

## LEGAL NOTICE

Notice is hereby given that the following proposed Charter Amendment for the City of Fairborn will appear on the May 5, 2026, election ballot:

### **Issue 4: Proposed Charter Amendment**

#### **City of Fairborn**

#### **A majority affirmative vote is necessary for passage.**

Shall subsection (d) of Section 2.07 of Article II of the Charter of the Municipality of Fairborn, Ohio be amended to remove the current reference to state law and establish a specific recall process for elected officials as follows:

#### **SECTION 2.07 VACANCIES: FORFEITURE OF OFFICE: FILLING OF VACANCIES: RECALL.**

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~~(d) Recall. Any member of Council may be removed from office before the expiration of his/her term by the qualified voters of the City. The procedure for such recall shall be that provided by the laws of the State of Ohio.~~

- Recall. Any elected official provided for in this Charter may be removed from office by recall petition. Except as provided herein, no petition for recall shall be filed within one hundred eighty (180) days after a person takes office, or within ninety (90) days preceding a regular municipal election for such office. No more than three (3) elected officials may be subject to recall at any single election.
- Petition Requirements. A petition demanding an elected official's removal may be filed with the City Clerk who shall note thereon the name and address of the elector filing the petition, and the date and time of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought, and a statement in not more than two hundred (200) words of the grounds for removal. Such petition shall be signed by qualified electors equal to not less than fifteen percent (15%) of the total number of electors who voted in the last preceding regular municipal election for Mayor. Within ten (10) business days after the day on which such petition is filed, the City Clerk shall determine whether it meets the requirements hereof and shall certify the results of such determination in writing to the petitioner and the affected official. If the petition is found insufficient the first time it is submitted, the certification shall specify the deficiencies, which may include but are not limited to deficiencies in the number of valid signatures required. The petitioner shall have ten (10) business days from receipt of notice of the deficiency(ies) to cure any deficiencies and resubmit the petition. If the City Clerk determines the petition is still insufficient for any reason when it is resubmitted, the City Clerk shall notify the petitioner of the deficiency or deficiencies and the petition shall be rejected without the right of further resubmittal, and the City Clerk shall also notify the affected official of such rejection.
- City Clerk Action on Petition for Recall. If the City Clerk finds the petition sufficient, the Clerk shall within three (3) business days certify such sufficiency to the City Council, shall deliver a copy of such certificate to the elected official whose removal is sought by certified mail or personal service, and shall make a record of such delivery. If the official designated in the petition files a written resignation with the City Clerk within five (5) business days after receipt of such notice, the office shall be deemed vacated effective upon filing. Such resignation shall be irrevocable once filed, and the vacancy shall be filled in the manner of filling vacancies provided in this Charter. If the elected official whose removal is sought does not resign within five (5) business days after receipt of such notice, the City Clerk shall order and provide for an election to determine the question of the removal of the elected official in accordance with the provisions of subsection (iii) hereof. The City Clerk shall solicit from such official a general statement in not more than two hundred (200) words of the grounds upon which the person should retain office, to be submitted within ten (10) business days of the request. Failure to submit a statement shall not delay the recall process.
- Placement of Recall on the Ballot. The question of the removal of the elective officer shall be submitted to the electors of the city at the next regular municipal election if one shall occur not less than sixty (60) days, nor more than one hundred twenty (120) days after the City Clerk determines the sufficiency of the same. If no such election will be held within the period provided herein, the City Clerk shall order and provide for a special election within such period. If more than three (3) valid petitions have been found sufficient, the three (3) petitions bearing the most valid signatures shall be submitted at such an election. After such period, if sufficient petitions remain, the City Clerk shall repeat the provisions herein until all such sufficient petitions have been submitted to the electors. No additional recall petitions for the same officials shall be submitted within one hundred eighty (180) days following such election.
- Ballot Language, Generally. The ballot for any recall shall be as provided for by general laws of the state, unless otherwise provided by this Charter or Ordinance of City Council.
- Effect of Electoral Vote on Recall. If a majority of the votes cast on the question of removal of any elected official are affirmative, the elected official whose removal is sought shall be deemed removed from office upon certification of the official canvass of that election by the Board of Elections, and the vacancy caused by such recall shall be filled in the manner provided in this Charter for filling vacancies caused by death or resignation. The removed official's authority shall cease immediately upon such certification. The official removed by such recall election shall not be eligible for appointment to the vacancy created by such recall, nor shall he or she be eligible for election or appointment to any municipal office in Fairborn for a period of four (4) years from the date of the recall election or the date of his or her resignation under this Section to avoid a recall election.

Julie L. Taylor  
CLERK OF COUNCIL,  
CITY OF FAIRBORN, OHIO