

# **Bond Case Briefs**

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## **LOCAL GOVERNANCE - OHIO**

### **State ex rel. Grumbles v. Delaware County Board of Elections**

**Supreme Court of Ohio - September 13, 2021 - N.E.3d - 2021 WL 4145145 - 2021-Ohi-3132**

Incumbent township trustee filed petition for writ of mandamus ordering county board of elections to certify his name for placement on ballot as candidate for different seat on same board of township trustees.

The Supreme Court held that:

- Trustee lacked adequate remedy in ordinary course of the law, as would support mandamus relief;
- Trustee was eligible to run as candidate for different seat on same board; but
- Trustee did not establish bad faith by board and, thus, was not entitled to attorneys fees as prevailing party.

Incumbent township trustee was eligible to run as candidate for different seat with different term on same board of township trustees, though board of elections asserted that there would be inherent conflict of interest in trustee's involvement in appointing his successor to trustee position he would vacate; statute governing township board of trustees provided for three distinct seats on board, there was nothing in statutory scheme governing township trustees or elections generally that prohibited incumbent trustee from seeking to be elected to seat with different term than one he was currently serving, concern about conflict was policy consideration not set forth in relevant statutes, and when General Assembly had prohibited candidacies, it had done so expressly.