

Proposed Amendments to Charter-Chapter 3 by Cuyahoga County Board of Elections (June 2018)

Chapter 3- Elections

A general election for the choice of elective officers provided for in this Charter shall be held on the first Tuesday after the first Monday in November every four years commencing November 1981. Elections so held shall be known as regular Municipal elections. The other elections shall be held as may be required by law, or provided for in this Charter.

(Effective November 4, 2008)

§ 4 Nominations

Candidates for all offices to be voted for at any regular Municipal election under the provisions of this Charter shall be nominated at a non-partisan primary election to be held on the second Tuesday in September prior to the regular Municipal election. Candidates for all offices to be voted for at any other Municipal election under the provisions of this Charter shall be nominated at a non-partisan primary election to be held on the eighth Tuesday prior to the other Municipal elections.

(Effective November 4, 2008)

§ 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 shall have been filed in his behalf with the election authorities. 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.

(Effective October 8, 1971)

§ 6 Petition Form

The signatures to a nominating petition need not all be appended to one paper, but on each separate paper the circulator shall indicate the number of signatures contained on the petition, and shall sign a statement made under penalty of election falsification that the circulator witnesses 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 name it purports to be. Each signer of a petition shall sign his or her name in ink or indelible pencil, and shall place on the petition after his or her name the signer's place of residence by street and number, or other description sufficient to identify the place, and give the date when the signer's signature was made.

(Effective November 4, 2008)

§ 7 Candidacy and Nominating Petition Papers

Nominations for elective offices of the Municipality shall be made by petition only, on the standard forms for the nomination of nonpartisan candidates for such offices, filed with the Board of Elections at least ninety (90) days before the day of the election.

~~The form of statement of candidacy and nominating petition papers shall be 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.

(Effective November 4, 2008)

§ 8 Filing and Verification of Petitions *BOE suggests combining 7 & 8*

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 day~~ *ninetieth day (90)* prior to the day of the primary election. Within ten days after the filing of a nominating petition the election authorities shall notify the person named therein as a candidate whether the petition is found to be signed by the required number of qualified electors. **BOE does not do this** If insufficient, the person named therein as candidate may, amend the petition by filing 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 as candidate whether the amended petition is found to be signed by the required number of qualified electors. *There was concern at the last election that having the filing deadline at 75 days and the protest of candidacy deadline at 74 days, it gives no realistic time for a candidate to protest, as the BOE wouldn't have validated the signatures and if they did the candidate could potentially need to get additional signatures. Also, the additional 5 day rule is difficult for the BOE to administer, especially at such a late filing deadline.*

(Effective November 4, 2008)

§ 9 Acceptance of Nomination – Repealed

Note: This section was repealed by the electors on November 4, 2008.

§ 10 Selection of Candidates

The number of candidates for any office at any regular Municipal election in the City at large or in each ward, as the case may be, shall be the two candidates on the primary election ballot receiving the highest number of votes at the primary election. In case there shall not be for any office more than two persons who shall have filed petitions as provided for in this Charter, then said persons shall be the candidates at the regular Municipal election and the primary for the particular office shall not be held.

The name of each person who is nominated in compliance herewith shall be printed on the official ballot at the general election, and the names of no other candidates shall be printed thereon.

(Effective October 8, 1971)

§ 11 Ballots

All ballots used in elections held under authority of this Charter shall be without party marks or designations. Ballots used for the nomination or election of candidates shall contain a complete list of the offices to be filled, and the names of candidates for each office shall be arranged under the title thereof. Voters shall record their choices in the manner prescribed by the general law of the State.

(Effective November 4, 2008)

§ 12 Rotation of Names

The names of candidates to be nominated or elected shall be printed on the ballot in rotation in the manner prescribed by general law.

(Effective October 8, 1971)

§ 13 Write-in Spaces on Ballots

A write-in space shall be provided on the ballot in the manner prescribed by general law of the State. **Note: *deadline is 72 days prior to the election.***

(Effective November 4, 2008)

§ 14 Rules for Counting Ballots

In counting the ballots cast at every election held under the authority of this Charter *shall be administered as provided by the general laws of the State of Ohio*, ~~the precinct election officers shall enter the total number of votes on a tally sheet provided therefor. They shall also enter on such tally sheet the number of votes cast for each candidate for the office for which he is a candidate and make return thereof to the election authorities as provided by general law.~~ The candidate having the largest number of votes for each office voted upon at the regular Municipal election shall be declared elected to such office. In case it cannot be determined which of two or more candidates shall be declared elected, by reason of the fact that they have received the same number of votes, the election authorities shall determine by lot which of said candidates shall be declared elected.

(Effective November 9, 1931)

§ 15 General Laws to Apply

All elections provided for by this Charter, whether for the choice of officers or the submission of questions to the voters, shall be conducted by the election authorities prescribed by general law of the State; and the provisions of the general election laws of the State shall apply to all the elections except as provision is otherwise made by this Charter, and except further that the Council may, by ordinance, provide measures to promote and insure the purity and integrity of the ballot, and against corrupt practices in elections.

(Effective November 4, 2008)

§ 15-1 Balloting by Armed Forces – Repealed

Note: This section was repealed by the electors on November 4, 2008.

