

SUPREME COURT OF OHIO

State ex rel. Hill v. LaRose

2026-Ohio-1601 · No. 2026-0531 · Decided May 4, 2026

SUMMARY

The Supreme Court of Ohio dismissed Heather Hill’s original action seeking mandamus relief to compel the Secretary of State to accept a replacement lieutenant-governor candidate, certify Hill to the primary-election ballot, and count votes for her. The court held that R.C. 3513.311(C) permits replacement within 70 days of a primary election only when the former lieutenant-governor candidate has died, not when the candidate withdraws, and rejected Hill’s constitutional challenge under the Anderson-Burdick framework. The court also dismissed the declaratory-judgment and prohibitory-injunction claims for lack of original jurisdiction and denied Hill’s emergency motion.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; Kennedy, C.J.; DeWine, J.; Deters, J.; Hawkins, J.; Shanahan, J.; Fischer, J.; Brunner, J.
JURISDICTION	Supreme Court of Ohio
DECIDED	May 4, 2026
DOCKET	2026-0531
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original action in mandamus in the Supreme Court of Ohio. The respondent moved to dismiss under Ohio Civ.R. 12(B)(6), and the court also considered sua sponte whether it had original jurisdiction over the declaratory-judgment and injunction claims.
STANDARD OF REVIEW	On a Civ.R. 12(B)(6) motion, the court presumes the truth of the complaint's factual allegations and draws all reasonable inferences in the relator's favor; dismissal is proper when it appears beyond doubt that the relator could prove no set of facts entitling her to relief. The court also applied the Anderson-Burdick framework, assuming without deciding that the constitutional analysis was suitable at the motion-to-dismiss stage.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; precedential under Ohio law, subject to formal revision before publication in the Ohio Official

Reports.

PARTIES

Heather Hill v. Frank LaRose, Secretary of State

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QUESTIONS PRESENTED

1. Whether R.C. 3513.311(C) permits a gubernatorial candidate to replace a lieutenant-governor candidate who withdraws within 70 days before a primary election.
2. Whether R.C. 3513.311(C) is unconstitutional as applied because it permits replacement after a lieutenant-governor candidate's death but not after withdrawal.
3. Whether the Supreme Court of Ohio has original jurisdiction over Hill's claims for declaratory judgment and a prohibitory injunction.
4. Whether Hill was entitled to emergency relief and a writ of mandamus.

HOLDINGS

1. R.C. 3513.311(C) does not permit replacement of a lieutenant-governor candidate who withdraws within 70 days before a primary election; the statute applies only when the original lieutenant-governor candidate dies within the specified period.
2. Hill was not entitled to a writ of mandamus because she could not establish a clear legal right to have Barnett accepted as her replacement candidate or a clear legal duty on LaRose to accept him.
3. Hill's as-applied constitutional challenge to R.C. 3513.311(C) failed at the motion-to-dismiss stage under the Anderson-Burdick framework.
4. The Supreme Court of Ohio lacks original jurisdiction over Hill's claims seeking a declaratory judgment and a prohibitory injunction.

KEY QUOTATIONS

“statutory silence is not a license for this court to pick up the drafting pen and rewrite R.C. 3513.311(C) to cover a situation the General Assembly could have addressed but did not.” (§ 14)

“The limitation written into R.C. 3513.311(C) is a reasonable safeguard against gamesmanship of this sort.” (§ 25)

FACTUAL BACKGROUND

Heather Hill was a candidate for Ohio governor in the May 5, 2026 primary election, with Stuart Moats as her lieutenant-governor running mate. Moats withdrew 13 days before the primary, and Hill attempted to substitute

Larry Barnett by filing an affidavit with the Secretary of State. Secretary of State Frank LaRose refused to accept the substitution under R.C. 3513.311(C), advised Hill that she was ineligible to appear on the ballot without a running mate, and stated that votes cast for her would not be counted.

PROCEDURAL HISTORY

Heather Hill filed an original action after the Secretary of State refused to accept Larry Barnett as her replacement lieutenant-governor candidate following Stuart Moats's withdrawal 13 days before the primary election. Hill sought mandamus, declaratory relief, and an injunction, and separately sought emergency relief. The Supreme Court of Ohio denied the emergency motion, granted the motion to dismiss, and dismissed the declaratory-judgment and prohibitory-injunction claims for lack of original jurisdiction.

DISPOSITION

dismissed

CASES CITED

- State ex rel. Yeager v. Lake Cty. Court of Common Pleas, 2024-Ohio-1921, ¶ 7
- State ex rel. Tjaden v. Geauga Cty. Bd. of Elections, 2024-Ohio-3396, ¶¶ 21-23
- Stingray Pressure Pumping, L.L.C. v. Harris, 2023-Ohio-2598, ¶ 22
- In re Establishing the Solar Generation Rider, 2022-Ohio-4348, ¶ 20
- Erickson v. Morrison, 2021-Ohio-746, ¶ 29
- Beiersdorfer v. LaRose, 397 F. Supp. 3d 1037, 1049 n.6 (N.D. Ohio 2019)
- Alabama State Conference of the NAACP v. Marshall, 746 F. Supp. 3d 1203, 1235 n.9 (N.D. Ala. 2024)
- Reynolds v. Sims, 377 U.S. 533, 561-562 (1964)
- Lee v. Keith, 463 F.3d 763, 767-768 (7th Cir. 2006)
- Florida Indep. Party v. Florida Secretary of State, 967 F.3d 1277, 1281 (11th Cir. 2020)
- State ex rel. Trumbull Cty. Republican Cent. Commt. v. Trumbull Cty. Bd. of Elections, 2022-Ohio-3268, ¶ 20
- VVF Intervest, L.L.C. v. Harris, 2025-Ohio-5680, ¶ 41
- Burdick v. Takushi, 504 U.S. 428, 434 (1992)
- Anderson v. Celebrezze, 460 U.S. 780 (1983)
- Norman v. Reed, 502 U.S. 279, 289 (1992)
- Daunt v. Benson, 999 F.3d 299, 310, 314 (6th Cir. 2021)
- Mazo v. New Jersey Secretary of State, 54 F.4th 124, 140 (3d Cir. 2022)
- State ex rel. Watson v. Hamilton Cty. Bd. of Elections, 2000-Ohio-318, ¶ 21
- State ex rel. Purdy v. Clermont Cty. Bd. of Elections, 1997-Ohio-278, ¶ 17
- Luft v. Evers, 963 F.3d 665, 671 (7th Cir. 2020)
- Mays v. LaRose, 951 F.3d 775, 785 (6th Cir. 2020)
- Storer v. Brown, 415 U.S. 724, 730 (1974)

- *Jenness v. Fortson*, 403 U.S. 431, 442 (1971)
- *State v. Davis*, 2011-Ohio-5028, ¶ 11
- *State ex rel. Barr v. Wesson*, 2023-Ohio-3028, ¶ 16
- *State ex rel. Crabtree v. Franklin Cty. Bd. of Health*, 1997-Ohio-274, ¶ 6

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