

Bond Case Briefs

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REFERENDA - OHIO

State ex rel. Beard v. Hardin

Supreme Court of Ohio - April 4, 2018 - N.E.3d - 2018 WL 1663354 - 2018 -Ohio- 1286

Committee in support of an initiative petition sought a writ of mandamus to compel members of city council to approve an ordinance placing a proposed city-charter amendment on the ballot and to compel county board of elections to place amendment on the ballot.

The Supreme Court of Ohio held that:

- Committee's motion to amend complaint would be granted;
- Committee's motions to amend affidavits would be granted;
- Action was not barred by laches; and
- Proposed city-charter amendment violated the limiting language of city's one-proposal rule.

Supreme Court would grant motion filed by committee and member to amend their complaint to add as relators five additional members of the committee, in action seeking writ of mandamus compelling members of city council to approve an ordinance placing a proposed city-charter amendment on the ballot; policy favored the amendment of pleadings, and amended complaint did not change the substantive issues or delay its resolution.

Supreme Court would grant motions to amend affidavits, filed by committee to cure noncompliance with personal-knowledge requirement, in action seeking writ of mandamus compelling members of city council to approve an ordinance placing a proposed city-charter amendment on the ballot; other substantive changes to the affidavits were not material.

Action by committee in support of an initiative petition seeking a writ of mandamus to compel members of city council to approve an ordinance placing a proposed city-charter amendment on the ballot was not barred by laches, despite fact that it was filed nearly ten months after city attorney first opined that proposed amendment violated one-proposal rule; as city attorney's opinion did not prevent committee from taking next step in petition process, mandamus action would have been ineffective at that time, and there was no clear or real controversy between the adverse parties in the action at that time, as would have provided basis for declaratory-judgment action.

Proposed city-charter amendment addressing makeup of city council violated the limiting language of city's one-proposal rule, and therefore, city council would not be compelled to place amendment on the ballot; proposed charter amendments were related to the number of members serving on the city council and the districts they would represent, but these portions were not related to other proposals, which included a limit on number of employees hired by the council, campaign-contribution limits, and broadcast time on public-access television during a campaign.