

# **Bond Case Briefs**

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## **BALLOT INITIATIVE - OHIO**

### **State ex rel. Lange v. King**

**Supreme Court of Ohio - August 25, 2015 - N.E.3d - 2015 WL 5039437 - 2015 -Ohio- 3440**

Petitioner sought writ of mandamus to compel clerk of village to transmit a certified copy of a proposed initiative to the county board of elections.

Newton Falls Ordinance 2014-11 repealed a provision allowing residents a credit for income taxes paid to another municipality. Relator, Werner Lange, circulated petitions to place an initiative on the ballot to restore the tax credit and to mandate that the restoration of the credit be repealed only by popular vote.

The Supreme Court of Ohio held, in an expedited opinion, that:

- Initiative was properly filed with village clerk;
- Requirement that initiative petition contain only one proposal of law did not apply; and
- Clerk abused her discretion by considering initiative's fiscal impact.

Proposed initiative allowing residents a credit for income taxes paid to another municipality was properly filed with village clerk. Village was not a city and did not have an auditor, and statute required petition to be filed with city auditor or village clerk.

Requirement that initiative petition contain only one proposal of law applied only to statewide initiative and referendum petitions and, thus, did not apply to initiative allowing village residents a credit for income taxes paid to another municipality.

Village clerk abused her discretion by declining on the basis of its fiscal impact to transmit a certified copy of a proposed initiative to the county board of elections. It was an abuse of discretion for a village clerk to inquire into substantive questions not evident on the face of the petition, and fiscal impact fell outside the four corners of the document.