

Bond Case Briefs

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ELECTIONS - OHIO

State ex rel. Ganoom v. Franklin Cty. Bd. of Elections

Supreme Court of Ohio - September 16, 2016 - N.E.3d - 2016 WL 5221159 - 2016 -Ohio-5864

Candidate filed petition for writ of mandamus to compel city to conduct election to fill seat on city council.

The Supreme Court of Ohio held that:

- Personal knowledge affidavit was adequate;
- Delay in filing personal knowledge affidavit did not prejudice city; and
- City charter required vacant city council seat to be filled through election, rather than appointment.

Personal knowledge affidavit included with petition for writ of mandamus seeking to compel election for vacant city council seat was not deficient due to failure to include specifics of claim in affidavit, where there were no additional details for candidate to submit by way of affidavit, rather, case presented single, discrete question of law of whether city charter required an election.

Candidate's one-day delay in filing affidavit of personal knowledge along with petition for writ of mandamus seeking to compel election for vacant city council seat did not prejudice city, where parties understood and briefed the single legal issue and the affidavit provided no additional legal or factual information.

City charter required an election for vacated city council seat, rather than permitting city council to appoint replacement for remainder of term. Charter tied the duration of the appointment to the next general election, suggesting that the intent was to fill the seat at that next election, and permitting city council to fill vacant seat by appointment multiple times would have lead to an absurd result.