

Sec. 3. - Legislative powers.

The legislative powers of the city, except as reserved to the people by this charter, shall be vested in a council, ~~consisting of seven members, elected at large.~~

Sec. 4. - Council members.

~~All council members shall serve for a term of four years; except that at the first election the four candidates having the highest number of votes shall serve for four years, and the three candidates having the next highest number of votes shall serve for two years. Council members shall be elected at large and from districts. There shall be three members elected at large. One member shall be elected from each district drawn pursuant to Section 7 of this Charter. All council members shall serve for a term of four years; except that at the 2017 election the five candidates elected from districts and the two candidates elected at large having the highest number of votes shall serve for four years beginning January 1, 2018 and ending at midnight December 31, 2021, and the five candidates elected from districts and the one candidate elected at large having the next highest number of votes shall serve for two years beginning January 1, 2018 and ending at midnight December 31, 2019. After the 2017 election, all council members shall serve for four years.~~

Sec. 5. - Vacancies.

If a city council member dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the successor shall be appointed by council to serve until ~~the first day of January~~ midnight December 31 following the next regular municipal election. If such election be the time for the regular election of the council member, a council member shall then be elected to serve for a term of four years; otherwise, for the unexpired term. If a council member elected from a district vacates his or her office, the successor appointed shall be an elector of the district and shall have resided in that district for not less than one consecutive year preceding the date of appointment. Vacancies in the council shall be filled by the council; provided, however, that, if the vacancies in the council are not filled by the council within thirty (30) days from the date following the occurrence of such vacancy, the mayor shall have in all future balloting a vote on the question of filling such vacancies.

Sec. 5-1. - Temporary inability.

If a city council member is unable to discharge the powers and duties of office, such inability being of temporary duration, the member, or the member's agent, shall transmit to the presiding officer of council a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of this section, each council member shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the member's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

Sec. 5-2. - Permanent inability.

If a city council member has been unable to discharge the powers and duties of office for ninety

consecutive days, and no written declaration of temporary inability was in effect during such ninety consecutive days, such act shall work a forfeiture of office and the presiding member of council shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

Sec. 6. - Qualifications of council members.

Members of council shall be electors of the city, shall have resided within the corporate limits of the city of Columbus for not less than one consecutive year preceding the date of the regular primary election for such office, and shall, at all times during the term of office, maintain residence in the city of Columbus. Members of council representing districts shall be electors of those districts, shall have resided within the district borders for not less than one consecutive year preceding the date of the regular primary election for such office, and shall, at all times during the term of office, maintain a residence in those districts. Council members shall not hold any other public office except that of notary public, or member of the state militia or any reserve unit of the Armed Forces of the United States of America. Any member who shall cease to possess any of the qualifications herein required shall forthwith forfeit the office and the vacancy shall be filled as provided for herein.

Sec. 6-1. - Revised district borders not cause for disqualification.

No member of council representing a district shall be disqualified for office by reason of a change of district borders of a member's current district made during that member's term, provided that member remains a resident of the city of Columbus. For elections following the adoption of redistricting plans, members shall have been residents of the districts they seek to represent before filing a nominating petition for that office.

Sec. 7. - District Apportionment.

Within two hundred forty days following adoption of this amendment, an apportionment committee shall apportion the city into ten districts based on the city's population as determined by estimate population figures compiled by the U.S. Census Bureau in its 2010 decennial census. Within two hundred forty days following the release of each federal decennial census thereafter, an apportionment committee shall reapportion the city into no fewer than four, but no more than twenty two, districts based on the city's population as reported in the decennial census using the following table:

<u>If the city's population is:</u>	<u>The city shall be divided into the following number of districts:</u>
<u>1,650,000 or more</u>	<u>22</u>
<u>1,500,000 or more but less than 1,650,000</u>	<u>20</u>
<u>1,350,000 or more but less than 1,500,000</u>	<u>18</u>
<u>1,200,000 or more but less than 1,350,000</u>	<u>16</u>
<u>1,050,000 or more but less than 1,200,000</u>	<u>14</u>
<u>900,000 or more but less than 1,050,000</u>	<u>12</u>

