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Lakewood City Council  
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TRISTAN RADER  
SARAH KEPPLER

**Ward Council**  
KYLE BAKER, WARD 1  
CINDY STREBIG, WARD 3  
CINDY MARX, WARD 4

Noticed 09/11/24

## **PUBLIC NOTICE – COMMITTEE OF THE WHOLE**

Committee of the Whole will meet Monday September 16, 2024 at 6:30 p.m. in the Auditorium of Lakewood City Hall at 12650 Detroit Avenue. The meeting is open to the public.

The meeting will be livestreamed on the City's website at the following link:

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[www.lakewoodoh.gov/councilvideos](http://www.lakewoodoh.gov/councilvideos)

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### **PUBLIC COMMENT PROTOCOL (Updated 6/21)**

The public is invited to comment on agenda items in person or by submitting a written comment in advance of the meeting using the eComment platform available [HERE](#). New users must create an eComment account.

### ***The agenda is as follows:***

Approval of the minutes of the September 3, 2024 Committee of the Whole.

Approval of the minutes of the September 9, 2024 Committee of the Whole.

Report of the 2024 Charter Review Commission

Sarah Kepple, Chair  
**COMMITTEE OF THE WHOLE**

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*Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Michelle Nochta at (216) 529-5906 [michelle.nochta@lakewoodoh.net](mailto:michelle.nochta@lakewoodoh.net).*

**Final Report**  
**of Proposed Amendments**  
**to the Third Amended Charter**  
**with Recommended Language**

Lakewood Charter Review Commission  
Charter Review 2024  
July 1, 2024

## Signatures

We, the members of the 2024 Charter Review Commission, hereby attach our signatures to acknowledge that we adopted these recommendations by a two-thirds vote and now send them to the city council.



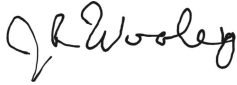
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Marc Dann, Chair



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Martha Woerner



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James Wooley



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Dean Jackson

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Michael Barnes



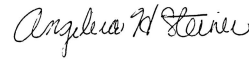
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Judy Ghazoul Hilow, Vice Chair



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Sean Koran



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Angelina Steiner



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Donna Kolis

## **Background**

The Lakewood city charter requires a charter review every ten years. Charter review is a citizen appraisal of the existing charter. Nine citizens are appointed to a charter review commission and have six months to conduct the review. City council appoints five members and the mayor appoints four members. The commission recommends changes to the Lakewood City Council by a two-thirds vote of all members. Council may or may not place any of the recommended changes on the ballot. The charter can only be amended by a vote of the citizens on specific amendments or on an amended charter that the council places on the ballot.

The Lakewood Charter Review Commission of 2024 was appointed in January 2024. The commission decided that since the Third Amended Charter was adopted in 2017, a complete redrafting of the document was not necessary. Members decided to independently review the provisions of the existing charter and to bring their ideas to the commission for review as a group.

## **The Process**

The commission decided to meet twice a month on Monday evenings at 5:30 PM. The city, through the law director, provided each member with a copy of the current charter, the Third Amended Charter of Lakewood, and documents from previous charter reviews. In addition, the city hired Kevin Spellacy as staff for the commission. The mayor and city council provided direct support and encouragement for the work of the commission.<sup>1</sup>

The commission worked as a committee of the whole to draft amendments and this report. The committee reviewed the entire Charter, analyzing the current content. The Commission sought suggestions from members about possible subjects for amendments to the Charter

The commission next invited members of Lakewood City Council, the Lakewood Council Clerk, department directors, members of the public and interested parties including advocates for Rank the Vote and Officials of the Cuyahoga County Board of Elections to meet with the Commission to offer their insight and to respond to questions from Commission Members. The Commission held a joint meeting with all the members of Lakewood City Council and a separate joint meeting with all of the members of the Lakewood Civil Service Commission.

