

**IN THE FRANKLIN COUNTY  
COURT OF COMMON PLEAS**

OHIO DEMOCRATIC PARTY and LEWIS  
GOLDFARB,

Plaintiffs,

v.

FRANK LAROSE, in his official capacity as  
Secretary of State of Ohio,

Defendant,

OHIO REPUBLICAN PARTY,

Intervenor-Defendant.

Case No. 20-CV-5634

Judge Richard A. Frye

**ANSWER OF THE OHIO REPUBLICAN PARTY**

Intervenor-Defendant Ohio Republican Party respectfully answers Plaintiffs' Complaint. Any allegation in the Complaint not explicitly responded to in this Answer is hereby denied. Moreover, the Ohio Republican Party contends that Plaintiffs' Complaint fails to state a claim for which relief can be granted and, therefore, should be dismissed.

1. The Ohio Republican Party admits that Defendant LaRose issued Directive 2020-16, which speaks for itself. Paragraph 1 otherwise states legal conclusions that do not require an answer. To the extent one is required, the Ohio Republican Party denies the remaining allegations in Paragraph 1.

2. The Ohio Republican Party admits that Paragraph 2 purports to quote from a WOSU article, which speaks for itself. As to the remaining allegations in Paragraph 2, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

3. The Ohio Republican Party admits that Paragraph 3 purports to quote from a WKRC article, which speaks for itself. As to the remaining allegations in Paragraph 3, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

4. The Ohio Republican Party admits that Plaintiffs seek the relief described in Paragraph 4. The Ohio Republican Party denies that Plaintiffs are entitled to relief. Paragraph 4 otherwise states legal conclusions that do not require an answer. To the extent an answer is required, the Ohio Republican Party denies the allegations in Paragraph 4.

5. The Ohio Republican Party admits that Plaintiff Ohio Democratic Party is one of Ohio's two major political parties and that its candidates for local, state, and federal offices will stand for election at the November 3, 2020 general election.

6. The Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 6 and so denies them.

7. The Ohio Republican Party admits that Defendant LaRose is Ohio's Secretary of State and that Plaintiffs purport to sue him in his official capacity. Paragraph 7 otherwise states legal conclusions that do not require an answer. To the extent one is required, Ohio law addressing the Secretary of State's duties, including R.C. 3501.04-.05, speaks for itself, and the Ohio Republican Party denies any allegation in Paragraph 7 inconsistent with its provisions.

8. The Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 8 and so denies them.

9. The Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 9 and so denies them.

10. The Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 10 and so denies them.

11. The Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 11 and so denies them.

12. The first sentence in Paragraph 12 states a legal conclusion that does not require an answer. To the extent one is required, the Ohio Republican Party admits that the county boards of elections are composed of four members, two from each of the two major political parties. As to the remaining allegations in Paragraph 12, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

13. The Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 13 and so denies them.

14. Paragraph 14 states legal conclusions that do not require an answer. To the extent one is required, the Ohio Republican Party does not contest venue and the Court's exercise of jurisdiction; and except as expressly admitted, the Ohio Republican Party denies any remaining allegations in Paragraph 14.

15. Paragraph 15 states legal conclusions that do not require an answer. To the extent one is required, R.C. 2721.01-.15 and R.C. 2727.03 speak for themselves, and the Ohio Republican Party denies any allegation in Paragraph 15 inconsistent with them.

16. The Ohio Republican Party admits that Plaintiffs seek the relief described in Paragraph 16. The Ohio Republican Party denies that Plaintiffs are entitled to relief. Paragraph 16 otherwise states a legal conclusion that does not require an answer. To the extent an answer

is required, R.C. 2335.39 speaks for itself, and the Ohio Republican Party denies the remaining allegations in Paragraph 16.

17. The Ohio Republican Party admits the allegations in Paragraph 17.

18. Paragraph 18 states legal conclusions that do not require an answer. To the extent an answer is required, R.C. 3509.01 speaks for itself, and the Ohio Republican Party denies any allegations in Paragraph 18 inconsistent with it. The Ohio Republican Party denies any remaining allegations in Paragraph 18.

19. Paragraph 19 states a legal conclusion that does not require an answer. To the extent one is required, the Ohio Election Code, including R.C. 3509.02(A), speaks for itself. The Ohio Republican Party denies any remaining allegations in Paragraph 19.

20. Paragraph 20 states a legal conclusion that does not require an answer. To the extent one is required, the Ohio Election Code, including R.C. 3509.03(A), speaks for itself. The Ohio Republican Party denies any remaining allegations in Paragraph 20.

21. Paragraph 21 states a legal conclusion that does not require an answer. To the extent one is required, the Ohio Election Code, including R.C. 3509.04(B), speaks for itself. The Ohio Republican Party denies any remaining allegations in Paragraph 21.

