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REFERENDA - OHIO

State ex rel. Miller v. Union County Board of Elections

Supreme Court of Ohio - October 7, 2023 - N.E.3d - 2023 WL 6543199 - 2023-Ohio-3664

Committee which sought to hold referendum on annexation ordinance filed complaint for writ of mandamus ordering county board of elections to place referendum on general-election ballot. Committee also sought award of attorney's fees.

The Supreme Court held that:

- Committee lacked adequate remedy in the ordinary course of law, as required for writ of mandamus;
- Laches did not bar committee's action for writ of mandamus;
- Secretary of State was not necessary and indispensable party to action for writ of mandamus;
- Removal of referendum from general-election ballot was not appropriate, based on alleged misrepresentations about contents of referendum by committee;
- Removal of referendum from general-election ballot was not appropriate, based on alleged misrepresentations regarding aerial-photo map of area subject to referendum by committee; and
- Committee was not entitled to attorney's fees.

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