Several members of the commission also volunteered to identify and compare provisions of Charters in other municipalities throughout Ohio related to areas of

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<sup>1</sup> The commission specifically recognizes the extraordinary help provided by Assistant Law Director Jennifer Swallow who provided the commission with diligent, professional and insightful support and input and who kept the process on track throughout.

interest to Commission Members. Those charter provisions were shared with the Commission to inform the group on alternative ways to formulate proposed amendments.

After identifying potential charter changes the members of the commission voted on whether or not to ask individual members to draft proposed language for consideration by the commission. Members were assigned to draft provisions and the Commission met several times to discuss, debate and vote on whether to recommend those amendments to Lakewood City Council.

## **The Proposed Amendments**

There were six areas that the commission focused on reviewing for amendment.

**Salaries of Elected Officials.** Currently, there are two procedures outlined in the current charter that can result in an increase to an elected official's salary. The first process allows council to enact an increase effective upon the next term for that official. The second procedure requires that before July 1 in each year in which there is a presidential election, the civil service commission must conduct a salary survey and make salary recommendations to council for the salaries of mayor and council. Council can accept or reject the recommendation. If the council fails to act within 90 days of receipt of the recommendation, the recommendation becomes effective. The language that would allow the recommendation to go into effect without further action of council was enacted with the Third Amended Charter in 2017. Therefore, there has only been one complete cycle of salary recommendations under this provision. The civil service commission is currently in the process of the second recommendation under this provision.

The commission was provided with communication from former Lakewood City Council President John Litten suggesting alternative methods for improving the charter as it relates to the salaries of elected officials. The communication raised the concern that historically, council has avoided raising its own pay and suggested that council receive annual increases tied to either the increases provided to union members or some other formula. After much investigation, debate and consideration (including the meeting with the full Lakewood Civil Service Commission) the commission found that there was merit to the concern raised; however, with only one salary recommendation cycle complete, the commission was hesitant to completely overhaul the existing process.

The commission investigated the average number of hours that a council member spends on council business as well as the additional hours put in by the council president who has additional administrative duties in overseeing council office and employees. They also looked at historical data dating back to 1986 regarding salary increases and recommendations. The Commission found compelling evidence that

the work council members perform on a regular basis may be out of sync with the current salaries, perhaps discouraging potential council candidates who did not have other substantial sources of income from running for the office.

The commission did find areas where the current process could be improved, and therefore, recommended changing the frequency of salary surveys conducted by the commission, removing the prohibition on in-term increases for elected officials where the increase was the result of a salary survey recommendation by the civil service commission, and removing the ten percent cap on increases. In recommending these changes, the commission noted that the mayoral elections and council ward elections are three years after the timing of the salary survey under the current charter provisions. The Commission also found that historically, the Council has been hesitant to increase any elected officials' salary by a vote. The last salary increase for members of council and the mayor was nearly ten years ago in 2014.

Finally, the commission recommended that Council President receive 120% of the salary of other members of council because of the additional administrative duties attending to that position. See Exhibit A.

**Manner of Amending Legislation.** The Law Department raised the concern that the current requirement for amending legislation can be overburdensome, confusing for the public and members of council to read and creates the risk of mistakes in drafting. The current process for amending legislation requires that the entire ordinance or resolution be repealed and that the amended legislation be enacted to replace it resulting in long dockets and legislation that is longer than necessary to communicate a proposed change.

The commission understood the concern and recommended that legislation be amended by stating the entire ordinance or resolution, or part thereof, as it currently reads and to show the proposed changes through strike-through and underlining. See Exhibit B.

**Charter Amendments.** The commission found that the language providing for the amendment to the charter was somewhat confusing to the reader and recommended language that clarifies the process in the current charter. See Exhibit C.

**Ward Redistricting.** The commission noted that currently, there is no requirement of ward redistricting in the charter. As a whole, the commission felt that this is an important item to be included in the charter to ensure that future wards remain as evenly populated as possible and that a process be created that will minimize the risk of political gerrymandering.

