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September 13, 2016

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RIGHT TO INITIATIVE RENDERED DEAD BY OHIO SUPREME COURT

*Court sides on behalf of oil and gas industry allies, keeps qualified initiatives off ballot
Justice J. O'Neill dissents, arguing for the people's right to local self-government*

COLUMBUS, OHIO: Today, the Ohio Supreme Court, in a 6:1 decision, struck a blow to the people's democratic right to initiative and self-governance. The Court refused to place duly qualified county charter measures on the ballot in Athens, Meigs, and Portage Counties. The measures included bans on fracking activities.

Justice J. O'Neill wrote a clear dissent, arguing that the people's right to create their own form of government is being unjustly quashed:

"The secretary of state does not have the power to veto charter petitions on behalf of the oil and gas industry simply because the citizens did not pick exclusively from the two forms of county government delineated in R.C. 302.02.3 This is a usurpation of power from the people that we should not indulge."

The proposed charters were blocked by each of the Boards of Elections. The Boards claimed the measures did not properly specify how the form of government would be structured. Residents worked with the Community Environmental Legal Defense Fund (CELDF) to draft the charters, relying on last year's vague Ohio Supreme Court decision as a guide in redrafting the measures.

Dick McGinn of Athens stated, "Last year, we advanced rights-based county charter initiatives in Athens, Medina, and Fulton Counties. The Supreme Court determined they could not go on the ballot due to a technicality in the format. Yet they remained unclear in defining exactly what was required."

He continued, "We drafted new charters this year, using the ambiguous direction given by the Supreme Court. One has to wonder: How convenient to deny there are clearly articulated rules on creating a charter, and then avoid providing clarity. The Secretary of State and our judiciary can interpret vague guidelines as they wish, leaving the people chasing a moving target and unable to vote on their own county initiative, year after year."

Tish O'Dell, community organizer for CELDF, was clear: "The people's right to alter or reform their government is meaningless when the same government that the people want to alter, acts as gatekeeper, restricting access to direct democracy as they so choose."

Communities across Ohio are facing fracking, wastewater injection wells, LNG pipelines, and compressor stations. Finding no remedy in their state government, they have turned to their constitutional right of initiative to protect their communities from fracking related harms.

Gwen Fischer of Portage County stated, “It comes as no surprise that the court has found on behalf of the oil and gas industry. Any illusion that we live in a democracy is obliterated with this decision. Will we go home and just accept the toxins in our communities? No. We will fight for our rights. As the Standing Rock indigenous fight for water, we do as well. This is a fight to safeguard our air, our water, our health, our communities, today and for future generations.”

Ohio Communities Not Alone

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.