

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 29, 2008

[Cite as *09/29/2008 Case Announcements #2, 2008-Ohio-4969.*]

MERIT DECISIONS WITH OPINIONS

2008-1813. State ex rel. Colvin v. Brunner.

In Mandamus. This cause originated in this court on the filing of a petition for a writ of mandamus involving an expedited election matter. Consistent with our opinion to follow, after construing the pertinent constitutional and statutory provisions, including Article V, Section 1 of the Ohio Constitution, and R.C. 3503.01, 3503.06, 3509.02, 3509.03, and 3509.04, we hold that respondent, secretary of state, correctly instructed boards of elections that an otherwise qualified citizen must be registered to vote for 30 days as of the date of the election at which the citizen offers to vote in order to be a qualified elector entitled to apply for and vote an absentee ballot at the election, and the citizen need not be registered for 30 days before applying for, receiving, or completing an absentee ballot for the election. Therefore, because relators cannot establish either a clear legal right to the requested extraordinary relief or a clear legal duty on the part of the secretary of state to provide it, we deny the writ.

Moyer, C.J., and Pfeifer, Wolff, and Lanzinger, JJ., concur.

Slaby, O'Donnell, and Cupp, JJ., dissent.

William H. Wolff Jr., J., of the Second Appellate District, sitting for Lundberg Stratton, J.

Lynn C. Slaby, J., of the Ninth Appellate District, sitting for O'Connor, J.

MOTION AND PROCEDURAL RULINGS

2008-1813. State ex rel. Colvin v. Brunner.

In Mandamus. Upon consideration of the motions for admission of pro hac vice of Neil Bradley, Daniel P. Tokaji, Brenda Wright, Jon Greenbaum, Bob Kengle, Jennifer R. Scullion, and Matthew Morris on behalf of 1Matters et al., and of Stephen P. Berzon, Stacey Layton, Barbara J. Chisholm, and Peter E. Leekman on behalf of the Ohio American Federation of Labor-Congress of Industrial Organizations and District 1199, Health Care and Social Service Union, Service Employees International Union,

It is ordered by the court that the motions are granted.