Legislation Details (With Text)

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Title:	To amend Chapter 107 of the Columbus City Codes by the enactment of new Section 107.01 to provide a deadline for replacement of candidates upon death, disqualification or withdrawal prior to a primary election; and to declare an emergency.			
Sponsors:	Eileen Paley			
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Date	Ver.	Action By	Action	Result
2/10/2015	1	CITY CLERK	Attest	
2/10/2015	1	MAYOR	Signed	
2/9/2015	1	COUNCIL PRESIDENT	Signed	
2/9/2015	1	Columbus City Council	Approved	Pass

BACKGROUND

The purpose of this ordinance is to amend Chapter 107 of the Columbus City Codes and to supplement the provision contained within the Charter of the City of Columbus which pertains to the replacement of a candidate for the office of city council member, mayor, city attorney or auditor upon death, disqualification or withdrawal before a primary election.

In November 2014, Columbus voters overwhelming approved revisions to the Columbus City Charter which established, among other amendments, Section 41-6. This section contemplates the ability to fill a vacancy created in the event a person nominated by petition for the office of city council member, mayor, city attorney, or auditor dies, is disqualified or withdrawals before a primary election. And, per the charter, 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 the charter or ordinance of council.

In accordance with Section 41-6 of the Columbus City Charter, the most applicable general law of the state is Ohio Revised Code (ORC) §3513.31(F), which outlines the process whereby a person nominated by petition as an independent or nonpartisan candidate for election at the next general election may be replaced if that candidate withdraws or is disqualified. Under that section, the deadline for replacing said candidate is not later than the eighty-sixth day before the date of the general election. However, the Revised Code does not provide any separate deadline for replacement prior to a primary election.

This ordinance establishes a clear deadline for the replacement of a candidate for the office of city council member, mayor, city attorney or auditor upon death, disqualification or withdrawal before a primary election. And, in doing so, it further aligns the City's elections laws with the general laws of the state and the elections deadlines contained therein.

Specifically, if a person nominated by petition as a candidate for the office of city council member, mayor, city attorney, or auditor, at a nonpartisan primary election, dies, is disqualified or withdraws before such primary election, the vacancy so created may be filled by a majority of the committee of five, as designated on the candidate's nominating petition, if a member of that committee certifies in writing and under oath to the election officials with whom the candidate filed the candidate's nominating petition, not later than the seventieth day before the day of the primary election, the name of the

person selected to fill the vacancy.

This provision is consistent with the Ohio Revised Code and the Columbus City Charter prior to the most recent amendments, with the exception that under previous versions of the charter, the latest date a candidate could be replaced was not later than forty days before the day of a primary election. By making the deadline not later than seventy days before the primary, the new deadline will be consistent with the deadline for ballot certification by the county board of elections as dictated by ORC § 3513.05. In effect, this change will help assure that names of candidates who have died, been disqualified or have withdrawn prior to the primary election will not appear on the ballot.

To amend Chapter 107 of the Columbus City Codes by the enactment of new Section 107.01 to provide a deadline for replacement of candidates upon death, disqualification or withdrawal prior to a primary election; and to declare an emergency.

WHEREAS, Section 41-6(a) of the Columbus City Charter provides that 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 the Charter or ordinance of Council; and

WHEREAS, while the general laws of the state provide for the manner in which such vacancies may be filled, the only deadline provided for is not later than the eighty-sixth day before the day of the general election pursuant to Section 3513.31(F) of the Ohio Revised Code; and

WHEREAS, this Council has determined that it is necessary to establish a clear candidate replacement deadline for vacancies occurring before a primary election as provided for in Section 41-6(a) of the City Charter; and

WHEREAS, this Ordinance is intended to supplement and effectuate Section 41-6(a) of the City Charter for the sole purpose of providing a deadline for replacement of candidates prior to a primary election; and

WHEREAS, this Ordinance is enacted in accordance with Section 41-6(a) of the City Charter; and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to establish a clear deadline for replacement of candidates upon death, disqualification or withdrawal prior to any primary election that may be conducted, thereby preserving the public health, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Chapter 107 of the Columbus City Codes is hereby amended by the enactment of new Section 107.01 reading as follows:

107.01 - Replacement of candidate upon death, disqualification or withdrawal prior to primary election.

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 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 by a majority of the committee of five, as designated on the candidate's nominating petition, if a member of that committee certifies in writing and under oath to the election officials with whom the candidate filed the candidate's nominating petition, not later than the seventieth day before the day of the primary election, the name of the person selected to fill the vacancy. The certification shall be accompanied by the written acceptance of the nomination by the person whose name is certified and shall be made in the manner provided for a major political party.

SECTION 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval

by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes this ordinance.