

Sec. 41. The initiative. Nominations and elections.

~~Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city, not less in number than five per cent of the total vote cast at the last preceding general municipal election. All petition papers circulated with respect to any proposed ordinance shall be uniform in character, and shall contain the proposed ordinance in full, and have printed thereon the names and addresses of at least five electors of the city who shall be officially regarded as filing the petition.~~

- (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. The form of such ballots shall be as prescribed by general laws of the state, unless otherwise provided for by this charter or ordinance of council.

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 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.

**PETITIONS FOR INITIATED ORDINANCE, REFERENDUM, RECALL, CHARTER AMENDMENT**

Sec. 42. [~~Petition and signatures.~~] Questions and issues.

~~All signatures appended to any such petition shall be written in ink or indelible pencil, and each signer shall place thereon the place of residence of such elector so signing by street and number and date of signing. The signatures to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof stating the number of signers to such~~

~~part of the petition and that such signatures were appended thereto in the presence of affiant. The petition and signatures thereto appended, so verified, shall be presumed to be in all respects sufficient, unless not later than forty days before the election, it shall be otherwise proven.~~  
(Adopted 11-7-33.)

The following provisions shall govern any petition for an initiated ordinance, referendum, recall, or charter amendment.

Sec 42-1. Petition templates.

The city clerk shall produce petition templates for an initiated ordinance, referendum, recall, and charter amendment, which templates shall conform to general laws of the state, unless otherwise provided by this charter or ordinance of council.

Sec. 42-2. Petition forms.

Each petition for a proposal initiated by a citizen shall comply with the following as to form and with applicable general laws of the state, unless otherwise provided by this charter or ordinance of council:

- (a) A petition may be circulated in separate part-petitions, but shall be uniform in character.
- (b) Each part-petition shall be circulated and submitted as a single instrument.
- (c) The petition and parts thereof shall be printed in a single, uniform color.
- (d) A petition may only contain one proposal, which shall not address multiple or unrelated subject matters or questions of law.
- (e) The title of the proposal shall clearly and without argument describe the proposed ordinance, referendum, recall, or charter amendment, and such title shall be placed, in at least fourteen-point font, on the top of each page of a part-petition, which pages shall be numbered sequentially.
- (f) A petition shall contain a full and correct copy of any proposed ordinance, referendum, or charter amendment, with no summary, argument or other ancillary information regarding the proposal placed thereon, unless otherwise required by this charter or ordinance of council.
- (g) On each page of a part-petition where voters' signatures may be placed, the following shall be printed, in at least twelve-point font, below the title of such proposal: "NOTICE: Whoever knowingly signs this petition more than once; signs a name other than one's own on this petition, except as provided by general laws of the state; or signs this petition when not a qualified elector of the City of Columbus, is liable to prosecution."
- (h) The following sentence shall appear in the circulator's statement provided for by general law: "I am provided or promised moneys or things of value to circulate this petition by ..... (Name and address of employer)."

Sec. 42-3. Petition committee.

The petition shall bear the names of five qualified electors of the city of Columbus, who shall represent the petitioners in all matters relating to such petitions and shall be known as the petition committee.

Sec. 42-4. Filing certified copy of petition with city clerk.

Whoever seeks to propose by petition an ordinance, referendum, recall, or charter amendment shall file a certified copy of the petition with the city clerk prior to circulating the same.

Sec. 42-5. Duties upon filing of certified copy of petition.

The city clerk shall forward the certified copy of a petition forthwith to the city attorney and the members of council. The city attorney shall ascertain if the petition addresses a single subject and review the legal sufficiency of the petition, based upon any applicable local, state or federal laws, rules or regulations, and shall report the same to the city clerk and the members of council.

Sec. 42-6. Statement of intent to compensate.

Any person or entity providing or promising moneys or things of value for the circulation, supervision, management, or other organization of a petition shall file a statement to that effect with the city clerk prior to providing any such moneys or things of value. The statement shall be on a form prescribed by the city clerk and duly notarized. Upon the filing of the petition, such person or entity shall file with the city clerk, on a form prescribed by the city clerk and duly notarized, an itemized statement of moneys or things of value promised or provided for the circulation, supervision, management, or other organization of such petition.

Sec. 42-7. All petitions to be filed with city clerk.

