

Sec. 42-16. Conferring special privilege by initiated ordinance or charter amendment.

- A) Restraint of trade or commerce being injurious to this state and its citizens, including citizens of the City of Columbus, the power of the initiative shall not be used to pass an ordinance or an amendment to the city charter that would grant or create a monopoly, oligopoly, or cartel; specify or determine a tax rate; or confer a commercial interest, commercial right, or commercial license to any person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, however organized, that is not then available to other similarly situated persons or nonpublic entities.
- B) The power of the initiative shall not be used to pass an ordinance authorizing the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution.
- C) If an ordinance or charter amendment proposed by initiative petition is certified to appear on the ballot, and in the opinion of the City Attorney, the ordinance or amendment would conflict with division (A) or (B) of this Section, the City Council shall prescribe two separate questions to appear on the ballot, as follows:
 - a. The first question shall be as follows:
 - i. Where there is determined to be a conflict with division (A):
 - 1. For an initiated ordinance: "Shall the petition committee, in violation of division (A) of Section 42-16 of the Columbus City Charter, be authorized to initiate an ordinance that grants or creates a monopoly, oligopoly, or cartel, specifies or determines a tax rate, or confers a commercial interest, commercial right, or commercial license that is not available to other similarly situated persons?"
 - 2. For a charter amendment: "Shall the petition committee, in violation of division (A) of Section 42-16 of the Columbus City Charter, be authorized to initiate a charter amendment that grants or creates a monopoly, oligopoly, or cartel, specifies or determines a tax rate, or confers a commercial interest, commercial right, or commercial license that is not available to other similarly situated persons?"
 - ii. Where there is determined to be a conflict with division (B):
 - 1. For an initiated ordinance: "Shall the petition committee, in violation of division (B) of Section 42-16 of the Columbus City Charter, be authorized to initiate an ordinance that authorizes the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution?"
 - 2. For a charter amendment: "Shall the petition committee, in violation of division (B) of Section 42-16 of the Columbus City Charter, be authorized to initiate a charter amendment that authorizes the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution?"
 - b. The second question shall describe the proposed ordinance or charter amendment.
 - c. If both questions are approved or affirmed by a majority of the electors voting on them, then the ordinance or charter amendment shall take effect. If only one question is approved or affirmed by a majority of the electors voting on it, then the ordinance or charter amendment shall not take effect.

Sec. 42-17. Disclosure Requirements for Certain Initiative Petitions.

- A) If a petition committee seeks to use the municipal power of the initiative to pass an ordinance or an amendment to the city charter that would grant or create a monopoly, oligopoly, or cartel; specify or determine a tax rate; or confer a commercial interest, commercial right, or commercial license to any person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, however organized, that is not then available to other similarly situated persons or nonpublic entities in violation of Sec. 42-16(A) or if a petition committee seeks to use the municipal power of the initiative to pass an ordinance that authorizes the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution in violation of Sec. 42-16(B), such petition committee must make the following additional disclosures on each part petition submitted:
- 1) The name and address of each member of the petition committee;
 - 2) The name and address of each person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, who will receive or are intended to receive a commercial interest, commercial right, commercial license, or private commercial benefit of any kind under the initiated ordinance or charter amendment;
 - 3) The amount of public money that each person, nonpublic entity, or group or persons or nonpublic entities, or any combination thereof, will obtain or is expected either to obtain or to have access to from the city in each of the first three fiscal years following the effective date of the initiated ordinance or charter amendment.
- B) The failure to disclose any information required in Section (A) on any part-petition, will result in the invalidity of all signatures contained on such part-petition;
- C) Strict compliance with this section is required pursuant to the obligations under Title 35 of the Revised Code;
- D) This provision preserves the authority conferred upon of the citizens of the City of Columbus granted under Article II Sections .01e and .01f and Article XVIII, Section 03 of the Ohio Constitution.

Sec. 42-7. - All petitions to be filed with city clerk.

All separate part-petitions providing for a proposed ordinance, referendum, recall, or charter amendment shall be filed at the same time, as one instrument, with the city clerk. No alterations, corrections, or additions may be made to a petition after it is filed in a public office. Petitions for an initiated ordinance or charter amendment shall be filed within ~~one~~ two years of filing a certified copy of the same with the city clerk; petitions for recall or referendum shall be filed as otherwise provided for herein.

Sec. 42-9. - Duties ~~of~~ upon filing of a petition.

Within ten days after filing, the city clerk shall cause copies of the petitions to be made, and shall forward the petitions to the elections authorities to validate the signatures on the petition and to the city attorney to advise on the legal sufficiency of the petition, based upon any applicable local, state or federal laws, rules or regulations; provided, however, in the case of a proposed charter amendment, the city clerk shall

forward the petitions forthwith to the elections authorities and the city attorney. Validation of signatures shall be reported by the elections authority within ten days of their receipt of the petition. If the elections authority's report confirms a sufficient number of valid signatures on the petition, the city clerk shall, upon receipt, forthwith forward to the council the elections authority's report regarding signature validation and the city attorney's findings regarding legal sufficiency. If the elections authority's report confirms an insufficient number of valid signatures on the petition, the city clerk shall forthwith notify the petition committee of the deficiency. The petition committee shall have an additional ten (10) days from the time of notification by the city clerk to secure and file petitions containing additional signatures. The city clerk shall forward any additional petitions received forthwith to the elections authorities. Validation of additional signatures shall be reported by the elections authority within ten days of their receipt of the petition. The city clerk shall, upon receipt, forthwith forward to the council the elections authority's supplemental report regarding signature validation and the city attorney's findings regarding legal sufficiency.