

Bond Case Briefs

Municipal Finance Law Since 1971

ELECTIONS - OHIO

State ex rel. Richardson v. Gowdy

Supreme Court of Ohio - March 24, 2023 - N.E.3d - 2023 WL 2624185 - 2023-Ohio-976

City elector filed action against city council president and county board of elections for writ of mandamus to president to appoint clerk of council to complete recall-petition process related to removal of three members of city council, in time to place recall elections on primary-election ballot, or, in the alternative, to compel board of elections to certify number of valid signatures on submitted petitions, and seeking attorney fees and costs.

The Supreme Court held that:

- City elector's claim for writ of mandamus to compel city council president to appoint clerk of council was moot;
- Elector was not entitled to writ of mandamus to compel city council president to certify number of signatures;
- Elector was not entitled to writ of mandamus to compel county board of elections to certify number of valid signatures for each recall petition submitted to board;
- Elector was not entitled to attorney fees; but
- City elector was entitled to costs.

City elector's claim for writ of mandamus to compel city council president to appoint clerk of council to perform ministerial task of certifying number of valid signatures on recall petitions for removal of members of city council was moot, where city council president had already performed action that elector sought to compel.

City elector was not entitled to writ of mandamus to compel city council president to certify number of signatures on recall petitions for removal of members of city council; city council president had no legal duty to certify number of signatures, and clerk of council, who did have duty to certify number of signatures, was not party to case.

City elector was not entitled to writ of mandamus to compel county board of elections to comply with city charter and statute governing recall petitions for members of city council to complete ministerial task of certifying number of valid signatures for each recall petition submitted to board; statute governing recall petitions was not adopted as part of city charter.

City elector was not entitled to attorney fees in her action for writ of mandamus to compel city council president to appoint clerk of council to certify valid signatures on recall petitions for removal of city council members, on basis of council president's bad faith actions and city law director declining to bring mandamus action, where judgment was not being ordered in elector's favor.

City elector was entitled to costs in her action for writ of mandamus to compel city council president to appoint clerk of council to certify valid signatures on recall petitions for removal of city council members, where elector had good cause to believe that her claim was well founded.

