

Article IX. - NOMINATIONS AND ELECTIONS

Article IX. – NOMINATIONS AND ELECTIONS

Section 1.

All elections provided for by this charter, whether for the choice of officers or the submission of questions to the voters, shall be conducted by the election authorities prescribed by general laws; and the provisions of the general election laws of the state shall apply to all such elections except as provision is otherwise made by this charter. The provisions of the laws of the state pertaining to campaign financing, campaign contributions and campaign expenditures shall apply to all such elections except as provision is otherwise made by ordinance of the council.

Commencing in November 2013, a regular municipal election for the choice of members of council shall be held every four years on the first Tuesday after the first Monday in November.

Commencing in November 2001, a regular municipal election for the choice of mayor shall be held every four years on the first Tuesday after the first Monday in November. A regular municipal election for the choice of mayor shall be held on the date of the regular municipal election held during the second calendar year following the mayor's election when necessary to fulfill the provisions of Article III, Section 3 of this charter.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; amended by Ord. No. 71-1994, eff. April 1, 1994; election of May 5, 1994; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999; amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012)

Section 1a.

Commencing with the election of November, 2001, candidates for mayor shall be determined at a nonpartisan primary election to be held on the first Tuesday after the second Monday in September prior to the election. The candidates for the office of mayor shall be the two candidates from the primary election who receive the highest number of votes. In the event that no more than two persons file petitions for the office of mayor, then those persons shall be the candidates at the November election, and the primary election for the office of mayor shall not be held. A nonpartisan primary election will be held in the same manner if necessary to fulfill the provisions of Article III, Section 3 of this charter.

(Added by Ord. No. 77-1999, eff June 1, 2001; election of May 4, 1999)

Section 2.

Any person eligible to the office of member of the council or the office of mayor may be placed in nomination therefor only by a petition filed in such person's behalf with the election authorities and signed by not less than 500 nor more than 1000 electors. Signatures to nominating petitions need not be appended to one paper but to each separate paper there shall be attached an affidavit of the circulator thereof stating that each signature thereto was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his or her name, address and date of signing in ink or indelible pencil.

An elector may sign petitions for no more than one candidate for mayor and for no more council candidates than the number to be elected at any election. If an elector signs petitions for more than one candidate for mayor or for more than the number of other candidates to be elected, the elector's signature shall be declared valid on petitions in the order of filing.

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An eligible person who has accepted a nomination for mayor as provided in Article IX, Section 4 shall not be eligible for election to the office of member of council that year.

(Amended by Ord. No. 377-1984, eff. Sept. 6, 1984; election of Nov. 6, 1984; amended by Ord. No. 332-1991, eff. Oct. 4, 1991; election of Nov. 5, 1991; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 2a.

Notwithstanding any provision contained in Article II or in any other section of Article IX, no person shall hold the office of member of council for a period longer than two successive four-year terms of the council, except that a member of council who was elected to council in November 2011 may be elected to no more than two consecutive four-year terms commencing on December 1, 2013 unless such election would permit the member of council to serve on council for a period longer than ten consecutive years. After conclusion of any period of service commencing on December 1, 2011, any such person who was elected to council in November 2011 may not be appointed to or seek office for a subsequent council term unless that term is separated by four or more years from the member's immediately prior service. Terms shall be considered successive unless separated by a period of four or more years from the member's immediately prior service.

For the purposes of this term limit provision, any period of service during a term by a member of council elected to that council term shall constitute service for that entire council term, except that any period of service during a term in which the member was elected to fill a council term which was vacated in the midst of a four-year term shall not constitute service for that council term. For the purposes of this term limit provision, any period of service by a non-elected member of council during a council term shall not constitute service for that council term.

(Added by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999; amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012)

Section 2b.

No person shall hold the office of mayor for a period of longer than two successive terms of four years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after December 1, 2001, shall be considered in determining a person's eligibility to hold the office of mayor under this provision.

