

SUPREME COURT OF OHIO

State ex rel. Burroughs v. Summit County Board of Elections

2015-Ohio-4122 (Ohio 2015) · No. 2015-1570 · Decided October 2, 2015

SUMMARY

The Supreme Court of Ohio granted Richard A. Burroughs's petition for a writ of mandamus, ordering the Summit County Board of Elections to certify him as an independent candidate for Akron City Council Ward 8. The court held that the board abused its discretion by rejecting four petition signatures based on inconsistencies with voter-registration signatures, relying on *State ex rel. Crowl v. Delaware Cty. Bd. of Elections*. The opinion includes dissenting views that the board had not been presented with uncontroverted authenticity evidence when it rejected the signatures.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Pfeifer; Kennedy; French; O'Neill; O'Donnell; Lanzinger; O'Connor
JURISDICTION	Ohio
DECIDED	October 2, 2015
DOCKET	2015-1570
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original mandamus action seeking to compel the Summit County Board of Elections to certify Burroughs as an independent candidate and place his name on the ballot.
STANDARD OF REVIEW	Whether the board of elections abused its discretion in rejecting the petition signatures and denying ballot access.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion
PARTIES	Richard A. Burroughs v. Summit County Board of Elections

TOPICS

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QUESTIONS PRESENTED

1. Whether the Summit County Board of Elections abused its discretion by rejecting four nominating-petition signatures based on a mismatch with the electors' voter-registration signatures.
2. Whether Burroughs was entitled to a writ of mandamus compelling the board to certify him as an independent candidate and place his name on the ballot.

HOLDINGS

1. The board of elections abused its discretion in rejecting the four petition signatures and denying Burroughs a place on the ballot.
2. A writ of mandamus should issue ordering the board of elections to certify Burroughs as an independent candidate and place him on the ballot.

KEY QUOTATIONS

“we conclude that the board abused its discretion in rejecting the four petition signatures and in denying relator a place on the ballot. Accordingly, we grant the writ.” (¶ 3)

FACTUAL BACKGROUND

Richard A. Burroughs sought to run as an independent candidate for the Akron City Council ward 8 position in the November 3, 2015 election. His nominating petition contained 24 valid signatures, one short of the required number. The Summit County Board of Elections rejected four signatures because they did not match the signatures on the electors' voter-registration forms, thereby denying Burroughs a place on the ballot.

PROCEDURAL HISTORY

Burroughs submitted a nominating petition with 24 valid signatures, one fewer than required. The Summit County Board of Elections rejected four signatures because they did not match the signatures on the electors' voter-registration forms and denied him a place on the ballot. Burroughs sought a writ of mandamus in the Supreme Court of Ohio, which granted the writ.

DISPOSITION

writ_granted

CASES CITED

- State ex rel. Crowl v. Delaware Cty. Bd. of Elections, 2015-Ohio-4097