

EMERGENCY

City of Cincinnati

CMZ/B

An Ordinance No. 291

- 2023

EESW

TO SUBMIT to the electors of the City of Cincinnati an amendment to the Charter of the City effective as of the general election of November 2023, to address issues regarding voting and elections for both Mayoral and Council candidates and for Charter amendments, initiatives, and referenda by requiring petition circulators to submit a certified copy of any initiative, referendum, or Charter amendment petition to the Clerk of Council before collecting signatures on the petitions; permitting members of Council to cast their votes by any method that publicly announces their vote; providing a process and timeline for submitting petitions for initiatives and referenda to the Clerk of Council to allow a reasonable time for verification of signatures and drafting necessary ordinances and an opportunity to collect additional signatures on petitions; clarifying throughout the Charter that Council terms are two years; clarifying that candidate petition circulators must sign a statement rather than provide a notarized affidavit on the candidate petitions; aligning the timeline for filing a nominating petition for an election to an unexpired term of office of mayor with state and federal requirements; and providing an opportunity for candidates for Council and Mayor to collect additional signatures on their petitions, all by amending existing Sections 3 and 5 of Article II, "Legislative Power," and Sections 1, 2 and 4 of Article IX, "Nominations and Elections," and by enacting new Section 8 of Article II.

WHEREAS, it would benefit citizens of Cincinnati to have the Charter of the City of Cincinnati clearly establish the process, forms, and timelines for submitting petitions to the City for initiatives, Charter amendments, and referenda so citizens can exercise these rights more effectively; and

WHEREAS, allowing citizens and potential mayoral and Council candidates additional time to collect signatures on petitions if their initial signature collection efforts are insufficient encourages participation in governing the City and supports democracy; and

WHEREAS, clarifying the Charter provisions regarding Council term length and the candidate petition requirements and aligning timelines for submitting nominating petitions for an election for an unexpired term of the office of mayor will prevent confusion and enable easier compliance with state and federal law for mailing ballots overseas; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio, two-thirds of the members elected thereto concurring:

Section 1. That there shall be submitted to the vote of the qualified electors of the City of Cincinnati for their approval or disapproval at the special election to be held on November 7, 2023, an amendment to the Charter of the City of Cincinnati amending existing Sections 3 and 5

of Article II, "Legislative Power," and Sections 1, 2, and 4 of Article IX, "Nominations and Elections," and enacting new Section 8 of Article II, "Legislative Power," to read as follows:

Article II. – LEGISLATIVE POWER

Section 3.

Emergency ordinances must receive the vote of a majority of the members elected to the council, and the declaration of an emergency and the reasons for the necessity of declaring said ordinances to be emergency measures shall be set forth in one section of the ordinance, which section shall be passed only upon a separate affirmative vote of two-thirds of the members elected to the council. If the emergency section fails of passage, the clerk shall strike it from the ordinance, and the ordinance shall take effect at the earliest time allowed by law.

No ordinance prescribing rates and charges to be collected by or paid to any publicly owned public utility shall be passed as an emergency ordinance unless the ordinance is introduced in council at least three weeks before it is finally voted upon and a public hearing has been held by council thereon.

Section 5.

A majority of the members elected to the council shall be a quorum to do business, but a less number may adjourn from time to time. A member of council appointed to council in accordance with the terms of this charter shall possess all rights, privileges and duties of a member elected to this council. All legislation enacted by the council shall be by ordinance except where otherwise required by the constitution or laws of the state of Ohio. The council shall keep a journal of its meetings which shall be a public record. Members of council may cast their vote on any item via any method that publicly announces the vote, including by a roll call voice vote or electronic or mechanical method. At the desire of any member the vote of each member shall be entered upon the journal; and on the passage of legislation the vote of each member shall be entered upon the journal. No legislation shall be passed without the concurrence of a majority of the members elected to the council. The meetings of council and its committees shall be held in accordance with the requirements of the Ohio open meetings act, codified in Ohio revised code section 121.22 or its successors.

The first meeting of the council shall be held on the first Tuesday after January 1st at 11:00 o'clock a.m. following an election of members of council. All subsequent meetings shall be held pursuant to adjournment, or in accordance with a rule adopted by the council which may be amended at any time. Special meetings shall be held on the request of any two members or the mayor upon twenty-four hours notice to each member and the mayor and immediate notice to the news media that have requested notification.