All separate part-petitions providing for a proposed ordinance, referendum, recall, or charter amendment shall be filed at the same time, as one instrument, with the city clerk. No alterations, corrections, or additions may be made to a petition after it is filed in a public office. Petitions for an initiated ordinance or charter amendment shall be filed within one year of filing a certified copy of the same with the city clerk; petitions for recall or referendum shall be filed as otherwise provided for herein.

Sec. 42-8. Withdrawal, effect of withdrawal or insufficiency.

No petition, or part thereof, presented to or filed with any office of the city of Columbus may be withdrawn from such public office. A petition shall be withdrawn from consideration by the city if the petition committee submits to the city clerk a written notice of withdrawal, signed by a majority of the committee and duly notarized, prior to final action on the petition; and a petition shall be withdrawn from consideration by the electors if notice is submitted in like manner prior to the forty-fifth day before the date of the election thereon.

Sec. 42-9. Duties upon filing of a petition.

Within ten days after filing a petition for a proposed ordinance, referendum, recall, or charter amendment, the city clerk shall cause copies of the part-petitions to be made, and shall forward the part-petitions to the elections authorities to validate the signatures on the petition and to the city attorney to advise on the legal sufficiency of the petition, based upon any applicable local, state or federal laws, rules or regulations; provided, however, in the case of a proposed charter amendment, the city clerk shall forward the petitions forthwith to the elections authorities and the city attorney. No city officer may consider the subject matter of a petition when determining the legal sufficiency thereof, except as required to assure compliance with applicable provisions of this charter, general laws of the state, or ordinance of council. Validation of signatures shall be reported by the elections authority within ten days of their receipt of the petition. The city clerk shall, upon receipt, forthwith forward to the council the elections authority's report regarding signature validation and the city attorney's findings regarding legal sufficiency.

Sec. 42-10. Validation of part-petitions, signatures.

Validation of signatures and part-petitions shall be as provided for in the general laws of the state, unless otherwise provided by this charter or ordinance of council. No part-petition which includes a purported elector's signature or circulator's signature affixed prior to the date of filing a certified copy of the petition shall be deemed valid.

Sec. 42-11. Council action by ordinance.

Council action on a petition for any proposed ordinance, referendum, or charter amendment shall be by ordinance.

Sec. 42-12. Sufficiency of petition, signatures.

If a petition and signatures appended to a petition are found to be sufficient as provided herein, such petition and signatures appended to such petition shall be presumed to be in all respects sufficient unless not later than forty-five days before the election thereon it shall be otherwise proven.

Sec. 42-13. Petitions not subject to veto, referendum.

Any ordinance placing an issue before voters or setting the date of an associated special election shall go into effect and be in force from and after the date of passage, and shall not be submitted to or require the mayor's signature, or be subject to the mayor's veto; nor shall such ordinance be subject to the referendum.

Sec. 42-14. Conflicting questions and issues.

If two or more proposals are approved or adopted at the same election, and the city council finds that any provisions of two or more are in conflict, the proposal receiving the highest number of votes shall prevail.

Sec. 42-15. Effect of petition irregularities after approval by voters.

No vote on a proposal submitted to the electors of the city of Columbus shall be held ineffective or void on account of the insufficiency of the petitions by which such submission of the proposal was procured.

Sec. 42-16. Legal review, action upon approval of initiated question or issue.

Upon approval of an initiated proposal, the city attorney shall review the same. If the city attorney finds any conflicts between the proposal so approved and any applicable local, state or federal law, this charter, the Ohio Constitution, or the United States Constitution, the city attorney shall promptly inform the mayor and city council of the same in writing.

## **INITIATED ORDINANCE**

Sec. 43. ~~[Duties of city clerk.]~~ Ordinance initiated by petition.

~~All papers comprising a petition shall be assembled and filed with the city clerk as one instrument. The city clerk shall, within ten days after the filing thereof, certify thereon the number of signatures thereto appended, and shall submit the proposed ordinance to the council on the date of its next regular meeting.~~

The power to initiate an ordinance by petition is hereby reserved to the people of the city of Columbus. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal to not less than five per cent of the total vote cast at the last preceding regular municipal election for mayor. Any such proposed ordinance shall comply, in all respects, with the requirements of this charter and applicable rules of council regarding ordinances.

