

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

Part of Charter of the City of Columbus.

- [PETITIONS FOR INITIATED ORDINANCE, REFERENDUM, RECALL, CHARTER AMENDMENT](#)
- [Sec. 42. - Questions and issues.](#)
- [Sec. 42-1. - Petition templates.](#)
- [Sec. 42-2. - Petition forms.](#)
- [Sec. 42-3. - Petition committee.](#)
- [Sec. 42-4. - Filing certified copy of petition with city clerk.](#)
- [Sec. 42-5. - Duties upon filing of certified copy of petition.](#)
- [Sec. 42-6. - Statement of intent to compensate.](#)
- [Sec. 42-7. - All petitions to be filed with city clerk.](#)

- [Sec. 42-8. - Withdrawal, effect of withdrawal or insufficiency.](#)
- [Sec. 42-9. - Duties upon filing of a petition.](#)
- [Sec. 42-10. - Validation of part-petitions, signatures.](#)
- [Sec. 42-11. - Council action by ordinance.](#)
- [Sec. 42-12. - Petitions not subject to veto, referendum.](#)
- [Sec. 42-13. - Conflicting questions and issues.](#)
- [Sec. 42-14. - Effect of petition irregularities after approval by voters.](#)
- [Sec. 42-15. - Legal review, action upon approval of initiated question or issue.](#)
- [Sec. 42-16. - Conferring special privilege by initiated ordinance or charter amendment.](#)
- [Sec. 42-17. - Disclosure Requirements for Certain Initiative Petitions.](#)

# 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—** 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)."

(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 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)

# 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):

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, 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)