

Bond Case Briefs

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CHARTER AMENDMENT - OHIO

State ex rel. Flak v. Betras

Supreme Court of Ohio - October 6, 2017 - N.E.3d - 2017 WL 4562739 - 2017 -Ohio- 8109

Relators sought writs of mandamus to compel county board of elections and its individual members to certify relators' petition to place proposed amendments to city charter on general-election ballot.

The Supreme Court of Ohio held that proposed amendments, which purported to create private causes of action, were beyond scope of city's authority to enact by initiative, and thus properly excluded from ballot.

Proposed amendments to city charter regarding fair elections and access to elections and water-quality issues, which purported to create private causes of action to enforce those provisions, were beyond the scope of city's authority to enact via initiative, and thus were properly precluded by the county board of elections from being placed on general-election ballot, since municipalities were not constitutionally authorized to create new causes of action, but rather state law determined what injuries were recognized and what remedies were available.