

# Ordinance No. 986-2019

Council Member Kelley

**FOR PASSAGE**  
**August 21, 2019**

## AN EMERGENCY ORDINANCE

Authorizing the submission to the electors of the City of Cleveland of a proposal to amend Sections 5, 7, and 8 of the Charter of the City of Cleveland relating to nominating petitions.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at a special election to be held on November 5, 2019, and providing for the usual daily operation of a municipal department; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a special election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 5, 2019, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 5, 7, and 8 to read as follows:

### **§ 5 Nominating Petitions**

The name of any elector of the City shall be printed upon the ballot, when a petition in the form hereinafter prescribed in this Charter shall have been is filed in his the elector's behalf with the election authorities, and the elector has been an elector of the City for at least twelve (12) consecutive months immediately prior to the next regular Municipal election or the next election, as required by law or Charter, whichever occurs first. Such petition shall be signed by at least three thousand (3,000) electors of the City, for the nomination of a candidate for an office filled by election from the City at large, and by at least two hundred (200) electors of the ward if for the nomination for an office to be filled by election from a ward.

### **§ 7 Candidacy and Nominating Petition Papers**

The ~~form of~~ statement of candidacy and nominating petition papers shall be standard forms of the Secretary of State as required under the general law of the State. ~~substantially as follows:~~

#### ~~—STATEMENT OF CANDIDACY~~

I, \_\_\_\_\_ (Name of Candidate), the undersigned, hereby declare under penalty of election falsification that my voting residence is in \_\_\_\_\_ precinct of Ward \_\_\_\_\_ of the City of Cleveland; that my voting residence is \_\_\_\_\_ (Street and Number); and that I am a qualified elector in the precinct in which my voting residence is located. I hereby declare that I desire to be a candidate for nomination to the office of \_\_\_\_\_ at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

—(Signature of Candidate)

~~—The statement of candidacy shall contain the penalty for election falsification as prescribed by the general law of the State.~~

~~—NOMINATING PETITION~~

We, the undersigned, qualified electors of the City of Cleveland (or \_\_\_\_\_ ward of the City of Cleveland), State of Ohio, whose voting residence is at the street address, ward, and precinct set opposite our names, request that \_\_\_\_\_ (Name of Candidate) be placed upon the primary election ballot as a candidate for nomination for the office of \_\_\_\_\_ at the primary election to be held in the City (or the ward) on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
~~—Signature — Street Number — Ward Precinct~~

\_\_\_\_\_  
\_\_\_\_\_  
~~Date of Signing — (Must use address on file with the Board of Elections)~~

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ (Name of Circulator of Petition), declares under penalty of election falsification that the circulator of the petition is a qualified elector of the state of Ohio and resides at the address appearing below the circulator’s signature; that the circulator is the circulator of the foregoing petition paper containing \_\_\_\_\_ (Number) signatures; that the circulator witnessed the affixing of every signature; that all signers were to the best of the circulator’s knowledge and belief qualified to sign; and that every signature is to the best of the circulator’s knowledge and belief the signature of the person whose signature it purports to be.

\_\_\_\_\_  
\_\_\_\_\_  
~~—(Signature of Circulator)—~~

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

~~—(Address of Circulator)~~

~~—The nominating petition shall contain the penalty for election falsification as prescribed by the general law of the State.~~

**§ 8 Filing and Verification of Petitions**

All separate papers comprising a statement of candidacy and nominating petition shall be assembled and filed with the election authorities as one instrument no later than four p.m. on the ~~seventy-fifth~~ ninetieth (90<sup>th</sup>) day prior to the day of the primary election. Within ten (10) days after the filing of a nominating petition the election authorities shall notify the person named ~~therein~~ in the petition as a candidate whether the petition is found to be signed by the required number of qualified electors. If insufficient, the person named ~~therein~~ in the petition as candidate may, amend the petition by filing additional petition papers within five (5) days after notification of insufficiency by the election authorities, ~~additional petition papers~~. Within five (5) days after the filing of the additional petition papers, the election authorities shall notify the person named ~~therein~~ in the petition as candidate whether the amended petition is found to be signed by the required number of qualified electors.

Section 2. That the foregoing proposed amendments to the Charter, on receiving at least a majority of the votes cast at the November 5, 2019 special election, shall become effective immediately on their adoption.

Section 3. That the Clerk of this Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 5, 2019, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the election to be held on November 5, 2019, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT  
CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall Charter Sections 5, 7, and 8 regarding nominating petitions be amended to provide that to be a candidate for office in the City, a person must have been an elector of the City for at least twelve (12) consecutive months immediately prior to the next regular Municipal election, or the next election required by law or Charter, whichever occurs first; to require that candidates use a state-wide standard candidacy and nominating petition form; and to provide that the filing deadline for nominating petitions be on the ninetieth (90<sup>th</sup>) day before the primary election?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.