

## PETITIONS FOR INITIATED ORDINANCE, REFERENDUM, RECALL, CHARTER AMENDMENT

### Sec. 42. Questions and issues.

The following provisions shall govern any petition for an initiated ordinance, referendum, recall, or charter amendment.

(Adopted 11-7-33; Ord. No. 1748-2014, 7-21-2014)

Editor's note(s)—Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 42 to read as set out herein. Former § 42 was titled [petition and signatures.]

### Sec. 42-1. Petition templates.

The city clerk shall produce petition templates for an initiated ordinance, referendum, recall, and charter amendment, which templates shall conform to the provisions of this charter and general laws of the state, unless otherwise provided by this charter or ordinance of council.

(Ord. No. 1748-2014, 7-21-2014)

### Sec. 42-2. Petition forms.

Each petition for a proposal initiated by a citizen shall comply with the following as to form and with general laws of the state, unless otherwise provided by this charter or ordinance of council:

- (a) A petition may be circulated in separate part-petitions, but shall be uniform in character.
- (b) Each part-petition shall be circulated and submitted as a single instrument.
- (c) The petition and parts thereof shall be printed in a single, uniform color.
- (d) A petition may only contain one proposal, which shall not address multiple or unrelated subject matters or questions of law.
- (e) The title of the proposal shall clearly and without argument describe the proposed ordinance, referendum, recall, or charter amendment, and such title shall be placed, in at least fourteen-point font, on the top of each page of a part-petition, which pages shall be numbered sequentially.
- (f) A petition shall contain a full and correct copy of any proposed ordinance, referendum, or charter amendment, with no summary, argument or other ancillary information regarding the proposal placed thereon, unless otherwise required by this charter or ordinance of council.
- (g) On each page of a part-petition where voters' signatures may be placed, the following shall be printed, in at least twelve-point font, below the title of such proposal: "NOTICE: Whoever knowingly signs this petition more than once; signs a name other than one's own on this petition, except as provided by general laws of the state; or signs this petition when not a qualified elector of the City of Columbus, is liable to prosecution."
- (h) The following sentence shall appear in the circulator's statement provided for by general law: "I am provided or promised moneys or things of value to circulate this petition by ..... (Name and address of employer)."

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(Ord. No. 1748-2014, 7-21-2014)

**Sec. 42-3. Petition committee.**

The petition shall bear the names of five qualified electors of the city of Columbus, who shall represent the petitioners in all matters relating to such petitions and shall be known as the petition committee.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 42-4. Filing certified copy of petition with city clerk.**

Whoever seeks to propose by petition an ordinance, referendum, recall, or charter amendment shall file a certified copy of the petition with the city clerk prior to circulating the same.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 42-5. Duties upon filing of certified copy of petition.**

The city clerk shall forward the certified copy of a petition forthwith to the city attorney and the members of council. The city attorney shall determine if the petition addresses a single subject and meets the requirements as to form herein, and shall report the same to the city clerk and the members of council.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 42-6. Statement of intent to compensate.**

Any person or entity providing or promising moneys or things of value for the circulation, supervision, management, or other organization of a petition shall file a statement to that effect with the city clerk prior to providing any such moneys or things of value. The statement shall be on a form prescribed by the city clerk and duly notarized. Upon the filing of the petition, such person or entity shall file with the city clerk, on a form prescribed by the city clerk and duly notarized, an itemized statement of moneys or things of value promised or provided for the circulation, supervision, management, or other organization of such petition.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 42-7. All petitions to be filed with city clerk.**

All separate part-petitions providing for a proposed ordinance, referendum, recall, or charter amendment shall be filed at the same time, as one instrument, with the city clerk. No alterations, corrections, or additions may be made to a petition after it is filed in a public office. Petitions for an initiated ordinance or charter amendment shall be filed within two years of filing a certified copy of the same with the city clerk; petitions for recall or referendum shall be filed as otherwise provided for herein.

(Ord. No. 1748-2014, 7-21-2014; Ord. No. 2198-2022 , § 1, 7-25-2022)

**Sec. 42-8. Withdrawal, effect of withdrawal or insufficiency.**

No petition, or part thereof, presented to or filed with any office of the city of Columbus may be withdrawn from such public office. A petition shall be withdrawn from consideration by the city if the petition committee submits

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to the city clerk a written notice of withdrawal, signed by a majority of the committee and duly notarized, prior to final action on the petition; and a petition shall be withdrawn from consideration by the electors if notice is submitted in like manner prior to the forty-fifth day before the date of the election thereon.

