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REFERENDA - OHIO

State ex rel. King v. Cuyahoga County Board of Elections

Supreme Court of Ohio - November 1, 2023 - N.E.3d - 2023 WL 7179059 - 2023-Ohio-3959

Mayor filed petition seeking extraordinary relief ordering county board of elections and its individual members to remove proposed city charter amendment from general election ballot and refrain from going forward with special mayoral recall election.

The Supreme Court held that:

- Board had no statutory obligation to hold hearing on mayor's protest against proposed city charter amendment, and
- Board had no statutory obligation to hold hearing on mayor's protest against validity of signatures on mayoral recall petition.

Statute requiring boards of elections to conduct hearings on written protests against petitions or candidacies applies only to declarations of candidacy, nominating petitions, or other petitions presented to boards of elections for purpose of becoming candidate for any nomination or office or for holding of election on any issue.

County board of elections had no statutory obligation to hold hearing on mayor's protest against proposed city charter amendment, and thus issuance of writ of mandamus ordering board to remove issue from general election ballot was not warranted; amendment did not involve written protest against petition or candidate, and board placed amendment on ballot after it received city council's resolution proposing amendment under city charter.

County board of elections had no statutory obligation to hold hearing on mayor's protest against validity of signatures on mayoral recall petition, and thus issuance of writ of mandamus ordering board to remove mayoral recall issue from special election ballot was not warranted; city charter required clerk of council to certify whether at least 25 percent of voters who voted in last regular municipal election of officers signed petition, and gave board no discretion in reviewing petition's validity.

Board of elections does not abuse its discretion by declining to hold protest hearing when protestor has no statutory right to hearing.

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