



October 9, 2018

Dear Columbus Community Bill of Rights Friends, Volunteers and Supporters:

On Friday, October 5, 2018, the Ohio Supreme Court refused to reconsider its blocking of the Columbus Community Bill of Rights city ordinance from the November 2018 ballot. After two rebuttals from our celdf.org legal team, the seven justices made their decision in a 5-2 ruling, with No further justification.

Seven Ohio Supreme Court justices denied 565,000 Columbus Voters the right to vote to protect Columbus Water, Air and Soil from the toxic and radioactive gas & oil extraction & waste industry within our city. Never mind the public health impact of over 860,000 Columbus residents, and over 2 million Columbus Metro residents who depend on clean and safe Columbus water.

Important Facts about our Campaign:

1. The Ohio Constitution, Article 2, gives citizens the right to initiate law and referendum;
2. The Ohio Constitution, Article 1, gives citizens the “right to alter, reform or abolish government whenever they deem necessary”;
3. The Columbus Community Bill of Rights passed all legal requirements to have this city ordinance placed on the ballot;
 - * Board of Elections (BOE) approved 12,134 valid Columbus Voter signatures;
 - * City of Columbus declared the CCBOR initiative Is legally sufficient;
 - * Columbus City Council voted unanimously on July 30, 2018 to place the CCBOR on the ballot;
4. OHIO HB 463, enacted in 2017, gave Ohio law makers an unconstitutional tool to block citizen initiatives that make it all the way through the system to the BOE. It gives appointed BOE members as well as the Secretary of State, the role of judge and jury to decide whether or not the People’s initiative goes on the Ballot. This illegitimate law was used in two prior Ohio

county BOE lawsuits. Each were overturned by the Ohio Supreme Court (OHSC), and both initiatives were placed on the ballot (Bowling Green and Youngstown);

5. BOE received a protest against the CCBOR initiative petition, filed on the behalf of Loretta A. Settlemyer, and later joined by Robert J. Wall, both with possible oil & gas connections. The BOE rescheduled the hearing THREE times. It also only informed CCBOR of one of the protesters, and then only after we approached them for any additional information filed against our initiative. The BOE failed to submit all requested documentation by not informing CCBOR of the additional protester;

6. On the Friday, August 24 BOE Hearing, The 4 appointed members of the BOE took a vote before hearing any testimony - from legal counsel or Columbus Voters. They voted unanimously to deny the CCBOR's passage to the Columbus ballot - citing HB 463 as their justification;

7. CCBOR filed a complaint to the OHSC against the BOE's decision, on August 28, 2018. On September 14, 2018, OHSC voted 6-1 to deny CCBOR's complaint, using a pre-HB 463 decision;

8. CCBOR filed a motion for reconsideration with the OHSC on September 17, 2018, because our objections are based on the constitutionality of HB 463, and the high court cannot retreat to a sub constitutional basis to reinforce the validity of the BOE's decision;

9. CCBOR filed a notice of additional authority on Sept. 20, 2018, in support of the motion for reconsideration based on the September 19, 2018 decision by the US District Court - Southern District of Ohio. The judge ruled against the Portage County BOE and the Ohio Secretary of State in their decision to keep two marijuana decriminalization initiatives from the ballot, and placed them on the ballot;

10. OHSC denied CCBOR passage onto the Columbus, Ohio November 2018 ballot on October 5, 2018 and dismissed the people's arguments without any reason given.

This Issue is With Us Still

Columbus Residents Need to Know:

1. If you live in the Columbus Metro area, your community buys its water from Columbus, and if you have your own water system, i.e. Westerville, you are still downstream from the Upper Scioto Watershed;

2. There are currently 13 Active Frack Waste Injection Wells in the Upper Scioto Watershed, Columbus' water supply. The gas & oil industry dumps millions of gallons of radioactive, neurotoxic, endocrine disruptive, carcinogenic Frack Water Waste into them;

3. The state gave the Ohio Department of Natural Resources (ODNR) complete jurisdiction over all gas & oil drilling and dumping of wastes via HB 278 in 2004, taking away municipal regulatory rights regarding gas & oil activities;

4. The CCBOR would have given Columbus citizens the Right to prohibit gas & oil extraction, waste dumping, and pipelines in our city and the right to Clean Water, Air and Soil, and the right to protect them. Without local self-governance, the gas & oil extraction industry continues to have the right to pollute and harm our Community and We, the People have No right to protect our Community from these harms.

We are outraged by the unjust OHSC ruling, the illegitimate arguments justifying their decision and alarmed that they undermine the people's right to initiative.

We are working on our next steps to Continue the Fight and you will be the First to know. If you are upset by this injustice and want to get involved, please attend our next meeting on Monday, October 22, at the Columbus Metro Library, Northside branch, at 7:00 pm. 1423 N High St., Columbus, 43201

<https://www.facebook.com/events/683947488650252/?ti=icl>

We want to thank each and every one of you who signed the CCBOR petition, who volunteered to get signatures, who donated precious funds to get the Information out to the Columbus Public.

We want to thank you for not only informing yourselves, but getting up, speaking out and working for our Democratic Rights to protect the most essential elements of Life: our Water, Air and Soil.

We thank you with all our Hearts.

Respectfully and in Solidarity,

The Columbus Community Bill of Rights organizers

ColumbusBillofRights.org

On **Sunday, October 21**, Please attend the Upper Scioto Watershed Frack Waste **Injection Well Field Trip**: <https://www.facebook.com/events/547198972399031/?ti=icl>

And

On **Tuesday, October 30**, please attend the Groundbreaking Community Rights Film "**We, the People 2.0**" at the Drexel

Theater: <https://www.facebook.com/290114481160327/posts/1076206769217757/>