

[Cite as *State ex rel. Burroughs v. Summit Cty. Bd. of Elections*, 145 Ohio St.3d 220, 2015-Ohio-4122.]

THE STATE EX REL. BURROUGHS v. SUMMIT COUNTY BOARD OF ELECTIONS.

[Cite as *State ex rel. Burroughs v. Summit Cty. Bd. of Elections*, 145 Ohio St.3d 220, 2015-Ohio-4122.]

Elections—Mandamus—Nominating petition—Action to compel board of elections to place relator’s name on the ballot—Writ granted on the authority of State ex rel. Crowl v. Delaware Cty. Bd. of Elections, 144 Ohio St.3d 346, 2015-Ohio-4097, 43 N.E.3d 406.

(No. 2015-1570—Submitted October 2, 2015—Decided October 2, 2015.)

IN MANDAMUS.

Per Curiam.

{¶ 1} Relator, Richard A. Burroughs, seeks a writ of mandamus ordering respondent, the Summit County Board of Elections, to certify him as an independent candidate for the city of Akron ward 8 council position in the November 3, 2015 election.

{¶ 2} Burroughs submitted a nominating petition containing 24 valid signatures, one shy of the number required to qualify for the ballot. The board of elections rejected four petition signatures because they did not match the signatures on the electors’ voter-registration forms.

{¶ 3} On the authority of *State ex rel. Crowl v. Delaware Cty. Bd. of Elections*, 144 Ohio St.3d 346, 2015-Ohio-4097, 43 N.E.3d 406, we conclude that the board abused its discretion in rejecting the four petition signatures and in denying relator a place on the ballot. Accordingly, we grant the writ.

Writ granted.

PFEIFER, KENNEDY, FRENCH, and O’NEILL, JJ., concur.

O’DONNELL, J., dissents.

SUPREME COURT OF OHIO

LANZINGER, J., dissents for the reasons set forth in her dissent to *State ex rel. Crowl v. Delaware Cty. Bd. of Elections*, 144 Ohio St.3d 346, 2015-Ohio-4097, 43 N.E.3d 406.

O'CONNOR, C.J., not participating.

O'DONNELL, J., dissenting.

{¶ 4} Respectfully, I dissent.

{¶ 5} I would deny the writ of mandamus in this case, because in my view, *State ex rel. Crowl v. Delaware Cty. Bd. of Elections*, 144 Ohio St.3d 346, 2015-Ohio-4097, 43 N.E.3d 406, is not dispositive. This is not a case in which the board of elections disregarded uncontroverted evidence as to the authenticity of a signature on a petition.

{¶ 6} Here, Burroughs did not present uncontroverted evidence of the authenticity of the four signatures on his petitions to the board at the time it rejected them, and he has never presented such evidence to it. Rather, for the first time, in this court, he asserts such evidence. Therefore, the board did not abuse its discretion by disregarding evidence of the authenticity of the electors' signatures on the petitions.

{¶ 7} Accordingly, I dissent.

Warner Mendenhall, for relator.

Sherri Bevan Walsh, Summit County Prosecuting Attorney, and John F. Galonski, Assistant Prosecuting Attorney, for respondent.