750,000 or more but less than 900,000	10
600,000 or more but less than 750,000	8
450,000 or more but less than 600,000	6
Less than 450,000	4

If an apportionment committee fails or neglects to apportion or reapportion the city into districts by the dates herein provided, the mayor shall within fifteen days thereafter submit to the city clerk a plan for district apportionment drawn according to the provisions herein provided, which district apportionment plan of the mayor shall become effective until the next regular district reapportionment.

Sec. 7-1. - District Criteria.

District borders shall be drawn to produce compact and contiguous districts that are not gerrymandered. The population of the largest district shall exceed the population of the smallest by no more than five percent. To the extent practical, district borders shall follow street lines, recognized waterways and geographic boundaries, and Columbus communities and neighborhoods. In drawing the borders, neither the committee nor the districting master appointed pursuant to Section 7-4 shall consider the residence of any person. When any territory is annexed to the city the council shall by ordinances declare it a part of an adjacent district or districts until the next regular district reapportionment.

Sec. 7-2. - Formation of Apportionment Committees.

Immediately following adoption of this amendment, and immediately following the release of each federal decennial census thereafter, the city clerk shall broadly advertise, for not less than thirty days in electronic and print media, that qualified electors of the city of Columbus may submit to the city clerk an application for appointment to the apportionment committee. No person who is an elected official, a registered lobbyist, a candidate for elective office, or a Columbus city employee shall be considered qualified. All other electors of the city of Columbus shall be considered qualified. All such applications shall be available for public inspection. Within thirty days following adoption of this amendment, and within thirty days following the release of each federal decennial census thereafter, the city clerk shall establish a pool of qualified applicants.

A nine-member apportionment committee shall be appointed from the pool of qualified applicants established by the city clerk pursuant to the provisions herein provided. To the extent practicable, appointments to the committee shall broadly reflect the population of the city demographically and geographically. Within forty five days following the adoption of this amendment, and within forty five days following the release of each federal decennial census thereafter, the mayor shall appoint one member from the party then holding the majority of seats in council, one member from the largest minority party then holding seats in council and one member who shall be unaffiliated or a member of a party holding no seats in council. Within forty five days following the adoption of this amendment, and within forty five days following the release of each federal decennial census thereafter, the council, by majority vote, shall appoint one member from the party then holding the majority of seats in council, one member from the largest minority party then holding seats in council and one member who shall be

unaffiliated or a member of a party holding no seats in council. The remaining three members shall be appointed by a majority vote of the first six members. Within sixty days following the adoption of this amendment, and within sixty days following the release of each federal decennial census thereafter, the first six members shall appoint one member from the party then holding the majority of seats in council, one member from the largest minority party then holding seats in council and one member who shall be unaffiliated or a member of a party holding no seats in council. If fewer than nine qualified electors apply for appointment, the mayor shall make up the deficit by appointing other qualified electors to the committee. The committee, by majority vote, shall elect a chair from among its members.

Sec. 7-3 . - Operation of Apportionment Committees.

The apportionment committee shall comply with all applicable laws governing public records and meetings, act by majority vote, establish and electronically advertise a schedule that shall include not less than three public hearings where city residents may present apportionment plans to the committee for consideration. The committee shall have all the powers reasonably necessary to carry out its purpose, including the power to enter into contracts and employ experts, consultants, and attorneys not employed by the city. The committee shall prepare relevant financial statements and compose and turn over to the city clerk an official record of all relevant information. Members of the committee shall receive no compensation, shall be reimbursed for reasonable expenses actually incurred, and shall have all legal immunities applicable to city committees, boards or commissions. Council shall appropriate to the committee funds and other reasonably necessary staff resources sufficient for the committee's operation . The city attorney shall provide legal counsel to the committee.

Sec. 7-4. -Appointment of Districting Masters.

