
Section 8.

The initiative and referendum powers are reserved to the people of the city on all questions which the council is authorized to control by legislative action; such powers shall be exercised in the manner provided by this charter. Petitions for an initiated ordinance, referendum, or charter amendment shall comply with the requirements established in this charter.

A. **Petitions.**

1. **Petition Forms.**

Petitioners shall use the forms provided by the Ohio Secretary of State for an initiated ordinance, referendum, or charter amendment, unless this charter or an ordinance of council provides otherwise.

In addition, each petition for a proposal initiated by a citizen shall comply with the following as to form and with general laws of the state, unless otherwise provided by this charter or ordinance of council:

- (a) A petition may be circulated in separate part-petitions but each part-petition shall be identical.
- (b) Each part-petition shall be circulated and submitted as a single instrument.
- (c) A petition may only contain one proposal, which shall not address multiple or unrelated subject matters or questions of law.
- (d) The title of the proposal shall clearly and without argument describe the proposed ordinance, referendum, or charter amendment, and such title shall be placed on the top of each page of a part-petition, and the pages shall be numbered sequentially.
- (e) A petition shall contain a full and correct copy of any proposed ordinance, referendum, or charter amendment, with no summary, argument, or other ancillary information regarding the proposal placed thereon, unless otherwise required by this charter or ordinance of council.

2. **Petition committee.**

The petition shall bear the names of at least five qualified electors of the city of Cincinnati, who shall represent the petitioners in all matters relating to such petitions and shall be known as the petition committee.

3. **Filing certified copy of petition with clerk of council.**

Whoever seeks to propose by petition an ordinance, referendum, or charter amendment shall file a certified copy of the petition with the clerk of council prior to circulating it.

4. **Duties upon filing of certified copy of petition.**

The clerk of council shall forward the certified copy of a petition within one business day to the solicitor and the mayor and members of council. The solicitor shall determine if the petition addresses a single subject and meets the requirements as to form provided by this charter and shall report the same to the clerk of council and the mayor and members of council as soon as practicable.

B. **Filing of signed petitions.**

1. **All signed petitions to be filed with clerk of council; deadlines.**

- (a) All separate part-petitions providing for a proposed ordinance, referendum, or charter amendment shall be filed at the same time, as one instrument, with the clerk of council. No alterations, corrections, or additions may be made to a petition after it is filed with the clerk.
- (b) Petitions for an initiated ordinance shall be filed with the clerk of council at least eighty days prior to an election at which the initiated ordinance is to be submitted to the voters.

If a petition committee wants to have the option provided under section 8.C.2 of this article to submit additional signatures if the election authority determines the petition does not have sufficient valid signatures, the petition committee must submit the signed petitions to the clerk of council at least 100 days prior to an election at which the initiated ordinance is to be submitted to the voters.

- (c) Signed petitions for an initiated ordinance or charter amendment shall be filed within two years of filing a certified copy of the petition with the clerk of council; petitions for referendum shall be filed as otherwise provided for in this charter. If petitions are not filed in the time required by this charter, the petition originally filed with the clerk of council is no longer valid, and the petition process must begin again.

2. Withdrawal, effect of withdrawal or insufficiency.

No petition, or part thereof, presented to or filed with any office of the city of Cincinnati may be withdrawn from such public office. A petition shall be withdrawn from consideration by the city if the petition committee submits to the clerk of council a written notice of withdrawal, signed by a majority of the committee and duly notarized, prior to final action on the petition; and a petition shall be withdrawn from consideration by the electors if notice is submitted as required in this section prior to the forty-fifth day before the date of the election thereon.

C. Duties upon filing of a signed petition.

- 1. Within ten days after the filing of a signed petition, the clerk of council shall have copies of the petitions made and shall forward the petitions to the elections authorities to validate the signatures on the petition and to the solicitor. In the case of a proposed charter amendment, the clerk of council shall forthwith forward the petitions to the elections authorities and the solicitor.
- 2. If the elections authority's report confirms a sufficient number of valid signatures on the petition, the clerk of council immediately shall forward the elections authority's report to the mayor, council, and the solicitor. If the elections authority's report confirms an insufficient number of valid signatures on the petition, the clerk of council immediately shall notify the mayor, council, solicitor, and the petition committee of the deficiency.

If, as provided in section B.1.(b), the petition committee submitted the signed petitions to the clerk of council at least 100 days prior to an election at which the initiated ordinance is to be submitted to the voters, the petition committee shall have one additional ten-day period from the time of notification by the clerk of council to secure and file petitions containing additional signatures as one instrument. This period to collect additional signatures cannot extend beyond the deadline for the city to submit an ordinance to the elections authority to put the initiative on the ballot for the next election. The clerk of council immediately shall forward any additional petitions received to the elections authorities. The clerk of council shall immediately forward to the mayor, the council and the solicitor the elections authority's supplemental report regarding signature validation.

If the elections authority's supplemental report confirms the petition has an insufficient number of valid signatures, the clerk of council also shall immediately notify the petition committee of the deficiency, the petition will be closed, and the petition effort must begin again.

3. Validation of part-petitions, signatures.

Validation of signatures and part-petitions shall be as provided for in the general laws of the state, unless otherwise provided by this charter or ordinance of council. No part-petition which includes a purported elector's signature or circulator's signature affixed prior to the date of filing a certified copy of the petition with the clerk of council shall be deemed valid.