Sec. 43-1. Council action on initiated ordinances.

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record at the next regular meeting of council. Within fourteen days thereafter, the council shall determine the sufficiency of the petition by ordinance. Should the council find such petition sufficient, it shall vote within thirty days to either adopt the proposed ordinance without alteration, or by ordinance order and provide for the submission of such proposed ordinance in its original form to a vote of the electors of the city.

Sec. 43-2. Placement of issue on the ballot.

The aforesaid ordinance shall require that such proposed ordinance be submitted at the next regular municipal election if one shall occur not less than sixty nor more than one-hundred-twenty days after its passage. If no such election will be held within the period herein provided, the council shall, at its sole discretion, order and provide for the submission of such proposed ordinance to a vote of the electors of the city at either a special election within such period, or at the next regular municipal election.

Sec. 43-3. Ballot language, initiated ordinance.

In any ordinance placing a proposed ordinance on the ballot, city council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot. City council may further prescribe arguments, of no more than two-hundred words each, printed side by side in such order as council deems appropriate, both in support of and in opposition to such proposed ordinance; and such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot committee may prepare and present to city council suggested arguments for such proposal, which shall properly identify the substance, purpose and effect of the proposal. The arguments, so prescribed by council, shall be affixed to a copy of the proposal ordinance and shall be placed in each voting location of the city.

Sec. 43-4. Effect of electoral vote on proposed ordinance.

If such proposed ordinance be approved by a majority of the electors voting thereon, it shall become an ordinance of the city at the time fixed therein, or upon the completion of the official canvass of the election, whichever is later. Ordinances approved by an electoral vote shall not be repealed, amended or supplemented except by an electoral vote.

**REFERENDUM**

Sec. 44. ~~[Council action; submission to voters.]~~ Referendum initiated by petition.

~~If the petition contains the required number of signers, the council shall, on the date of filing such proposed ordinance by the city clerk, read and refer the same to an appropriate committee who shall submit their report thereon to the council on the date of its next regular meeting. Should the council fail to take action on the date of such committee report, or shall reject the proposed ordinance, in whole or in part, the council shall forthwith order and provide for the submission of such proposed ordinance in its original form to a vote of the electors of the city at the next ensuing election to be held not less than sixty nor more than one hundred and twenty days thereafter; provided, that should no election be held within the period herein provided, the council may order and provide for the submission of such proposed ordinance, to a vote of the electors of the city within such period; otherwise, such proposed ordinance shall be submitted in its original form to a vote of the electors of the city at the next ensuing election.~~



The power to initiate a referendum by petition on any ordinance, other than those ordinances listed herein, is hereby reserved to the people of the city of Columbus. Any proposed referendum may be submitted to the council by a petition signed by registered electors of the city equal to not less than five per cent of the total vote cast at the last preceding regular municipal election for mayor, and such petition shall be submitted within thirty days of final action by the council.

Sec. 44-1. Ordinances not subject to the referendum.

The following shall not be subject to the referendum, but shall go into effect at the time indicated therein:

- (a) Any annual appropriation ordinance.
- (b) In all cases where council is required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the referendum shall apply only to the first ordinance or measure required to be passed.
- (c) Ordinances or resolutions providing for the approval or disapproval of appointments or removals by the mayor, and appointments or removals made by council.
- (d) Action by the council on the approval of official bonds.
- (e) Ordinances or resolutions providing for the submission of any proposal to a vote of the electors.

Sec. 44-2. Effect of referendum petition on subject ordinance.

If a petition for referendum shall be filed as provided for herein regarding an ordinance that shall go into effect thirty days after final passage by the council, such ordinance shall not be operative until the steps indicated herein have been taken. If a petition for referendum is filed as provided for herein regarding an emergency measure, such ordinance shall go into effect at the time indicated in such ordinance. If, when submitted to a vote of the electors, an emergency measure is not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon. If any aforesaid referendum petition be filed regarding a measure passed by the council providing for an expenditure of money, a bond issue, or a public improvement, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.

Sec. 44-3. Council action on petition for referendum.

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record at the next regular meeting of council. Within fourteen days thereafter, the council shall determine the sufficiency of the petition. Should the council find such petition sufficient, it shall vote within thirty days to either repeal the subject ordinance, or by ordinance order and provide for the submission of such proposed referendum in its original form to a vote of the electors of the city.

