

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0141

<p>Sponsored by: County Executive FitzGerald and Councilmember Simon</p> <p>Co-sponsored by: Councilmember Hairston</p>	<p>A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to add Article XIV to the Cuyahoga County Charter to provide that the right to vote is a fundamental right in the County and authorize the County to take action to protect and promote the right to vote, and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, Article XII, Section 12.10 of the Charter of Cuyahoga County provides that “Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution”; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the “legislative authority... of any county may by a two-thirds vote of its members” submit by resolution charter amendments to the electors of the county “to be voted upon at the first general election occurring not sooner than sixty days after their submission”; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 4th day of November, 2014, the question of amending the Charter, to add Article XIV, as follows:

ARTICLE XIV—CITIZENS’ VOTING RIGHTS

SECTION 14.01 FUNDAMENTAL RIGHT

The right to vote shall be a fundamental right in Cuyahoga County, and elections in the County shall be free and open.

SECTION 14.02 VOTING PROTECTION AND PROMOTION.

The County shall have the power to enforce the provisions of this Article, including, but not limited to, the institution of legal action through the Law Department to protect the right to vote and access to the ballot and to undertake measures to promote voter registration and participation, including, but not limited, promotion of early voting by the County's citizens.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment to add Article XIV to the Charter shall be submitted to the Board of Elections of Cuyahoga County, and the question to be submitted on the ballot shall be as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall the Cuyahoga County Charter be amended to add Article XIV, which provides that the right to vote shall be a fundamental right in the County and that elections in the County shall be free and open and authorizes the County to undertake measures to enforce the article and to promote voter registration and participation, including early voting initiatives?

SECTION 3. The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 4, 2014 general election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

SECTION 4. It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendment to be properly placed on the November 4, 2014 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Simon, seconded by Mr. Hairston, the foregoing Resolution was duly adopted.

Yeas: Brady, Germana, Conwell, Jones, Hairston, Simon, Miller and Connally

Nays: Gallagher, Schron and Greenspan

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: May 27, 2014

Committee(s) Assigned: Committee of the Whole

Additional Sponsorship Requested: July 17, 2014

Committee Report/Second Reading: July 22, 2014

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