The commission gathered information about the current population of each of the four wards based upon the most recent census and found that since the current wards

were established in 1971, Ward 4 has seen an increase in population while the remaining three wards' population remains very evenly distributed. Ward 4's population is more than 10% higher than the other wards.

The commission also spent time discussing and debating about how future wards should be established and considered whether a citizens' advisory group should be established or whether the process should be a function of either the administrative or legislative branch. The commission finally settled on placing this process with the already established planning commission as the mayor and council both have appointment powers to this commission. Under the proposed amendment the Lakewood Planning Commission will make recommendations based on objective criteria which Council is obligated to adopt unless it is in direct conflict with the mandated conditions.

The commission recommended that after every decennial census count that the planning commission review the populations of each ward and make changes to the ward boundaries if necessary to ensure that wards are contiguous, compact, bounded by natural boundaries or roads, and provide for the most even population distribution possible. See Exhibit D.

**Council Appointment Process.** A few members of the commission and members of City Council raised with the Commission concerns about the process by which council appoints a new council member when a vacancy occurs. In those cases, the current charter does not specify a process but merely states that a vacancy shall be filled by remaining council members.

There was significant discussion about the current process with input from members of council (including meeting in joint session with council's committee of the whole). Currently, when a vacancy occurs, council puts out a call for applications, narrows the candidate pool, holds interviews in a public meeting, caucuses in executive session to further discuss the candidates, then formally votes in a public meeting. There was discussion as to whether this process was appropriate for the charter or if council should enact legislation formalizing the process. There was also discussion regarding the use of executive sessions in the appointment process and debated whether or not that should be prohibited by charter.

Some members felt that the appointment process could be more open and transparent than it currently is. Several members expressed concern that after an individual is appointed that they become the incumbent in the next election which could have the effect of potentially deter others from running. The appointed member may also benefit from the public perception that the individual was previously elected creating a level of unfairness in the election for that position.

Ultimately, the commission recommended placing the current uncodified process in the Charter. While the Commission did not ban the use of executive sessions in the appointment process the commission notes that there are strong arguments that public confidence in the fairness of the process would be enhanced by conducting the entire process in public. By placing the process in the charter, it will ensure that future appointments will be handled in an open and transparent manner. See Exhibit E.

**Ranked Choice Voting and the Primary Election.** The commission undertook a discussion of the conduct of elections in Lakewood including a discussion of the timing of primary elections and the possibility that the primary election could be eliminated completely by institution of ranked choice voting which would combine the primary and general election into one election. The current charter provides that primary elections are held in September of each year that there is an election of officials. The question was raised if primary elections should be moved to May. The county board of elections reported that primary elections are pretty equally split within the county with local governments having primaries in both May and September.

The commission discussed the benefits of having an earlier primary. They considered that candidates would have a break in campaigning between the primary and election and that there would be more time for campaign activity and debate focusing on the finalists selected in the primary. One view was also that local candidates would be less likely to commit to running for office if they were to spend an entire year campaigning rather than the shorter time that is required for a September primary. The Commission also considered the possibility of eliminating the primary altogether by amending the charter to require ranked choice voting. Ultimately the commission decided to recommend that council have the authority to determine if the primary election should be held in May, September or not at all if the option for ranked choice voting (also referred to as an instant runoff) is adopted as recommended by the commission and enacted by council.

Several members of the commission raised the issue of the charter being amended to allow ranked choice voting as a manner of electing local officials. Ranked choice allows electors to rank each candidate for a position in the election first to last choice for that position. In the event that no candidate gets 50% plus one for a single seat election like Mayor or Municipal Judge or Ward Councilperson, the lowest vote-getting candidate would be eliminated and the second choice votes of voters who supported the eliminated candidate would be redistributed to the candidate that each voter ranked second. This process of eliminating the candidate with the least votes and redistributing would continue until a candidate has been allocated 50% of the vote plus one.

