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**REFERENDA - OHIO**

## State ex rel M/I Homes of Cincinnati, L.L.C. v. Clermont County Board of Elections

**Supreme Court of Ohio - September 17, 2025 - N.E.3d - 2025 WL 2658638 - 2025-Ohi--4362**

Real estate developer requested writ of prohibition to prohibit county board of elections from placing referendum on general-election ballot challenging township board of trustees' approval of developer's application to rezone parcels of property to planned-development district for purposes of residential development or, alternatively, writ of mandamus to compel board of elections to sustain developer's protest against referendum petition.

The Supreme Court held that:

- Average person reading brief summary would have understood that proposal to be voted on would affect zoning status of roughly 120 acres of property spanning three parcels of land;
- Referendum petition's brief summary accurately stating that affected acreage would be rezoned to "PD" and clarifying that acronym stood for "Planned Development District," complied with governing statute;
- Petition accurately stating zoning change associated with affected acreage and accurately stating nature and number of homes proposed for development complied with governing statute;
- Board of elections did not abuse its discretion or clearly disregard applicable law when it denied protest that involved brief summary that did not mention every feature or condition of zoning amendment;
- Statement from county board of elections' employee, at hearing on developer's protest, that "[t]hese two [maps] were submitted" was sufficient to verify that second map was filed with board of trustees;
- Map used in obtaining signatures that covered up inset "vicinity" map, but nevertheless displaying larger and more detailed map of affected area—as compared to inset vicinity map—on left side of document, complied with governing statute; and
- Developer forfeited its argument in reply brief that maps attached to referendum petition were misleading because they were faded and blurry by failing to raise it in its merit brief.

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