

Bond Case Briefs

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ELECTIONS - OHIO

State ex rel. Sommers Development Group, L.L.C. v. Cuyahoga County Board of Elections

Supreme Court of Ohio - October 19, 2026 - N.E.3d - 2026 WL 3118564 - 2026-Ohio-4092

Property developer that sought to build townhome community on rezoned property brought action against county board of elections for writs of prohibition or mandamus to remove an initiative petition for proposed city ordinance to restore the property's prior zoning classification from the general-election ballot, after the board denied the developer's protest against the initiative petition.

Members of the committee that submitted the initiative petition intervened.

The Supreme Court held that:

- County board of elections exercised quasi-judicial authority when it denied developer's protest against placement of initiative petition for proposed city ordinance on general-election ballot, as element for writ of prohibition;
- Board was required to hold hearing on developer's protest to placement of proposed city ordinance on general-election ballot;
- Deadline of 30 days following passage of city ordinance for referendum petitions did not apply to initiative petition for proposed ordinance;
- Submission of initiative petition for proposed ordinance to mayor's assistant did not violate procedure required under city charter for submission of initiative petitions;
- Clerk of city council performed required duty to determine whether initiative petition was sufficient for placement of ordinance on general-election ballot; and
- City charter's requirement for initiative petitions' placement on ballot have election date not less than 60 days from filing of petition with clerk of city council applied to initiative petition for proposed city ordinance, and, thus, placement of proposed ordinance on ballot was appropriate.