

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

November 6, 2006

[Cite as *11/06/2006 Case Announcements #4, 2006-Ohio-5857.*]

MERIT DECISIONS WITHOUT OPINIONS

2006-2047. State ex rel. Ohio Citizen Action v. Blackwell.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus involving an expedited election matter. Relator filed the complaint on November 3, 2006, challenging an October 4, 2005 notice issued by respondent Secretary of State. Upon consideration of the respondents' answers and motion to dismiss, and upon determination pursuant to S.Ct.Prac.R. X(5),

The court finds that R.C. 3505.30 must be construed in pari materia with R.C. 3505.27 and in light of the implementation of electronic voting technology pursuant to the Help America Vote Act of 2002, Sections 15301 et seq., Title 42, U.S. Code. When so construed, there is no clear legal duty on the part of respondents to perform the requested acts. Therefore, in the absence of any clear legal duty on the part of respondents, the cause is dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

Lanzinger, J., not participating.