

CITY OF BAY VILLAGE

Ad Hoc Committee
Conference Room 5:30 p.m
Minutes of Meeting regarding Write-In Candidates

March 4, 2014

Present: Paul Koomar, President of Council
Councilman Dwight Clark
Councilman Steve Lee
Law Director Ebert
Resident Susan Fink League of Women Voters

Audience: Conda Boyd, Nancy Brown, George Ryan, Marty Mace, Tara Wendell

Mr. Koomar called the meeting to order at 5:30 p.m. He explained that the committee was formed to discuss the possibility of a charter amendment regarding write-in candidates for elections. Research has been submitted for consideration including election write-ins not permitted by charter in Bedford Heights, Brecksville, Brook Park, East Cleveland, Fairview Park, Garfield Heights, Oakwood, Richmond Heights, Seven Hills, Shaker Heights, and University Heights. Election write-ins limited by charter are included in the charters of Cleveland Heights, Glenwillow, Lakewood, and Strongsville. Minutes of Bay Village City Council meetings held in 2006 and 2007 containing discussions that led to the placement of the primary election charter amendment on the ballot were also submitted for reference.

Law Director Ebert explained that there was a write-in candidate for the Mayoral race in the November 2013 General Election. Mr. Jason Schrantz submitted his name as a write-in candidate to the Board of Elections. Mr. Ebert wrote a legal opinion that this candidate should not be permitted based on the grounds that he is circumventing the intent of the primary election which reduced the number of Mayoral candidates to two. Prior to the Board of Elections issuing a ruling permitting a write-in candidate, the candidate withdrew his petition, and the issue became moot.

Mr. Ebert noted that in his opinion he cited a case in Mahoning County which was similar to the Bay Village case. The candidate in Youngstown was not permitted to proceed. Mr. Koomar noted that if there is a change in personnel at the Board of Elections it can affect the outcome of a situation. Mr. Ebert agreed. The question is whether it is worth going to the ballot. When considering the expense it was noted that if it is placed on the ballot at a general election there will be no fee. There would be cost involved if it is placed on the ballot for a special election. If a charter amendment is submitted to the ballot for the November, 2014 election, it must be done by the beginning of August, 2014. (Later in the meeting it was determined the Charter Amendment filing deadline is early September).

Discussion followed as to what the circumstances might have been to cause the surrounding communities to submit charter amendments to their ballots, specifically in Westlake and Lakewood. Mr. Ebert will consult with the Law Directors of those cities to learn of their reasoning in submitting these charter amendments to the ballot. Mr. Ebert will also ask the County Prosecutor's Government Affairs Office if the candidate in Bay Village in November of

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2013 would have been allowed to proceed as a write-in candidate for the Mayoral election if he had not withdrawn his name. Mr. Lee expressed the advantage of amending the charter to close any loophole that would permit a write-in candidate to circumvent the primary process. He prefers the Westlake model of election procedures included in their charter. Mr. Lee is not in favor of eliminating write-ins entirely.

Mr. Ebert discussed the need for multiple charter changes if write-in candidates were allowed under certain conditions. Due to multiple charter changes Mr. Ebert pointed out potential problems if every amendment was not passed or defeated.

Mrs. Fink noted that write-in candidates have different procedures to submit for election. They are not required to canvass the neighborhoods for signatures on their petition and learn the issues of the residents through mutual dialogue.

Mr. Clark noted the time spent by the city to create the process of a primary election and the cost to hold a primary election. If this loophole is not addressed, we have contradicted ourselves through our own charter.

After considerable discussion, it was determined that the following options are under consideration:

1. Take no action
2. Submit a charter amendment to the ballot that write-in candidates are not permitted
3. Submit a charter amendment to the ballot that write-in candidates are permitted under certain circumstances.

The cost for placing a charter amendment on the ballot is to be determined for both a primary and a general election.

Mr. Ebert will contact the Law Directors of Lakewood and Westlake regarding the history of their decision to include write-in candidates.

The next meeting of the Ad Hoc Committee will be held on Monday, March 24, 2014 at 6:30 p.m.

The meeting adjourned at 6:45 p.m.

Paul A. Koomar, President of Council

Joan Kemper, Clerk of Council