

Addition to communications 7/21/2014

Re: initiative petition Fair campaigns code

On July 15, 2014, 497 original initiative petitions titled "The Columbus Fair Campaigns Code" were filed with my office by petitioners whose committee is comprised of Robert J. Fitrakis, Willis E. Brown, Denise A. Benning-Adeduge, Suzanne M. Patzner and Jonathon C. Beard.

Upon receipt of the petitions, I consulted with the Office of the Columbus City Auditor to confirm that a certified copy of the initiative petition was filed with the Auditor prior to circulation of the petition. I was informed that a certified copy of the initiative petition was NOT filed with the City Auditor prior to circulation. Based on those facts, I requested a legal opinion in a memorandum to City Attorney Richard C. Pfeiffer, Jr. dated that same day with respect to the appropriate action and duties of the City Clerk specifically requesting legal advice regarding the Clerk's duties relative to the processing of the initiative petition and determining the legal sufficiency of the petition and the signatures contained thereon.

On July 16, 2014, City Attorney Pfeiffer responded in writing regarding the effect of noncompliance with R.C. 731.32 on Initiative Petition stating, in relevant part,

"...[T]he petitioners' failure to comply with the requirements of R.C. 731.32 by not filing a certified copy of the proposed ordinance with the City Auditor prior to circulation is fatal to their petition. Accordingly, it is my opinion, and you are so advised, that you have no legal duty as City Clerk to take any further action to submit the petition to the Franklin County Board of Elections or City Council, and that refusal to take such action would not amount to an abuse of your discretion."

On Friday, July 18, 2014, I provided a copy of the City Attorney's opinion and submitted written notification to City Council President Ginther and Members of Council that the aforesaid petition is not legally sufficient and, as a result, I will not be submitting the petition to the Franklin County Board of Elections or City Council. These memoranda and all documents related to this petition are on file in the office of the City Clerk.