

SUPREME COURT OF OHIO

State ex rel. Knowlton v. Noble Cty. Bd. of Elections

126 Ohio St. 3d 1559 (Ohio 2010) · No. 2010-1512 · Decided September 22, 2010

SUMMARY

The Supreme Court of Ohio considered whether to prevent the Noble County Board of Elections from certifying Stephen S. Hannum as a write-in candidate for county sheriff. The court denied prohibition, holding that the board did not abuse its discretion or clearly disregard statutory qualification requirements, and dismissed the mandamus claim for lack of jurisdiction. The court also held that the statutory sore-loser provision did not bar Hannum because he had been deemed ineligible before appearing as a primary-election candidate.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Pfeifer, Acting Chief Justice; Christine T. McMonagle, sitting for Brown, Chief Justice; McMonagle; Lundberg Stratton; O'Connor; O'Donnell; Lanzinger; Cupp
JURISDICTION	Ohio
DECIDED	September 22, 2010
DOCKET	2010-1512
DISPOSITION	dismissed
PROCEDURAL POSTURE	Expedited original action in prohibition and mandamus challenging the Noble County Board of Elections' certification of Stephen S. Hannum as a write-in candidate for Noble County sheriff in the November 2, 2010 general election.
STANDARD OF REVIEW	For prohibition, the court considered whether the board exercised quasi-judicial power, whether that exercise was unauthorized by law, and whether denial of the writ would cause injury without an adequate ordinary remedy. The court reviewed the board's decision for abuse of discretion or clear disregard of applicable law and would not substitute its judgment for the board's when the evidence was conflicting.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion
PARTIES	Denny R. Knowlton Jr. v. Noble County Board of Elections and its members, Stephen S. Hannum, intervening respondent

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QUESTIONS PRESENTED

1. Whether the court had jurisdiction over Knowlton's mandamus claim when the requested relief was actually declaratory and prohibitory in nature.
2. Whether the board of elections abused its discretion or clearly disregarded R.C. 311.01(B)(9) by finding that Hannum satisfied the postsecondary-education qualification for sheriff.
3. Whether the board of elections abused its discretion or clearly disregarded R.C. 3513.04 by allowing Hannum to run as a write-in candidate after his primary candidacy had been rejected.
4. Whether Knowlton's mistaken citation to R.C. 3519.16 deprived the board of authority to consider his protest under R.C. 3513.041.

HOLDINGS

1. The court lacked jurisdiction over Knowlton's mandamus claim because the relief he sought was in the nature of a declaratory judgment and prohibitory injunction rather than mandamus.
2. The board did not abuse its discretion or clearly disregard R.C. 311.01(B)(9) by finding that Hannum satisfied the postsecondary-education requirement for sheriff.
3. R.C. 3513.04 did not bar Hannum's write-in candidacy because he had been ruled ineligible for the primary ballot and therefore had not lost a primary election.
4. Knowlton's mistaken citation to R.C. 3519.16 did not deprive the board of authority to consider the merits of his protest because he otherwise satisfied the requirements of R.C. 3513.041.

KEY QUOTATIONS

“because Knowlton seeks relief in the nature of declaratory judgment and prohibitory injunction, we lack jurisdiction to consider his mandamus claim and dismiss it.” (¶ 31)

“Therefore, the board and its members neither abused their discretion nor clearly disregarded R.C. 311.01(B)(9) by denying Knowlton’s protest and certifying Hannum’s write-in candidacy for sheriff at the November 2 general election.” (¶ 45)

“Because Hannum was ruled ineligible in Knowlton I to be a candidate for the Democratic Party nomination for Noble County sheriff at the primary election, he did not lose in that election.” (¶ 51)

“We deny the writ of prohibition to prevent the board and its members from certifying Stephen S. Hannum as a write-in candidate for Noble County sheriff at the November 2, 2010 general election. We also dismiss Knowlton’s mandamus claim for lack of jurisdiction.” (¶ 56)

FACTUAL BACKGROUND

Stephen S. Hannum, who had been appointed Noble County sheriff, sought election to the office. After the Supreme Court of Ohio ruled that 29 of his college credits were ineligible peace-officer-training credits, Hannum obtained additional credits and submitted evidence that he had completed 106 total credits, 77 of which remained after excluding the 29 OPOTA credits. The Noble County Board of Elections found that 72 credits constituted two years of postsecondary education and denied Knowlton's protest. Hannum also had previously been disqualified from the primary ballot, rather than losing a primary election, and then sought to run as a write-in candidate in the general election.

