



Zach Klein

CITY ATTORNEY

CITY ATTORNEY'S OFFICE ■ COLUMBUS OHIO

MEMORANDUM

TO: All Members of City Council
Andrea Blevins, City Clerk

FROM: Zach Klein, City Attorney *ZK/jc*

DATE: July 25, 2019

RE: Review of Charter Amendment Petition—Prohibition against taxes and fees on arts and entertainment

As required by Section 42-9 of the City Charter, the City Clerk has forwarded to me a copy of a charter amendment petition filed with her office on July 8, 2019, entitled by the petitioners as “Section 242 – Protection from local taxes and fees on arts and entertainment.”

I am required by that same section to “advise on the legal sufficiency of the petition, based upon any applicable local, state or federal laws, rules or regulations.” Further, Section 42-11 provides that “[n]o city officer may consider the subject matter of a petition when determining the legal sufficiency thereof, except as required to assure compliance with applicable provisions of this charter, general laws of the state, or ordinance of council.”

The petitioners filed 803 part-petitions with the City Clerk on July 8, 2019, which were then forwarded to the Franklin County Board of Elections for validation of signatures. On July 22, 2019, the Board of Elections reported back to the City Clerk that the petition contains 10,746 valid signatures and that the number of signatures necessary to represent ten percent of the total votes cast at the 2017 regular municipal election is 11,030.

Section 45 of the City Charter requires submission to the voters of a proposed charter amendment only upon a petition signed by electors of the city equal to not less than ten percent of the total vote cast at the last preceding regular municipal election. Based on the report from the Franklin County Board of Elections, the subject petition fails to comply with this requirement and is therefore insufficient as a matter of law.¹

¹ Because the petitioners’ failure to submit the required minimum number of valid signatures is dispositive of the petition’s legal sufficiency, there is no need to address whether the petition complies with the requirements in Section 42-3 of the City Charter regarding the petition committee.