

Bond Case Briefs

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REFERENDA - OHIO

State ex rel. Dunn v. Plain Local School District Board of Education

Supreme Court of Ohio - January 9, 2020 - N.E.3d - 2020 WL 104387 - 2020 -Ohio- 40

Village residents sought writ of mandamus to compel school board to forward residents' petition proposing transfer of village's territory to a different school district to county board of elections for it to review sufficiency of signatures on petition.

The Supreme Court held that:

- Residents' claim was not barred by laches;
- Residents lacked adequate remedy in ordinary course of the law, as required for mandamus relief;
- School board had clear legal duty to forward petition to board of elections for review of signatures;
- School board's substantive challenges to petition could not extinguish residents' clear right to relief;
- School board was not entitled to indefinitely "table" petition; and
- School board's claim that residents were not entitled to relief because proposal would ultimately have to be kept off primary ballot was unripe.