PROCEDURAL HISTORY

Knowlton previously protested Hannum's primary-election candidacy, and the Supreme Court of Ohio granted prohibition in *State ex rel. Knowlton v. Noble Cty. Bd. of Elections*, 125 Ohio St. 3d 82, 2010-Ohio-1115, because Hannum did not satisfy the sheriff-qualification requirements. Hannum later filed a declaration of intent to run as a write-in candidate in the general election. The board denied Knowlton's protest, concluding that Hannum had completed the required postsecondary education and was not barred by Ohio's sore-loser statute. Knowlton then sought prohibition and mandamus in the Supreme Court of Ohio.

DISPOSITION

dismissed

CASES CITED

- *State ex rel. Knowlton v. Noble Cty. Bd. of Elections*, 125 Ohio St. 3d 82, 2010-Ohio-1115, 926 N.E.2d 284
- *State ex rel. Wellington v. Mahoning Cty. Bd. of Elections*, 120 Ohio St. 3d 198, 2008-Ohio-5510, 897 N.E.2d 641
- *State ex rel. Stewart v. Clinton Cty. Bd. of Elections*, 124 Ohio St. 3d 584, 2010-Ohio-1176, 925 N.E.2d 601
- *State ex rel. Evans v. Blackwell*, 111 Ohio St. 3d 437, 2006-Ohio-5439, 857 N.E.2d 88
- *State ex rel. Eshleman v. Fornshell*, 125 Ohio St. 3d 1, 2010-Ohio-1175, 925 N.E.2d 609
- *State ex rel. Tremmel v. Erie Cty. Bd. of Elections*, 123 Ohio St. 3d 452, 2009-Ohio-5773, 917 N.E.2d 792
- *State ex rel. Cooker Restaurant Corp. v. Montgomery Cty. Bd. of Elections*, 80 Ohio St. 3d 302, 305, 686 N.E.2d 238 (1997)
- *State ex rel. Sinay v. Soddery*, 80 Ohio St. 3d 224, 228, 685 N.E.2d 754 (1997)
- *State ex rel. Citizen Action for Livable Montgomery v. Hamilton Cty. Bd. of Elections*, 115 Ohio St. 3d 437, 2007-Ohio-5379, 875 N.E.2d 902
- *State ex rel. Ross v. Crawford Cty. Bd. of Elections*, 125 Ohio St. 3d 438, 2010-Ohio-2167, 928 N.E.2d 1082
- *State ex rel. Toledo Blade Co. v. Seneca Cty. Bd. of Commrs.*, 120 Ohio St. 3d 372, 2008-Ohio-6253, 899 N.E.2d 961
- *State ex rel. Steele v. Morrissey*, 103 Ohio St. 3d 355, 2004-Ohio-4960, 815 N.E.2d 1107
- *State ex rel. Lee v. Karnes*, 103 Ohio St. 3d 559, 2004-Ohio-5718, 817 N.E.2d 76
- *State ex rel. Gottlieb v. Sulligan*, 175 Ohio St. 238, 24 O.O.2d 383, 193 N.E.2d 270 (1963)

- State ex rel. Brinda v. Lorain Cty. Bd. of Elections, 115 Ohio St. 3d 299, 2007-Ohio-5228, 874 N.E.2d 1205
- State ex rel. Sweet v. Hancock Cty. Bd. of Elections, Hancock App. No. 5-93-43, 1993 WL 429838
- State ex rel. Ernst v. Brunner, 145 Ohio Misc. 2d 73, 2007-Ohio-7265, 882 N.E.2d 990
- State ex rel. Reese v. Cuyahoga Cty. Bd. of Elections, 115 Ohio St. 3d 126, 2007-Ohio-4588, 873 N.E.2d 1251

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