general circulation in said City with the first publication being at least fifteen (15) days prior to the election at which said amendment is to be submitted to the electors of this City or in such a manner as is permitted by law.

SECTION SIX

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings to the public, in compliance with all legal requirements.

SECTION SEVEN

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the member elected or appointed to Council, it shall take

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effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: _____

Nichole Baldinger, Clerk of Council, Interim

Chris Humphrey, Council President

APPROVED: _____, 2018

Gerard M. Neugebauer, Mayor

ENACTED EFFECTIVE: _____

ON ROLL CALL: Babbitt Dyer Humphrey Shaughnessy
 Speight Yeargin Young

Suburbanite publication on _____ and _____

Nichole Baldinger, Clerk of Council, Interim

08/09/2018 ~~07/10/2018~~ Approved as to form and content by William G. Chris, Director of Law, Interim _____