



City of Columbus

Legislation Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 1748-2014

30-Day

File ID: 1748-2014

Type: Ordinance

Status: Second Reading

Version: 1

***Committee:** Rules & Reference Committee

File Name:

File Created: 07/11/2014

Final Action:

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I , the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Bryan Clark, Senior Legislative Advisor, 614-645-6992

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To submit to the electors of the city of Columbus at a special election to be held concurrently with the regular general election on November 4, 2014, the question of amending the Charter of the City of Columbus, such question to be known as "Proposed Charter Amendment No. 2, City Elections."

Sponsors: Andrew Ginther

Attachments: FINAL PROPOSED AMENDMENT TO THE CHARTER City Elections 20140714, FINAL Charter Review Commission Report 20140708

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/14/2014	Read for the First Time				
1	Columbus City Council	07/21/2014					

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance provides for the submission to the electors of the city of Columbus the question of amending the Charter of the City of Columbus ("charter"), as hereinafter described. Such question is based on the recommendations of the 2014 Columbus Charter Review Commission ("commission").

On June 30, 2014, the Charter Review Commission, appointed by Mayor Michael B. Coleman and Council President Andrew J. Ginther, adopted twenty-one (21) recommendations. A report summarizing those recommendations was submitted on July 7, 2014 and is attached to this ordinance.

Based on council's consideration of the commission's recommendations, council proposes a ballot question regarding elections. Proposed Charter Amendment No. 2, City Elections, addresses the following:

- Renumbers, repeals and reenacts amended provisions regarding nominations and elections.
- All city elections must be conducted pursuant to state law, unless otherwise provided by the charter or ordinance; and elections must be nonpartisan by secret ballot.
- Allows city council to enact ordinances regulating campaign finances and disclosure of contributions for candidates and ballot issues.
- Eliminates all ballot forms in charter; requires printing of summary of questions and issues on the ballot; and retains ability to make modifications to ballots by charter or ordinance of council.
- Requires use of state nominating petition forms.
- Adds "disqualified" to death and withdrawal as conditions to replace candidates in primary or general elections; and uses state law deadlines and processes for withdrawal, replacement.
- Establishes uniform general provisions for the initiative, referendum, recall and charter amendment petitions, as follows:
 - Requires the city clerk to provide a petition template for the same.
 - Adopts a modified version of state law for municipal petitions, incorporating the following: part-petitions must be circulated as a single instrument; petitions must be printed in uniform color; titles must be without argument and placed on top of sequentially numbered pages; full text of a proposal must appear on petition; and circulator's statement must disclose payment for circulation.
 - Must file statement of intent to compensate and report of compensation if any person is paid to circulate or organize circulation of a petition.
 - May not withdraw physical petitions; may withdraw a petition from consideration or from the

ballot.

- All petitions filed with city clerk - both certified copy and final petition.
- State law controls circulation and validation, with limited exceptions.
- Signatures may not be collected prior to filing a certified copy of a petition.
- Petitioners must file an initiative or charter amendment petition within one year after filing certified copy.
- Maintains the thirty-day deadline for petitioners to file referendum or recall petitions after filing certified copy.
- Council must act by ordinance on petitions and such ordinances may not be vetoed or subject to referendum.
- Requires valid signatures equal to 5% of votes cast in the last regular municipal election for mayor to initiate initiative or referendum.
- The board of elections must validate petition signatures within 10 days.
- Council must determine the sufficiency of petition within 14 days of the board's report on the number of valid signatures and the city attorney's report on the legal sufficiency of the petition.
- No city officer may consider the subject matter of a petition when determining the legal sufficiency thereof, except as required to assure compliance with applicable provisions of this charter, general laws of the state, or ordinance of council.
- If a petition is sufficient, council has 30 days to pass an initiated ordinance, or submit to voters; and 30 days to repeal an ordinance, or submit referendum to voters.
- Council must prescribe ballot summary and may prescribe arguments for and against an issue to be posted in voting locations; and petitioners may submit suggested language to council.
- Clarifies that annual appropriate ordinances and ordinances submitting proposals to electors are not subject to referendum.
- Retains constitutional requirements regarding signatures and council action for charter amendments.
- Initiated charter amendment are limited to a single subject.
- Council must prescribe ballot summary and may prescribe arguments for and against an issue to be posted in voting locations; and petitioners may submit suggested language to council.
- Adopts a modified version of state law regarding the recall.
- Maintains the requirement that recall petition have valid signatures equal to 15% of votes cast in the last regular municipal election for mayor.
- Recall petitions may not be filed within 180 days of an official taking office or within 90 days of a general election for the office.
- No more than three elected officials may be recalled at a single election.
- City clerk to determine sufficiency of petition for the recall; and, if the petition is sufficient and the official does not resign within five days, must call for an election on the recall.
- Maintains the requirement that vacancy after recall be filled as otherwise provided by charter.

Title

To submit to the electors of the city of Columbus at a special election to be held concurrently with the regular general election on November 4, 2014, the question of amending the Charter of the City of Columbus, such question to be known as "Proposed Charter Amendment No. 2, City Elections."

Body

WHEREAS, on the centennial of the charter's adoption by Columbus voters, Council President Andrew J. Ginther and Mayor Michael B. Coleman appointed a five-member Charter Review Commission to conduct a comprehensive review of the city's charter; and

WHEREAS, the highly regarded community leaders who served on the commission held seven public working meetings, solicited public comment via two public hearings, an online form, and a dedicated email address, and, based on such deliberations, submitted a final report of recommendations to the mayor and council president on July 7, 2014; and

WHEREAS, the Charter Review Commission made twenty-one recommendations, of which nineteen necessitate changes to the charter; and

WHEREAS, after due deliberation and consultation with the mayor, auditor, and city attorney, this council finds that the residents of Columbus will be well-served by the proposed charter amendments regarding city elections; **NOW THEREFORE**

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

SECTION 1. The city council hereby finds that a regular municipal election will not be held in 2014. Therefore, pursuant to City Charter Section 234, a special election is hereby called to place the question hereinafter set forth on the November 4, 2014 ballot at a special election to be held concurrently with the general election, a date not less than 60 nor more than 120 days from passage of this ordinance.

SECTION 2. That there be submitted to the electors of the city of Columbus the question of amending the Charter of the City of Columbus, such question and proposed amendments being set forth as an attachment ("FINAL PROPOSED AMENDMENT TO THE CHARTER City Elections 20140714") hereto and hereby made a part hereof.

SECTION 3. That the question submitted in Section 1 be and hereby is known as "Proposed Charter Amendment No. 2, City Elections."

SECTION 4. That the city clerk is directed to forthwith serve a certified copy of this ordinance upon the boards of elections of Franklin County, Delaware County, and Fairfield County, Ohio.

SECTION 5. That the boards of elections of Franklin County, Delaware County, and Fairfield County, Ohio be and hereby are requested to place the question, "Proposed Charter Amendment No. 2, City Elections" upon the ballot to be submitted to the electors as provided for and upon the date set forth herein.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.