In multi-candidate races like at large council races the process would work like this:

1. If any candidates have more votes than the election threshold, they are elected. For Lakewood's at-large council with three positions to be elected that means any candidate that reaches the threshold of 25% plus one vote would be elected.
2. If any winning candidates earn more votes than the threshold, the surplus votes are transferred to those voters' next choices. The most common method for redistributing these votes is a fractional transfer. This works by adding a fraction of each vote for the elected candidate to the totals of the candidate ranked next. For example, if a candidate gets 10% more votes than the election threshold, every one of their voters will have 10% of their vote count for their next choice. That way, voters aren't punished for honestly ranking a very popular candidate first.
3. If there are no surplus votes to transfer and all seats are not filled, the candidate with the fewest votes is eliminated. When a voter's top choice is eliminated, their vote instantly counts for their next choice who is still in the race. That way, voters aren't punished for honestly ranking their favorite candidate first, even if they perceive that candidate cannot win.
4. After eliminating the last-place candidate, return to step 1 to check whether any new candidates have crossed the threshold. Repeat steps 1-3 until all 3 seats are filled.

The commission spoke to the Representatives of the Cuyahoga County Board of Elections, Rank the Vote, the Lakewood Democrat Club members, Fair Vote, the League of Women Voters, and the Cleveland Heights Charter Review Commission regarding benefits and risks of allowing this form of election. There were views expressed that supported the concept as an established process in other areas of the United States and that is being considered by other Cuyahoga County municipalities as they undergo their charter review process. There were also views expressed that the timing is not yet ripe for changing how city officials are elected in Lakewood, that the process may be confusing to established voters and that the process we currently have in place is working without complaint. Some commission members took the view that introducing ranked choice voting was attempting to solve a problem that did not exist.

Supporters of ranked choice voting pointed to the evidence that the ranked choice process has led to elections that are less divisive by discouraging negative campaigning (because candidates who are competing for the subsequent votes of their opponents would be less likely to focus on the weaknesses of the opponents and more likely to focus on their own qualifications for office) and partisanship and result in the election of officials who are focused on the needs of the entire community not just a particular constituency.

The majority of commission members are supportive of the city adopting rank choice voting in the near future but given the uncertainty about the timeline needed to

implement this overhaul (and potential legal and legislative threats to implementation), the commission decided to recommend providing the city with the authority but allow council the greatest flexibility possible.

The Commission voted to place language in the Charter that would allow Council to adopt ranked choice voting in Lakewood and at their discretion move the primary election from September to May in the event ranked choice voting is not enacted. See Exhibit F.

## **Conclusion**

The Charter Review Commission took its purpose seriously and reviewed the Third Amended Charter. Members worked collaboratively and constructively to focus only on issues that were compelling and timely and intended to solve problems identified in the charter by the administration, council and the public. The Commission urges Council to consider placing these amendments on the ballot for the consideration of our entire community.

## Exhibit A

### 2.3 COUNCIL SALARIES

(a) Salaries. The salaries of the members of council shall be established by ordinance or resolution, provided that the legislation is adopted not less than 30 days prior to the deadline for the filing of nominating petitions by candidates for the office of councilmember for the next term, and subject to further provisions of this charter.

(b) Salary Recommendation. Council shall accept, reject, or modify the civil service commission's recommendations made under Article Six within 90 days of receiving them. Without any action by council within the 90-day period, the recommendations of the civil service commission shall become effective as if adopted by ordinance or resolution under Section 2.8, but consistent with Section 2.3(c).

(c) Timing of Salary Change. No change in the salary for a member of council shall take effect during the current term of that member, except for any salary change that is the same or less than that contained in a recommendation from the civil service commission pursuant to Section 6.7.

(d) Council President's Salary. The salary for the president of council shall be 120% of the salary established for the non-president members of council.