For the purposes of this term limit provision, any period of service during a term by a mayor elected for that full, four-year term shall constitute service for a four-year term. Any period of service during a term, by a mayor elected for less than that full, four-year term shall not constitute service for a four-year term. Any period of service by a non-elected mayor during a four-year term shall not constitute service for a four-year term.

Should the death, removal or resignation of a member of council occur prior to June 1 of the second calendar year following the regular municipal election at which that member of council was elected to a four-year term, the person or persons designated on that member of council's successor designation certificate shall select a successor to hold office until December 1 of the second calendar year after the calendar year in which the member was elected and until a successor is elected and qualified to fill the unexpired term. An election to fill the unexpired term of that member of council will be held on the date of the regular municipal election held during the second calendar year following that member's election to council. Nomination and election of the successor member of council to the unexpired term shall be governed by the provisions of Article IX.

Should the death, removal or resignation of a member of council occur on or after June 1 of the second calendar year following the regular municipal election at which that member of council was

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elected, the person or persons designated on that member of council's successor designation certificate shall select a successor to hold office for the remainder of the unexpired term of that member of council.

(Added by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999; amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012)

Section 3.

The form of the nominating petition papers shall be substantially as follows for candidates for member of the council:

Candidate for Member of the Council
Petition of Candidate

We, the undersigned, here present _____ whose residence is _____ Cincinnati Ohio, as a candidate for the council to be voted for at the election to be held on the _____ day of November, _____; and we individually certify that we are qualified to vote for candidates for the council, and that we have signed no more than nine petitions nominating persons for members of the council.

Name	Street and Number	Date
_____	_____	_____
_____	_____	_____

Statement of Circulator

I, _____ [name of circulator of petition], declare under penalty of the election falsification laws of the state of Ohio that I am a qualified elector of the city of Cincinnati; that I reside at the address appearing below my signature; that this petition paper contains _____ (number) signatures; that I witnessed the affixing of every signature; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be.

Signed: _____

Address: _____

Date: _____

(Amended by Ord. No. 377-1984, eff. Sept. 6, 1984; election of Nov. 6, 1984; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 3a.

The form of the nominating petition papers shall be substantially as follows for candidates for mayor:

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Candidate for Mayor
Petition of Candidate

We, the undersigned, here present _____ whose residence is _____, Cincinnati, Ohio, as a candidate for mayor to be voted for at the nonpartisan primary election to be held on the _____ day of September, _____, and at the election to be held on the _____ day of November, _____, and we individually certify that we are qualified to vote for candidates for mayor and that we have signed no other nominating petition for mayor.

Name	Street and Number	Date
_____	_____	_____

Statement of Circulator

I, _____ [name of circulator of petition], declare under penalty of the election falsification laws of the state of Ohio that I am a qualified elector of the city of Cincinnati; that I reside at the address appearing below my signature; that this petition paper contains _____ (number) signatures; that I witnessed the affixing of every signature; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be:

Signed: _____

Address: _____

Date: _____

(Added by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 4.

All separate papers comprising a nominating petition for member of council or for mayor shall be assembled and filed with the election authorities as one instrument at least 75 days prior to any election at which candidates are to be determined or elected. Within ten days after the certification of a nominating petition the election authorities shall notify the person named therein as a candidate whether the petition is found to satisfy all the prescribed conditions. Any eligible person placed in nomination as herein provided shall have his or her name printed on the ballot if, within five days after such notification, such person files with the election authorities a written acceptance of the nomination.

(Amended by Ord. No. 377-1984, eff. Sept. 6, 1984; election of Nov. 6, 1984; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 5.

Ballots used in electing members of the council and the mayor shall be without party mark or designation, and shall be marked by electors according to the instructions printed thereon under the heading "Directions to Voters," as specified in this section. Each elector shall be entitled to vote for one candidate for mayor and for as many candidates for the council, other than mayor, as are to be elected.

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Section 5a.

Except for the names of the candidates and date of the election, the ballots for election for the members of the council shall be in form substantially as follows:

Regular Municipal Election
Election For Members of the Council
November _____, _____
Direction to Voters

To vote for a candidate, place X in the rectangular space at the left of the name of such candidate.