(Ord. No. 1748-2014, 7-21-2014)

### **Sec. 42-9. Duties upon filing of a petition.**

Within ten days after filing, the city clerk shall cause copies of the petitions to be made, and shall forward the petitions to the elections authorities to validate the signatures on the petition and to the city attorney to advise on the legal sufficiency of the petition, based upon any applicable local, state or federal laws, rules or regulations; provided, however, in the case of a proposed charter amendment, the city clerk shall forward the petitions forthwith to the elections authorities and the city attorney. Validation of signatures shall be reported by the elections authority within ten days of their receipt of the petition. If the elections authority's report confirms a sufficient number of valid signatures on the petition, the city clerk shall, upon receipt, forthwith forward to the council the elections authority's report and the city attorney's findings regarding legal sufficiency. If the elections authority's report confirms an insufficient number of valid signatures on the petition, the city clerk shall forthwith notify the petition committee of the deficiency. The petition committee shall have an additional ten (10) days from the time of notification by the city clerk to secure and file petitions containing additional signatures. The city clerk shall forward any additional petitions received forthwith to the elections authorities. Validation of additional signatures shall be reported by the elections authority within ten days of their receipt of the petition. The city clerk shall, upon receipt, forthwith forward to the council the elections authority's supplemental report regarding signature validation and the city attorney's findings regarding legal sufficiency.

(Ord. No. 1748-2014, 7-21-2014; Ord. No. 2198-2022 , § 1, 7-25-2022)

### **Sec. 42-10. Validation of part-petitions, signatures.**

Validation of signatures and part-petitions shall be as provided for in the general laws of the state, unless otherwise provided by this charter or ordinance of council. No part-petition which includes a purported elector's signature or circulator's signature affixed prior to the date of filing a certified copy of the petition shall be deemed valid.

(Ord. No. 1748-2014, 7-21-2014)

### **Sec. 42-11. Council action by ordinance.**

Council action on a petition for any proposed ordinance, referendum, or charter amendment shall be by ordinance. No 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. Any petition and any signatures upon the part-petitions thereof found to be sufficient as provided herein shall be presumed to be in all respects sufficient, unless not later than forty-five days before the election, it shall be otherwise proven.

(Ord. No. 1748-2014, 7-21-2014)

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**Sec. 42-12. Petitions not subject to veto, referendum.**

Any ordinance placing an issue before voters or setting the date of an associated special election shall go into effect and be in force from and after the date of passage, and 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.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 42-13. Conflicting questions and issues.**

If two or more proposals are approved or adopted at the same election, and the city council finds that any provisions of two or more are in conflict, the proposal receiving the highest number of votes shall prevail.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 42-14. Effect of petition irregularities after approval by voters.**

No vote on a proposal submitted to the electors of the city of Columbus shall be held ineffective or void on account of the insufficiency of the petitions by which such submission of the proposal was procured.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 42-15. Legal review, action upon approval of initiated question or issue.**

Upon approval of an initiated proposal, the city attorney shall review the same. If the city attorney finds any conflicts between the proposal so approved and any applicable local, state or federal law, this charter, the Ohio Constitution, or the United States Constitution, the city attorney shall promptly inform the mayor and city council of the same in writing.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 42-16. Conferring special privilege by initiated ordinance or charter amendment.**

- A) Restraint of trade or commerce being injurious to this state and its citizens, including citizens of the City of Columbus, the power of the initiative shall not be used to pass an ordinance or an amendment to the city charter that would grant or create a monopoly, oligopoly, or cartel; specify or determine a tax rate; or confer a commercial interest, commercial right, or commercial license to any person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, however organized, that is not then available to other similarly situated persons or nonpublic entities.
- B) The power of the initiative shall not be used to pass an ordinance authorizing the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution.
- C) If an ordinance or charter amendment proposed by initiative petition is certified to appear on the ballot, and in the opinion of the City Attorney, the ordinance or amendment would conflict with division (A) or (B) of this Section, the City Council shall prescribe two separate questions to appear on the ballot, as follows:
  - a. The first question shall be as follows:
    - i. Where there is determined to be a conflict with division (A):

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1. For an initiated ordinance: "Shall the petition committee, in violation of division (A) of Section 42-16 of the Columbus City Charter, be authorized to initiate an ordinance that grants or creates a monopoly, oligopoly, or cartel, specifies or determines a tax rate, or confers a commercial interest, commercial right, or commercial license that is not available to other similarly situated persons?"
  2. For a charter amendment: "Shall the petition committee, in violation of division (A) of Section 42-16 of the Columbus City Charter, be authorized to initiate a charter amendment that grants or creates a monopoly, oligopoly, or cartel, specifies or determines a tax rate, or confers a commercial interest, commercial right, or commercial license that is not available to other similarly situated persons?"
- ii. Where there is determined to be a conflict with division (B):
1. For an initiated ordinance: "Shall the petition committee, in violation of division (B) of Section 42-16 of the Columbus City Charter, be authorized to initiate an ordinance that authorizes the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution?"
  2. For a charter amendment: "Shall the petition committee, in violation of division (B) of Section 42-16 of the Columbus City Charter, be authorized to initiate a charter amendment that authorizes the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution?"
- b. The second question shall describe the proposed ordinance or charter amendment.
- c. If both questions are approved or affirmed by a majority of the electors voting on them, then the ordinance or charter amendment shall take effect. If only one question is approved or affirmed by a majority of the electors voting on it, then the ordinance or charter amendment shall not take effect.

