

Suit Arising Under State Implementation of the Help America Vote Act Remanded to State Court

Ohio ex rel. Mahal v. Brunner
(*George C. Smith, S.D. Ohio 2:08-cv-983*)

On Friday, October 17, 2008, an Ohio voter filed a mandamus action with Ohio's supreme court complaining that Ohio's secretary of state was not complying with the Help America Vote Act (HAVA)¹ by adequately maintaining a statewide voter registration database.² On Monday, the secretary of state removed the action to the U.S. District Court for the Southern District of Ohio, which assigned the case to Judge George C. Smith.³

Judge Smith remanded the case on the day that it was removed.⁴ Judge Smith determined that because the mandamus petition sought enforcement of Ohio's HAVA implementing legislation it was a case arising under state law.⁵

1. [Pub. L. No. 107-252](#), 116 Stat. 1666 (2002), *as amended*, 42 U.S.C. §§ 15301–15545 (2012). *See generally* Marie Leary & Robert Timothy Reagan, [The Help America Vote Act](#) (Federal Judicial Center 2012); Symposium, [HAVA @ 10](#), 12 Election L.J. 111 (2013).

2. Mandamus Petition, State *ex rel.* Mahal v. Brunner, No. 08-2027 (Ohio Oct. 17, 2008), *filed as Complaint*, Ohio *ex rel.* Mahal v. Brunner, No. 2:08-cv-983 (S.D. Ohio Oct. 20, 2008), D.E. 4.

3. [Notice of Removal](#), Mahal, No. 2:08-cv-983 (S.D. Ohio Oct. 20, 2008), D.E. 2.

4. [Order](#), *id.* (Oct. 20, 2008), D.E. 5, *available at* [2008 WL 4647701](#).

5. *Id.*