

Bond Case Briefs

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State ex rel. Rocco v. Cuyahoga Cty. Bd. of Elections

Supreme Court of Ohio - June 27, 2017 - N.E.3d - 2017 WL 2806748 - 2017 -Ohio- 4466

After county board of elections declined to issue certificate of nomination and to certify candidate's name for placement upon ballot as candidate for city's director of law, candidate filed complaint seeking writ of mandamus.

The Supreme Court of Ohio held that:

- City charter required director of law to have been engaged in practice of law for any period of six years preceding election, and
- Candidate had engaged in practice of law for over six years.

Provision of city charter requiring director of law to have been engaged in active practice of law in state "for a period of six (6) years next preceding his election" required director of law to have been engaged in active practice of law for any period of six years preceding election. Charter contained term "a period" rather than "the period," and charter contained term "next preceding" rather than "immediately preceding," which charter did provide with respect to residency requirement.

Candidate for director of law met city charter's requirement that she engage in active practice of law for any six-year period preceding election. Candidate worked in private practice at law firm for two years, she then served as Assistant Attorney General for over six years, and she worked as prosecutor and assistant director of city law department for 11 years.