

**In The
Supreme Court of Ohio**

State ex rel. MELANIE ANN LENEGHAN, :
 :
 :
 Relator, : Case No. 2026-0468
 :
 :
 v. : Original Action in Mandamus
 :
 :
 DELAWARE COUNTY BOARD OF :
 ELECTIONS, *et al.*, :
 :
 :
 Respondents. :

**BRIEF OF *AMICUS CURIAE* OHIO ATTORNEY GENERAL DAVE YOST
IN SUPPORT OF RESPONDENTS**

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INTRODUCTION

Relator would like to run for office in Delaware County—specifically, for membership on the Republican State Central Committee for the 19th State Senate District. There is a big hurdle, however, in her way: Relator does not reside in Delaware County. In other words, Relator believes she has the right to shop for a constituency. She does not. Voters should choose their representatives. Relator would have it the other way around.

For purposes of elected office, residency is paramount. A candidate's connection to their constituency informs decision making based on the locality's needs, increases the local electorate's voter education, and preserves election integrity and public confidence in the electoral process. To bolster candidate-constituent connections and meet those ends, Ohio imposes an important requirement: candidates for elected office must reside within the communities they seek to represent.

After a lengthy hearing arising from Intervening Respondent Velva Dunn's challenge to Relator's election qualifications, the Delaware County Board of Elections correctly found that she failed to comply with that important requirement. At the hearing's conclusion, the Board weighed the evidence and, in its discretion, found that Leneghan's testimony describing a vague intent to permanently return to live in Delaware County one day was outweighed by the sum of the evidence, which revealed that Relator has only gossamer connections with Delaware County.

The right to run for and hold office is not fundamental or coextensive with voting rights. Elected officials should be held to a higher standard than their electorate. The Board executed its duty to closely examine Leneghan's residency when it was challenged, and its finding was well within the Board's discretion. The Court should not disturb that discretion, and should instead deny Leneghan's writ.

STATEMENT OF *AMICUS* INTEREST

As Attorney General of Ohio, I am the State's chief law officer. The Revised Code says that I "shall appear for the state in the trial and argument of all civil and criminal causes in the Supreme Court in which the state is directly or indirectly interested." R.C. 109.02. The State has a direct, compelling interest in the management and administration of its elections.

STATEMENT OF THE CASE AND FACTS

Relator is seeking election to a seat on the Ohio Republican Party State Central Committee for the 19th State Senate District. Pet. ¶ 4. Relator claims that, since November 2025, she has resided with a friend at 4000 South Old 3C Highway, Galena, Ohio. *Id.* at ¶ 12. After Relator filed her declaration of candidacy for the committee seat, Delaware resident Velva Dunn filed a petition with the Delaware County Board of Elections protesting Relator's candidacy and challenging her voter registration. *Id.* at ¶ 20. Both the protest and challenge questioned Relator's residency within Delaware County. *Id.*

On Friday, April 10, 2026, the Delaware County Board of Elections held a hearing on Dunn's challenge. *Id.* at ¶ 22. At the hearing, Relator testified that she and her husband sold their Delaware County residence (located at 5288 Stratford Avenue, Powell, Ohio) on January 7, 2025. Hr'g Tr. at 180–81. On February 5, 2025, Relator changed her voter registration address to 1133 Rambling Brook Way, Delaware, Ohio. *Id.* at 200. The owner of that home testified that although Relator had full access, she never stayed there. *Id.* at 79. Nor did Relator's husband or either of their daughters. *Id.* Relator testified that she intended to move there but never did. *Id.* at 201, 225. Relator acknowledged that she also owns a home in South Carolina. *Id.* at 184. She testified that her husband lives in South Carolina with her mother, and outside of a couple of days in March, 2026, he had not been to Ohio recently. *Id.* at 254. Finally, Relator's presence at her alleged current residence on South Old 3C Highway is just as tenuous.

Relator alleged, for instance, that she moved into that residence from “her car.” *Id.* at 178. She also claimed that she moved in some of her husband’s belongings but could not say where those items came from. *Id.* at 199, 240.

At the hearing’s conclusion, the Board voted 3-1 to uphold the candidacy challenge, to remove Relator from the ballot for the May 5, 2026 primary election, and to cancel Relator’s voter registration. *Id.* at 305–10.

ARGUMENT

To obtain a writ of mandamus “[i]n extraordinary actions challenging the decisions of the Secretary of State and boards of elections, the standard is whether they engaged in fraud, corruption, or abuse of discretion, or acted in clear disregard of applicable legal provisions.” *State ex rel. Husted v. Brunner*, 2009-Ohio-5327, ¶ 9, citing *Whitman v. Hamilton Cty. Bd. of Elections*, 2002-Ohio-5923, ¶ 11.