Sec. 44-4. Placement of issue on the ballot.

The aforesaid ordinance shall require that such proposed referendum be submitted at the next regular municipal election if one shall occur not less than sixty nor more than one-hundred-twenty days after its passage. If no such election will be held within the period herein provided, the council shall, at its sole discretion, order and provide for the submission of such proposed referendum to a vote of the electors of the city at either a special election within such period, or at the next regular municipal election.

#### Sec. 44-5. Ballot language, referendum.

In any ordinance placing a referendum on the ballot, city council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot. City council may further prescribe arguments, of no more than two-hundred words each, printed side by side in such order as council deems appropriate, both in support of and in opposition to such referendum; and such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot committee may prepare and present to city council suggested arguments for such proposal. The arguments, so prescribed by council, shall be affixed to a copy of the proposal referendum and shall be placed in each voting location of the city.

#### Sec. 44-6. Effect of electoral vote on referendum.

If such proposed referendum be approved by a majority of the electors voting thereon, the ordinance which was the subject of the referendum shall be repealed upon the completion of the official canvass of the election. Ordinances rejected or repealed by an electoral vote shall not be re-enacted, in whole or in part, except by an electoral vote.

### **CHARTER AMENDMENTS**

#### Sec. 45. ~~[Approval or rejection.]~~ Charter amendments.

~~Ordinances submitted to the council by petition and passed by the council as herein provided, shall be subject to the referendum in the same manner as other ordinances.~~

~~Ordinances rejected or repealed by an electoral vote shall not be re-enacted, in whole or in part, except by an electoral vote.~~

~~Ordinances approved by an electoral vote shall not be repealed, amended or supplemented except by an electoral vote.~~

~~The adoption or rejection of ordinances submitted to an electoral vote shall take effect upon such adoption or rejection.~~

Proposed amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the council and such submission shall be by ordinance. Proposed amendments to this charter shall be submitted by the council forthwith upon a petition signed by electors of the city equal to not less than ten percent of the total vote cast at the last preceding regular municipal election.

Sec. 45-1. Council action on petition for proposed charter amendment.

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record. The council shall forthwith determine the sufficiency of the petition. Should the council find such petition sufficient, it shall forthwith by ordinance provide for the submission of such proposed charter amendment to a vote of the electors of the city.

Sec. 45-2. Placement of issue on the ballot.

The aforesaid ordinance shall order and provide for the submission of such proposed charter amendment to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one-hundred-twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid.

Sec. 45-3. Notice of charter amendment.

The city clerk shall provide notice of any proposed charter amendment as provided for by general laws of the state, unless otherwise provided by this charter or ordinance of council.

Sec. 45-4. Ballot language, generally.

In any ordinance placing a proposed charter amendment on the ballot, city council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot. City council may further prescribe arguments, of no more than two-hundred words each, printed side by side in such order as council deems appropriate, both in support of and in opposition to such proposed charter amendment; and such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot committee may prepare and present to city council the arguments for such proposal, which shall properly identify the substance, purpose and effect of the proposal. The arguments, so prescribed by council, shall be placed in the notice to voters provided for herein; and shall be affixed to a copy of the proposal charter amendment and be placed in each voting location of the city.

Sec. 45-5. Effect of approval at election.

If such proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed in the proposed amendment, or upon the completion of the official canvass of the election, whichever is later.

**THE RECALL**

Sec. 46. ~~{Ballots; levies; taxes.}~~ The recall.

~~The ballots used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on and below it the two propositions, "For the ordinance" and "Against the ordinance." Immediately at the right of each proposition there shall be a square in which by making a cross (x), the voter may vote for or against the proposed ordinance. If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the city, provided, however, that if the ordinance submitted is for an issue of bonds or the levying of a tax, the number of votes necessary for adoption of such ordinance shall be the same as that required by the general laws of the state for the adoption of such measures by a vote of the electors.~~

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 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 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 form 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.

Sec. 47. [Submission to council; publication.]

