

Bond Case Briefs

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BALLOT INITIATIVES - OHIO

State ex rel. Khumprakob v. Mahoning County Board of Elections

Supreme Court of Ohio - April 24, 2018 - N.E.3d - 2018 WL 1960645 - 2018 -Ohio- 1602

Four electors filed petition for writ of mandamus to compel county board of elections to place proposed amendment to city charter regarding protection of drinking water on ballot.

The Supreme Court of Ohio held that:

- Proposed amendment did not contain provisions that exceeded city's legislative power, as required for placement on ballot, and
- Electors lacked adequate remedy at law, as required for issuance of writ.

Proposed amendment to city charter regarding protection of drinking water, which included recognizing rights of residents to clean water, requiring city to prosecute violations of amendment, and imposing strict liability on any government or corporation that violated the amendment, did not contain provisions that were beyond the scope of city's legislative authority, and thus electors were entitled to have proposed amendment placed on ballot, though proposed amendment might not be constitutional or legally enforceable if enacted; proposed amendment did not create private right of action, city retained statutory right to make violation of ordinances a misdemeanor and provide punishment, and proposed amendments were vague and largely aspirational and did nothing without further legislative action by city.

Electors lacked adequate remedy at law, as required for writ of mandamus compelling county board of elections to place proposed city charter amendment regarding drinking water protection on ballot, since electors could not have challenged board's action until board voted to exclude proposed measure from ballot.