### 3.5 SALARY OF THE MAYOR

(a) Salary. The salary of the mayor shall be established by ordinance or resolution, provided that the legislation must be adopted not less than 30 days prior to the deadline for the filing of nominating petitions by candidates for the office of mayor for the next term, and subject to further provisions of this charter.

(b) Salary Recommendation. Council shall accept, reject, or modify the civil service commission's recommendations made under Article Six within 90 days of receiving them. Without any action by council within the 90-day period, the recommendations of the civil service commission with respect to the mayor's salary shall become effective as if adopted by ordinance or resolution under Section 2.8, but consistent with Section 3.5(c).

(c) Timing of Salary Change. No change in the salary for the mayor shall take effect during the current term of the mayor, except for any salary change that is the same or less than that contained in a recommendation from the civil service commission pursuant to Section 6.7.

### 6.7 SALARY RECOMMENDATIONS

On or before July 1 of each even-numbered year ~~in which a presidential general election is held~~, the civil service commission shall review and make a written report to council, which report shall be filed with the clerk of council and the office of the mayor, setting forth the commission's recommendations for the salary and other compensation for the offices of mayor and members of council. Council shall place that report on the next docket at a regularly scheduled council meeting. If council takes no action or fails to decline to follow the suggestions within 90 days, the recommendations shall take effect as if council had adopted them by ordinance ~~approved by the mayor. However, no increase in salary under this section shall exceed 10 percent of the salary for~~

~~the office of mayor or council, unless there has been no increase in salary for that office in the preceding 10 years.~~

## Exhibit B

### 2.8 ENACTMENT OF ORDINANCES AND RESOLUTIONS

(a) Each proposed ordinance or resolution shall be in writing and shall not contain more than one subject, which shall be clearly stated in the title. General appropriation ordinances may contain the various subjects and accounts for which moneys are appropriated. The vote on the passage of each ordinance or resolution shall be officially recorded and the official record shall be publicly available.

(b) No resolution of a permanent character or ordinance shall come to a vote until it has been read, by title, on three separate days. The requirement of reading on three separate days may be dispensed with by a two-thirds vote of all councilmembers. A majority of councilmembers present may require that an ordinance be read in full rather than by title.

No ordinance, resolution or section of an ordinance or resolution shall be repealed, revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution or section to be repealed, revised or amended, ~~and the ordinance, resolution or section revised or amended is repealed.~~ Revisions or amendments to an ordinance or resolution shall be clearly indicated by underlining any language inserted and by striking through any language that is removed.

(c) No ordinance or resolution shall under any circumstances be adopted or passed unless it has been read on three separate days, which (1) changes the amount of salary or compensation for any elected officer of the city; (2) amends any zoning ordinance; (3) grants, renews or extends a franchise or other special privilege; or (4) regulates the rate to be charged by a public utility for its services.

(d) The enacting clause of all ordinances passed by council shall be "Be it ordained by the city of Lakewood." The enacting clause of all ordinances submitted by initiative shall be "Be it ordained by the people of the city of Lakewood."

## Exhibit C

### 7.5 CHARTER REVIEW COMMISSION AND CHARTER AMENDMENTS

(a) In January of 2024 and each 10th year thereafter, nine registered voters of the city shall be appointed as members of a charter review commission. Five members of the commission shall be appointed by council and four members shall be appointed by the mayor. Members of the commission shall not hold any other office or position of employment with the city. The commission shall review the charter and within six months after the appointment of its members may recommend to council, by a two-thirds vote of all the members of the commission, revisions and amendments to this charter. Council may submit any proposed amendments recommended by the commission to a vote of the people in the manner provided under this charter and the state Constitution. Amendments shall be in the form provided by council.