( Ord. No. 2198-2022 , § 1, 7-25-2022)

### **Sec. 42-17. Disclosure Requirements for Certain Initiative Petitions.**

- A) If a petition committee seeks to use the municipal power of the initiative to pass an ordinance or an amendment to the city charter that would grant or create a monopoly, oligopoly, or cartel; specify or determine a tax rate; or confer a commercial interest, commercial right, or commercial license to any person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, however organized, that is not then available to other similarly situated persons or nonpublic entities in violation of Sec. 42-16(A) or if a petition committee seeks to use the municipal power of the initiative to pass an ordinance that authorizes the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution in violation of Sec. 42-16(B), such petition committee must make the following additional disclosures on each part petition submitted:
- 1) The name and address of each member of the petition committee;
  - 2) The name and address of each person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, who will receive or are intended to receive a commercial interest,

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commercial right, commercial license, or private commercial benefit of any kind under the initiated ordinance or charter amendment;

- 3) The amount of public money that each person, nonpublic entity, or group or persons or nonpublic entities, or any combination thereof, will obtain or is expected either to obtain or to have access to from the city in each of the first three fiscal years following the effective date of the initiated ordinance or charter amendment.
- B) The failure to disclose any information required in Section (A) on any part-petition, will result in the invalidity of all signatures contained on such part-petition;
- C) Strict compliance with this section is required pursuant to the obligations under Title 35 of the Revised Code;
- D) This provision preserves the authority conferred upon of the citizens of the City of Columbus granted under Article II Sections .01e and .01f and Article XVIII, Section 03 of the Ohio Constitution.

( Ord. No. 2198-2022 , § 1, 7-25-2022)

## INITIATED ORDINANCE

### **Sec. 43. Ordinance initiated by petition.**

The power to initiate an ordinance by petition is hereby reserved to the people of the city of Columbus. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal to not less than five per cent of the total vote cast at the last preceding regular municipal election for mayor. Any such proposed ordinance shall comply, in all respects, with the requirements of this charter and applicable rules of council regarding ordinances.

(Adopted 11-7-33; Ord. No. 1748-2014, 7-21-2014)

Editor's note(s)—Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 43 to read as set out herein. Former § 43 was titled [duties of city clerk.]

### **Sec. 43-1. Council action on initiated ordinances.**

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record. Within fourteen days thereafter, the council shall determine the sufficiency of the petition by ordinance. Should the council find such petition sufficient, it shall vote within thirty days to either adopt the proposed ordinance without alteration, or by ordinance forthwith order and provide for the submission of such proposed ordinance in its original form to a vote of the electors of the city.

(Ord. No. 1748-2014, 7-21-2014)

### **Sec. 43-2. Placement of issue on the ballot.**

The aforesaid ordinance shall require that such proposed ordinance be submitted at the next regular municipal election if one shall occur not less than sixty nor more than one-hundred-twenty days after its passage. If no such election will be held within the period herein provided, the council shall, at its sole discretion, order and provide for the submission of such proposed ordinance to a vote of the electors of the city at either a special election within such period, or at the next regular municipal election.

(Ord. No. 1748-2014, 7-21-2014)

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**Sec. 43-3. Ballot language, initiated ordinance.**

In any ordinance placing a proposed ordinance on the ballot, city council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot. City council may further prescribe arguments, of no more than two-hundred words each, printed side by side in such order as council deems appropriate, both in support of and in opposition to such proposed ordinance; and such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot committee may prepare and present to city council suggested arguments for such proposal, which shall properly identify the substance, purpose and effect of the proposal. The arguments, so prescribed by council, shall be affixed to a copy of the proposal ordinance and shall be placed in each voting location of the city.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 43-4. Effect of electoral vote on proposed ordinance.**

If such proposed ordinance be approved by a majority of the electors voting thereon, it shall become an ordinance of the city at the time fixed therein, or upon the completion of the official canvass of the election, whichever is later.

(Ord. No. 1748-2014, 7-21-2014)

**REFERENDUM**

**Sec. 44. Referendum initiated by petition.**

The power to initiate a referendum by petition on any ordinance, other than those ordinances listed herein, is hereby reserved to the people of the city of Columbus. Any proposed referendum may be submitted to the council by a petition signed by registered electors of the city equal to not less than five per cent of the total vote cast at the last preceding regular municipal election for mayor, and such petition shall be submitted within thirty days of final action by the council.

