

Bond Case Briefs

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REFERENDA - OHIO

State ex rel. Walker v. LaRose

Supreme Court of Ohio - March 17, 2021 - N.E.3d - 2021 WL 1022451 - 2021-Ohio-825

Electors sought writ of mandamus seeking to compel Secretary of State, county board of elections, and city to change language on primary-election ballot relating to proposed ordinance to relocate city municipal court or to strike issue from ballot entirely.

The Supreme Court held that:

- Electors were not entitled to mandamus relief against Secretary;
- Electors were not entitled to mandamus relief against city;
- As a matter of first impression, proposed ordinance was required to be passed by majority affirmative vote, not majority of all qualified electors;
- Board's language did not violate statute prohibiting persuasive argument; and
- Ballot title complied with statutory requirements.

Electors were not entitled to mandamus relief compelling Secretary of State to change ballot language of local issue related to proposed ordinance governing relocation of municipal court on primary-election ballot or to strike issue from ballot entirely; Secretary complied with statutory duty to give final approval to form of ballot language, electors did not assert that final-approval statute imposed any further duties on Secretary to review of proposed ordinance for content, and while electors cited statutes relating to form of official ballots and duties of board of elections, they did not explain how those statutes supported duty on part of Secretary to amend ballot language in manner they sought.

Electors were not entitled to mandamus relief compelling city to change ballot language of local issue related to proposed ordinance governing relocation of municipal court on primary-election ballot or to strike issue from ballot entirely, where electors cited no statute stating that city had power, much less duty, to amend ballot language approved by board of elections or to remove an issue from the ballot.

Initiative passed by city electors prohibiting city from using funds to undertake demolition and construction relating to relocation of city municipal court without "a majority vote of the qualified electors" who were residents of city required proposed ordinance regarding relocation of court to be passed by majority affirmative vote, and not affirmative vote of all qualified electors of the city, including electors who did not vote on the issue; language of initiative was not enough to depart from general rule that simple majority of votes cast was all that was required for passage of ballot issue.

County board of elections' ballot language for proposed ordinance relating to relocation of city municipal court to county courthouse, which contained full text of ordinance, did not violate statute allowing the board to place a summary of an issue on the ballot in lieu of the issue's full text, without any persuasive argument in favor of or against the issue, though objecting electors asserted that use of phrase "so as to preserve the 1969 courthouse as a court building" was misleading and

improperly designed to appeal to preservationist voters; board did not draft summary of ordinance for ballot in lieu of full text, and there was no apparent basis for requiring board to amend allegedly persuasive and misleading language when full text was placed on ballot.

Ballot language approved by county board of elections indicating title of “Proposed Ordinance of City of Medina Ordinance No. 222-20” for proposed ordinance regarding relocation of city municipal court complied with statute requiring a “brief title descriptive of the question or issue below it,” which provided examples that would suffice, including “Proposed Constitutional Amendment,” “Proposed Annexation of Territory,” and “Proposed Increase in Tax Rate.”