Relator does not allege fraud or corruption, so she must prove the Board abused its discretion or acted in clear disregard of the law. To establish an abuse of discretion, Relator must show the Board acted unreasonably, arbitrarily, or unconscionably. *State ex rel. McCann v. Delaware Cty. Bd. of Elections*, 2018-Ohio-3342, ¶ 12. And Relator must prove the foregoing by clear and convincing evidence. *State ex rel. Bobovnyik v. Mahoning Cty. Bd. of Elections*, 2020-Ohio-4003, ¶ 18, citing *Husted* at ¶ 27. Relator cannot make this showing. As shown below, the evidence of Relator’s residency that was presented to the Board was conflicting at best. The Board did not abuse its discretion or disregard the law by finding that evidence weighed in favor of Relator’s removal from the ballot.

Relator’s arguments otherwise are untenable and would eviscerate residency requirements, which serve important state interests. A candidate’s self-serving testimony is not controlling in the face of conflicting evidence. *Bobovnyik* at ¶ 20. Instead, this Court has been

clear that, where the evidence is conflicting, the Board has discretion to assess witnesses' credibility and weigh the evidence as appropriate. *Id.* The Court should reach the same conclusion here and deny Relator's writ petition.

- I. The Board did not abuse its discretion when it weighed conflicting evidence and found that Relator was not a resident of Delaware County.

The Board's finding that Relator is not a resident of Delaware County was supported by the evidence and well within the Board's discretion.

In cases where a candidate's residency is at issue, courts apply R.C. 3503.02 to determine where they reside. *State ex rel. Morris v. Stark Cty. Bd. of Elections*, 2015-Ohio-3659, ¶ 23. Start with R.C. 3503.02(A), which provides: "That place shall be considered the residence of a person in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning." Subdivision (A) provides a baseline: while R.C. 3503.02(B)–(I) further set forth "additional considerations that are applicable in some cases," the statute's primary emphasis is "the person's intent to make a place a fixed or permanent place of abode." *State ex rel. O'Neill v. Athens Cty. Bd. of Elections*, 2020-Ohio-1476, ¶ 14, citing *State ex rel. Duncan v. Portage Cty Bd. of Elections*, 2007-Ohio-5346, ¶ 11.

The first requirement of R.C. 3503.02(A) is the establishment of a residence "in which the person's habitation is fixed." "Habitation" is defined as "the act of living in a building" or "the act of living in a place." *Cambridge Dictionary Online*, <https://dictionary.cambridge.org/us/dictionary/english/habitation> (accessed April 21, 2026). The evidence at the Board's hearing established that 4000 South Old 3C Highway is not the residence where Relator's habitation is fixed. Relator could not recall when, if ever, she stayed at that location. Hr'g Tr. at 275–276. And she could not recall what personal belongings, if any, she moved there. *Id.* at 281–282. In fact, upon selling her Powell home, Relator moved most of

her household belongings into her South Carolina home and a storage unit, and she took only “some items” to the South Old 3C Highway location. *Id.* at 275-276. Relator’s husband and daughters have never stayed there either. *Id.* Relator and her family never lived at the Rambling Brook Way location despite her using that location as her voting residence for nearly all of 2025. *Id.* at 79, 200–201.

The second requirement of R.C. 3503.02(A) is, during periods of absence, the individual must have “the intention of returning.” Thus, under Subdivision (A), an individual must first have a fixed habitation before they can have the intention of returning to it. In other words, Relator cannot just profess an intention to return to South Old 3C Highway because she never lived there in the first place. This follows the logic of the *Husted* Court. There, the Court found that the secretary of state “failed to accord proper weight to Husted’s intent that his Kettering home remain his permanent residence for purposes of voting.” *Husted* at ¶ 30. But not before it found that “Montgomery County is the place in which Husted’s habitation is fixed...” *Id.* at ¶ 31.

While formal documents like tax returns and property titles can be relied on as indicia of where a person lives, they should not always carry the day. Especially in circumstances where, like here, the person’s actions contradict the formal documents. If all it took was a few strokes of a pen and a professed intention to someday live at a residence, then anyone with the most minuscule ties to a community could vote and run for public office there. Take for instance Relator’s assertions that she: (1) pays out-of-state tuition for her daughter at the University of South Carolina (Hr’g Tr. at 257); (2) that she files taxes in Ohio (*Id.* at 260); (3) that she pays more South Carolina real estate taxes as a non-owner occupied property (*Id.* at 271); and (4) that her W-2 tax forms are mailed to the South Old 3C Highway address in Delaware County

(*Id.* at 271). All of these assertions may be true, but they are completely inconsistent with the unrefuted testimony that Relator has never lived at the South Old 3C Highway address. Requiring a “habitation that is fixed” before granting weight to a person’s intention to return prevents the very circumstance that Relator attempts here: residency on paper only.