(Adopted 11-7-33; Ord. No. 1748-2014, 7-21-2014)

Editor's note(s)—Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 44 to read as set out herein.  
Former § 44 was titled [council action; submission to voters.]

**Sec. 44-1. Ordinances not subject to the referendum.**

The following shall not be subject to the referendum, but shall go into effect at the time indicated therein:

- (a) Any annual appropriation ordinance.
- (b) In all cases where council is required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the referendum shall apply only to the first ordinance or measure required to be passed.
- (c) Ordinances or resolutions providing for the approval or disapproval of appointments or removals by the mayor, and appointments or removals made by council.
- (d) Action by the council on the approval of official bonds.

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(e) Ordinances or resolutions providing for the submission of any proposal to a vote of the electors.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 44-2. Effect of referendum petition on subject ordinance.**

If a petition for referendum shall be filed as provided for herein regarding an ordinance that shall go into effect thirty days after final passage by the council, such ordinance shall not be operative until the steps indicated herein have been taken. If a petition for referendum is filed as provided for herein regarding an emergency measure, such ordinance shall go into effect at the time indicated in such ordinance. If, when submitted to a vote of the electors, an emergency measure is not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon. If any aforesaid referendum petition be filed regarding a measure passed by the council providing for an expenditure of money, a bond issue, or a public improvement, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 44-3. Council action on petition for referendum.**

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record. Within fourteen days thereafter, the council shall determine the sufficiency of the petition. Should the council find such petition sufficient, it shall vote within thirty days to either repeal the subject ordinance, or by ordinance forthwith order and provide for the submission of such proposed referendum in its original form to a vote of the electors of the city.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 44-4. Placement of issue on the ballot.**

The aforesaid ordinance shall require that such proposed referendum be submitted at the next regular municipal election if one shall occur not less than sixty nor more than one-hundred-twenty days after its passage. If no such election will be held within the period herein provided, the council shall, at its sole discretion, order and provide for the submission of such proposed referendum to a vote of the electors of the city at either a special election within such period, or at the next regular municipal election.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 44-5. Ballot language, referendum.**

In any ordinance placing a referendum on the ballot, city council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot. City council may further prescribe arguments, of no more than two-hundred words each, printed side by side in such order as council deems appropriate, both in support of and in opposition to such referendum; and such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot committee may prepare and present to city council suggested arguments for such proposal. The arguments, so prescribed by council, shall be affixed to a copy of the proposal referendum and shall be placed in each voting location of the city.

(Ord. No. 1748-2014, 7-21-2014)

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**Sec. 44-6. Effect of electoral vote on referendum.**

If such proposed referendum be approved by a majority of the electors voting thereon, the ordinance which was the subject of the referendum shall be repealed upon the completion of the official canvass of the election.

(Ord. No. 1748-2014, 7-21-2014)

**CHARTER AMENDMENTS**

**Sec. 45. Charter amendments.**

Proposed amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the council and such submission shall be by ordinance. Proposed amendments to this charter shall be submitted by the council forthwith 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.

(Adopted 11-7-33; Ord. No. 1748-2014, 7-21-2014)

Editor's note(s)—Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 45 to read as set out herein. Former § 45 was titled [approval or rejection.]

**Sec. 45-1. Council action on petition for proposed charter amendment.**

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record. The council shall forthwith determine the sufficiency of the petition. Should the council find such petition sufficient, it shall forthwith by ordinance provide for the submission of such proposed charter amendment to a vote of the electors of the city.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 45-2. Placement of issue on the ballot.**

The aforesaid ordinance shall order and provide for the submission of such proposed charter amendment to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one-hundred-twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 45-3. Notice of charter amendment.**

The city clerk shall provide notice of any proposed charter amendment as provided for by general laws of the state, unless otherwise provided by this charter or ordinance of council.

(Ord. No. 1748-2014, 7-21-2014)

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**Sec. 45-4. Ballot language, generally.**

In any ordinance placing a proposed charter amendment on the ballot, city council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot. City council may further prescribe arguments, of no more than two-hundred words each, printed side by side in such order as council deems appropriate, both in support of and in opposition to such proposed charter amendment; and such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot committee may prepare and present to city council the arguments for such proposal, which shall properly identify the substance, purpose and effect of the proposal. The arguments, so prescribed by council, shall be placed in the notice to voters provided for herein; and shall be affixed to a copy of the proposal charter amendment and be placed in each voting location of the city.

(Ord. No. 1748-2014, 7-21-2014)

**Sec. 45-5. Effect of approval at election.**

If such proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed in the proposed amendment, or upon the completion of the official canvass of the election, whichever is later.

(Ord. No. 1748-2014, 7-21-2014)