
REFERENDA - OHIO

State ex rel. McNamara v. Grube

Supreme Court of Ohio - August 7, 2026 - N.E.3d - 2026 WL 2274529 - 2026-Ohio-3035

Elector, who had submitted petition to hold referendum on village resolution adopting a term summary by which village agreed to explore assisting developers with data-center project, brought original mandamus action to compel village fiscal officer to certify sufficiency and validity of the referendum petition to board of elections for placement on general election ballot.

Data center developers moved to intervene as respondents, and two interest groups filed motions for leave to file memorandums in support of elector. Officer and intervenors filed motions for judgment on the pleadings.

The Supreme Court held that:

- Developers brought timely motion to intervene;
- Developers satisfied requirements for intervention as of right;
- Elector lacked adequate remedy in ordinary course of law, for purpose of obtaining writ of mandamus;
- As matter of apparent first impression, officer has limited discretionary authority to refuse to certify referendum petition on measure passed that has section identifying it as emergency measure and it passed with sufficient votes;
- Statements in resolution failed to sufficiently set forth reasons for passage as emergency measure, and thus resolution was subject to referendum;
- Officer abused limited discretionary authority in determining resolution was administrative; and
- Officer had clear legal duty to certify sufficiency and validity of referendum petition to board of elections, supporting issuance of writ of mandamus.

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