

PROPOSED CHARTER AMENDMENT NO. 1, INITIATIVE PROCESS

SUMMARY

This proposed amendment updates the initiative process regarding initiated ordinances and initiated charter amendments. The central reform pertains to self-dealing through the initiative. The proposed changes implement a ban on initiatives that create a monopoly, oligopoly, or cartel; or otherwise confer a special privilege - such as a specific tax rate, commercial right, interest, or license - that is not available to similarly situated persons or nonpublic entities. The amendment also bans any initiatives that authorize the City to become a stockholder in any joint stock company, corporation, or association; or interact with such in violation of Article VIII, Sec. 6 of Ohio Constitution. Should an initiative petition that violates either of these bans be found legally sufficient by city council, council would be required to pass ordinances to place two issues on the ballot: the first asks voters if the committee should be allowed to initiate the ordinance or charter amendment in violation of the Charter; the second would be the initiative ordinance or charter amendment itself. The amendment would also require any petition submitted in violation of either ban to include the names and addresses of all who would stand to gain commercial benefit from the initiative, and an estimate of how much public money they would likely receive in the three years following passage.

The amendment would also make two additional changes to the initiative process. The first would lengthen the period of time that a petition committee has to gather signatures from one (1) year to two (2) years. The second would allow for ten additional days during which a petition committee may collect more signatures, should the board of elections' report find that the petition lacks the necessary number of valid signatures per sections 43 to 46 of the charter.