



Legislation Text

File #: 0640-2018, Version: 1

On May 19, 2017, petitioners Jonathan C. Beard, Willis E. Brown, Suzanne M. Patzer, Walter M. Penn, Joseph C. Sommer, and Asad Z. Shabazz filed with the City Clerk a pre-circulation copy of a petition for a proposed amendment to the Charter of the City of Columbus, titled "To enact electoral system and related administrative changes to Columbus City Council by amending Sections 3, 4, 5, 6, 14, 17, 18, 20, 22, 41, and 46 of the Charter to create ten city council districts, establish nomination requirements for candidates from districts, provide for election of council members from districts, reduce the number of council members elected at-large to three, regulate growth in council staffing, change the process for mid-term appointments to vacant council seats, create term limits, establish contributions limits for council elections, and provide public access television for council elections." Following this, on February 6, 2018, petitioners filed with the City Clerk a petition for said amendment. Petitioners filed 1,169 part-petitions containing 42,414 signatures.

On February 23, 2018, the City Attorney advised this Council that the subject petition fails to comply with Section 42-2 of the City Charter, which sets forth the requirements as to form for each petition for a proposal initiated by a citizen. Specifically, the City Attorney opined that the petition violates the single-subject requirement of Section 42-2(d) by including multiple separate and distinct proposals in a single petition.

On February 23, 2018, the Franklin County Board of Election certified its examination of the part-petitions, as required by Section 42-9 of the City Charter. The Board of Elections found that the total number of valid signatures exceeds the standard as defined in Section 45 of the Charter ("equal to not less than ten percent of the total vote cast at the last preceding municipal election").

Based on the foregoing, this Council finds that the petitioners' failure to comply with the requirements of Section 42-2 of the City Charter is fatal to the petition. As such, this Council finds that the petition for an initiated charter amendment is not legally sufficient and shall not be placed on the ballot.

To find not legally sufficient a petition for a proposed amendment to the Charter of the City of Columbus, titled "To enact electoral system and related administrative changes to Columbus City Council by amending Sections 3, 4, 5, 6, 14, 17, 18, 20, 22, 41, and 46 of the Charter to create ten city council districts, establish nomination requirements for candidates from districts, provide for election of council members from districts, reduce the number of council members elected at-large to three, regulate growth in council staffing, change the process for mid-term appointments to vacant council seats, create term limits, establish contributions limits for council elections, and provide public access television for council elections;" and to declare an emergency.

WHEREAS, the Charter of the City of Columbus vests with the people of the City of Columbus the right to initiate Charter amendments by petition; and

WHEREAS, petitioners are responsible for complying with all applicable requirements of the Ohio Constitution, the Charter of the City of Columbus, and the Ohio Revised Code in seeking to exercise the aforementioned right; and

WHEREAS, the Columbus City Council is required to place a proposed charter amendment on the ballot if the Council finds that a citizen-initiated petition contains sufficient valid signatures and if the Council is satisfied of the legal sufficiency of the petition; and

WHEREAS, on May 19, 2017, petitioners Jonathan C. Beard, Willis E. Brown, Suzanne M. Patzer, Walter M. Penn, Joseph C. Sommer, and Asad Z. Shabazz filed with the City Clerk a pre-circulation copy of a petition for a proposed

amendment to the Charter of the City of Columbus, titled “To enact electoral system and related administrative changes to Columbus City Council by amending Sections 3, 4, 5, 6, 14, 17, 18, 20, 22, 41, and 46 of the Charter to create ten city council districts, establish nomination requirements for candidates from districts, provide for election of council members from districts, reduce the number of council members elected at-large to three, regulate growth in council staffing, change the process for mid-term appointments to vacant council seats, create term limits, establish contributions limits for council elections, and provide public access television for council elections;” and

WHEREAS, on February 6, 2018, petitioners filed 1,169 part-petitions containing 42,415 signatures for the aforementioned petition; and

WHEREAS, after a thorough and timely review of the part-petitions, the Franklin County Board of Elections found that the total number of valid signatures exceeds the standard required by Section 45 of the City Charter; and

WHEREAS, after a thorough, timely review of the petition as required by Section 42-9 of the City Charter, the City Attorney has reported to this Council his opinion that the aforementioned petition is not sufficient as a matter of law because petitioners failed to follow the mandatory petition form requirements of Section 42-2 of the City Charter; and

WHEREAS, this Council concurs with the opinion of the City Attorney and finds that this petition violates the single-subject petition form requirement of Section 42-2(d) by including multiple separate and distinct proposals in a single petition; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that determination of the sufficiency of the petition is required by the Columbus City Charter; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That this Council finds that the petition for a proposed amendment to the Charter of the City of Columbus, titled “To enact electoral system and related administrative changes to Columbus City Council by amending Sections 3, 4, 5, 6, 14, 17, 18, 20, 22, 41, and 46 of the Charter to create ten city council districts, establish nomination requirements for candidates from districts, provide for election of council members from districts, reduce the number of council members elected at-large to three, regulate growth in council staffing, change the process for mid-term appointments to vacant council seats, create term limits, establish contributions limits for council elections, and provide public access television for council elections,” filed with the City Clerk on February 6, 2018 by petitioners Jonathan C. Beard, Willis E. Brown, Suzanne M. Patzer, Walter M. Penn, Joseph C. Sommer, and Asad Z. Shabazz, fails to meet the mandatory minimum legal requirements established by the people in the Charter of the City of Columbus.

SECTION 2. That based upon the findings in Section 1, this Council finds that the aforementioned petition is not legally sufficient and shall not be submitted to the electors of the City of Columbus.

SECTION 3. That the City Clerk be and hereby is authorized and directed to forthwith mail a copy of this ordinance to the aforementioned petitioners at the addresses listed in the petition filed with the City Clerk on February 6, 2018.

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall go into effect and be in force from and after the date of passage; and pursuant to the Charter of the City of Columbus Section 42-12, this ordinance shall not be submitted to or require the mayor's signature, or be subject to the mayor's veto; nor shall such ordinance be subject to the referendum.