

State of Ohio ex rel. Rhonda L. Colvin  
and State of Ohio ex rel. C. Douglas  
Moody

v.

Jennifer Brunner, Secretary of State of  
Ohio

Case No. 2008-1813

IN MANDAMUS

ENTRY

This cause originated in this Court on the filing of a complaint 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.

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THOMAS J. MOYER  
Chief Justice