

## *Current Cleveland Heights Charter Provisions*

Initiative, Referendum and Recall are in **Article VIII** of the Charter.

*Section VIII-1* contains the Initiative. The petition to submit an ordinance requires the signature of ten percent of the number of electors, that is, the registered voters. As of last count, September 2018, the city had 34,534 registered voters. Thus, a petition requires at least 3,453 valid signatures. “The Clerk shall certify the same to the Council at the next regular meeting, and the Council shall at once read and refer the same to an appropriate committee which may be the committee of the whole. The committee may hold a hearing before sending its report to the Council. The committee to which the initiative was submitted must submit a report to the Council by the second regular meeting of the Council following submission of the petition. Council then has thirty days to take final action on the report.”

If Council does not approve the submission, or changes it in substance, “the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed change, addition or amendment which was presented in writing, either at a public hearing before the committee to which such proposed measure was referred, or during the consideration thereof by the Council. Ten days following final action the Committee notifies the Council which shall schedule an election.”

“No measure initiated by the people and adopted by popular vote shall be repealed by the Council, or so amended by it as to destroy the effectiveness thereof, within two years after it takes effect.”

*Section VIII-2* contains the referendum provisions. “A petition signed by not less than fifteen percent of the electors of the City within thirty days after any ordinance or other measure shall have been passed by the Council, ordering that such ordinance or other measure be submitted to the electors of the City for their approval or rejection, the Clerk shall, at the next regular meeting of the Council, certify such petition to the Council. (Fifteen percent of electors is 5,180 signatures.) If not repealed by the Council, an election on repeal shall be” called as indicated in this **Article**.

The following ordinances cannot be subject to referendum or may require a super majority vote. Specifically, “[w]henver the Council is by law or provisions of general ordinances required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the provisions of this section shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances or other measures relating thereto.”

“Whenever the electors shall have authorized the issuance of bonds, subsequent ordinances or other measures relating to the issuance of such bonds shall not be subject to the provisions of this section.”

“Ordinances or other measures providing for appropriations for the current expenses of the City, or for street improvements petitioned for by the owners of a majority of the feet front of the property benefited and to be specially assessed for the cost thereof, as provided by general law or general ordinance, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health or safety of the City, shall go into immediate effect and shall not be subject to the provisions of this section.”

“Such emergency ordinances or measures must upon an aye or nay vote receive the vote of five members of the Council, and the reasons for such necessity shall be set forth in one section of the ordinance or other measure.”

*Section VIII-3* provides for recall of any member of council. A petition with a number of signatures equal to twenty-five percent of the number of electors and containing a concise statement of why a member should be recalled must be submitted to Clerk of Council. (Twenty-five percent is equal to 8,634 registered voters.) The member has five days to resign. If a majority voting on the recall vote in favor of the recall, the position shall be declared vacant and filled as specified in **Article III**.

“If, however, an election is held for the recall of more than three members of the Council, candidates to succeed them for their unexpired terms shall be voted upon at the same election and shall be nominated by petitions dated and verified in the manner required for petitions presenting names of candidates for regular municipal elections and similar in form to such petitions and filed with the election authorities at least ninety (90) days prior to such recall election, but no such nominating petition shall be signed or circulated until such recall petition has been certified to the Council, and any signatures ante-dating such time shall not be counted.”

“If a majority of the votes cast on the question of removal of any member of the Council are in the negative, the person whose removal is sought shall be allowed by the Council his reasonable expenses incident to such election. This section shall become effective January 1, 2017.  
(Amended 11-8-16.)”

*Section VIII-4* has general provisions relating to I, R, and Recall. Requirements for valid signatures are stated as well as a five member committee for any petition process. The number of registered voters is determined as of the last regular municipal election.

The election for an initiative, referendum or recall shall be “an election for the

submission of such question, or recall, at the next regular primary or general election occurring not less than sixty (60) days nor more than one hundred twenty (120) days thereafter. If no such regular primary or general election is to be held within such time, the Council shall provide for calling a special election not less than sixty (60) days nor more than one hundred twenty (120) days thereafter. In either event, the Council shall certify its action to the Director of Elections. Provided, however, that if the recall of more than three (3) members of the Council is sought by petition, the period of sixty (60) days hereinbefore provided shall be changed to one hundred twenty (120) days.”

Any provision passed by a petition process becomes effective on the date indicated by the provision or if no indication, then when approved in an election. If inconsistent measures are adopted, the one with the most positive votes is officially approved.

*Section VIII-5* states the required publicity that must accompanied the submission of issues under **Article VIII**. Specifically, the Clerk of Council “shall either:

- (a) Print and mail to each registered elector an official publicity pamphlet, or
- (b) Publicize official publicity in a newspaper published and generally circulated in the City, or if no such newspaper is published in the City, then in a newspaper of general circulation within the City. Such publication shall be made once a week for not less than two consecutive weeks with the first publication being at least thirty (30) days prior to such election.”

“Such publicity pamphlet or publication shall contain a full text of the Charter amendment, initiated or referred ordinance, or recall petition, with their respective ballot titles, together with any explanation or argument for or against such measure or recall which may have been filed with the Clerk of Council, as hereinafter provided. The validity of any Charter amendment, initiated or referred legislative measure, approved by the electors, and the result of any recall election, shall not be questioned because of technical or non-consequential errors or irregularities in such mailing, distribution or publication.”

“Not less than fifty (50) days before any such election, the committee designated in the petition, as a result of which said election is called, may submit to the Clerk of Council an explanation or argument supporting the position taken by the signers of such petition. If a Charter amendment is proposed by the Council a committee of three of the Council to be appointed by the Mayor shall prepare such explanation or argument. In the event of an initiated ordinance, which Council has failed to pass, or of a referred ordinance, the Mayor shall appoint a committee of three of the Council to prepare an answer to the explanation or argument submitted by the committee of the petitioners. In the case of recall elections, the official whose recall is sought may prepare an answer to the argument of the committee of the petitioners. Where a Charter amendment is proposed, any civic body or committee

of citizens may prepare and submit an answer to the explanation or argument in favor of such amendment. Any such answer shall be prepared and filed with the Clerk not less than forty (40) days prior to any such election. All explanations or arguments for or against any measure or recall shall be signed by the persons authorized to submit the same. No such explanation or argument shall exceed three hundred (300) words in length unless the person or persons submitting the same shall at the same time deposit with the Clerk of Council a sum of money sufficient to cover the proportionate cost of printing such excess. Arguments in favor of or against any measure or election, filed with the Clerk, shall at all times be open to the inspection of anyone interested therein.”

(Amended 11-7-72.)

Amending charters is part of the **Ohio Constitution**. The provision is below.

## **Ohio Constitution**

### **Article XVIII Section 9**

#### **XVIII.09 Amendments to charter; submission; approval**

Amendments to any charter framed and adopted as herein provided may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority thereof, and, upon petitions signed by ten per centum of the electors of the municipality setting forth any such proposed amendment, shall be submitted by such legislative authority. The submission of proposed amendments to the electors shall be governed by the requirements of section 8 as to the submission of the question of choosing a charter commission; and copies of proposed amendments may be mailed to the electors as hereinbefore provided for copies of a proposed charter, or pursuant to laws passed by the general assembly, notice of proposed amendments may be given by newspaper advertising. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the charter of the municipality. A copy of said charter or any amendment thereto shall be certified to the secretary of state, within thirty days after adoption by a referendum vote.