

IN THE SUPREME COURT OF OHIO

**STATE EX REL. OHIO DEMOCRATIC
PARTY, et al.**

Relators,

-v-

FRANK LAROSE.

Respondent.

CASE NO. 2020-0388

**ORIGINAL ACTION IN
PROHIBITION**

**ALTERNATIVE AND
PEREMPTORY WRITS
REQUESTED**

**Expedited Election Matter
Under S.Ct.Prac.R. 12.08**

RELATORS' MOTION TO EXPEDITE

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Relators respectfully move this Court for an alternative writ expediting briefing and consideration of the Complaint for a Writ of Prohibition against Secretary of State Frank LaRose.

A memorandum in support is attached.

Respectfully submitted,

/s/ Donald J. McTigue

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MEMORANDUM IN SUPPORT

Although this action constitutes an expedited election case under S.Ct.Prac.R. 12.08 as it was filed within ninety days prior to the June 2, 2020 election ordered by Ohio Secretary of State Frank LaRose, Relators seek a briefing schedule that is more expedited than the one set forth in S.Ct.Prac.R. 12.08(A).

As set forth more fully in the Complaint, on the morning of March 17, 2020—the date set by the General Assembly for Ohio’s 2020 presidential primary election—Secretary LaRose issued a directive setting the date of the presidential primary election to June 2, 2020. However, Secretary LaRose was unambiguously without jurisdiction and legal authority to do this. Accordingly, Relators filed the instant action seeking a writ of prohibition from the Court prohibiting Secretary LaRose from setting the date of Ohio’s 2020 presidential primary election, and also requesting relief from the Court to assure that registered voters who did not vote by absentee ballot in the March 17, 2020 presidential primary and were eligible to vote in person on March 17, 2020 will be afforded an alternative means of voting.

Given the widespread public confusing regarding the timing of Ohio’s 2020 presidential primary election, and to allow for a timely remedy from the Court to protect the rights of Ohio voters, Relators respectfully request that the Court grant an alternative writ setting a briefing schedule for this action that is more expedited than the one set forth in S.Ct.Prac.R. 12.08(A).

Relators respectfully propose the following schedule:

- Respondent shall file an Answer by Friday, March 20, 2020.
- Relators shall file their Merit Brief and Evidence by Monday, March 23, 2020.
- Respondent shall file his Merit Brief and Evidence by Wednesday, March 25, 2020.
- Relators shall file their Reply Brief by Friday, March 27, 2020.

Respectfully submitted,

/s/ Donald J. McTigue

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion was sent via email this the 17th day of March, 2020 to the following:

Ohio Attorney General

Bridget Coontz

Section Chief, Constitutional Offices Section

Bridget.Coontz@OhioAttorneyGeneral.gov

/s/ Derek S. Clinger

Derek S. Clinger