~~Proposed ordinances for repealing any existing ordinance or ordinances, in whole or in part, may be submitted to the council as provided in the preceding sections for initiating ordinances. Initiated ordinances adopted by the electors shall be published as in the case of other ordinances.~~

~~Sec. 48. The referendum.~~

~~No ordinance passed by the council except as otherwise provided by this charter, shall go into effect until thirty days after its final passage by the council. If at any time within said thirty days, a petition signed by registered electors of the city, not less in number than five per cent of the total vote cast at the last preceding general municipal election be filed with the city clerk requesting that any such ordinance be repealed or submitted to a vote of the electors of the city, it shall not become operative until the steps indicated herein have been taken. All petition papers circulated with respect to the repeal of any such ordinance shall be uniform in character and have printed thereon the names and addresses of at least five electors of the city who shall be officially regarded as filing the petition.~~

~~Sec. 49. [Signatures for referendum.]~~

~~All signatures appended to any such petition shall be written in ink or indelible pencil, and each signer shall place thereon the place of residence of such elector so signing by street and number and date of signing. The signatures to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof stating the number of signers to such part of the petition and that such signatures were appended thereto in the presence of affiant. The~~

~~petition and signatures thereto appended, so verified, shall be presumed to be in all respects sufficient, unless within fifteen days after the filing of any such petition it shall be otherwise proven.~~

~~Sec. 50. [Action by clerk and council on petition.]~~

~~All papers comprising any such petition shall be assembled and filed with the city clerk as one instrument. The city clerk shall, within ten days after the filing thereof, certify thereon the number of signatures thereto appended, and shall submit the petition to the council on the date of its next regular meeting. If the petition contains the required number of signers, the council shall, within thirty days after the date of filing such referendum petition by the city clerk, repeal the ordinance therein sought to be repealed, or shall order and provide for the submission of such ordinance to a vote of the electors of the city at an election to be held not less than sixty days thereafter.~~

~~Sec. 51. [Referendum petition regulations; ballots.]~~

~~Referendum petitions need not contain the text of the ordinance, the repeal of which is sought, but shall refer to such ordinance by its title, number and date of passage. They shall be subject in all other respects to the requirements for petitions submitting proposed ordinances to the council. Ballots used in referendum elections shall conform in all respects to those provided for in Section 46 of this charter.~~

~~Sec. 53. Conflicting ordinances.~~

~~If the provisions of two or more ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall prevail.~~

~~Sec. 54. Referendum on emergency measures.~~

~~Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinance. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.~~

~~Sec. 55. When referendum does not apply.~~

~~The following ordinances or measures shall not be subject to the referendum, but shall go into effect at the time indicated therein:~~

~~(a) — The annual appropriation ordinance.~~

~~(b) — In all cases where council is required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the referendum shall apply only to the first ordinance or measure required to be passed and not to~~

~~any subsequent ordinances or measures relating thereto, and said first ordinance or measure shall clearly state the purpose and general scope of the improvement.~~

- ~~(c) Ordinances or resolutions providing for the approval or disapproval of appointments or removals by the mayor, and appointments or removals made by council.~~
- ~~(d) Action by the council on the approval of official bonds.~~
- ~~(e) Ordinances or resolutions providing for the submission of any proposition to a vote of the electors.~~

~~Sec. 56. Referendum—preliminary action.~~

~~In case a petition be filed requiring that a measure passed by the council providing for an expenditure of money, a bond issue, or a public improvement be submitted to a vote of the electors, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.~~

~~Sec. 200. 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.~~

~~Any matter which the general laws of the state, or this charter, requires a vote of the electorate for adoption, shall be submitted to a vote of the electorate at any regular municipal election or primary election to be held not less than sixty nor more than one hundred twenty days subsequent to the passage of the ordinance submitting the matter. If no regular municipal election or primary election is to be held within the period of sixty to one hundred twenty days subsequent to the passage of the ordinance submitting the matter, a special election shall be held within such time for that purpose. The ordinance submitting a matter to a vote of the electorate shall be certified by the city clerk to the proper election officials immediately upon passage by council. Not less than thirty days prior to such election the city clerk shall give notice to the electorate of the matter being submitted in the same manner as provided in Section 234 hereof in regard to proposed amendments to this charter. Except as otherwise provided for in the charter all elections shall be held and conducted and the results thereof ascertained and certified as provided by the general laws of the state and by the election authorities therein provided for.~~

