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State ex rel. Village of Moscow v. Clermont County Board of Elections

Supreme Court of Ohio - September 8, 2022 - N.E.3d - 2022 WL 4100752 - 2022-Ohio-3138

Protestors, a village and its mayor, sought writ of prohibition to reverse Board of Elections' denial of protest to keep petition to surrender the corporate powers of village off the ballot as it had not been submitted to village's legislative authority prior to its submission to the Board of Elections and had not been filed with township Board of Trustees, and to reverse Board of Elections' certification of petition to the ballot, and sought a writ of mandamus compelling Board of Elections to remove the measure from the ballot.

The Supreme Court held that:

- Board of Elections failed to follow applicable legal provisions by placing surrender petition on ballot despite fact that petition had not been submitted to village's legislative authority prior to its submission to Board of Elections, as would support writ of prohibition to reverse certification of surrender petition to ballot, abrogating *Pringle v. Clermont Cy. Bd. of Elections*, 12th Dist. Clermont No. CA2019-10-078, 2019-Ohio-4528, 2019 WL 5692285; and
- Grant of writ of prohibition mooted request for a writ of mandamus.

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