

IN THE SUPREME COURT OF OHIO

State of Ohio ex rel. Melanie Ann Leneghan,)
)
 Relator,)
)
 v.)
)
 Delaware County Board of Elections,)
)
 Respondents.)
)
)
)

Supreme Court No.

COMPLAINT FOR ORIGINAL WRIT OF MANDAMUS

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County Board of Elections and its
Members*

On Friday afternoon, April 10—after the start of early voting on April 7 and less than four weeks before the conclusion of the May 5, 2026 primary election—the Delaware County Board of Elections ignored clear Ohio law on voter residency requirements and voted 2-1 to strip Melanie Ann Leneghan (“Relator”) of the right to vote and the right to be a candidate in that election. Two years ago, 20% of primary voters in Delaware County cast their ballots during early voting before Election Day, and the Board’s unlawful disenfranchisement of Relator and ballot-removal does nothing but cast confusion on the voters in Delaware County and undercut Relator’s ability to be judged fairly by those voters. The Board had a clear legal duty to affirm Ms. Leneghan’s right to vote and run as a candidate, and given the early voting already underway, there is no other adequate remedy at law to correct the Board’s actions.

Relator thus brings this original action requesting that a writ of mandamus be issued directing Respondent Delaware County Board of Elections to undo its unlawful actions.

Relator further respectfully asks this Court for a peremptory writ to maintain her status as a duly registered voter in Delaware County, as a candidate for re-election to the Ohio Republican State Central Committee from Senate District 19, and as a duly appointed Member of the Board of the Delaware County Board of Elections.

JURISDICTION

1. This Court has original jurisdiction in mandamus pursuant to Section 2, Article IV of the Ohio Constitution and Chapter 2731 of the Ohio Revised Code.

2. Mandamus is the proper remedy in Ohio election cases when a relator seeks immediate relief from unlawful ballot-removal action or unlawful board-of-elections action in advance of an imminent election. Mandamus is appropriate when the relator has a clear legal right, respondent fails to perform a corresponding legal duty, and there is no other adequate

remedy in the ordinary course of law. *State ex rel. Allen v. Warren Cnty. Bd. of Elections*, 2007-Ohio-4752, ¶ 8.

PARTIES

3. Relator is a resident of Delaware County, Ohio and is duly qualified to be a registered voter and elector of the State of Ohio, in Delaware County.

4. Relator is the incumbent female member of the Ohio Republican Party State Central Committee for the 19th State Senate District (duly elected to that position in the March 2024 Republican primary), was properly approved to run for re-election for the May 5, 2026 primary election, and was duly appointed by the Secretary of State and sworn in in March 2025 as a Member of the Board of the Delaware County Board of Elections.

5. Respondent Delaware County Board of Elections (“Board”) is a county board of elections organized under Ohio law pursuant to R.C. 3501.06 and charged with the administration of elections and voter-registration matters in Delaware County.

6. Respondents Ed Helvey, Peg Watkins, and Steve Cuckler are the members of the Delaware County Board of Elections and are sued in their official capacities only to the extent necessary for complete relief.

FACTUAL BACKGROUND

7. Relator Melanie Ann Leneghan is a life-long resident of Ohio who has resided in, paid taxes in, and voted in Delaware County for more than 20 years.

8. On January 9, 2025, Relator and her husband sold their house in Delaware County.

9. In November 2025, Relator began living at 4000 S. Old 3C Highway, Galena, Ohio 43021, which is her current address.

10. In early December 2025, Relator changed her address to 4000 S. Old 3C Highway, Galena, Ohio 43021. She is now an owner of the home.

11. Relator testified that she now spends half her time in Delaware County residing at that address.

12. Velva Dunn, a long-time political opponent of Relator, first challenged Relator's residence in Delaware County with the Ohio Secretary of State in February 2025. The Secretary of State denied that challenge and appointed Relator to the Delaware County Board of Elections in March of 2025.

13. On December 5, 2025, Relator filed a petition with the Board seeking to be a candidate for election to the State Central Committee of the Ohio Republican Party at the primary election to be held on May 5, 2026.

14. On February 20, 2026, Velva Dunn filed her second challenge to Relator's residency (this time with the Board) to Relator's right to vote and to her candidacy, asserting that Relator resided in South Carolina rather than in Delaware County, Ohio.