Section 8.

The initiative and referendum powers are reserved to the people of the city on all questions which the council is authorized to control by legislative action; such powers shall be exercised in the manner provided by this charter. Petitions for an initiated ordinance, referendum, or charter amendment shall comply with the requirements established in this charter.

A. Petitions.

1. Petition Forms

Petitioners shall use the forms provided by the Ohio Secretary of State for an initiated ordinance, referendum, or charter amendment, unless this charter or an ordinance of council provides otherwise.

In addition, each petition for a proposal initiated by a citizen shall comply with the following as to form and with general laws of the state, unless otherwise provided by this charter or ordinance of council:

- (a) A petition may be circulated in separate part-petitions but each part-petition shall be identical.
- (b) Each part-petition shall be circulated and submitted as a single instrument.
- (c) A petition may only contain one proposal, which shall not address multiple or unrelated subject matters or questions of law.
- (d) The title of the proposal shall clearly and without argument describe the proposed ordinance, referendum, or charter amendment, and such title shall be placed on the top of each page of a part-petition, and the pages shall be numbered sequentially.
- (e) A petition shall contain a full and correct copy of any proposed ordinance, referendum, or charter amendment, with no summary, argument, or other ancillary information regarding the proposal placed thereon, unless otherwise required by this charter or ordinance of council.

2. Petition committee.

3. Filing certified copy of petition with clerk of council.

Whoever seeks to propose by petition an ordinance, referendum, or charter amendment shall file a certified copy of the petition with the clerk of council prior to circulating it.

4. Duties upon filing of certified copy of petition.

The clerk of council shall forward the certified copy of a petition within one business day to the solicitor and the mayor and members of council. The solicitor shall determine if the petition addresses a single subject and meets the requirements as to form provided by this charter and shall report the same to the clerk of council and the mayor and members of council as soon as practicable.

B. Filing of signed petitions.

1. All signed petitions to be filed with clerk of council; deadlines.

(a) All separate part-petitions providing for a proposed ordinance, referendum, or charter amendment shall be filed at the same time, as one instrument, with the clerk of council. No alterations, corrections, or additions may be made to a petition after it is filed with the clerk.

(b) Petitions for an initiated ordinance shall be filed with the clerk of council at least eighty days prior to an election at which the initiated ordinance is to be submitted to the voters.

If a petition committee wants to have the option provided under section 8.C.2 of this article to submit additional signatures if the election authority determines the petition does not have sufficient valid signatures, the petition committee must submit the signed petitions to the clerk of council at least 100 days prior to an election at which the initiated ordinance is to be submitted to the voters.

(c) Signed petitions for an initiated ordinance or charter amendment shall be filed within two years of filing a certified copy of the petition with the clerk of council; petitions for referendum shall be filed as otherwise provided for in this charter. If petitions are not filed in the time required by this charter, the petition originally filed with the clerk of council is no longer valid, and the petition process must begin again.

2. Withdrawal, effect of withdrawal or insufficiency.

No petition, or part thereof, presented to or filed with any office of the city of Cincinnati may be withdrawn from such public office. A petition shall be withdrawn from consideration by the city if the petition committee submits to the clerk of council a written notice of withdrawal, signed by a majority of the committee and duly notarized, prior to final action on the petition; and a petition shall be withdrawn from consideration by the electors if notice is submitted as required in this section prior to the forty-fifth day before the date of the election thereon.

C. Duties upon filing of a signed petition.

1. Within ten days after the filing of a signed petition, the clerk of council shall have copies of the petitions made and shall forward the petitions to the elections authorities to validate the signatures on the petition and to the solicitor. In the case of a proposed charter amendment, the clerk of council shall forthwith forward the petitions to the elections authorities and the solicitor.
2. If the elections authority's report confirms a sufficient number of valid signatures on the petition, the clerk of council immediately shall forward the elections authority's report to the mayor, council, and the solicitor. If the elections authority's report confirms an insufficient number of valid signatures on the petition, the clerk of council immediately shall notify the mayor, council, solicitor, and the petition committee of the deficiency.

