

ORDINANCE NO. 119– 2025
AMENDMENT
CITY OF BARBERTON CHARTER

AN ORDINANCE OF THE CITY OF BARBERTON PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF BARBERTON AT THE NEXT REGULAR NOVEMBER ELECTION A REPLACEMENT OF ARTICLE 7 OF THE CHARTER OF THE CITY ENTITLED “ELECTIONS” AND REPLACING WITH A NEW ARTICLE 7 ENTITLED “NOMINATIONS AND ELECTIONS” ALLOWING FOR NON-PARTISAN ELECTIONS, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with Article 12 of the City Charter, the Mayor appointed and Council affirmed the Charter Review Commission.

WHEREAS, the Committee has reviewed and recommended to City Council certain amendments to the Charter.

WHEREAS, Council reviewed the recommendation, accepted some and rejected others.

WHEREAS, Certain Council Members also proposed Charter amendments;

WHEREAS, after many meetings and discussions, Council has agreed on several Charter amendments.

NOW, THEREFORE, BE IT RESOLVED, AND IT HEREBY ORDAINED, that the City of Barberton, County of Summit, State of Ohio, not less than 2/3 of all members of concurring:

SECTION 1. That Council hereby proposes the amendment of the Charter of the City of Barberton by showing said amendment with a ~~strike through~~ for any deletions and **bold** for any additions to read as follows:

SECTION 2. That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article 12 of the Charter of the City of Barberton, this Council hereby authorizes and directs the submission to the electors of the City of Barberton, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 4, 2025, the following proposal to amend the Charter of the City of Barberton, Ohio:

To replace the current partisan nomination and election section with a new non-partisan nomination and election section

Article 7 shall be repealed and replaced with a new Article 7:

ARTICLE 7
ELECTIONS
NOMINATIONS AND ELECTIONS

SECTION 7.01. TIME FOR HOLDING ELECTIONS.

~~General Municipal elections shall be held on the first Tuesday after the first Monday of November in odd numbered years. Such other elections shall be held as may be required by law or authorized by this Charter. Any matter which, by the terms of this Charter may be submitted to the electors of the City at any special election, may be submitted at the time of a primary or general election.~~

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 and 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 first (1st) Tuesday after the first (1st) Monday in May. The method of nomination shall be as provided by general law. (Nov. 6, 1990; Nov. 3, 2020)~~

SECTION 7.01 REGULAR MUNICIPAL ELECTION.

The regular Municipal election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year. All elections shall be non-partisan, without party affiliation appearing on the ballot.

SECTION 7.02 PRIMARY ELECTION.

There shall be no primary election for a municipal office unless the number of persons filing nomination petitions exceeds one (1) more than two (2) times the number of offices available for nomination. For the office of Mayor, Director of Law and Director of Finance there shall be no primary election unless four (4) or more persons file nominating petitions.

For the office of Ward Council Member, there shall be no primary election for such ward unless four (4) or more persons file a nominating petition for such ward. For purposes of this provision affecting the necessity of a primary election, the term “nominating petition” shall include only those petition and nomination papers, which the Board of Elections have reviewed, examined, and certified as to their sufficiency and validity.

In the event it is necessary to hold a primary election, such nonpartisan primary election shall be held in the Municipality on the first Tuesday after the first Monday in May prior to such Municipal election. Those persons receiving the highest vote totals, and equal in number to twice the number of offices for which such election is held, shall be designated candidates for such office, subject to applicable provisions of this Charter.

SECTION 7.03 NOMINATIONS.

Each person desiring to become a candidate for nomination to be voted for at a primary election shall, not later than 4:00 p.m. of the ninetieth day before the day of such primary election, file with the Board of Elections of Summit County, Ohio, a declaration of candidacy and a nominating petition. Each nominating petition of a candidate for an office filled by election for Mayor, Director of Law, Director, Finance, President of Council and Council At Large shall be signed by not less than seventy-five (75) qualified electors of the Municipality and shall contain signatures of qualified electors from each ward in the Municipality. Each nominating petition of a candidate for ward Councilperson shall be signed by not less than twenty-five qualified electors from such ward. Each candidate shall file a separate nominating petition. Group petitions shall not be used.

SECTION 7.04 OTHER ELECTIONS.

Such other elections shall be held as may be required by law or provided for in this Charter. Any matter which, by the terms of this Charter, may be submitted to the electors at any special election may be submitted at the time of a primary or regular election.

SECTION 7.05 GENERAL PROVISIONS.

Except as otherwise provided in this Charter, the laws of the State of Ohio applicable to elections shall govern the procedure for the nomination and election of the elective officers of the Municipality and the method of holding and conducting elections

SECTION 3. That if the foregoing proposal receives the affirmative vote of the majority of the electors voting thereon, Article 7 shall be repealed and replaced.

SECTION 4. That is the desire of the Council that the ballots for said question shall be in substantially the following form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

Shall Article 7 of the City Charter be repealed to replace partisan elections with non-partisan elections?

_____ YES

_____ NO

SECTION 5. That the clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Summit County no later than August 8, 2025.

SECTION 6. That the Board of Elections of Summit County shall cause an appropriate notice to be duly given of the regular election to be held on November 4, 2025 on the foregoing amendment to the Charter of this City, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 7. That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Barberton, with the first publication to be made at least fifteen (15) days prior to the election to be held on November 4, 2025 or to mail a copy of such proposed Charter amendment to each elector whose name appears in the registration books of the last general or regular municipal election held in the City at least thirty (30) days prior to the November 4, 2025 election, all as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, in Section 731.211 of the Ohio Revised Code and Article 12, Section 12.01 of the Charter.

SECTION 8. 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 it's committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 9. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order to facilitate timely implementation, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after it's passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed JULY 28, 2025

Clerk of Council

President of Council

Approved _____ 2025

Mayor