

IN THE SUPREME COURT OF OHIO

STATE EX REL. OHIO DEMOCRATIC PARTY

340 E. Fulton St.
Columbus, Ohio 43215,

Case NO. 2020-0388

STATE EX REL. KIARA DIANE SANDERS

2100 Commons N. Rd.
Reynoldsburg, Ohio 43068
Relators,

**ORIGINAL ACTION IN
PROHIBITION**

v.

FRANK LaROSE, in his official capacity

as Ohio Secretary of State

22 N. Fourth St., 16th Floor
Columbus, Ohio 43215

Respondent

**JOINT MOTION FOR AN ALTERNATIVE
WRIT TO STAY LOWER OHIO COURT PROCEEDINGS**

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Ohio Attorney General

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*Counsel for Relators
The Ohio Democratic Party, et al.*

Now come the Relators, the Ohio Democratic Party and Kiara Diane Sanders and Respondent, Ohio Secretary of State Frank LaRose, and hereby jointly move to stay any case filed in any Court in Ohio that would impact this Court's ability to hear and decide this case. This case presents an issue of great public importance for all Ohioans: whether Ohioans who were prevented from voting in the 2020 Presidential Primary Election as a result of the closure of polling locations on March 17, 2020 due to a declared Public Health Emergency will be permitted to cast a ballot. Relators here seek relief that will allow voting to continue. Since this matter was filed, at least one other attempted action has been filed in an Ohio Court that threaten to deprive this Court of its ability to grant meaningful relief in this matter. See, *Jill Reardon, et al. v. Ohio Secretary of State LaRose*, Franklin County Common Pleas Court 20 CV 2105, cross-claims of Representative Jason Stephens.

If any inferior Ohio court grants relief that permits a County Board of Elections to immediately tabulate the absentee ballots cast thus far or if a board of elections tabulates and releases results only to have this Court later order additional time for voting, the election will be even more severely disrupted than it has already been. Once a county board of election begins to tabulate ballots, it could lose the ability to allow more voters to vote.

The Ohio Constitution grants this Court original jurisdiction over Prohibition Actions. Ohio Const. Art. IV, § 2. This Court's ability to grant relief in an original action cannot be infringed upon and any case that could result in such an infringement must therefore be stayed. An alternative writ is necessary to preserve this Court's authority over this case and, more importantly, this issue during its pendency. For the foregoing reasons the Parties jointly move

for an alternate writ staying any case that is, or might be, filed in any Ohio Court that would impact this Court's ability to grant relief in this matter.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Donald J. McTigue
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed and a true and accurate copy was served on March 17, 2020, by email upon the following:

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