

ORDINANCE NO. 47-2020

**TITLE: PROPOSED CHARTER AMENDMENT
PRIMARY ELECTION DATE**

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 ESTABLISH A MAY PRIMARY ELECTION DATE FOR MUNICIPAL ELECTIONS IN THE CITY OF BARBERTON, IN ORDER TO REDUCE THE COST OF THE PRIMARY ELECTION 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 state primary election is in May. Ohio Revised Code Section 3501.01(1) states, in relevant part, that "Primary elections shall be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held"; 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 establish a primary election date for municipal elections within the City of Barberton consistent with the May primary election date established by the Ohio Revised Code; and

WHEREAS, moving the City of Barberton primary election to the same date as the state primary election date in May is expected to result in significant cost-savings to Barberton taxpayers because in larger elections a larger number of political subdivisions share in the expense of the election, thereby decreasing the per-precinct amount charged to each political subdivision; and

WHEREAS, the May primary election traditionally has a higher voter turnout than the September primary election; 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, **in order to reduce the cost of the primary election** to be held on the ~~eighth (8th) Tuesday prior to such general Municipal election~~ **first Tuesday after the first Monday in May.**

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: move the primary election date for municipal elections to the first Tuesday after the first Monday in May to be consistent with the primary election date established by state law and reduce the cost of the primary election?

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 effect from and after the earliest period allowed by law.

Passed _____ 2020

Clerk of Council

President of Council

Approved _____ 2020

Mayor