(b) ~~Amendments to this charter may be submitted to the registered voters of the city by a two-thirds vote of all councilmembers and, upon petitions signed by 10 percent of the registered voters of the city proposing an amendment, shall be submitted to the voters by council. Council may, by affirmative vote of at least two-thirds of councilmembers, submit any proposed amendment to the charter to the registered voters of the city for approval; or, upon receipt of a petition signed by not less than ten percent (10%) of the registered voters of the city setting forth any proposed amendment to the charter, council shall submit such proposed amendment to the registered voters of the city for approval.~~ The submission of a proposed amendment to the registered voters shall be governed by the requirements of Article XVIII, Sections 8 and 9 of the Constitution of the state of Ohio as to the submission of the question of choosing a charter commission; and notice of the proposed amendment may be mailed to the registered voters as provided by the Constitution or notice may be given pursuant to ordinances adopted by council. If any amendment is approved by a majority of those voting on the amendment, it shall become a part of the charter of the city, except that if two or more inconsistent amendments on the same subject are submitted at the same election and each is approved, only the amendment receiving the largest affirmative vote shall become a part of the charter. A copy of the charter or any amendment shall be certified to the secretary of state within 30 days after its adoption by the registered voters.

## **Exhibit D**

### **7.2(i) REDISTRICTING The WARDS OF THE CITY**

- (1) Upon the adoption of this Charter by the electors of the city and at least 180 days prior to the filing date of nominating petitions for the terms beginning on January 1, 2027, the Planning Commission shall review and make, if necessary, appropriate redivisions of the City into four wards which shall be as nearly equal in population as is possible, each ward to be composed of contiguous and compact territory, bounded by natural boundaries or street lines. City Council shall adopt and enact the redivisions proposed by the Planning Commission unless council specifically finds that such redivisions are not contiguous or compact or bounded by natural boundaries or street lines or do not provide for equal population distribution.
  
- (2) Commencing with the Federal census decennially taken in the closest proximity to January 1, 2030, and following each subsequent Federal decennial census, within six months after the proclamation of the Ohio Secretary of State announcing the population of cities of Ohio, the Planning Commission shall review and make, if necessary, appropriate redivisions of the City into four wards which shall be as nearly equal in population as is possible, each ward to be composed of contiguous and compact territory, bounded by natural boundaries or street lines. City Council shall adopt and enact the redivisions proposed by the Planning Commission unless council specifically finds that such redivisions are not contiguous or compact or bounded by natural boundaries or street lines or do not provide for equal population distribution.
  
- (3) Any changes in ward boundaries shall become effective for the next regular municipal election.

## Exhibit E

### OPTION 2 – CODIFICATION OF CURRENT PROCESS

#### 2.2 QUALIFICATIONS AND VACANCIES

(a) Qualifications. Each member of council shall have been for at least one year immediately prior to the date of taking office both a resident and registered voter of the city. Each member of council elected from a ward of the city shall be a resident of the ward from which the member was elected. All members of council shall continue to be residents and registered voters of the city and, if elected or appointed from a ward, shall be and continue to be a resident of that ward. Any member who ceases to possess those qualifications shall immediately forfeit his or her office. Council shall be the judge of the election and qualification of its members.

(b) Vacancy. Vacancies in council shall be filled by appointment made by the remaining councilmembers. Prior to making any appointment, council shall first issue an open call for all interested candidates to submit applications and, upon council's review of the applications, shall hold candidate interviews in public session. In the event council does not appoint a successor within 60 days of the occurrence of a vacancy, the mayor may fill the vacancy. If the vacancy occurs more than two years and 120 days before the municipal primary election for the next term of that office, or more than two years before the regular municipal election for the next term of that office if there is not primary election, the appointee shall serve only until his or her successor is elected and qualified at the next regular municipal election. If the vacancy occurs afterward, the appointee shall serve until the end of the unexpired term of the former councilmember. Any vacancy that results from a recall election shall be filled in the manner provided by Article Nine.

