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Split Decision in Ohio Supreme Court for Youngstown Ballot Initiatives

4-3 decision denies the right to vote, unites residents across the state

COLUMBUS, OHIO: While a split decision by the Ohio Supreme Court is blocking Youngstown residents from voting on two rights-based ballot measures this November, pressure is building as state legislators and local government officials place a stranglehold on citizen initiative.

Youngstown residents qualified a Drinking Water Protection charter amendment initiative protecting their water from fracking harms. They also qualified a Fair Election initiative prohibiting outside private interests from contributing to campaigns, and limiting campaign contributions to \$100. The [Community Environmental Legal Defense Fund](#) (CELDF) assisted residents in drafting their measures.

Despite meeting all procedural qualifications for initiative petitions, the Mahoning County Board of Elections (BOE) leveraged last year's [HB 463](#) to block the measures based on content. CELDF represented residents in challenging the BOE's decision, filing in the Ohio Supreme Court.

The Court took a month to reach their 4-3 decision. The dissenting Justices reproached the majority, while addressing the invalid arguments presented by the BOE. The Justices recognized the state legislature's overreach with HB 463. The law, according to the Justices, violates separation of powers by allowing the Secretary of State and BOEs authority to determine the constitutionality of citizen's initiatives. Determining constitutionality has long been understood to belong to the judiciary.

CELDF's Ohio community organizer Tish O'Dell stated, "There are two sets of rules in the state of Ohio. Would the Court allow the Governor to forbid the state legislature from voting on a proposed bill? No. To do so would be a blatant violation of the separation of powers. And yet when the people propose legislation through their right to initiative, the Court condones separation of power violations by allowing BOEs to block the people's right to vote."

Henrietta Bibbs, from the community group advancing the Youngstown measures, added, "If all power is inherent in the people and the people have the right to alter and reform their government, then the majority ruling in this case is violating the most basic principles of our democracy. While we may not be voting next month, we have three justices agreeing with us that we should be. This is not over."

As environmental threats and social injustices grow across Ohio, communities are advancing Community Rights initiatives to protect themselves and challenge efforts to force harms into their communities. In response, the state of Ohio is cracking down on democratic rights, including in Athens and Medina Counties. There, residents advanced two county charter proposals that included bans on fracking activities. Both County BOEs [blocked the measures](#) this summer.

O'Dell added, "Communities will continue to find ways to challenge what is wrong and unjust. It was once the status quo to own slaves, deny women the right to vote, and to separate people by race. People never accepted this. They challenged each of these head on, forcing change. Communities fighting for the right to protect their air, water, and fair access to their local elections and government, are doing the same."

Ohio Communities Part of Growing Movement

Ohio residents are advancing Community Rights as part of the broader Community Rights Movement building across the United States. As the Movement builds, so are efforts to block the right to initiative – such as in [Tacoma, WA](#) – and so grows communities' determination to preserve that right.

Local communities and state Community Rights Networks are partnering with CELDF to advance and protect fundamental democratic and environmental rights. They are working with CELDF to establish Community Rights and the Rights of Nature in law, and prohibit extraction, fracking, factory farming, water privatization, and other industrial activities as violations of those rights. Communities are joining together within and across states, working with CELDF to advance systemic change - recognizing our existing system of law and governance as inherently undemocratic and unsustainable.

Additional Information

For additional information regarding petitioning communities, contact CELDF at info@celdf.org. To learn about the Ohio Community Rights Network, visit ohiocrn.org. To learn about the Community Rights Movement, visit www.celdf.org.

About CELDF — Community Environmental Legal Defense Fund

The Community Environmental Legal Defense Fund is a non-profit, public interest law firm providing free and affordable legal services to communities facing threats to their local environment, local agriculture, local economy, and quality of life. Its mission is to build sustainable communities by assisting people to assert their right to local self-government and the rights of nature.