

Bond Case Briefs

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VOTER INITIATIVES - OHIO

State ex rel. Espen v. Wood County Board of Elections

Supreme Court of Ohio - October 19, 2017 - N.E.3d - 2017 WL 4701143 - 2017 -Ohio- 8223

Protester sought writ of mandamus and/or writ of prohibition to compel county board of elections to remove proposed city-charter amendment from general-election ballot.

The Supreme Court of Ohio held that:

- Statute requiring boards to substantively examine constitutionality of initiative petition violated separation of powers doctrine, and
- Mismatched address designations by five signers were equivalent of registered address, and thus were not required to be invalidated.

Statute requiring county boards of elections to examine an initiative petition to determine whether it fell within the scope of a municipality's constitutional authority to enact via initiative, and to invalidate the petition if any portion of it was not within the initiative power, was unconstitutional attempt to grant authority to make substantive, preenactment legal evaluations to the boards of elections, in violation of separation of powers doctrine, since decisions of constitutional interpretation belonged to the courts, not the boards of elections.

Address designations by five signers of petition to amend city charter, which named dormitories or fraternity house rather than the street addresses for those locations, were the equivalent of the address on the signers' respective voter registration forms, such that the signatures were not required to be invalidated under statute requiring that the voting address be the address appearing in the registration records at the board; board treated designations as synonymous, Secretary of State had instructed boards not to disqualify every apparent mismatch, which was consistent with purpose of statute, and board verified that five contested signatures came from registered electors.