## Exhibit F

### ARTICLE NINE. ELECTIONS, INITIATIVE, REFERENDUM, RECALL

#### 9.1 ELECTIONS

(a) Regular and Special Municipal Elections. General municipal elections for the purpose of the election of officers provided for in this charter shall be held on the first Tuesday after the first Monday in November in each odd numbered year and shall be known as regular municipal elections. Except for primary elections, all other elections held under the provisions of this charter or as may be required by law shall be known as special municipal elections.

(b) Method of Voting. Council shall, by ordinance, adopt either plurality voting, as described in Section 9.1(c), or ranked choice voting, as described in Section 9.1(d), as the method for the election of the officers provided for in this charter.

(c) Plurality Voting. In the general municipal elections for the mayor, ward-based councilmembers, and the judge of the Lakewood Municipal Court, each voter shall vote for no more than one candidate in each race, with the candidate receiving the highest number of votes being the winner. In the general municipal election for the councilmembers at large, each voter shall vote for no more than three candidates, with the three candidates receiving the highest number of votes being the winners.

On a date set by council by ordinance prior to each general municipal election, a primary election shall be held for the purpose of nominating persons, without regard to political parties, for election to offices provided for by this charter to be voted for at the next regular municipal election.

The number of candidates for the offices of mayor, each of the four ward councilmembers, and judge of the Lakewood Municipal Court at any regular municipal election shall be the two persons on the primary election ballot receiving the highest number of votes at the primary election, with each voter being permitted to vote for not more than candidate for each office. The number of candidates for the office of councilmember at large at any regular municipal election in the city shall be the six candidates on the primary ballot receiving the highest number of votes at the primary election, with each voter being permitted to vote for not more than three candidates for the office.

In case there shall not be more than two persons who have filed petitions for the office of mayor, any of the offices of the ward councilmembers, or judge of the Lakewood Municipal Court, then those persons shall be the candidates at the regular municipal election and the primary for the particular office shall not be held. In case there shall not be more than six persons who have filed petitions for the office of councilmember at large, then those persons shall be the candidates at the regular municipal election and the primary for that office shall not be held.

(d) Ranked Choice Voting. In the event that Council elects ranked choice voting, all officers provided for in this charter shall be elected by ranked choice voting. Ranked choice voting is a method of casting and counting votes in which voters rank candidates in order of preference and votes are counted in rounds. Ranked choice voting is also known as “instant runoff voting” when electing a single winner or the “single transferable vote” when electing multiple winners in proportion to their support among all voters.

The mayor, ward councilmembers, and the judge of the Lakewood Municipal Court shall be elected via instant runoff voting. The candidate with the fewest votes shall be eliminated in each round and each voter's ballot shall count as one vote for its highest-ranked remaining candidate in each round. When two or fewer candidates remain, the candidate with the greatest number of votes shall be elected.

Councilmembers at large shall be elected by single transferable vote. Candidates shall be elected or eliminated in each round and each ballot shall count in whole or in part for its highest-ranked remaining candidate in each round. Candidates shall be elected if they receive the number of votes needed to win a seat. The number of votes needed to win a seat shall be determined by dividing the number of votes cast by the sum of the number of seats to be filled and one, plus one additional vote. If a candidate receives more votes than needed to win a seat, a part of each vote received by that candidate instead shall be counted for each ballot's next-highest-ranked remaining candidate. When a candidate is eliminated, votes shall be counted for each ballot's next-highest-ranked remaining candidate.

If ranked choice voting is adopted by council, council shall, by ordinance, establish:

(i) the ballot format;

(ii) the rules for casting and counting the votes; and

(iii) a process to release unofficial preliminary round-by-round results, including ballot ranking data, starting as soon as a reasonable number of precincts have reported, but in no event later than as required by law, and continuing at regular intervals until the counting of ballots is complete.

