

Bond Case Briefs

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BALLOT INITIATIVES - OHIO

Thompson v. Dewine

United States Court of Appeals, Sixth Circuit - May 26, 2020 - 959 F.3d 804

Individuals and organizations that were obtaining signatures in support of initiatives to amend Ohio Constitution and propose municipal ordinances brought action alleging that enforcement of state's requirements for initiatives while state's stay-at-home orders during COVID-19 pandemic were in effect violated their First Amendment rights.

Other organizations and individuals intervened. The United States District Court granted in part plaintiffs' and intervenors' motion for preliminary injunction, and state filed interlocutory appeal. State filed motion for stay pending appeal.

The Court of Appeals held that:

- State was likely to succeed on merits of its appeal, and
- State would suffer serious and irreparable harm if it was enjoined from conducting its election in accordance with its lawfully enacted ballot-access regulations.

State was likely to succeed on merits of its appeal of district court's order preliminarily enjoining it from strictly enforcing requirements that signatures on initiative petitions be written in ink and be witnessed by initiative's circulator during COVID-19 pandemic, for purposes of determining whether to issue stay pending appeal, even though pandemic made it more difficult to obtain signatures by deadline; state had compelling interest in ensuring that signatures were authentic, state exempted conduct protected by First Amendment from its stay-at-home orders, and state specifically exempted petition and referendum circulators from its stay-at-home restrictions five weeks before deadline for submitting ballot-access petitions.

State would suffer serious and irreparable harm if it was enjoined from conducting its election in accordance with its lawfully enacted ballot-access regulations, for purposes of determining whether state was entitled to stay pending its appeal of district court order preliminarily enjoining it from enforcing regulations during COVID-19 pandemic.