



City of Columbus

Office of City Clerk
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columbuscitycouncil.org

Legislation Text

File #: 0269X-2013, **Version:** 1

To oppose passage of the proposed petition initiated ordinance which would enact Chapter 107 of the Columbus City Codes, 1959, and commit taxpayer dollars to fund political campaigns.

WHEREAS, on October 27, 2012, a petition committee consisting of five electors of the City of Columbus filed a petition with the Auditor of the City of Columbus to allow for the circulation of petitions and gathering of signatures to forward to Columbus City Council a proposed ordinance that would enact new Columbus City Code sections and commit taxpayer dollars to fund political campaigns; and

WHEREAS, after more than one year, on November 7, 2013, the petition committee submitted to the City Clerk petitions containing signatures of Columbus voters purporting to support placement of the petition initiated ordinance before Columbus electors, of which, less than half were determined valid by the Franklin County Board of Elections; and

WHEREAS, at the time the Clerk was required by the Columbus City Charter to determine the sufficiency of the signatures contained on the petitions, the total number of valid signatures equated to less than five percent of the total number of voters who participated in the last general municipal election to be certified by the Franklin County Board of Elections; and

WHEREAS, despite the fact that, at the time the Clerk was required by the Charter to determine the sufficiency of the signatures contained on the petitions, 2013 general municipal election results were not yet certified, the Clerk determined the number of signatures contained on the petitions sufficient based on the exceptionally lower 2013 estimated voter turnout which resulted in a far lesser standard for sufficiency than would have otherwise been required; and

WHEREAS, while simultaneously determining the sufficiency of the number of valid signatures contained on the petitions, the Clerk forwarded the petition language itself to the Columbus City Attorney for review for sufficiency as to legal form; and

WHEREAS, after reviewing the petition language and form, the City Attorney identified multiple potentially fatal flaws, including summary language that was neither fair nor truthful and which would likely be construed as misleading in presenting the petition to potential signatories; and

WHEREAS, in addition to the likely prejudicial summary language, several other deficiencies were identified and could be found to be fatal flaws and cause for rejection of the petition under state election laws; and

WHEREAS, despite multiple potentially fatal flaws with the petition as circulated and submitted, the City Clerk has limited discretion to determine whether the petition is, in fact, fatally flawed, and on the advice of the City Attorney, will leave the determination of deficiency to the Franklin County Board of Elections, thus forwarding the proposed petition initiated ordinance to Council for consideration based on the merits of its content, despite significant concerns; and

WHEREAS, the City Clerk, having shown great deference to the petitioners, has forwarded the proposed petition initiated ordinance to Council for consideration, Council has in turn asked for the City Attorney, City Auditor and the Mayor's administration to review the ordinance and offer counsel based on the content and potential impact of the proposed ordinance; and

WHEREAS, the City Attorney has reviewed the proposed ordinance and found that multiple provisions of the ordinance are in conflict with the City Charter, and are likely unconstitutional and illegal, and has advised City Council to reject the ordinance lest the City assume the legal and financial burden of defending a law which is unconstitutional; and

WHEREAS, the City Auditor has reviewed the proposed ordinance, and irrespective of the potential unconstitutionality of the proposed ordinance, has concerns with the permanent commitment of City revenues to fund political campaigns, and the impact on the City's financial position; and

WHEREAS, various representatives of the Mayor's administration, including the Director of Finance and Management, have reviewed the proposed ordinance and have expressed concerns relative to the significant direct and indirect costs to taxpayers to implement the ordinance should it become law; and

WHEREAS, regardless of any perceived benefit of the proposed ordinance, it is not likely to have the desired impact, and will instead expand the role of government in elections and create a confusing, costly system of taxpayer funded campaigns at the expense of other essential City services; and

WHEREAS, City Council has, in fact, previously addressed campaign finance-related issues, including the regulation of lobbyists doing business with the City and the implementation of strict campaign finance reporting requirements which exceed that which is required for state and federal candidates; and

WHEREAS, considering the totality of all of the facts outlined heretofore, the Council of the City of Columbus finds the proposed petition initiated ordinance to be unnecessary, largely unenforceable and likely unconstitutional while increasing government bureaucracy and diverting taxpayer dollars from critical City services to fund political campaigns; now, therefore

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS:

That the Mayor and City Council do hereby oppose passage of the proposed petition initiated ordinance which would enact Chapter 107 of the Columbus City Codes, 1959, and commit taxpayer dollars to fund political campaigns.