

Bond Case Briefs

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REFERENDA - OHIO

State ex rel. Quinn v. Delaware County Board of Elections

Supreme Court of Ohio - March 15, 2018 - N.E.3d - 2018 WL 1325034 - 2018 -Ohio- 966

After county board of elections sustained a protest and decertified a zoning referendum for placement on ballot, petitioner filed a complaint for a writ of mandamus against board of elections. The matter was converted into an expedited election matter.

The Supreme Court of Ohio that:

- Zoning-amendment referendum petition satisfied the number and full-and-correct-title requirements;
- Petition included the name by which the amendment was known; and
- Issue of whether summary contained in petition met statutory requirements was not ripe for review.

Zoning-amendment referendum petition satisfied the number and full-and-correct-title requirements, despite fact that petition did not include exact title of township trustee's resolution and referred to the township case number of the original application instead of the case number of the revised application; zoning amendment had been initiated by application rather than by resolution, only difference between case numbers of original application and revised application was the addition of "(R)," evidence in the record established that the (R) designation was not a part of the application's official title, and it would unjustly interfere with the right of referendum to require petitioner to strictly adhere to a convention that the zoning board and the trustees did not themselves follow.

In referendum petition challenging township's amendment of a zoning plan, petitioner's use of designation by which township trustees referred to amendment in their minutes met the statutory requirement that the petition include the name by which the amendment is known.

Issue of whether brief summary contained in referendum petition challenging a township's amendment of a zoning plan met statutory requirements was not ripe for review; board of elections had disqualified referendum from ballot based on other issues and could not muster a majority to disqualify the referendum based on the summary, and secretary of state had declined to break the tie in writing.