

Bond Case Briefs

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BALLOT INITIATIVE - OHIO

State ex rel. Gil-Llamas v. Hardin

Supreme Court of Ohio - April 29, 2021 - N.E.3d - 2021 WL 1686419 - 2021-Ohio-1508

Petitioners sought a writ of mandamus to compel members of city council to submit to electors a proposed municipal ordinance initiative on primary election ballot.

The Supreme Court held that:

- City council was entitled to strike supplemental evidence filed by petitioners;
- Amended evidence filed by petitioners did not relate back to the earlier filed evidence;
- City council's failure to file an answer to the complaint did not result in the facts alleged in the complaint to be deemed admitted; and
- City council abused its discretion when it determined initiative petition for proposed municipal ordinance failed to comply with city charter's title requirement for proposed ordinances.

City council abused its discretion when it determined initiative petition for proposed municipal ordinance failed to comply with city charter's title requirement for proposed ordinances; proposed ordinance's title, which was more than 150 words long, sufficiently described substance of proposed ordinance as it stated ordinance would require city auditor to transfer from general fund \$10 million to "Energy Conservation and Energy Efficiency Fund," \$10 million to "Clean Energy Education and Training Fund," \$10 million for the purpose of funding a minority-business-development program, and \$57 million for the purpose of funding electricity-subsidy program, and the omission in the title of the name of minority-business-development fund sought to be created did not make title's description inaccurate.