15. Earlier proceedings concerning that challenge resulted in original-action litigation in this Court after two members of the Board recused themselves, leaving the Board without a quorum to proceed. On March 23, 2026, this Court granted a writ of mandamus ordering the Board members to proceed forthwith with a hearing on the protest and challenge and to perform their statutory duty to hear and decide the matter.

16. On April 10, 2026, the Board held its hearing. By a 2-1 vote, with both Democratic board members Helvey and Watkins in the majority, and Republican Steve Cuckler voting no, the Board voted to cancel Relator's registration to vote, remove her as a candidate for

Republican State Central Committee, and refer her for voter fraud to the Secretary of State of Ohio.

17. Democrat member Peg Watkins was quoted by press reports as saying during the hearing,

“I will reiterate that your intention to do something does not tell us where you lay your head at night,” Watkins said. “I think that we need to go with the behavior, rather than what someone intends to do in the future.”¹

18. Documents produced by Relator support Relator’s sworn testimony that Relator consistently and regularly spends time in Delaware County and intends to remain there, but is not there continuously.

19. Relator intends and has always intended to reside in Delaware County, Ohio. At no time has she abandoned her residency in Delaware County or ever intended to permanently reside somewhere else.

20. Relator’s residence in Delaware County, Ohio is fixed, and Relator has the intention to return to it.

21. Relator has only left the county and the state for temporary purposes and has always had the intention to return to Delaware County, Ohio.

22. Relator desires to vote on May 5, 2026 in Delaware County, Ohio.

23. Relator is a candidate for reelection to the State Central Committee for the Ohio Republican Party for the 19th State Senate District, which includes Delaware County, Ohio.

¹ <https://www.knoxpages.com/2026/04/10/melanie-leneghan-removed-from-may-ballot-after-residency-ruling/>.

CLAIM FOR RELIEF

RELATOR IS ENTITLED TO A WRIT OF MANDAMUS ORDERING THAT RESPONDENT RECOGNIZE AND TREAT RELATOR AS AN ELIGIBLE AND QUALIFIED ELECTOR AND CANDIDATE IN DELAWARE COUNTY, OHIO.

24. This matter involves a challenge to fundamental rights of citizens of this country—the right to vote and run for office.

25. Relator has a clear legal right to have her voter-registration status and ballot eligibility determined under the standards enacted by the General Assembly in R.C. 3503.02, which provides in clear terms, “All registrars and precinct election officials, in determining the residence of a person offering to register or vote, *shall be governed* by the following rules.”

26. The rules the General Assembly has prescribed for determining voters’ residences includes nine separate sections addressing various matters that can and do arise in the lives of productive persons residing in this state. This Court has already recognized that application of those nine separate subsections may lead to conflicting conclusions on residency:

Because of the sometimes conflicting nature of these sections, when multiple sections are applicable – as here – it is difficult to find by clear and convincing evidence that a person is not a resident of the county claimed. *** Consequently, when the applicability of multiple sections leads to conflicting results, it cannot be shown by the heightened standard of clear and convincing evidence that the person is not a resident of that county and *great weight must be accorded to the person’s claimed voting residence*.

State ex rel. Husted v. Brunner, 2009-Ohio-5327, ¶ 27.

27. Not a single section the General Assembly set out implicates the standard of “where you lay your head at night,” referenced by member Watkins in casting her vote, and the Board’s reliance on that test was therefore contrary to law. Nor does any section ask where the voter’s time is spent, member Watkins’ alternative test, “It didn’t seem convincing enough, to

me, that the majority of her time is spent in Delaware County, making it a valid use of this [property] as her voter residence.”²

28. To the contrary, the General Assembly specifically recognized that a voter may “remove” herself from this state and “*continually reside outside the state*” and still maintain her voter residence here, so long as the period of absence is less than four years. R.C. 3503.02(F) (“if a person removes from this state and continuously resides outside this state for a period of four years or more, the person shall be considered to have lost the person’s residence in this state, notwithstanding the fact that the person may entertain an intention to return at some future period”).