§ 16 Removal Procedure of Mayor or Member of Council

The Mayor or any member of the Council may be removed from office by the electors of the City. The procedure for effecting such a removal shall be as follows:

Any elector of the City may make and file with the Clerk of the Council an affidavit stating the name of the officer whose removal is sought and the grounds alleged for such removal. The Clerk shall thereupon deliver to the elector making the affidavit copies of petition papers for demanding such a removal, printed copies of which he shall keep on file for distribution as herein provided. In issuing any such petition paper, the Clerk shall enter in a record to be kept in his office the name of the elector to whom issued, the date of issuance, and the number of papers issued, and shall certify upon each such paper the name of the elector to whom issued and the date of issuance. No petition paper shall be accepted as part of a petition unless it bears such certificate of the Clerk and unless filed as hereinafter provided.

(Effective November 8, 1994)

§ 17 Filing Recall Petition

A petition demanding the removal of the Mayor or a member of the Council shall be known as a recall petition. A recall petition to be effective must be returned and filed with the City Clerk within thirty days after the filing of the affidavit as provided in the next preceding section, and to be sufficient, must bear the signatures of not less than twenty percent of those who voted in the City or ward respectively at the last preceding regular Municipal election. Within ten (10) days from the date of the filing of such petition, the Clerk shall determine the sufficiency thereof and attach thereto a certificate showing the result of his examination. If the Clerk shall certify that the petition is insufficient he shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the person designated in such petition to receive it. Such recall petition may be amended at any time within twenty (20) days after the return of a copy of the certificate of insufficiency by filing a supplementary petition upon additional petition papers, issued, signed and filed as provided herein for the original petition. The Clerk shall, within ten (10) days after such amendment is filed, make like examination of the amended petition, and if his certificate shall show the same to be still insufficient, he shall return it to the person designated in such petition to receive it, without prejudice, however, to the filing of a new petition for the same purpose.

(Effective November 9, 1931)

§ 18 Recall Election Ordered

If a recall petition, or amended petition, shall be certified by the Clerk to be sufficient he shall at once submit it to the Council with his certificate to that effect and shall notify the person whose removal is sought by such action. If the person whose removal is sought does not resign within five days after such notice the Council shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than ~~forty~~ **seventy five (75)** nor more than ~~sixty~~ **one hundred twenty (120)** days after the petition has been presented to the Council, at the same time as any other general or special election held within such period but, if no such election be held within such period, the Council shall call a special election to be held within the time aforesaid.

(Effective November 9, 1931) *Currently does not allow for BOE to prepare a ballot in time for the federal 45-day deadline to send UOCAVA ballots.*

§ 19 Separate Recall Petitions Required

The question of recalling the Mayor and any number of members of the Council may be submitted at the same election, but as to each person whose removal is sought a separate petition shall be filed and provision shall be made for an entirely separate ballot.

(Effective November 9, 1931)

§ 20 Ballots in Recall Elections

Ballots used at a recall election shall conform to the following requirements: With respect to the officer whose removal is sought the question shall be submitted, “Shall (name of person) be removed from the Council (or from the office of Mayor) by recall”. Immediately below such question there shall be printed on the ballots the two following propositions, one above the other, in the order here indicated:

“For the recall of (name of person).”

“Against the recall of (name of person).”

~~—Immediately at the left of each proposition there shall be a square in which the elector by making a cross mark (X) may vote for either of such propositions.~~

(Effective November 9, 1931)

§ 21 Result of Recall Election

If a majority of the votes cast on the question of recalling a member of the Council or Mayor shall be against his recall he shall continue in office for the remainder of his unexpired term, but subject to recall as before. If a majority of such votes be for the recall of the member indicated on the ballots he shall, regardless of any defect in the recall petition, be deemed removed from office. When a person is removed from office by recall, Council shall immediately provide for the nomination and election of his successor for the unexpired term by fixing the time of the elections. The nomination and election of a person to succeed a person so removed shall be held within one hundred and twenty days after the date of the recall election and shall be conducted in the same manner as provided for regular Municipal elections.

(Effective November 9, 1931)

§ 22 Election When Member Resigns

If the Mayor or a member of the Council in regard to whom a recall petition is submitted to the Council shall resign within five days after notice thereof, the successor for the unexpired term shall be nominated and elected as hereinbefore provided and the recall election shall not be held.

(Effective November 9, 1931)

§ 23 Limitations on Recall Petitions

No recall petition shall be filed against the Mayor or a member of the Council within three months after he takes office nor, in case of a person subjected to a recall election and not removed thereby, until at least six months after that election. *The BOE has no opinion on this but several council members would like to discuss this and asked us to highlight this section as a reminder. Most other cities use 6 initial months prior to eligibility for recall.*

(Effective November 9, 1931)

§ 23-1 Campaign Financing Laws

The Council shall provide by ordinance for limitations on campaign contributions made to the campaign committees for all candidates in all primary, regular and special elections for the office of Mayor and the office of member of Council. The Council shall by ordinance provide penalties for exceeding the campaign contribution limitations and an appeal process for persons alleged to have violated the campaign contribution limitations. *BOE has no opinion on this section, we do not audit our campaign finance reports by Cleveland rules.*

(Effective November 4, 2008)

§ 23-2 Comprehensive Disclosure Rules – Repealed

Note: This section was repealed by the electors on November 4, 2008.

§ 23-3 Fair Campaign Finance Commission – Repealed

Note: This section was repealed by the electors on November 4, 2008.