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MUNICIPAL GOVERNANCE - OHIO

State ex rel. Peterson v. Licking County Board of Elections

Supreme Court of Ohio - February 21, 2024 - N.E.3d - 2024 WL 699836 - 2024-Ohio-646

Village mayor filed action against two county boards of elections, their members, village, and village's council president for writs of mandamus and prohibition to prevent boards and village from setting date for recall election, from conducting recall election to recall mayor, and to order boards to remove recall election from ballot.

The Supreme Court held that:

- Conflict of interest was not present with village solicitor's representation of village and village council president, and, thus, disqualification of village solicitor was not warranted;
- Village solicitor's alleged disclosure of information protected by attorney-client privilege at public village council meeting did not warrant disqualification of village solicitor on ground of conflict of interest;
- Village solicitor was, in fact, village solicitor, and, thus, disqualification of village solicitor on ground that village solicitor was no longer village solicitor was not warranted;
- County boards of elections did not exercise quasi-judicial authority in matter, and, thus, village mayor was not entitled to writ of prohibition to prevent boards from holding recall election;
- Village and its counsel did not exercise quasi-judicial authority in matter, and, thus, village mayor was not entitled to writ of prohibition to prevent village and council from setting day for holding recall election; and
- Village mayor was not entitled to writ of mandamus to order county boards of elections to remove special recall election from ballot.

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