

SUPREME COURT OF OHIO

State ex rel. Ganoom v. Franklin County Board of Elections

State ex rel. Ganoom v. Franklin Cty. Bd. of Elections, 148 Ohio St. 3d 339, 2016-Ohio-5864 (Ohio 2016) · No. 2016-1241 · Decided September 16, 2016

SUMMARY

The Supreme Court of Ohio granted in part a writ of mandamus requiring Upper Arlington to place a vacant city council seat on the November 2016 ballot. The court held that the city charter imposed a clear legal duty to conduct an election for the unexpired term and denied relief against the Franklin County Board of Elections because the matter had not yet reached the board. Separate opinions concurred in judgment or dissented regarding the interpretation of the charter and the timing of the election.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; O'Connor, C.J.; Pfeifer, J.; French, J.; Lanzinger, J.; Kennedy, J.; O'Donnell, J.; O'Neill, J.
JURISDICTION	Ohio
DECIDED	September 16, 2016
DOCKET	2016-1241
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Relator brought an expedited original action in mandamus seeking to compel the City of Upper Arlington and the Franklin County Board of Elections to place a city-council seat on the November 2016 ballot. The Supreme Court of Ohio granted leave to amend the supporting affidavit and granted the writ in part.
STANDARD OF REVIEW	Mandamus requires a clear legal right in the relator and a clear legal duty on the respondent; the court interpreted the Upper Arlington City Charter as a question of law.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion
PARTIES	Omar Ganoom, relator v. Franklin County Board of Elections, City of Upper Arlington, Upper Arlington City Council, Theodore J. Staton, Upper Arlington City Manager

TOPICS

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election administration

municipal law

statutory interpretation

remedies

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Ganoom should be permitted to amend and properly serve the affidavit supporting his expedited mandamus complaint.
2. Whether the Upper Arlington City Charter required the city to place Schadek's vacant council seat on the November 2016 general-election ballot.
3. Whether mandamus relief could issue against the Franklin County Board of Elections before the matter had reached the board.

HOLDINGS

1. Leave to amend was properly granted because the case presented a single legal question, the amended affidavit supplied no additional factual or legal information, and respondents suffered no prejudice from the delay.
2. The charter imposed a clear legal duty on Upper Arlington to fill Schadek's seat for the remainder of his term at the November 2016 election.
3. No relief was warranted against the board of elections because the matter had not yet reached the board.

KEY QUOTATIONS

"But if the expiration of a term creates a vacancy, then, in theory, city council could carry on making appointments in perpetuity and never conduct another election." (§ 13)

"The charter imposes a clear legal duty upon the city of Upper Arlington to fill Schadek's seat for its unexpired term at the November 2016 election." (§ 15)

"We hereby grant a writ of mandamus ordering the Upper Arlington respondents to take whatever steps are necessary to place the council seat on the November 2016 ballot." (§ 16)

FACTUAL BACKGROUND

Upper Arlington City Council member Mike Schadek was reelected in November 2015 and resigned in March 2016, leaving his four-year term set to expire in January 2020. On May 9, 2016, the city council appointed Sue Ralph to fill the vacancy. The dispute concerned whether the charter required an election in November 2016 for the remainder of Schadek's term or permitted successive appointments.

PROCEDURAL HISTORY

Ganoom filed the expedited mandamus complaint on August 18, 2016, without the required affidavit, and later filed an affidavit that was not timely served under the expedited-election rule. He moved for leave to amend and properly served a new affidavit with his reply brief. The Supreme Court granted leave to amend, resolved the charter-interpretation issue, ordered the Upper Arlington respondents to take the steps necessary to place the seat on the November 2016 ballot, and denied relief against the board of elections because the matter had not yet reached the board.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Upper Arlington respondents were ordered to take whatever steps were necessary to place the vacant council seat on the November 2016 ballot. Relief against the Franklin County Board of Elections was denied.

CASES CITED

- Church of God in N. Ohio, Inc. v. Levin, 124 Ohio St. 3d 36, 2009-Ohio-5939, 918 N.E.2d 981, ¶ 30
- Weaver v. Edwin Shaw Hosp., 104 Ohio St. 3d 390, 2004-Ohio-6549, 819 N.E.2d 1079, ¶ 13
- Wachendorf v. Shaver, 149 Ohio St. 231, 78 N.E.2d 370 (1948)
- State ex rel. Summit Cty. Republican Party Executive Commt. v. Brunner, 118 Ohio St. 3d 515, 2008-Ohio-2824, 890 N.E.2d 888, ¶ 26
- Columbus-Suburban Coach Lines, Inc. v. Pub. Util. Comm., 20 Ohio St. 2d 125, 127, 254 N.E.2d 8 (1969)
- State v. Rose, 89 Ohio St. 383, 387, 106 N.E. 50 (1914)

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