If, as provided in section B.1.(b), the petition committee submitted the signed petitions to the clerk of council at least 100 days prior to an election at which the initiated ordinance is to be submitted to the voters, the petition committee shall have one additional ten-day period from the time of notification by the clerk of council to secure and file petitions containing additional signatures as one instrument. This period to collect additional signatures cannot extend beyond the deadline for the city to submit an ordinance to the elections authority to put the initiative on the ballot for the next election. The clerk of council immediately shall forward any additional petitions received to the elections authorities. The clerk of council shall immediately forward to the mayor, the council and the solicitor the elections authority's supplemental report regarding signature validation.

If the elections authority's supplemental report confirms the petition has an insufficient number of valid signatures, the clerk of council also shall immediately notify the petition committee of the deficiency, the petition will be closed, and the petition effort must begin again.

3. Validation of part-petitions, signatures.

Validation of signatures and part-petitions shall be as provided for in the general laws of the state, unless otherwise provided by this charter or ordinance of council. No part-petition which includes a purported elector's signature or circulator's signature affixed prior to the date of filing a certified copy of the petition with the clerk of council shall be deemed valid.

D. Council action by ordinance.

1. Council action on a petition for any proposed ordinance, referendum, or charter amendment shall be by ordinance. No city official or employee may consider the subject matter of a petition when determining its legal sufficiency, except as required to assure compliance with applicable provisions of this charter, general laws of the state, or ordinance of the council. Any petition and any signatures upon the part-petitions thereof found to be sufficient as provided herein shall be presumed to be sufficient in all respects unless it is proven otherwise at least 45 days before the election.

2. Petitions not subject to veto, referendum.

Any ordinance placing an issue before voters or setting the date of an associated special election shall go into effect and be in force from and after the date of passage. Such ordinance shall not be subject to the mayor's veto or be subject to referendum.

E. Conflicting questions and issues.

If two or more proposals are approved or adopted at the same election, and the solicitor finds that any provisions of two or more proposals are in conflict, the proposal receiving the highest number of votes shall prevail.

F. PETITION-INITIATED ORDINANCE

1. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal to not less than ten per cent of the total vote cast for governor at the most recent general election for governor in the city. Any such proposed ordinance shall comply, in all respects, with the requirements of this charter and applicable rules of council regarding ordinances.

2. Council action on initiated ordinances.

The clerk of council shall notify the mayor, the council, and the solicitor of the election authorities' conclusion regarding the validity of the signatures on the petitions to enact an ordinance immediately upon receipt of the report from the election authorities. If the clerk of council notifies the mayor, the council, and the solicitor that the elections authorities determined the petition has a sufficient number of signatures, the council shall determine whether the petition is otherwise sufficient as authorized by this charter and general laws of the state. If the council finds the petition is otherwise sufficient, it shall take either of the following actions:

- (a) vote to adopt the proposed ordinance without alteration; or
- (b) pass an ordinance to provide for the submission of the proposed ordinance in its original form to a vote of the electors of the city in such time as to allow it to be on the ballot at the next regular municipal election scheduled not less than sixty nor more than 120 days after its passage. If no such election will be held within that period, the council shall, at its sole discretion, order and provide for the submission of such proposed ordinance to a vote of the electors of the city at either a special election within such period or at the next regular municipal election.

3. Ballot language, initiated ordinance.

In any ordinance placing a proposed ordinance on the ballot, the council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot.

4. Effect of electoral vote on proposed ordinance.

If such proposed ordinance is approved by a majority of the electors voting on it, it shall become an ordinance of the city at the time fixed therein, or upon the completion of the official canvass of the election, whichever is later.

G. REFERENDUM

1. Referendum initiated by petition.

Any proposed referendum may be submitted to the council by a petition signed by registered electors of the city equal to not less than ten per cent of the total vote for governor at the most recent general election for governor in the city, and such petition shall be submitted within thirty days of final action by the council.

2. Effect of referendum petition on subject ordinance.

If a petition for referendum is filed as provided in this charter regarding an ordinance that shall go into effect thirty days after final passage by the council, such ordinance shall not be operative until the steps indicated herein have been taken. Emergency ordinances shall not be subject to referendum.