So what are the boundaries of the intent to return? What matters is the candidate’s “*subjective* intent.” *Bobovnyik*, 2020-Ohio-4003, at ¶ 21, citing *Morris*, 2015-Ohio-3659 at ¶ 27. But how is a Board to assess that? According to Relator, her testimony overrides all evidence to the contrary. This cannot be the case. Take Relator’s theory to its logical conclusion: so long as she returns to Delaware County at least once every four years and, when asked, testifies that she has always intended to return, she remains an eligible candidate. That absurd result cannot have been the General Assembly’s intent when it enacted Ohio’s residency requirements—especially as applied to candidates who wield the power of public office. To the extent *Husted* stands for the proposition that “great weight must be accorded to the person’s claimed voting residence” even in the face of conflicting evidence, it should be limited to its facts. Self-serving, conclusory statements are of limited probative value and they should be insufficient to establish residency as a matter of law when it is challenged.

Relator’s theory is wrong. Again, when R.C. 3503.02 is applied, Relator gets no further than subdivision (A). That is because the evidence heard by the Board demonstrated Relator has not intended to have a “fixed or permanent place or abode” since she and her husband sold their home in Powell in 2024. Her behavior in 2025 instead exhibits a pattern and practice of registering to vote in places she patently does not reside. She—and the rest of her family—registered to vote at 1133 Rambling Brook *without ever having gone there*. Hr’g Tr. at 79. The Board would be remiss to ignore this fact when assessing Relator’s credibility.

Relator's application of the remaining factors fares no better. Start with subdivision (D), which "creates a presumption that the place where the family of a married person resides is the person's place of residence." *Husted* at ¶ 32. Relator admits that her husband spends most of his time in South Carolina. She testified that he has never stayed at the 4000 South Old 3C Highway residence and that he only intends to return to stay "for summer." Hr'g Tr. at 276. Indeed, in her brief Relator reinforces that her husband has no intention to return to Delaware County in a "fixed or permanent" manner and instead only for the limited period of "this summer." Relator's Br. at 5.

This establishes a presumption that Relator resides in South Carolina with her husband, but only because there are no indicators that Relator resides anywhere else, let alone Delaware County. Relator could have rebutted that presumption if she presented sufficient evidence that she lives at the South Old 3C Highway location. *See Bobovnyik, 2020-Ohio-4003*, at ¶ 16. No one argues subdivisions (F) (removal from the state for four or more years) or (G) (voting in another state) apply. With respect to subdivisions (B), (C), and (E), Relator offers only conclusions based on her own self-serving testimony. Relator's Br. at 4–5. The Board was in the best position to assess the credibility of that testimony and the Court should afford these factors little weight. Nor does subdivision (G)(1) favor Relator. Her argument that her residence at the time of her appointment to the Delaware County Board of Directors was 1133 Rambling Brook Way does not persuade given her testimony that neither she nor her husband ever once stayed there. Finally, subdivision (I) fails Relator as well. As she acknowledges, people without nontraditional home addresses can use their "regular residence" as their voting address. Relator has not rebutted the presumption that she resides with her spouse in South Carolina, so she cannot establish she has any "regular residence" in Ohio.

Accordingly, the factors in R.C. 3503.02 resoundingly favor the Board. But even if the Court found them to conflict, the result should be the same. Although this Court held in *Husted* that conflict among the factors means “the person’s claim that a particular location is his voting residence must be accorded substantial weight,” 2009-Ohio-5327, at ¶ 27, it has since clarified that “the legal significance and weight of [the candidate’s] own testimony” about their intent to return should not be “overestimated,” *Bobovnyik*, 2020-Ohio-4003, at ¶ 20. While making this caveat, the Court further expressly rejected the argument that “a person's own statements are conclusive in the face of conflicting evidence.” *Id.* But that is all Relator relies on here when analyzing the R.C. 3503.02 factors: testimony about her intent to return to the South Old 3C Highway location that is self-serving, conclusory, and at odds with evidence that neither she nor her family spend much time in Delaware County at all.

Bobovnyik demonstrates that, since *Husted* was decided, the Court has not applied it with the sweeping breadth Relators ask for. That case does not stand for the proposition that a candidate’s own testimony about their subjective intent can overcome all evidence to the contrary. Instead, decisions before and after *Husted* look to the totality of the circumstances when analyzing a candidate’s residence. The Court should do so here.

II. The Board’s removal of Relator from the primary ballot vindicates the legitimate and compelling state interests served by Ohio’s disqualification of primary candidates who are not residents of the community they wish to represent.