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

~~Sec. 201. Ballots.~~

~~The ballots used in all elections provided for in this charter shall be without party marks or designations. The whole number of ballots to be printed for any primary or regular election for the nomination or election of candidates for any office, shall be divided by the number of such candidates, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed. The names of the candidates shall be arranged in alphabetical order and the first series of ballots printed. The first name shall then be placed last and the next series of ballots printed, and this process shall be repeated until each name shall have been first. These ballots shall then be combined into tablets with no two of the same order of names together. A space shall be provided for each office to be voted for, wherein the voter may write the names of any person for whom the voter may wish to vote. Municipal elections may be conducted either by use of paper ballots or by use of voting machines or by any other secret method as authorized by general law of the State of Ohio. If a method of voting other than paper ballots is used, the rotation of names of candidates shall be in accordance with the constitution and general law of the state.~~

~~Sec. 202. 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 non-partisan 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 petition in accordance with the following provisions, to-wit:~~

- ~~1. Such petition shall state the name and place of residence of each person whose name is presented for a place upon the ballot and that the individual is a candidate for the designated office of the city of Columbus, Ohio.~~
- ~~2. Such petition shall be signed by not less than one thousand registered electors in the city.~~
- ~~3. Such petitions shall contain a provision that each signer thereto thereby pledges to support and vote for the candidate or candidates whose names are therein presented for a place upon the ballot, and each elector signing a petition shall add a place of residence, with street and number, and date of signing, and may subscribe to one nomination for each of the places to be filled and no more. All signatures shall be made with ink or indelible pencil.~~
- ~~4. The signatures of all the petitioners need not be appended to one paper, but to each separate paper there shall be attached a statement signed by the circulator thereof, under penalty of election falsification, stating the number of signers thereto, that each person signed in the circulator's presence on the date mentioned, and that to the best of the circulator's knowledge, the signature is that of the person whose name it purports to be.~~
- ~~5. 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.~~
- ~~6. 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, which~~



~~committee may fill vacancies caused by the death or withdrawal of the candidate or candidates as set forth in Section 206 of this Charter.~~

~~(b) Notwithstanding the provisions of paragraph (a) of this Section, if no petition in accordance with the provisions of paragraph (a) 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, 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 paragraph (a) 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. 202-1. 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 30 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 30 days before the deadline for filing nominating petitions for the next regular municipal election but more than 90 days before the next regular municipal election, then candidates seeking election to the unexpired term shall file nominating petitions otherwise in compliance with Charter Section 202(a) not less than 30 day after the appointment to fill such vacancy has been made, and there shall be no primary election.~~

~~Notwithstanding other provisions of this charter, in that case the election authorities shall place all candidates on the ballot at the next regular municipal election who have filed nominating petitions otherwise in compliance with Charter Section 202(a), and the candidate who shall receive the greatest number of votes shall be declared elected for the unexpired term.~~

~~(c) 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 90 days before the next regular municipal election.~~

~~(d) 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. 203. Acceptance.~~

~~Any person whose name has been submitted for candidacy by such petition shall file an acceptance of such candidacy with the election authorities not later than fifty five days previous to such primary election; otherwise that name shall not appear upon the ballot. Provided, however, that such acceptance shall, in the years 1945 and 1947, be filed with the election authorities not later than seventy days previous to such primary election.~~

~~Sec. 204. Form of primary ballot.~~

~~Except that the crosses here shown shall be omitted and that in place of the names of candidates and number of places to be filled, as here shown, there shall appear the names of candidates, actually seeking nomination, and the number of places to be filled, the ballots shall be printed substantially as follows:~~

**PRIMARY ELECTION**

~~**Instructions to voters.** Vote for not more than the number of persons to be elected to the office designated by making a cross in the square opposite and to the left of their names. If you wrongfully mark, tear or deface this ballot, return it to the judges and obtain another.~~

~~FOR COUNCILMEMBERS (Vote for not more than four)~~

|   |             |
|---|-------------|
| X | JOHN COE    |
|   | JANE DOE    |
| X | MICHAEL HOE |
| X | MARY POE    |
| X | RICHARD ROE |

~~FOR MAYOR (Vote for not more than one)~~

|   |              |
|---|--------------|
|   | ALICE DALTON |
| X | THOMAS DEAN  |
|   | LEE EVANS    |

~~Sec. 205. 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. 206. Replacement upon death 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 or withdraws not less than forty days before the day of such primary election, the vacancy so created may be filled by the nominating committee of five persons designated in the nominating petition of the affected candidate.~~