The apportionment committee shall no later than sixty days after appointment appoint a districting master, or districting masters, who shall be qualified by education, training and experience to draw a district apportionment plan. If the committee is unable to agree upon the appointment of a districting master within sixty days, the mayor shall appoint a districting master no later than seventy five days after the apportionment committee 's appointment.

Sec. 7-5. - Drawing and Selection of District Apportionment Plan.

Based upon committee and public input, the districting master, or districting masters, shall draw no more than three district apportionment plans for the city and submit them to the apportionment committee no later than ninety days after his or her appointment. The committee shall develop, approve, and make public those draft district apportionment plans and then after public comment, approve a final district apportionment plan within thirty days of submission of those plans. Upon adoption, the district apportionment plan shall be filed with the city clerk. The plan shall become effective upon filing and cannot be amended by council except to correct data errors upon request by the committee.

Sec. 9. - Rules.

The council shall determine its own rules and order of business.

Sec. 9-1. - Journal.

The council shall keep a journal of its proceedings, which journal shall be maintained as a

permanent electronic record that is made available to the public pursuant to the general laws of the state governing public records.

Sec. 9-2. - Organization of council.

The council shall organize itself as it deems appropriate, including the formation of and rules for special committees and standing committees to promote the thorough and effective conduct of the business of the council.

Sec. 9-3. - Expelling, removing, forfeiting office.

The council shall be the judge of the election and qualification of its members. Council may punish or expel any member for gross misconduct, or for malfeasance, misfeasance, or nonfeasance in office, or upon conviction of a felony or other crime involving moral turpitude while in office, or for disorderly conduct, or violation of its rules during the term of office. No expulsion shall take place without the concurrence of ~~six members~~ no less than four fifths of council, nor until the delinquent member shall have been notified of the charge and been given an opportunity to be heard. Any vacancy created upon the expulsion of a member shall be filled as provided for in this charter. In addition to these provisions and those regarding permanent inability, absence from eight consecutive regular council meetings shall operate to vacate the seat of a council member unless the absence is excused by resolution, adopted by vote of three-fifths of its members, setting forth such excuse and entered upon the journal.

Sec. 17. - Legislative procedure.

~~Four members~~ A majority of council shall constitute a quorum to do business, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner and under such penal ties as may be prescribed by ordinance.

Sec. 18. - [Action on ordinances or resolutions.]

The action of council shall be by ordinance or resolution and the affirmative vote of at least ~~four members~~ a majority of council shall be necessary to adopt any ordinance or resolution. The vote upon the passage of all ordinances, and upon the adoption of such resolution as the council by its rules shall prescribe, shall be taken by "yea" and "nays" and entered upon the journal. Every ordinance and resolution of the council, so adopted, shall be maintained as a permanent electronic record that is made available to the public pursuant to the general laws of the state governing public records.

Sec. 22. - Emergency measures.

All ordinances and resolutions shall be in effect from and after thirty days from the date of their passage by the council except as otherwise provided in this charter. The council may, by a vote of ~~six of its members~~ no less than four fifths of council, pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing for an emergency in the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto.

Sec. 41. - Nominations and elections.

(a) Elections. A general election for the choice of elective officers provided for in this

charter shall be held on the first Tuesday after the first Monday in November in odd numbered years. Elections so held shall be known as regular municipal elections. Such other elections shall be held as may be required by law or provided for in this charter.

(b) Nominations. Candidates for all offices to be voted for at any municipal election under the provisions of this charter shall be nominated at a nonpartisan primary election to be held in odd numbered years on the same date as may be provided in the general laws of the state for the holding of primary elections.

(c) All elections provided for in this charter shall be conducted and the results certified in accordance with general laws of the state, unless otherwise provided for in this charter or ordinance of council.

(d) At each election, the electors voting therein may cast their votes for not more than the number of persons to be elected to the office in question.

Sec.41-1. - Political contributions.

