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MUNICIPAL CHARTER AMENDMENTS - OHIO

State ex rel. Maxcy v. Saferin

Supreme Court of Ohio - October 4, 2018 - N.E.3d - 2018 WL 4846266 - 2018 -Ohio- 4035

After county board of elections refused to place a charter amendment relating to the location of a jail on the general-election ballot, citizens sought writ of mandamus to require the board to do so.

The Supreme Court of Ohio held that:

- Amendment of city charter was controlled by provisions of state constitution addressing procedure to amend a municipal charter;
- County boards of elections have no authority to review the substance of a proposed municipal-charter amendment, abrogating *State ex rel. Flak v. Betras*, 152 Ohio St. 3d 244, 95 N.E.3d 329;
- County board of electors lacked authority to place proposed amendment on ballot, where city council failed to pass an ordinance instructing the board to do so; and
- Mandamus did not lie against county board of electors.

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