~~(b) if a person is either nominated in the primary election as a candidate for council member or other elected city office for the next subsequent general election or certified as a candidate for the next subsequent general election according to Section 202(b) of this Charter, and such candidate dies or withdraws not less than forty days before such general election, the vacancy so created may be filled by the nominating committee of five persons designated by the nominating petition filed prior to the primary election by the affected candidate.~~

~~(c) To fill the vacancy created by the death or withdrawal of a candidate for council member or other elected city office under provisions (a) or (b) of this section the members of the nominating committee of five persons designated in the nominating petition filed by the affected candidate, or a majority of them shall file with the appropriate election officials, not less than forty days before the day of either the primary election or the general election, a certificate signed and sworn to under oath by each of them, designating the person they select to fill such vacancy. Such certificate must be accompanied by the written acceptance of the person whose name is so certified.~~

~~Sec. 210. Form of ballots.~~

~~Ballots used for the election of candidates shall contain a complete set of the offices to be filled, and the names of candidates for each office shall be arranged under the title thereof as hereinbefore provided. The ballots shall be so printed that the voter may designate the candidates, to the number to be elected, for whom the voter desires to vote.~~

~~Sec. 211. [Ballot form illustrated.]~~

~~Except that the crosses here shown shall be omitted, and that in place of the titles of officers and names of candidates here shown, there shall appear the titles of offices actually to be filled and the names of candidates nominated therefor, the ballots shall be printed substantially as follows:~~

## FORM OF BALLOT

### Instructions to Voters

(1) ——— Vote for the candidate or candidates you wish to support by making a cross (X) in the square opposite and to the left of their names. You must not vote for more than the number to be elected.

(2) ——— If you wrongfully mark, or tear or deface this ballot, return it to the judges and obtain another.

### FOR COUNCIL MEMBERS

## THE RECALL

### Sec. 215. Recall petition.

Any elective officer provided for in this charter may be removed from office by the electors, by the following procedure:

A petition for the recall of the officer or offices designated, signed by at least one thousand of the electors of the city, and containing a statement in not more than two hundred words of the grounds of the recall, shall be filed with the city clerk, who shall forthwith notify the officer or officers sought to be removed, and the officer(s), within five days after such notice, may file with such city clerk a defensive statement in not exceeding five hundred words. The city clerk shall at once, upon the expiration of said five days, cause sufficient printed or typewritten copies of such petition, without the signatures, to be made, and to each attach a printed or typewritten copy of such defensive statement, if one is furnished within the time provided. The city clerk shall cause one copy of such petition to be placed on file in the clerk's office, and provide facilities for their signing the same, and the city clerk shall cause one copy to be placed in each of the several fire engine houses of the city, where the same shall be in the custody of the captain of the house, who shall provide facilities for their signing the same. The city clerk shall immediately cause notice to be published in the City Bulletin of the placing of such copies of such petition, together with a complete copy of the petition, without the signature, and of the defensive statement.

Such copies of such petition shall remain on file in the several places designated, for the period of thirty days, during which time any of them may be signed by any elector of the city in person; but not by agent or attorney. Each signer of any of such copies shall sign in ink or indelible pencil, and shall place thereafter the signer's residence by street and number.

### Sec. 216. Notice.

At the expiration of said period of thirty days the city clerk shall assemble all of said copies as one instrument, and shall examine the same and ascertain and certify thereon whether the signatures thereto amount to at least fifteen per cent of the registered voters of the city. If such signatures do amount to such per cent the city clerk shall at once serve notice of that fact upon the officer or officers designated in the petition, and also deliver to the election authorities a copy of the original petition,

~~with a certificate as to the percentage of registered voters who signed the same and a certificate as to the date of the last mentioned notice to the officer or officers designated in the petition.~~

#### ~~Sec. 217. Recall election.~~

~~If the officer or officers, or any of them, designated in the petition, file with the city clerk within five days after the last mentioned notice from the city clerk, a written resignation, the said clerk shall at once notify the election authorities of that fact and such resignation shall be irrevocable and the vacancy shall be filled in the manner of filling vacancies provided in this charter. In the absence of such resignation, the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than fifty days nor more than ninety days after the expiration of the period of five days last mentioned, and at the same time as any other general or special election held within such period; but if no such election be held within such period the election authorities shall call a special recall election to be held within the period aforesaid.~~