D. Council action by ordinance.

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1. Council action on a petition for any proposed ordinance, referendum, or charter amendment shall be by ordinance. No city official or employee may consider the subject matter of a petition when determining its legal sufficiency, except as required to assure compliance with applicable provisions of this charter, general laws of the state, or ordinance of the council. Any petition and any signatures upon the part-petitions thereof found to be sufficient as provided herein shall be presumed to be sufficient in all respects unless it is proven otherwise at least 45 days before the election.

2. **Petitions not subject to veto, referendum.**

Any ordinance placing an issue before voters or setting the date of an associated special election shall go into effect and be in force from and after the date of passage. Such ordinance shall not be subject to the mayor's veto or be subject to referendum.

E. Conflicting questions and issues.

If two or more proposals are approved or adopted at the same election, and the solicitor finds that any provisions of two or more proposals are in conflict, the proposal receiving the highest number of votes shall prevail.

F. PETITION-INITIATED ORDINANCE

1. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal to not less than ten per cent of the total vote cast for governor at the most recent general election for governor in the city. Any such proposed ordinance shall comply, in all respects, with the requirements of this charter and applicable rules of council regarding ordinances.

2. **Council action on initiated ordinances.**

The clerk of council shall notify the mayor, the council, and the solicitor of the election authorities' conclusion regarding the validity of the signatures on the petitions to enact an ordinance immediately upon receipt of the report from the election authorities. If the clerk of council notifies the mayor, the council, and the solicitor that the elections authorities determined the petition has a sufficient number of signatures, the council shall determine whether the petition is otherwise sufficient as authorized by this charter and general laws of the state. If the council finds the petition is otherwise sufficient, it shall take either of the following actions:

- (a) vote to adopt the proposed ordinance without alteration; or
- (b) pass an ordinance to provide for the submission of the proposed ordinance in its original form to a vote of the electors of the city in such time as to allow it to be on the ballot at the next regular municipal election scheduled not less than sixty nor more than 120 days after its passage. If no such election will be held within that period, the council shall, at its sole discretion, order and provide for the submission of such proposed ordinance to a vote of the electors of the city at either a special election within such period or at the next regular municipal election.

3. **Ballot language, initiated ordinance.**

In any ordinance placing a proposed ordinance on the ballot, the council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot.

4. **Effect of electoral vote on proposed ordinance.**

If such proposed ordinance is approved by a majority of the electors voting on it, it shall become an ordinance of the city at the time fixed therein, or upon the completion of the official canvass of the election, whichever is later.

G. REFERENDUM

1. **Referendum initiated by petition.**

Any proposed referendum may be submitted to the council by a petition signed by registered electors of the city equal to not less than ten per cent of the total vote for governor at the most recent general election for governor in the city, and such petition shall be submitted within thirty days of final action by the council.

2. Effect of referendum petition on subject ordinance.

If a petition for referendum is filed as provided in this charter regarding an ordinance that shall go into effect thirty days after final passage by the council, such ordinance shall not be operative until the steps indicated herein have been taken. Emergency ordinances shall not be subject to referendum.

3. Council action on petition for referendum.

If the clerk of council notifies the mayor, the council, and the solicitor that the elections authorities determined the petition has a sufficient number of signatures, the council shall determine whether the petition is otherwise sufficient as authorized by this charter and general laws of the state. If the council finds the petition is otherwise sufficient, it shall take either of the following actions:

- (a) vote to repeal the subject ordinance; or
- (b) pass an ordinance to provide for the submission of the proposed referendum in its original form to a vote of the electors of the city in such time as to allow it to be on the ballot at the next regular municipal election scheduled not less than sixty nor more than 120 days after its passage. If no such election will be held within that period, the council shall, at its sole discretion, order and provide for the submission of such proposed ordinance to a vote of the electors of the city at either a special election within such period or at the next regular municipal election.

4. Ballot language, referendum.

In any ordinance placing a referendum on the ballot, the council shall prescribe a brief summary of the referendum, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot.

5. Effect of electoral vote on referendum.

If such proposed referendum is approved by a majority of the electors voting thereon, the ordinance which was the subject of the referendum shall be repealed upon the completion of the official canvass of the election.

H. CHARTER AMENDMENTS

1. Proposed amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the council and such submission shall be by ordinance. Proposed amendments to this charter shall be submitted by the council forthwith upon a petition signed by electors of the city equal to not less than ten percent of the total vote cast at the last preceding regular municipal election.

2. Council action on petition for proposed charter amendment.

The clerk of council shall notify the mayor, the council, and the solicitor of the election authorities' conclusion regarding the validity of the signatures on the petitions to enact an ordinance for a charter amendment forthwith upon receipt of the report from the election authorities. After receiving notification from the clerk of council that there are sufficient valid signatures on the petition, the council shall forthwith provide by ordinance for the submission of such proposed charter amendment to a vote of the electors of the city.

3. Placement of issue on the ballot.

The ordinance shall order and provide for the submission of such proposed charter amendment to the electors at the next regular municipal election if one shall occur not less than sixty nor more than 120

days after its passage; otherwise, it shall provide for the submission of the question at a special election to be called and held within that time.

4. **Notice of charter amendment.**

The clerk of council shall provide notice of any proposed charter amendment as provided for by general laws of the state, unless otherwise provided by this charter or ordinance of council.

5. **Ballot language, generally.**

In any ordinance placing a proposed charter amendment on the ballot, the council shall prescribe a brief summary of the proposed amendment, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot.

6. **Effect of approval at election.**

If such proposed amendment is approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed in the proposed amendment, or upon completion of the official canvass of the election, whichever is later.

(Ordained by Emer. Ord. No. 291-2023, eff. Nov. 7, 2023, election of Nov. 7, 2023)