3. Council action on petition for referendum.

If the clerk of council notifies the mayor, the council, and the solicitor that the elections authorities determined the petition has a sufficient number of signatures, the council shall determine whether the petition is otherwise sufficient as authorized by this charter and general laws of the state. If the council finds the petition is otherwise sufficient, it shall take either of the following actions:

- (a) vote to repeal the subject ordinance; or
- (b) pass an ordinance to provide for the submission of the proposed referendum in its original form to a vote of the electors of the city in such time as to allow it to be on the ballot at the next regular municipal election scheduled not less than sixty nor more than 120 days after its passage. If no such election will be held within that period, the council shall, at its sole discretion, order and provide for the submission of such proposed ordinance to a vote of the electors of the city at either a special election within such period or at the next regular municipal election.

4. Ballot language, referendum.

In any ordinance placing a referendum on the ballot, the council shall prescribe a brief summary of the referendum, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot.

5. Effect of electoral vote on referendum.

If such proposed referendum is approved by a majority of the electors voting thereon, the ordinance which was the subject of the referendum shall be repealed upon the completion of the official canvass of the election.

H. CHARTER AMENDMENTS

1. Proposed amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the council and such submission shall be by ordinance. Proposed amendments to this charter shall be submitted by the council forthwith upon a petition signed by electors of the city equal to not less than ten percent of the total vote cast at the last preceding regular municipal election.

2. Council action on petition for proposed charter amendment.

The clerk of council shall notify the mayor, the council, and the solicitor of the election authorities' conclusion regarding the validity of the signatures on the petitions to enact an ordinance for a charter amendment forthwith upon receipt of the report from the election authorities. After receiving notification from the clerk of council that there are sufficient valid signatures on the petition, the council shall forthwith provide by ordinance for the submission of such proposed charter amendment to a vote of the electors of the city.

3. Placement of issue on the ballot.

The ordinance shall order and provide for the submission of such proposed charter amendment to the electors at the next regular municipal election if one shall occur not less than sixty nor more than 120 days after its passage; otherwise, it shall provide for the submission of the question at a special election to be called and held within that time.

4. Notice of charter amendment.

The clerk of council shall provide notice of any proposed charter amendment as provided for by general laws of the state, unless otherwise provided by this charter or ordinance of council.

5. Ballot language, generally.

In any ordinance placing a proposed charter amendment on the ballot, the council shall prescribe a brief summary of the proposed amendment, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot.

6. Effect of approval at election.

If such proposed amendment is approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed in the proposed amendment, or upon completion of the official canvass of the election, whichever is later.

Article IX. – NOMINATIONS AND ELECTIONS

Section 1.

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 laws; and the provisions of the general election laws of the state shall apply to all such elections except as provision is otherwise made by this charter. The provisions of the laws of the state pertaining to campaign financing, campaign contributions, and campaign expenditures shall apply to all such elections except as provision is otherwise made by ordinance of the council or this charter.

Commencing in November 2021, a regular municipal election for the choice of members of council shall be held every two years on the first Tuesday after the first Monday in November.

Commencing in November 2001, a regular municipal election for the choice of mayor shall be held every four years on the first Tuesday after the first Monday in November. A regular municipal election for the choice of mayor shall be held on the date of the regular municipal election held during the second calendar year following the mayor's election when necessary to fulfill the provisions of Article III, Section 3 of this charter.

Section 2.

Any person eligible to the office of member of the council or the office of mayor may be placed in nomination therefor only by a petition filed in such person's behalf with the election authorities and signed by not less than 500 nor more than 1000 electors. Signatures to nominating petitions need not be appended to one paper but to each separate paper there shall be attached a statement of the circulator thereof stating that each signature thereto was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his or her name, address, and date of signing in ink or indelible pencil.

An elector may sign petitions for no more than one candidate for mayor and for no more council candidates than the number to be elected at any election. If an elector signs petitions for more than one candidate for mayor or for more than the number of other candidates to be elected, the elector's signature shall be declared valid on petitions in the order of filing.

An eligible person who has accepted a nomination for mayor as provided in Article IX, Section 4 shall not be eligible for election to the office of member of council that year.

Section 4.