#### ~~Sec. 218. Ballots.~~

~~The ballots at such recall election shall conform to the following requirements. With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of (title of office) by recall?" Immediately following each such question there shall be printed on the ballots the two propositions in the order here set forth:~~

~~"For the recall of (name of person)."~~

~~"Against the recall of (name of person)."~~

~~Immediately to the right of each of the propositions shall be placed a square in which the voters, by making a cross mark (X), may vote for either of such propositions.~~

#### ~~Sec. 219. Filling of vacancies.~~

~~In any such election if a majority of the votes cast on the question of removal of any officer are affirmative, the person 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.~~

~~If, however, an election is held for the recall of more than three council members, candidates to succeed them for their unexpired terms shall be voted upon at the same election, and shall be nominated without primary election, by petitions signed, dated and verified in the manner required for petitions presenting names of candidates for nomination at a primary election, and similar inform to such petitions, but signed by electors equal in number to at least two per cent of the registered voters of the city, and filed with the election authorities at least thirty days prior to such recall election. But no such nominating petition shall be signed or circulated until after the time has expired for signing the copies of the petition for the recall, and any signatures thereon antedating such time shall not be counted.~~

~~Candidates shall not be nominated to succeed any particular council members; but if only one council member is removed at such election, the candidate at such election receiving the highest number of~~

~~votes shall be declared elected to fill the vacancy for the unexpired term; and if more than one council member is removed at such election, such candidates equal in number to the number of council members removed shall be declared elected to fill the vacancies; and among the successful candidates those receiving the greater number of votes shall be declared elected for the longer terms. Cases of ties, and all other matters not herein specially provided for, shall be determined by the rules governing elections generally.~~

#### ~~Sec. 220. Effect of resignations.~~

~~No proceedings for the recall of all of the members of the city council at the same election shall be defeated in whole or in part by the resignation of any or all of them, but upon the resignation of any of them, the city council shall have power to fill the vacancy until a successor is elected and the proceedings for the recall and the election of successors shall continue, and have the same effect as though there had been no resignation.~~

#### ~~Sec. 221. Miscellaneous provisions.~~

~~Except as herein otherwise provided, no petition to recall any officer shall be filed within six months after the officer takes office. No person removed by recall shall be eligible to be elected or appointed to any city office during a period of two years after the date of such recall. The city clerk shall preserve all papers comprising or connected with a petition for a recall. The method of removal herein provided is in addition to such other methods other than recall as are, or may be, provided by general law.~~

#### ~~Sec. 222. Offenses relating to petitions.~~

~~No person shall falsely impersonate another, or purposely write a false name or residence, in signing of any petition for initiative, referendum or recall, or forge any name thereto, or sign any such paper with the knowledge that one is not a qualified elector of the city. No person shall sign, or knowingly permit to be signed, any petition for recall at any place other than one of the places hereinbefore designated for the signing of such petitions.~~

#### ~~Sec. 223. [Violations; penalty.]~~

~~No person shall, either in or within one hundred feet of any place so designated, either solicit any elector to sign such petition or attempt to prevent or dissuade one from signing the same. Nor shall any person employ or pay another, or accept employment or payment, for circulating any initiative or referendum petition upon the basis of the number of signatures procured thereto. Any person violating any of the provisions of this section or the next preceding section shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in any sum not to exceed one hundred dollars and the cost of prosecution. The foregoing provision shall not be held to be exclusive of, but in addition to, all laws of the state prescribing penalties for the same offenses or for other offenses relating to the same matter.~~

~~Sec. 234. Amendments.~~

~~Amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the council, and shall be submitted by the council upon a petition signed by ten per cent of the electors of the city, setting forth any such proposed amendment. The ordinance providing for the submission of any such amendment shall be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than thirty days prior to such election the city clerk shall mail a copy of the proposed amendment to each elector whose name appears upon the registration books of the last regular municipal or general election, or, pursuant to laws passed by general assembly, give notice of the proposed amendment by newspaper advertising. If such proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed therein.~~