

Ballot Petition Signatures in Public Housing

Mendenhall v. Akron Metropolitan Housing Authority (Sara Lioi, N.D. Ohio 5:09-cv-742)

Nine days before the April 10, 2009, deadline for ballot petition signatures to recall the mayor of Akron, a voter and a political action committee filed a federal complaint in the Northern District of Ohio challenging the voter's expulsion from an apartment building owned by the city and managed by the city's housing authority when the voter was in the building seeking ballot petition signatures.¹ With their complaint, the plaintiffs filed a motion for a temporary restraining order.²

On the day that the complaint was filed, Judge Sara Lioi held a conference with the parties and denied the plaintiffs immediate relief.³ Judge Lioi heard the case two days later.⁴ Following the hearing, Judge Lioi upheld the proscription on door-to-door solicitation in the residential apartment building as a reasonable and viewpoint-neutral restriction of speech in a nonpublic forum.⁵

On October 30, following additional proceedings, Judge Lioi issued a final judgment against the plaintiffs.⁶

Although the recall effort collected enough signatures for the ballot, the recall was unsuccessful.⁷

1. Complaint, *Mendenhall v. Akron Metro. Hous. Auth.*, No. 5:09-cv-742 (N.D. Ohio Apr. 1, 2009), D.E. 1; *see* Amended Complaint, *id.* (Apr. 3, 2009), D.E. 6.

2. Temporary Restraining Order Motion, *id.* (Apr. 1, 2009), D.E. 2.

3. Docket Sheet, *id.* (Apr. 1, 2009) (Minutes); Transcript at 2, *id.* (Apr. 3, 2009, Filed Sept. 4, 2009), D.E. 21.

4. Transcript, *supra* note 3; Docket Sheet, *supra* note 3.

5. Opinion, *Mendenhall*, No. 5:09-cv-742 (N.D. Ohio Apr. 3, 2009), D.E. 10.

6. Opinion, *id.* (Oct. 30, 2009), D.E. 25.

7. *See* Laura Johnston, *Akron Mayor Survives as Voters Reject Recall*, *Cleveland Plain Dealer*, June 24, 2009, at B1.