

In the Supreme Court of Ohio

STATE EX REL. CITY OF	:	
NELSONVILLE, OHIO, et. al.	:	CASE NO. 2025-1061
Relators,	:	
v.	:	Original Action in
	:	Mandamus and Prohibition
ATHENS COUNTY BOARD OF	:	
ELECTIONS, et. al.	:	
Respondents.	:	
	:	Expedited Election Matter
	:	S. Ct. Prac. R. 12.08

RESPONDENT ATHENS COUNTY BOARD OF ELECTIONS' RESPONSE TO RELATORS' SECOND MOTION FOR RECONSIDERATION

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NOW COMES Respondent Athens County Board of Elections, by and through undersigned counsel, and hereby responds to Relators' Second Motion for Reconsideration. Although Respondent understands the reasoning of this Court in its decision, the Board would join Relators in their request for this Honorable Court to determine the issue of the legality of Ordinance 54-25 and its repeal of Issue 23.

One of the most important principles of the legal process is finality. "Finality requires that there be some end to every lawsuit, thus producing certainty in the law and public confidence in the system's ability to resolve disputes." *Knapp v. Knapp*, 24 Ohio St.3d 141, 144-145 (1986). The goal of this principle is to create an end point where there is no further appeals and no collateral legal actions that would continue an issue indefinitely in never ending lawsuits. Respondent agrees with Relators that the current decision of this Court, without determining whether the ordinance was legal, will inevitably lead to further litigation that will not only flood the courts with lawsuits, but will also irreparably injure the public's confidence in its local government and the legal process *writ large*.

The citizens of the City of Nelsonville deserve finality. The city government has been in disarray for more than two years over the issue presented to the Court. It has consumed so much of the public discourse that many government functions have been slowed to a crawl. Additionally, a final resolution of the issue is needed to restore the citizenry's trust in local government. Currently, when the citizens of Nelsonville wake up on January 1, 2026, they will not know which government is in charge. There will essentially be one government and a government *in absentia*. Each action of either government will lead to lawsuits, not to mention the multiple *quo warranto* actions once certain elected officials are unable to take their seats. It will create further chaos that will likely take years to untangle, and all at taxpayer expense.

Furthermore, the citizens of Athens County deserve finality. This issue does not stop at the city limits. Nelsonville is the second largest city in Athens County which means that if there is dysfunction there, then it will inevitably filter into other parts of the county. Athens County and its townships must be able to properly coordinate with Nelsonville for police, fire, EMS, 911, road maintenance, trash collection, and other basic governmental functions. If there are essentially two governments making decisions on the city's behalf, it will disrupt these services that will cause a breakdown that could lead to people getting hurt.

Respondent is not taking joining with Relators lightly in making this request. In our merit brief, we emphasized the uniqueness of this situation. However, it is because of that uniqueness that we take this extraordinary step. This Honorable Court is the only one that can ultimately settle this issue once and for all.

WHEREFORE, Respondents join in Relators' motion and requests this Honorable Court reconsider the legality of Ordinance 54-25.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on September 19, 2025, the foregoing was filed electronically and served pursuant to S.Ct.Prac.R. 12.08(C) by e-mail upon:

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