

ORDINANCE NO. 46-2020

**TITLE: PROPOSED CHARTER AMENDMENT
ELIMINATION OF PRIMARY ELECTION**

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUMMIT COUNTY BOARD OF ELECTIONS TO SUBMIT A PROPOSED CHARTER AMENDMENT TO THE ELECTORS OF THE CITY OF BARBERTON, TO ABOLISH THE PRIMARY ELECTION HELD ON THE EIGHTH (8TH) TUESDAY PRIOR TO SUCH GENERAL MUNICIPAL ELECTION, TO REDUCE THE COST OF ELECTIONS FOR THE BARBERTON TAXPAYERS, TO BE VOTED UPON AT THE NOVEMBER 3, 2020 GENERAL ELECTION.

WHEREAS, the voters of the City of Barberton at the general election held in this City on November 6, 1973, adopted by a majority vote the Barberton City Charter; and

WHEREAS, pursuant to Section 12.01 of this Charter, Council may, by a 2/3's affirmative vote, submit any proposed amendment(s) to this Charter to the electors in accordance with the provisions of the Constitution and laws of Ohio; and

WHEREAS, the City of Barberton primary election is currently in September, as Article 7 Section 02 of the Charter of the City of Barberton 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 7 Section 02 of the Charter will eliminate the primary election for municipal elections and become non-partisan; and

WHEREAS, eliminating the primary is expected to result in significant cost-savings to Barberton taxpayers because the City absorbs 100% of the cost as the only political subdivision in the County of Summit to hold an election at that time; and

WHEREAS, the Charter of the City of Barberton and the Ohio Constitution Article XVII, Sections 8 and 9 requires the proposed Charter amendment to be submitted to the citizens of the City of Barberton 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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That in accordance with Section 12.02 of the Barberton City Charter, the Council hereby directs the Summit County Board of Elections that certain proposed Charter amendments be placed before the electors of the City of Barberton at the general election to be held on November 3, 2020, and that the proposed amendments be stated on the ballot as follows:

That Section 7.02, "Nominating Elections (Primaries)," of the Charter be showing said amendment with a ~~strike through~~ for any deletions and **bold** for any additions.

SECTION 7.02. NOMINATING ELECTIONS (PRIMARIES).

Except as otherwise provided in this Charter, all elections shall be held and conducted and the results thereof ascertained and certified as provided by the general laws of the State of Ohio and by the election authorities therein provided for.

~~Candidates for all offices at any general Municipal election under the provisions of this Charter, with the exception of independent ad write-in candidates, shall be nominated at a primary election, to be held on the eighth (8th) Tuesday prior to such general Municipal election~~

There shall be no primary election for a municipal office. Candidates for all offices at any general Municipal election under the provisions of this Charter, including independent and write-in candidates, shall be non-partisan, without party affiliation appearing on the ballot.

The ballot language for the election of the above-proposed amendment shall be as follows:

YES NO Shall Section 7.02 of the Charter of the City of Barberton be amended to: eliminate the nominating primary in all Municipal elections?

SECTION 2. That the Summit County Board of Elections shall cause notice of the election to be held on November 3, 2020, on the question of the proposed amendments of the Charter of the City of Barberton to be given in the manner provided by law and shall prepare ballots and otherwise conduct and supervise such election and canvas and certify the results thereof in the manner provided by law.

SECTION 3. That the Clerk of this Council is hereby directed to immediately forward a certified copy of this ordinance to the Summit County Board of Elections.

SECTION 4. That the Clerk of this 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 5. That there is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorization and directions of this ordinance.

SECTION 6. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 7. That this ordinance shall be in full force and affect from and after the earliest period allowed by law.

Passed _____ 2020

Clerk of Council

President of Council

Approved _____ 2020

Mayor