29. In focusing on the test of “where you lay your head at night,” member Watkins rejected the fundamental rule the General Assembly set out in R.C. 3503.02, the voter’s “intention.” Contrast the test member Watkins applied:

“I will reiterate that your intention to do something does not tell us where you lay your head at night,” Watkins said. “I think that we need to go with the behavior, rather than what someone intends to do in the future.”³

with the words of the statute:

(A) 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.*

(B) A person shall not be considered to have lost the person's residence who leaves the person's home and goes into another state or county of this state, for temporary purposes only, *with the intention of returning.*

(C) A person shall not be considered to have gained a residence in any county of this state into which the person comes for temporary

² <https://www.knoxpages.com/2026/04/10/melanie-leneghan-removed-from-may-ballot-after-residency-ruling/>.

³ <https://www.knoxpages.com/2026/04/10/melanie-leneghan-removed-from-may-ballot-after-residency-ruling/>.

purposes only, *without the intention of* making such county the permanent place of abode.

(E) If a person removes to another state *with the intention of* making such state the person's residence, the person shall be considered to have lost the person's residence in this state.

30. The only evidence in front of the Board is documentary evidence and testimony that supports Relator regarding her continued presence in Delaware County, Ohio and her unwavering intention to remain a resident of Delaware County, Ohio.

31. Applying the statute to the facts in the record below demonstrates that Delaware County, rather than South Carolina, is Relator's residence under sections A, B, C, E, F and H of R.C. 3503.02. None of the sections that the General Assembly sets out as the proper test for residency suggests a South Carolina residency. For example, under R.C. 3503.02(A), Relator's Delaware County address is the place where her habitation is fixed and to which she intends to return, and under (B) and (F), her periods outside Ohio have been temporary and of less than four years. Clear and convincing evidence of a South Carolina residence was not shown.

32. Even if one of the sections did, however, suggest a South Carolina residency, this Court's teaching is that "when the applicability of multiple sections leads to conflicting results, it cannot be shown by the heightened standard of clear and convincing evidence that the person is not a resident of that county and great weight must be accorded to the person's claimed voting residence." *State ex rel. Husted v. Brunner*, 2009-Ohio-5327, ¶ 27. The Board simply ignored the statute and the proper legal test set out in it, in its decision depriving Relator of her right to vote.

33. Relator has a clear legal right to appear on the May 5, 2026 primary ballot unless Respondents lawfully determined, under the proper legal standard, that she was not a qualified elector of Delaware County. For the same reasons that it improperly invalidated her right to vote, the Board improperly disqualified her candidacy.

34. Respondents have a clear legal duty to apply Ohio's residence statutes as written and to refrain from canceling an elector's registration or removing a candidate from the ballot based upon a legally erroneous standard.

35. Respondents abused their discretion and clearly disregarded applicable law by treating residence as dependent on permanence of physical occupancy or majority-time presence rather than the statutory standards of fixed habitation, temporary absence, and intent to return.

36. Relator has no plain and adequate remedy in the ordinary course of law because the primary election is imminent and ordinary litigation cannot restore her right to vote in that primary or her candidacy in time absent extraordinary relief from this Court. The ordinary appellate process will result in a decision after the May 5, 2026 primary.

37. Relator has a clear legal right to a decision from Respondent that complies with R.C. 3503.02 and has no adequate remedy at law to compel Respondent to properly apply R.C. 3503.02.

PRAYER FOR RELIEF

Relator respectfully requests this Court issue a writ of mandamus ordering Respondent to:

- a) Find that Relator is a resident of Delaware County for election purposes; and
- b) Maintain Relator's name on the poll books as a properly registered Delaware County elector for all election purposes; and
- c) Maintain Relator's name on the May 5, 2026 Republican Primary ballot as a properly registered candidate for Republican State Committee Woman for the Ohio Republican Party for the 19th Senate District; and
- d) Retract and rescind any referrals for voter fraud; and

- e) Issue a peremptory writ encompassing items (a) through (d) pending the resolution of this case.

Relator also seeks attorneys fees and such other relief as this Court deems appropriate.

Respectfully submitted,

/s/ william stuart dornette

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VERIFICATION

Melanie Ann Leneghan, being first duly cautioned and sworn, deposes and says that she has read the facts laid out in the Complaint above and, based upon her own personal knowledge, those facts are true.

Signed by:

Melanie Leneghan

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Melanie Leneghan

Sworn to and subscribed before me, a notary public in and for the State of Ohio, this 13th day of April, 2026.

Signed by:

Branden Holley

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Branden Holley

03/05/2030

