

Bond Case Briefs

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BALLOT INITIATIVE - OHIO

State ex rel Kidd v. Clinton County Board of Elections

Supreme Court of Ohio - September 18, 2026 - N.E.3d - 2026 WL 2797784 - 2026-Ohi-3663

Proponents of initiative petition to add proposed ordinance regulating data centers to city zoning code sought writ of mandamus to compel county board of elections and its members to certify sufficiency and validity of petition for submission of initiative to electors in general election, after board declined to certify initiative for placement on ballot for general election.

The Supreme Court held that:

- Proposed city ordinance purported to create new cause of action and, thus, was not within city's power to enact, such that proponents of ordinance were not entitled to writ of mandamus to compel county board of elections to place ordinance on general-election ballot, and
- Statute authorizing county board of elections to review initiative petition for proposed city ordinance to determine whether initiative fell within scope of constitutional power of initiative was not substantial prior restraint on political speech in violation of First Amendment or Ohio Constitution.

Proposed city ordinance to regulate data centers purported to create new cause of action and, thus, was not within city's power to enact, such that proponents of initiative petition for ordinance were not entitled to writ of mandamus to compel county board of elections to place initiative on general-election ballot; proposed ordinance dispensed with requirement in statute authorizing injunctive relief for nuisance that property owner show that they would be especially damaged by alleged nuisance violation and enlarged available remedies, including civil penalties, proposed ordinance authorized private party to file suit in their own name to enjoin alleged violation, which went beyond existing nuisance-abatement statutes and city nuisance ordinance.

Statute authorizing county board of elections to review initiative petition for proposed city ordinance to determine whether initiative fell within scope of constitutional power of initiative was not substantial prior restraint on political speech in violation of First Amendment or Ohio Constitution; proponents of initiative petition did not explain how their First Amendment arguments were different from arguments in case law that rejected those arguments and held that burden on speech was not unreasonable given significance of interests that Ohio had in regulating elections, and proponents did not argue that Ohio Constitution should have been interpreted differently or more broadly than First Amendment.