

Placed on 1st reading & referred to COW
2/19/19; 2nd reading 3/4/19;
recommended for adoption by COW 4/01/19

Anderson, Bullock, George, Litten,
O'Leary, O'Malley, Rader

ORDINANCE NO. 07-19

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, providing for the submission to the electors of the City of Lakewood an amendment to the Third Amended Charter of the City of Lakewood in order to create a primary election for the office of municipal court judge.

WHEREAS, Article XVIII, Section 9 of the Ohio Constitution permits City Council the authority to submit proposed amendments to the Charter to the electors of the City by a two-thirds' vote of Council; and

WHEREAS, Section 7.5 of the Charter permits City Council the authority to submit proposed amendments to the Charter to the electors of the City by a two-thirds' vote of Council; and

WHEREAS, R.C. 1901.07 provides that candidates for municipal court judges in chartered cities like Lakewood may be nominated by primary election if the charter makes specific provision for nomination of candidates for office of municipal court judge by primary election; and

WHEREAS, Section 9.1 of the Charter currently provides that no primary election be held to nominate municipal court candidates; and

WHEREAS, because primary elections are used for all other offices in Lakewood and provide the benefit of ensuring candidates for local office are elected by a majority of citizens, it is the intention of Council to place before the electors of the City a charter amendment which, if adopted, would establish a primary election for the office of municipal court judge; and

WHEREAS, Section 9.1 of the Charter thus stands to be amended in order to fulfill the intention of Council; and

WHEREAS, as set forth in Section 2.12 of the Charter, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that the deadline for submission of municipal charter amendments to the Cuyahoga County Board of Elections prior to the November 5, 2019 general election is September 6, 2019; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO, at least two thirds of the members of Council concurring:

Section 1. This Council hereby determines to authorize and direct the submission to the electors of the City of Lakewood at the general election to be held at the usual places of voting in the City on Tuesday, November 5, 2019, a proposed amendment to Section 9.1 of the Third Amended Charter of the City of Lakewood in order to create a primary election for the office of municipal court judge.

Section 2. Upon approval of the electors, Section 9.1 of the Third Amended Charter of the City of Lakewood, Elections, shall be amended to read as follows:

**ARTICLE NINE.
ELECTIONS, INITIATIVE, REFERENDUM, RECALL
9.1 ELECTIONS**

(a) Regular and Special Municipal Elections. General municipal elections for the purpose of the election of officers provided for in this charter shall be held on the first Tuesday after the first Monday in November in each odd-numbered year and shall be known as regular municipal elections. Except for primary elections, all other elections held under the provisions of this charter or as may be required by law shall be known as special municipal elections.

(b) Primary Elections. On the second Tuesday in September prior to each general municipal election, a primary election shall be held for the purpose of nominating persons, without regard to political parties, for election to offices provided for by this charter to be voted for at the next regular municipal election.

The number of candidates for the offices of mayor, ~~and each of the four ward councilmembers,~~ and judge of the Lakewood Municipal Court at any regular municipal election shall be the two persons on the primary election ballot receiving the highest number of votes at the primary election. The number of candidates for the office of councilmember at large at any regular municipal election in the city shall be the six candidates on the primary ballot receiving the highest number of votes at the primary election.

In case there shall not be more than two persons who have filed petitions for the office of mayor, ~~or any of the offices of the ward councilmembers,~~ or judge of the Lakewood Municipal Court, then those persons shall be the candidates at the regular municipal election and the primary for the particular office shall not be held. In case there shall not be more than six persons who have filed petitions for the office of councilmember at large, then those persons shall be the candidates at the regular municipal election and the primary for that office shall not be held.

(c) Election Procedures. Write-in votes for municipal candidates in regular municipal elections shall be permitted only if a duly nominated candidate cannot participate due to death or other disqualification, or if a candidate does not have an opponent, or if no candidate has been nominated. The ballots used in the primary and regular municipal elections shall be without party mark or designation. The names of all candidates shall be placed upon the same ballot and shall be rotated in the manner provided by general law.

(d) Certificate of Nomination when no Primary is Held. In the event a primary election is not held, the county board of elections shall declare each candidate to be nominated, issue appropriate certificates of nomination to them and certify their names in order that they be printed on the official ballots provided for use in the regular municipal election, as if a primary election had been held and each person had been nominated at that election.

(e) Designation of Candidates. Candidates for nominations to elective offices provided for in this charter shall have their names printed on the official primary ballot by filing a declaration of candidacy, meeting all required qualifications and paying any required filing fees.

(f) Declarations of Candidacy. Candidates for the offices of mayor and member of council shall, not later than 4:00 p.m. of the 90th day before the day of the municipal primary election, file a declaration of candidacy. Except as otherwise required by this charter, the general law of the state shall govern declarations of candidacy. Nominations for each elective municipal office shall be made by petition only, on standard forms provided by the county board of elections for the nomination of nonpartisan candidates. Declarations of candidacy for write-in candidates shall be made on standard forms provided by the county board of elections and submitted within a period of time prescribed by the general law of the state.

(g) Ballot Form. Except as otherwise required by this charter, the form of the ballot at primary, special and regular municipal elections shall be determined by the election authorities in accordance with general law.

(h) Nomination and Election of Judges. Candidates for judge of the Lakewood Municipal Court shall file a declaration of candidacy and be nominated by petition signed by at least 200 registered voters of the city. The petition or petitions when filed shall be accompanied by the written acceptance of the nominee. Each signer of a petition shall sign his or her name and after his or her name designate his or her residence. The petition or petitions shall be filed

with the county board of elections as one instrument not later than 4:00 p.m. of the 90th day before the day of the municipal primary election~~at least 90 days prior to the date of the election~~ for the office of judge. The names of all nominated candidates shall appear on a nonpartisan judicial ballot in the regular municipal election. ~~There shall not be a primary election to nominate judicial candidates.~~

Section 3. The Board of Elections of Cuyahoga County is hereby directed to submit the following question to the electors of the City at the general election on November 5, 2019:

Shall Section 9.1, Elections, of the Third Amended Charter of the City of Lakewood be amended to require that candidates for judge of the Lakewood Municipal Court be nominated at the municipal primary election in the year of their election?

Section 4. The Clerk of this Council is instructed to file a certified copy of this Ordinance and the proposed form of the ballot question with the Cuyahoga County Board of Elections not later than 4 p.m. on September 6, 2019.

Section 5. If the majority of electors vote in favor of adopting the above-stated amendment to the Third Amended Charter of the City of Lakewood, it shall become effective immediately.

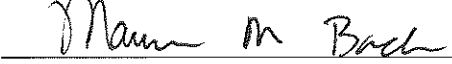
Section 6. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Section 7. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: 4/15/19

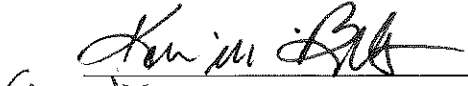


President



Clerk

Approved: 4/17/19



(ACTIVE) Mayor