

Bond Case Briefs

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REFERENDA - OHIO

State ex rel. Shamro v. Delaware County Board of Elections

Supreme Court of Ohio - March 19, 2025 - N.E.3d - 2025 WL 854908 - 2025-Ohio-941

Registered voter sought writ of mandamus ordering county board of elections to place zoning referendum on primary election ballot after board sustained election protest and decertified referendum, finding that referendum petition did not contain correct name of zoning amendment, contained misleading summary of amendment, and was accompanied by misleading map of property to be rezoned.

The Supreme Court held that failure of zoning referendum petition's summary to incorporate modifications to zoning amendment rendered the summary misleading.

Evidence, including minutes of township's board of trustees meeting, established that board had approved four modifications to proposed zoning amendment for brewery property, which included removing "agritourism" as a permitted use, prohibiting outdoor live music after 10:00 p.m., requiring dust mitigation, and requiring planting of additional trees, and thus failure of zoning referendum petition's summary to incorporate those modifications rendered the summary misleading.