Finally, the Board’s removal of Relator serves the purpose behind Ohio’s candidate residency requirements.

If a person wants to run in an Ohio primary election, their first step is to file a declaration of candidacy attesting that they are a qualified elector in the district, ward, or precinct they wish to represent. R.C. 3513.04; R.C. 3513.05; R.C. 3513.07. Specifically, a candidate must set forth

the address of their “voting residence” and attest they are qualified to vote there—all under penalty of election falsification. R.C. 3513.07. In turn, the qualifications for Ohio electors are found in R.C. 3503.01: a person may vote “at all elections in the precinct in which [they] reside” if they are (1) a “United States citizen,” (2) “of the age of eighteen years or over,” (3) “a resident of the state thirty days immediately preceding the election at which the citizen offers to vote,” (4) “a resident of the county and precinct in which the citizen offers to vote,” and (5) have been “registered to vote for thirty days.”

Under the foregoing framework, a candidate for a non-statewide office is like their constituents: a resident of their local district, ward, or precinct. This requirement makes sense because those that govern do so based on geographic constituencies. Courts agree. “[i]n order to become an effective state senator, a candidate must live among and interact with his or her potential constituents.” *Lewis v. Guadagno*, 837 F.Supp.2d 393, 402 (D.N.J.2011). And “live” means “live”—residency requirements, as the New Jersey District Court put it, make candidates “press the flesh.” *Id.* “Even in the age of the Internet, there is a meaningful difference between what one hears or reads on a computer screen and what one learns and hears at the local coffee shop or firehouse.” *Id.*

Based on similar reasoning, several courts have held durational residency requirements for candidates to be constitutionally sound means of ensuring “the candidate is familiar with his constituency” and “the voters have been thoroughly exposed to the candidate.” *See, e.g., Sununu v. Stark*, 383 F.Supp. 1287, 1290 (D.N.H.1974), *aff’d*, 420 U.S. 958 (1975) (summary affirmance of three-judge district court decision upholding on a strict scrutiny analysis the seven-year residency requirements for state governor and state senator set forth in the New Hampshire Constitution); *Chimento v. Stark*, 353 F. Supp. 1211 (D.N.H.), *aff’d*, 414 U.S. 802

(1973) (same); *Peters v. Johns*, 489 S.W.3d 262, 275 (Mo.2016) (one-year district residency requirement “ensures that state representative candidates are sufficiently familiar with the people and issues of the district they seek to represent”); *Hadnott v. Amos*, 320 F. Supp. 107, 119 (M.D. Ala. 1970) (holding “the State of Alabama has [a] compelling state interest in imposing a substantial pre-election residence requirement for circuit judges”).

Setting aside voter education, residency requirements are also an important means of maintaining public confidence in elections, ensuring their integrity, and promoting competency in a slate of candidates. Candidates with “meaningful connections to the community” they want to represent provide evidence of “democratic legitimacy” to the people. *See Frazier, Residence Hopping: Protecting the Principle of One Person, One Vote, One Place*, 22 *Appalachian J. L.* 1, 9 (2023). The public benefits when those connections are shared by both voters and candidates, but however, the value of residency is especially apparent when it comes to those running for office. It is not hard to “imagine reasons why we would want to have candidates who know something about the area and its people.” Flanders, *Election Law Behind a Veil of Ignorance*, 64 *Fla. L. Rev.* 1369, 1396 (2012). While a community “might have lower standards for voter familiarity,” candidates are going to govern, “and governance requires familiarity with people and places of a type that takes time to acquire.” *Id.* Residency requirements, accordingly, also promote the competency of the candidate field.

A final point. This Court has in the past acknowledged a “precept” that it should “liberally construe election laws in favor of persons seeking to hold public office to avoid restricting the right of electors to choose from all qualified candidates. *State ex rel. Hawkins v. Pickaway Cty. Bd. of Elections*, 75 *Ohio St.* 3d 275, 278 (1997). But candidate qualifications, whether in the Revised Code or the Ohio Constitution, are themselves an expression of the will

of the people—after all, they were either enacted by elected representatives or enshrined by the people themselves.

The Court should not subvert that will here by disturbing the discretion of the Delaware Board of Elections and providing ballot access to Relator. As explained, Relator’s removal was not an abuse of discretion. The Court should deny her petition for a writ of mandamus.

III. CONCLUSION

For the foregoing reasons, *amicus curiae* Ohio Attorney General Dave Yost respectfully requests that this Court deny Relator’s writ of mandamus.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Brief of Amicus Curiae Ohio Attorney General Dave Yost in Support of Respondents was served this 22nd day of April, 2026, by e-mail on the following:

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