

SUPREME COURT OF OHIO

State ex rel. Beard v. Hardin

State ex rel. Beard v. Hardin (Slip Opinion), 2018 Ohio 1286 (Ohio 2018) · No. 2018-0335 · Decided April 4, 2018

SUMMARY

The Supreme Court of Ohio denied writs of mandamus sought to compel Columbus City Council and the Franklin County Board of Elections to place a proposed Columbus City Charter amendment on the May 8, 2018 ballot. The court held that the proposal violated Columbus Charter 42-2(d)'s one-proposal rule because it addressed multiple or unrelated subject matters, and that the board of elections had no clear legal duty to place the amendment on the ballot absent a council ordinance approving it. Justice Fischer concurred in judgment only, while the Chief Justice and Justices French and DeWine concurred in part and dissented in part.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Kennedy, J.; O'Donnell, J.; DeGenaro, J.; Fischer, J.; O'Connor, C.J.; French, J.; DeWine, J.
JURISDICTION	Ohio
DECIDED	April 4, 2018
DOCKET	2018-0335
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original expedited mandamus action seeking to compel Columbus City Council to approve an ordinance placing a proposed Columbus City Charter amendment on the May 8, 2018 ballot and to compel the Franklin County Board of Elections to place the amendment on the ballot.
STANDARD OF REVIEW	Mandamus relators must prove by clear and convincing evidence a clear legal right to the requested relief, a clear legal duty on the respondent to provide it, and the absence of an adequate remedy in the ordinary course of law.
PRECEDENTIAL VALUE	published
PARTIES	Jonathan C. Beard, Everyday People for Positive Change, additional committee members v. Shannon G. Hardin, Michael Stinziano,

TOPICS

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PRACTICE AREAS

election law municipal law constitutional law remedies statutory interpretation

QUESTIONS PRESENTED

1. Whether relators' mandamus action was barred by laches.
2. Whether the proposed charter amendment violated Columbus City Charter 42-2(d), which prohibits a petition from containing multiple or unrelated subject matters.
3. Whether Columbus City Council had a clear legal duty to approve an ordinance placing the proposed charter amendment on the ballot.
4. Whether the Franklin County Board of Elections had a clear legal duty to place the proposed charter amendment on the ballot absent a city council ordinance approving its placement.
5. Whether relators could amend their complaint and supporting affidavits to cure pleading and affidavit defects.

HOLDINGS

1. The action was not barred by laches because relators could not have effectively brought mandamus or declaratory judgment before the city council rejected the petition, and they filed suit seven days after that rejection.
2. The proposed charter amendment violated Columbus City Charter 42-2(d) because it addressed multiple and unrelated subject matters, including council composition, council staffing, and campaign regulation.
3. Columbus City Council had no clear legal duty to place the proposed charter amendment on the ballot because the petition was legally insufficient under the one-proposal rule.
4. The Franklin County Board of Elections had no clear legal duty to place the proposed charter amendment on the ballot because Columbus City Council had not passed an ordinance approving its placement.
5. Relators could amend their complaint and affidavits to cure the defective personal-knowledge language because the amendments did not delay resolution and the substantive changes were immaterial.

KEY QUOTATIONS

“To prevail in this mandamus case, relators must prove, by clear and convincing evidence, that they have a clear legal right to have their proposed charter amendment placed on the May 8 ballot, that the council

members are under a clear legal duty to provide that relief, and that relators have no adequate remedy in the ordinary course of the law.” (¶ 24)

“Therefore, construing the plain and unambiguous language of the charter, the proposed city-charter amendments are “multiple” and “unrelated.”” (¶ 31)

“The Franklin County Board of Elections has no clear legal duty to place the proposed charter amendment on the ballot because the city council had not passed an ordinance approving the placement of the amendment on the ballot.” (¶ 36)

FACTUAL BACKGROUND

Jonathan C. Beard and the initiative committee Everyday People for Positive Change proposed amendments to 11 sections of the Columbus City Charter. The proposal would restructure city council by creating districts and adding seats, impose term limits and campaign-contribution limits, regulate council staffing, alter vacancy appointments, and provide public-access television time for council campaigns. The city attorney advised that the proposal violated the Charter's one-proposal rule, and after sufficient signatures were validated, Columbus City Council passed an ordinance rejecting placement of the proposal on the May 8, 2018 ballot.

PROCEDURAL HISTORY

Relators submitted and circulated an initiative petition proposing amendments to 11 sections of the Columbus City Charter. After the Franklin County Board of Elections validated sufficient signatures, Columbus City Council passed an ordinance rejecting placement of the proposal on the ballot because it violated the Charter's one-proposal rule. Relators filed this original mandamus action seven days later; the Supreme Court granted motions to amend the complaint and affidavits, rejected the laches defense, and denied the writs.

DISPOSITION

writ_denied

CASES CITED

- Tatman v. Fairfield Cty. Bd. of Elections, 102 Ohio St.3d 425, 2004-Ohio-3701, 811 N.E.2d 1130, ¶ 7
- State ex rel. Hackworth v. Hughes, 97 Ohio St.3d 110, 2002-Ohio-5334, 776 N.E.2d 1050, ¶¶ 24, 26-27
- State ex rel. Simonetti v. Summit Cty. Bd. of Elections, 151 Ohio St.3d 50, 2017-Ohio-8115, 85 N.E.3d 728, ¶ 11
- State ex rel. Youngstown v. Mahoning Cty. Bd. of Elections, 144 Ohio St.3d 239, 2015-Ohio-3761, 41 N.E.3d 1229, ¶ 14
- State ex rel. Ryant Commt. v. Lorain Cty. Bd. of Elections, 86 Ohio St.3d 107, 113, 712 N.E.2d 696 (1999)
- State ex rel. Polo v. Cuyahoga Cty. Bd. of Elections, 74 Ohio St.3d 143, 145, 656 N.E.2d 1277 (1995)
- State ex rel. Linnabary v. Husted, 138 Ohio St.3d 535, 2014-Ohio-1417, 8 N.E.3d 940, ¶ 13
- State ex rel. Barren v. Brown, 51 Ohio St.2d 169, 365 N.E.2d 887 (1977)
- Fairview Gen. Hosp. v. Fletcher, 63 Ohio St.3d 146, 148-149, 586 N.E.2d 80 (1992)

- *Morris v. Macedonia City Council*, 71 Ohio St.3d 52, 55, 641 N.E.2d 1075 (1994)
- *State ex rel. Paluch v. Zita*, 141 Ohio St.3d 123, 2014-Ohio-4529, 22 N.E.3d 1050, ¶ 21
- *Sears v. Weimer*, 143 Ohio St. 312, 55 N.E.2d 413 (1944)
- *Cleveland Elec. Illum. Co. v. Cleveland*, 37 Ohio St.3d 50, 524 N.E.2d 441 (1988)
- *State ex rel. Kilby v. Summit Cty. Bd. of Elections*, 133 Ohio St.3d 184, 2012-Ohio-4310, 977 N.E.2d 590, ¶ 12
- *State ex rel. Hazel v. Cuyahoga Cty. Bd. of Elections*, 80 Ohio St.3d 165, 169, 685 N.E.2d 224 (1997)
- *Sizemore v. Smith*, 6 Ohio St.3d 330, 333, 453 N.E.2d 632 (1983)

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