Nothing in this charter, directly or through incorporation of state election laws, shall prevent the city from adopting ordinances, enforcing requirements, or setting limits or disclosure requirements on campaign finances or monetary contributions relating to elections for city ballot issues or offices.

Sec. 41-2. - Ballots.

All elections provided for in this charter shall be by secret ballot, and such ballots shall be nonpartisan, without party marks or designations.

Sec. 41-3. - Nomination of council members and other officers.

(a) Candidates for the office of city council member and for mayor, city attorney, and auditor, shall be nominated by a nonpartisan primary election. The name of any elector of the city shall be printed upon the primary ballot if there is filed with the election authorities a valid nominating petition in accordance with the following provisions:

(1) The requirements for such petition form and circulation, and for the validation of such petition and the parts thereof and signatures thereon, shall be as provided for nonpartisan nominations in general laws of the state, unless otherwise provided for by this charter or ordinance of council.

(2) Such petition shall be signed by not less than one thousand registered electors of the city or, for an office of city council member representing a district, not less than one hundred fifty registered electors of that district, and such signatures shall be affixed thereon no more than one year prior to the date of filing.

(3) Such petitions shall be filed with the election authorities no later than four p.m., not less than ninety days previous to the day of such primary election.

(4) Such petitions shall contain the names and addresses of five registered electors of the city of Columbus designated in advance by the candidate or candidates as a nominating committee.

(b) Notwithstanding the provisions of paragraph (a) of this section, if no petition in

accordance with the provisions of this section is filed for any of the offices to be voted on at the next regular municipal election, or if the number of persons filing such petitions does not exceed, as to any such office, the number of candidates which would be placed upon the ballot at the next regular municipal election, then no primary election should be held for the purpose of nominating candidates for such office to be voted upon at such next regular municipal election. The election officials whose duty it would have been to provide for and conduct the holding of such primary election, shall declare the results thereof and issue certificates of nomination to the persons entitled thereto if such primary election had been held, shall declare each of such persons filing petitions in accordance with the provisions of this section to be nominated and shall place their names on the ballot at the next regular municipal election in the same manner as though such primary election had been held and such persons had been nominated at such elections.

Sec. 41-4. - Nomination and election of the remainder of an unexpired term.

The following procedures for the nomination and election of a successor shall apply when this charter requires an election for the remainder of an unexpired term of office:

- (a) When a vacancy occurs during the term of office of an elected city official and an appointment to fill that vacancy has been made more than thirty days before the deadline for filing nominating petitions for the next regular municipal election, then unless this charter section provides otherwise, the nomination and election of candidates for the unexpired term shall be conducted in the manner provided in this charter for the nomination and election for such office.
- (b) When a vacancy occurs during the term of office of an elected city official and an appointment to fill that vacancy has been made less than thirty days before the deadline for filing nominating petitions for the next regular municipal election but more than ninety days before the next regular municipal election, then candidates seeking election to the unexpired term shall file nominating petitions otherwise in compliance with this charter not less than thirty day after the appointment to fill such vacancy has been made, and there shall be no primary election.
- (c) Notwithstanding other provisions of this charter, in that case the election authorities shall place on the ballot at the next regular municipal election all candidates who have filed valid nominating petitions otherwise in compliance with this charter, and the candidate who shall receive the greatest number of votes shall be declared elected for the unexpired term.
- (d) Notwithstanding other provisions of this charter, an election for the remainder of an unexpired term of office is not required by this charter when an appointment to fill the vacancy occurs less than ninety days before the next regular municipal election.
- (e) The nomination and election for the remainder of an unexpired term of a council member shall be conducted separately from other council nominations and elections that may be on the ballot at that regular municipal election.

Sec. 41-5. - Election of council members and other officers.

