

# **Bond Case Briefs**

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## **ELECTIONS - OHIO**

### **State ex rel. Dawson v. Cuyahoga Cty. Bd. of Elections**

**Supreme Court of Ohio - September 22, 2014 - N.E.3d - 2014 WL 4746683**

Citizen filed petition for writ of prohibition to prevent special election to recall city mayor.

The Supreme Court of Ohio held that:

- City charter provision that president of city council shall succeed as mayor if office of mayor becomes vacant after first day of April following last regular municipal election did not implicate First Amendment right to vote;
- Any possible burden of citizen's right to vote for mayor based on "automatic succession" provision of city charter was outweighed by city's legitimate interests in filling vacancy promptly and in ensuring that government process were not disrupted by vacancy;
- Petition for special election to recall city mayor and to fill vacancy pursuant to city charter was "demand" for mayor's "removal" in accordance with city charter provision and statute; and
- Petition to recall mayor was not misleading for failure to identify sitting president of city council who would automatically fill mayor's vacancy.