Except as provided herein, all separate papers comprising a nominating petition for member of council or for mayor shall be assembled and filed with the election authorities as one instrument at least 75 days prior to any election at which candidates are to be determined or elected. In the event of an election to fill the unexpired term of the office of mayor, all separate papers comprising a nominating petition for the unexpired term of office of mayor shall be assembled and filed with the election authorities as one instrument at least 60 days prior to any primary election for such expired term of the office of mayor.

Within ten days after the certification of a nominating petition the election authorities shall notify the person named therein as a candidate whether the petition is found to satisfy all the prescribed conditions.

If the election authorities determine that a nominating petition has insufficient valid signatures more than 75 days prior to the election, the potential candidate may submit a supplemental nominating petition as one instrument on or before 75 days prior to any election at which candidates are to be determined or elected. If there is an election to fill the unexpired term

of the office of mayor and the election authorities determine that a mayoral nominating petition has insufficient valid signatures more than fifty days prior to the election, the potential candidate may submit a supplemental nominating petition as one instrument at least fifty days prior to any primary election for such expired term of the office of mayor.

Any eligible person placed in nomination as herein provided shall have his or her name printed on the ballot if, within five days after such notification, such person files with the election authorities a written acceptance of the nomination.

Section 2. That the form of submission of the proposed amendment to the electors shall be substantially as follows:

CHARTER AMENDMENT A majority vote is necessary for passage.	
YES	Shall the Charter of the City of Cincinnati be amended to clarify the process for citizens to initiate charter amendments, ordinances, and referenda by providing a process and timeline for submitting petitions for initiatives, referenda, and Charter amendments to the Clerk of Council to allow a reasonable time for verification of signatures and drafting necessary ordinances and an opportunity for citizens to collect additional signatures on petitions; requiring petition circulators to submit a certified copy of any initiative, referendum, or Charter amendment petition to the Clerk of Council before collecting signatures on the petitions; permitting City Council to cast their votes by any method that publicly announces their vote, including voice, electronic, or other mechanical method; clarifying throughout the Charter that Council terms are two years; clarifying that candidate petition circulators must sign a statement rather than provide a notarized affidavit on candidate petitions; aligning the timeline for filing a nominating petition for an election to an unexpired term of office of mayor with state and federal requirements; and providing an opportunity for candidates for Council and Mayor to collect additional signatures on their petitions by amending existing Sections 3 and 5 of Article II, "Legislative Power," and existing Sections 1, 2, and 4 of Article IX, "Nominations and Elections," and by enacting new Section 8 of Article II, "Legislative Power"?
NO	

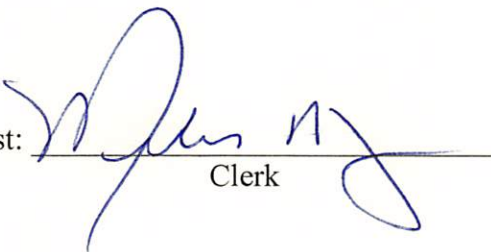
Section 3. That the Clerk of Council shall give notice of the proposed Charter Amendment in the manner provided by Sections 8 and 9 of Article XVIII of the Ohio Constitution and Section 731.211 (B) of the Ohio Revised Code.

Section 4. That the Clerk of Council is directed to certify and transmit to the Board of Elections of Hamilton County, Ohio, a copy of this ordinance and direct the said Board to submit the proposed Charter amendment to the electors of the City of Cincinnati as provided by law.

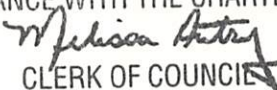
Section 5. That the Board of Elections of Hamilton County, Ohio, shall certify to the Council the result of the vote upon said amendment, and if said amendment is approved by a majority of the electors voting thereon, new Sections 3, 5, and 8 of Article II, "Legislative Power," and new Sections 1, 2 and 4 of Article IX, "Nominations and Elections," shall become a part of the Charter of the City of Cincinnati.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall be effective immediately. The reason for the emergency is the immediate necessity to authorize the Clerk of Council to certify and transmit this ordinance to the Board of Elections at least sixty days prior to the 2023 general election.

Passed: September 7, 2023

Attest: 
Clerk


VICE Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 291-2023
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 9/19/2023

CLERK OF COUNCIL