The candidates for nomination to the office of city council member who shall receive the greatest vote in such primary shall be placed on the ballot at the next regular municipal election in number not to exceed twice the number of vacancies in the city council to be filled, and the two candidates for nomination for each of the other offices to be filled who shall receive the greatest number of votes shall also be placed on the ballot at such regular municipal election, and the candidates at the regular municipal election, equal in number to the places to be filled, who shall

receive the highest number of votes at such regular municipal election, shall be declared elected. A tie between two or more candidates for the office of city council member, or between candidates for any other office, shall be decided by lot under the direction of the election authorities, as provided by the general election laws of the state.

Sec. 41-6. - Replacement upon death, disqualification or withdrawal of candidate.

(a) If a person nominated by petition as a candidate for the office of city council member or for mayor, city attorney, or auditor, at a nonpartisan primary election, if such an election is to be held for the office sought by such candidate, dies, is disqualified or withdraws before such primary election, the vacancy so created may be filled in the manner and by the deadline provided for in general laws of the state, unless otherwise provided by this charter or ordinance of council.

(b) If a person is either nominated in the primary election as a candidate for the office of council member or for mayor, city attorney, or auditor, for the next subsequent general election or certified as a candidate for the next subsequent general election according to this charter, and such candidate dies, is disqualified, or withdraws before such general election, the vacancy so created may be filled in the manner and by the deadline established in general laws of the state, unless otherwise provided by this charter or ordinance of council.

Sec. 46. - The recall.

Any elective officer provided for in this charter may be removed from office by recall petition. Such recall petition shall contain the signatures of not less than fifteen per cent of the number of electors who voted in the last preceding regular municipal election for mayor, except that recall petitions for council members representing districts shall contain the signatures of not less than fifteen per cent of the number of qualified electors of that district and only qualified electors of that district may sign recall petitions and vote on the recall. Except as herein otherwise provided, no petition for recall shall be filed within one-hundred-eighty days after a person takes office, or within ninety days preceding a regular municipal election for such office. No more than three elective officers may be subject to the recall at any election.

Sec. 46-1. - Petition requirements.

Petitions for the recall shall be submitted to the city clerk within thirty days of the filing of the certified copy of the same. Separate petitions shall be submitted for each elective officer whose removal is sought. Petition for the recall of any elective officer shall contain the name and title of the person subject to the recall and a general statement in not more than two-hundred words setting forth the grounds upon which the removal of such person is sought.

Sec. 46-2. - City clerk action on petition for proposed charter amendment.

Upon receipt of the report regarding the validation of signatures, the city clerk shall forthwith determine the sufficiency of the petition. If the clerk finds the petition sufficient, the city clerk shall forthwith serve notice of that fact upon the elective officer designated in the petition. If the official designated in the petition files a written resignation with the city clerk within five days after such notice, the office shall be forfeited. Such resignation shall be irrevocable, and the vacancy shall be filled in the manner of filling vacancies provided in this charter. If the elective

officer whose removal is sought does not resign within five days after such notice, the city clerk shall thereupon forthwith order and provide for an election to determine the question of the removal of the elective officer. The city clerk shall solicit from such official a general statement in not more than two hundred words of the grounds upon which the person should retain office.

Sec. 46-3. - Placement of recall on the ballot.

The question of the removal of the elective officer shall be submitted to the electors of the city or, if the officer is a council member representing a district, the electors of the district the officer represents, at the next regular municipal election if one shall occur not less than sixty, nor more than one-hundred -twenty, days after the city clerk determines the sufficiency of the same. If no such election will be held within the period herein provided, the city clerk shall order and provide for a special election within such period. If more than three valid petitions have been found sufficient, the three petitions bearing the most valid signatures shall be submitted at such an election. After such election, the city clerk shall repeat the provisions herein until all such sufficient petitions have been submitted to the electors.

Sec. 46-4. - Ballot language, generally.

The ballot for any recall shall be as provided for by general laws of the state, unless otherwise provided by this charter or ordinance of council.

Sec. 46-5. - Effect of electoral vote on recall.

If a majority of the votes cast on the question of removal of any officer are affirmative, the elective officer whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election and the vacancy caused by such recall shall be filled in the manner provided in this charter for filling vacancies caused by death or resignation.