~~(b) Primary Elections. On the second Tuesday in September prior to each general municipal election, a primary election shall be held for the purpose of nominating persons, without regard to political parties, for election to offices provided for by this charter to be voted for at the next regular municipal election.~~

~~The number of candidates for the offices of mayor, each of the four ward councilmembers, and judge of the Lakewood Municipal Court at any regular municipal election shall be the two persons on the primary election ballot receiving the highest number of votes at the primary election. The number of candidates for the office of councilmember at large at any regular municipal election in the city shall be the six candidates on the primary ballot receiving the highest number of votes at the primary election.~~

~~In case there shall not be more than two persons who have filed petitions for the office of mayor, any of the offices of the ward councilmembers, or judge of the Lakewood Municipal Court, then those persons shall be the candidates at the regular municipal election and the primary for the particular office shall not be held. In case there shall not be more than six persons who have filed petitions for the office of councilmember at large, then those persons shall be the candidates at the regular municipal election and the primary for that office shall not be held.~~

(e) (d) Election Procedures. Write-in votes for municipal candidates in regular municipal elections shall be permitted only if a duly nominated candidate cannot participate due to death or other disqualification, or if a candidate does not have an opponent, or if no candidate has been nominated. The ballots used in the primary and regular municipal elections shall be without party mark or designation. The names of all candidates shall be placed upon the same ballot and shall be rotated in the manner provided by general law, unless provided otherwise in this charter or by ordinance.

(d) (f) Certificate of Nomination when no Primary is Held. In the event a primary election is not held, the county board of elections shall declare each candidate to be nominated, issue appropriate certificates of nomination to them and certify their names in order that they be printed on the official ballots provided for use in the regular municipal election, as if a primary election had been held and each person had been nominated at that election.

(e) (g) Designation of Candidates. If council has adopted plurality voting pursuant to Section 9.3(c), candidates for nominations to elective offices provided for in this charter shall have their names printed on the official primary ballot by filing a declaration of candidacy, meeting all required qualifications and paying any required filing fees. If council has adopted ranked choice voting pursuant to Section 9.3(d), candidates for the elective offices provided for in this charter shall have their names printed on the official regular election ballot by filing a declaration of candidacy, meeting all required qualifications and paying any required filing fees.

(f) (h) Declarations of Candidacy. Candidates for the offices of mayor and member of council shall, not later than 4:00 p.m. of the 90th day before the day of the municipal primary election, if council has adopted plurality voting pursuant to Section 9.1(c), or not later than 4:00 p.m. of the 90th day before the day of the regular municipal election if council has adopted ranked choice voting pursuant to Section 9.1(d), file a declaration of candidacy. Except as otherwise required by this charter, the general law of the state shall govern declarations of candidacy. Nominations for each elective municipal office shall be made by petition only, on standard forms provided by the county board of elections for the nomination of nonpartisan candidates. Declarations of candidacy for write-in candidates shall be made on standard forms provided by the county board of elections and submitted within a period of time prescribed by the general law of the state.

(g) (i) Ballot Form. Except as otherwise required by this charter, the form of the ballot at primary, special and regular municipal elections shall be determined by the election authorities in accordance with general law.

(h) (j) Nomination and Election of Judges. Candidates for judge of the Lakewood Municipal Court shall file a declaration of candidacy and be nominated by petition signed by at least 200 registered voters of the city. The petition or petitions when filed shall be accompanied by the written acceptance of the nominee. Each signer of a petition shall sign his or her name and after his or her name designate his or her residence. The petition or petitions shall be filed with the county board of elections as one instrument not later than 4:00 p.m. of the 90th day before the day of the municipal primary election for the office of judge, if council has adopted plurality voting pursuant to Section 9.1(c), or not later than 4:00 p.m. of the 90th day before the day of the regular municipal

election if council has adopted ranked choice voting pursuant to Section 9.1(d). The names of all nominated candidates shall appear on a nonpartisan judicial ballot in the regular municipal election.

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







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