

SUPREME COURT OF OHIO

State ex rel. Hicks v. Clermont Cty. Bd. of Elections

2026-Ohio-993 · No. 2026-0231 · Decided March 24, 2026

SUMMARY

The Supreme Court of Ohio denied Christopher R. Hicks’s request for a writ of mandamus compelling the Clermont County Board of Elections to hold a protest hearing concerning Claire Corcoran’s candidacy. The court held that Hicks failed to establish a clear legal right to a mandatory hearing because his allegations concerned only one part-petition and could not affect Corcoran’s eligibility for the ballot. The court also concluded that a hearing would constitute a vain act, denied the board’s sanctions request, and granted its motion to file amended evidence.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Hawkins, J.; DeWine, J.; Deters, J.; Shanahan, J.; Kennedy, C.J.; Fischer, J.; Brunner, J.
JURISDICTION	Supreme Court of Ohio
DECIDED	March 24, 2026
DOCKET	2026-0231
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original action in mandamus seeking to compel the Clermont County Board of Elections to schedule and conduct a protest hearing concerning a candidate's nominating petition.
STANDARD OF REVIEW	Mandamus requires clear and convincing evidence of a clear legal right to relief, a clear legal duty to provide it, and the absence of an adequate remedy in the ordinary course of law. The court also reviews whether the board engaged in fraud, corruption, abuse of discretion, or clear disregard of applicable law.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio; majority opinion is precedential, subject to formal revision before publication in the Ohio Official Reports advance sheets.
PARTIES	Christopher R. Hicks v. Clermont County Board of Elections, Stephanie Haight, Chris Dennison, Raymond W. Lembke, Gregg Conrad, Larry Heller, Tim Rudd

TOPICS

election law

ballot access

election administration

remedies

statutory interpretation

PRACTICE AREAS

election law

administrative law

mandamus

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QUESTIONS PRESENTED

1. Whether Hicks established a clear legal right to a mandatory protest hearing under R.C. 3501.39 and 3513.05.
2. Whether the board had a clear legal duty to hold a hearing when the alleged defect could not cause Corcoran's removal from the ballot.
3. Whether mandamus should issue when the requested hearing would be a vain act.
4. Whether the board was entitled to sanctions under S.Ct.Prac.R. 4.03(A).
5. Whether the board should be granted leave to file amended evidence after the evidence deadline.

HOLDINGS

1. Hicks failed to establish a clear legal right to a mandatory hearing because his submission did not constitute a protest against Corcoran's candidacy within the meaning of R.C. 3513.05; the allegations, on their face, could not provide legal grounds for rejecting the candidacy.
2. Mandamus will not issue because compelling the board to conduct the requested hearing would be a vain act.
3. The board's request for sanctions was denied because Hicks's mandamus action was reasonably grounded in fact or law and the record did not establish harassment or another improper purpose.
4. The board's motion for leave to file amended evidence was granted.

KEY QUOTATIONS

“Rather, the prerequisites to a protest stated in R.C. 3513.05 and the specificity requirement in R.C. 3501.39 indicate that a board must evaluate, as a threshold determination, whether a request purporting to be a protest under R.C. 3513.05 meets the applicable statutory standards to mandate a hearing.” (¶ 21)

“mandamus will not issue to compel a vain act” (¶ 25)

“granting the requested writ of mandamus would compel only a vain act, and we therefore decline to do so.” (¶ 28)

FACTUAL BACKGROUND

Christopher R. Hicks challenged a part-petition supporting Claire Corcoran's candidacy for Clermont County Commissioner, alleging that signatures were affixed without the circulator witnessing them. The challenged part-petition contained 17 signatures, but Corcoran had 69 other valid signatures, exceeding the 50-signature requirement. The board therefore declined to conduct a protest hearing, and Hicks sought mandamus relief.

PROCEDURAL HISTORY

Hicks submitted a written protest challenging one part-petition supporting Claire Corcoran's candidacy. The board held a special meeting but declined to schedule a statutory protest hearing, concluding that Hicks's submission was not a valid protest and that invalidating the challenged part-petition could not affect Corcoran's ballot eligibility. Hicks filed an original mandamus action in the Supreme Court of Ohio. The court denied the writ, denied the board's sanctions request, and granted the board's motion for leave to file amended evidence.

DISPOSITION

writ_denied

CASES CITED

- State ex rel. Strbich v. Montgomery Cty. Bd. of Elections, 2024-Ohio-4933, ¶ 11
- State ex rel. West v. LaRose, 2020-Ohio-4380, ¶ 15
- State ex rel. Tjaden v. Geauga Cty. Bd. of Elections, 2024-Ohio-3396, ¶ 23
- State ex rel. Fostoria Daily Rev. Co. v. Fostoria Hosp. Assn., 32 Ohio St.3d 327, 329 (1987)
- State ex rel. Allied Wheel Prods. v. Indus. Comm., 161 Ohio St. 555, 560 (1954)
- State ex rel. Harbarger v. Cuyahoga Cty. Bd. of Elections, 1996-Ohio-254, ¶ 6
- State ex rel. Yeager v. Richland Cty. Bd. of Elections, 2013-Ohio-3862, ¶ 29
- State ex rel. Oberlin Citizens for Responsible Dev. v. Talarico, 2005-Ohio-5061, ¶¶ 7, 17, 31
- State ex rel. Boddy v. Xenia Community City School Dist. Bd. of Edn., 2026-Ohio-164, ¶ 13
- State ex rel. Maxwell v. Brice, 2021-Ohio-4333, ¶ 24
- State ex rel. Grendell v. Geauga Cty. Bd. of Commrs., 2022-Ohio-2833, ¶ 9
- State ex rel. Rodriguez v. Indus. Comm., 1993-Ohio-89, ¶ 14
- Patton v. Springfield Bd. of Edn., 40 Ohio St.3d 14, 15 (1988)
- State ex rel. Pressley v. Indus. Comm., 11 Ohio St.2d 141, 161-162 (1967)
- State ex rel. Burkons v. Beachwood, 2022-Ohio-748, ¶ 14
- State ex rel. Lynch v. Chesney, 113 Ohio App. 55, 58 (7th Dist. 1960)
- Discount Cellular, Inc. v. Pub. Util. Comm., 2007-Ohio-53, ¶ 51
- Lake Hosp. Sys., Inc. v. Ohio Ins. Guar. Assn., 69 Ohio St.3d 521, 526 (1994)
- State ex rel. Nelsonville v. Athens Cty. Bd. of Elections, 2025-Ohio-4363, ¶ 25
- State ex rel. Moscow v. Clermont Cty. Bd. of Elections, 2022-Ohio-3138, ¶ 15
- State v. Wood Cty. Bd. of Elections, 1978 WL 214910, *5 (6th Dist. Nov. 2, 1978)
- State ex rel. Lippitt v. Cuyahoga Cty. Bd. of Elections, 56 Ohio St.2d 70, 72 (1978)