Vote for NOT MORE THAN NINE candidates for the council. If you attempt to vote for more than nine candidates for member of the council your entire ballot will be invalid.

If you spoil this ballot, return it to the election officer in charge of ballots and obtain another ballot.

CANDIDATES FOR MEMBER OF THE COUNCIL

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 5b.

Except for the names of the candidates and date of the election, the ballots for election for mayor shall be in form substantially as follows:

Primary or Regular Municipal Election
Mayoral Election
Direction to Voters

To vote for a candidate, place X in the rectangular space at the left of the name of such candidate.

Vote for ONE candidate for mayor. If you attempt to vote for more than one candidate for mayor, your entire ballot will be invalid.

If you spoil this ballot, return it to the election officer in charge of ballots and obtain another ballot.

CANDIDATES FOR MAYOR

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(Added by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 6.

For all elections at which members of the council are to be elected, the names of all candidates for the council shall be arranged on the ballot in a group under the title of the office. For all elections at which candidates for mayor appear on the ballot, the names of all candidates for mayor shall be arranged on the ballot in a group under the title of the office. The names of all candidates in each group shall be rotated in the manner provided by general election law to give each candidate's name reasonably equal position to the extent practical and appropriate to the voting procedure used.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 7.

Ballots cast for election of members of the council and mayor shall be counted and the results determined and certified by the election authorities in the manner provided by general election law for non-partisan ballots for municipalities.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; amended by Ord. No. 77-1999, eff. June 21, 2001; election of May 4, 1999)

Section 8.

The valid ballots cast shall be counted to determine the total number of votes cast for each candidate for member of council. Votes shall be counted for write-in candidates for members of the council who have complied with the general election law. The nine candidates receiving the highest number of votes cast shall be declared elected to the council.

Commencing with the September, 2001, non-partisan primary election, the valid ballots cast for candidates for mayor shall be counted to determine the total number of votes cast in said primary election. The two candidates receiving the highest number of votes shall be declared eligible for the regular municipal election for mayor in November and shall have their names printed on the ballot for mayor.

Commencing with the November, 2001, regular municipal election for mayor, the valid ballots cast shall be counted to determine the total number of votes cast for mayor. The candidate or eligible person receiving the highest number of votes cast for mayor shall be declared elected mayor.

If any two or more persons receive an equal and highest number of votes one of them shall be chosen as mayor according to the method prescribed by the general election laws of the state of Ohio for deciding tie votes.

Votes shall be counted for write-in candidates for mayor at the primary or regular municipal election who have complied with the general election law.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; a. Ord. No. 348-1987, eff. Oct. 1, 1987; election of Nov. 3, 1987; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

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Section 9.

All ballots, including those determined to be invalid under the election laws of Ohio, shall be set aside and preserved until 60 days after the election. Upon request of any candidate, the ballots will be preserved thereafter until any controversy arising thereon shall have been terminated.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985)

Section 10.

At each municipal election any group of five or more candidates for election to the council may file a written application with the board of elections in the manner provided in the general election law for political parties, and be entitled to exercise as provided thereunder all rights and power relating to witnesses, challengers and inspectors of election at the polling places and at the central counting place granted under the general election law.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985)

Section 11.

The council shall have power to provide for the use of mechanical, electronic or other devices for marking and sorting the ballots and tabulating the results and to modify the form of the ballot, the directions to voters, and the details in respect to the method of counting, invalidating, and preserving ballots accordingly.

In the event that council does provide in any election for the use of mechanical, electronic or other devices for marking and sorting the ballots and tabulating the results, then such election shall be conducted in accordance with the laws of the state of Ohio, now or hereafter in force, relating to voting and tabulating equipment.

(Added by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985)

Section 12.

If any provision of Article IX, Section 2, is amended, is held unconstitutional or in violation of state law, this shall not affect the validity, force or effect of any other provision of Article IX, Section 2.

(Added by Ord. No. 332-1991, eff. Oct. 4, 1991; election of Nov. 5, 1991)