

Bond Case Briefs

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REFERENDA - OHIO

State ex rel. Ebersole v. City Council of Powell

Supreme Court of Ohio - February 14, 2017 - N.E.3d - 2017 WL 710822 - 2017 -Ohio- 509

Referendum proponent filed petition for writ of mandamus seeking to compel city council to place referendum on ballot.

The Supreme Court of Ohio held that proponent's proper course of action was to challenge validity of ordinance by way of suit for declaratory judgment.

After city council approved ordinance that may have been the same as ordinance previously rejected by voters, referendum proponent's proper course of action to challenge validity of ordinance was by way of suit for declaratory judgment rather than by way of petition for writ of mandamus in Supreme Court to compel city council to place referendum on ballot. City charter provided that only way to achieve reenactment of an ordinance after rejection at ballot box was through ballot initiative approved by voters, not through vote of city council followed by referendum.