

Mr. Lindsey,

I'm writing to you on behalf of the Our City Our Vote campaign and our many supporters, and I send this to you in your capacity as Legal Director for the City of Worthington.

The City, and its spokespersons, notably the Chair of the Charter Review Commission, have since late July been making critical statements regarding Issue 38, using multiple public platforms, including the taxpayer-funded Village Talks, the City website, and columns in the Worthington Spotlight, presumably to put the thumb on the scales of the current election.

Many of the City's statements about Issue 38 have falsely claimed that the phrase "ordinance or other measure" was an "overreach" and somehow expanded the range of City Council action that would be subject to referendum. These false claims have been amplified repeatedly on social media by City Council Members and those allied with the City's position on our proposed Charter amendment. Given the fact that voting on this Charter amendment is happening as I write, this is a timely and serious problem.

To provide clarity on this issue, we consulted with the offices of **McTigue & Colombo LLC**. As you are likely aware, they are generally considered to be the premier election law firm in Ohio, having argued over 150 cases before the Ohio Supreme Court and with expertise on subjects ranging from election law, to campaign finance, initiatives and referendums, and government ethics.

I have attached their legal opinion regarding the City's many statements regarding Issue 38. It speaks powerfully for itself, so I will simply say here that it demonstrates with facts, citation of precedent, and basic logic that **the City's claims regarding Issue 38 are unequivocally "false."**

Further, the McTigue firm states that **"the City of Worthington has used its public platform to spread falsehoods about Issue 38 in taxpayer funded publications and on its website,"** and suggest that we share their letter with you, City Council, the Charter Review Commission, and the general public to "correct the misinformation" being propagated by the City.

This letter, with legal opinion attached, serves that purpose.

It appears that basic research on the topic of referendums was not conducted by the City, nor by the Charter Review Commission. **Otherwise, it is inexplicable that the City and the Chair of the Commission would make statements that are verifiably, factually contrary to established referendum law.** It is my understanding that the rules of professional conduct for attorneys generally prohibit false statements regarding Ohio law to be made to others who would reasonably rely upon those statements, including voters.

**We ask for prompt corrective action from the City,** as voting is currently underway. Expected corrective actions include that the City and its representatives immediately cease and desist the spreading of misinformation, and that you and the City issue a clear statement of retraction and clarification on the City's website and any other appropriate channel of communication.

We ask that you and other appropriate representatives of the City meet with our campaign leadership within two business days (by end of day Tuesday) to discuss mutually agreeable action by the City to clarify for the public the facts about Issue 38. We would very much like to resolve this issue through discussions and without pursuing legal actions.

I await your reply.

Sincerely,

John Byrnes  
Treasurer, Our City - Our Vote