22. Paragraph 22 states a legal conclusion that does not require an answer. To the extent one is required, the Ohio Election Code, including R.C. 3509.05(A), speaks for itself. The Ohio Republican Party denies any remaining allegations in Paragraph 22.

23. Paragraph 23 states legal conclusions that do not require an answer. To the extent one is required, the Ohio Election Code, including R.C. 3509.05(A), speaks for itself. The Ohio Republican Party denies any remaining allegations in Paragraph 23.

24. Paragraph 24 states a legal conclusion that does not require an answer. To the extent one is required, the Ohio Election Code, including R.C. 3509.05(A), speaks for itself. The Ohio Republican Party denies any remaining allegations in Paragraph 24.

25. Paragraph 25 states legal conclusions that do not require an answer. To the extent one is required, the Ohio Election Code, including R.C. 3509.05, speaks for itself, and the Ohio Republican Party denies any allegations in Paragraph 25 inconsistent with them. The Ohio Republican Party denies any remaining allegations in Paragraph 25.

26. Paragraph 26 states legal conclusions that do not require an answer. To the extent an answer is required, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 26 and so denies them.

27. The Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 27 and so denies them.

28. The Ohio Republican Party admits that Paragraph 28 cites and purports to quote a Journal-News article, which speaks for itself. As to the remaining allegations in Paragraph 28, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

29. The Ohio Republican Party admits that Paragraph 29 purports to cite from articles from the Cuyahoga County Board of Elections and the Medina Gazette, which speak for themselves. As to the remaining allegations in Paragraph 29, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

30. The Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 30 and so denies them.

31. The Ohio Republican Party admits that Paragraph 31 cites a Columbus Dispatch article, which speaks for itself. As to the remaining allegations in Paragraph 31, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

32. The Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 32 and so denies them.

33. The Ohio Republican Party admits that Paragraph 33 cites a Columbus Dispatch article, which speaks for itself. As to the remaining allegations in Paragraph 33, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

34. The Ohio Republican Party admits that Paragraph 34 cites a Cincinnati Enquirer article, which speaks for itself. As to the remaining allegations in Paragraph 34, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

35. The Ohio Republican Party admits that Paragraph 35 purports to quote from a Cincinnati Enquirer article, which speaks for itself. As to the remaining allegations in Paragraph 35, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

36. The Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 36 and so denies them.

37. The Ohio Republican Party admits that Paragraph 37 cites a Columbus Dispatch article, which speaks for itself. As to the remaining allegations in Paragraph 37, the Ohio

Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

38. The Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 38 and so denies them.

39. The Ohio Republican Party admits that Paragraph 39 purports to quote from a letter from Defendant LaRose, as well as a Columbus Dispatch article, which speak for themselves. As to the remaining allegations in Paragraph 39, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

40. The Ohio Republican Party admits that Paragraph 40 cites a Cincinnati Enquirer article, which speaks for itself. As to the remaining allegations in Paragraph 40, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

41. The Ohio Republican Party admits that Paragraph 41 cites a Washington Post article, which speaks for itself. As to the remaining allegations in Paragraph 41, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

42. The Ohio Republican Party admits that Defendant LaRose issued Directive 2020-16 and that Paragraph 42 purports to quote from Directive 2020-16, which speaks for itself. The Ohio Republican Party denies any remaining allegations in Paragraph 42.

43. The Ohio Republican Party admits that Paragraph 43 purports to quote from Directive 2020-16, which speaks for itself. The Ohio Republican Party denies any remaining allegations in Paragraph 43.

44. Paragraph 44 states legal conclusions that do not require an answer. To the extent an answer is required, the Ohio Republican Party denies the allegations in Paragraph 44.

45. Paragraph 45 states a legal conclusion that does not require an answer. To the extent an answer is required, the Ohio Republican Party denies the allegations in Paragraph 45.

46. Paragraph 46 states a legal conclusion that does not require an answer. To the extent an answer is required, the Ohio Republican Party denies the allegations in Paragraph 46.

47. Paragraph 47 states a legal conclusion that does not require an answer. To the extent an answer is required, the Ohio Republican Party denies the allegations in Paragraph 47.

48. The Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 48 and so denies them.

49. The Ohio Republican Party admits that Paragraph 49 purports to quote from an untitled news article by "Wilkinson," which speaks for itself. As to the remaining allegations in Paragraph 49, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

50. The Ohio Republican Party admits that Paragraph 50 purports to quote from a WOSU article, which speaks for itself. As to the remaining allegations in Paragraph 50, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.

51. The Ohio Republican Party admits that Paragraph 51 cites a WNWO article, which speaks for itself. As to the remaining allegations in Paragraph 51, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of such allegations and so denies them.



**COUNT ONE**

52. The Ohio Republican Party incorporates its responses to the preceding paragraphs.

53. Paragraph 53 states a legal conclusion that does not require an answer. To the extent one is required, the caselaw quoted in Paragraph 53 speaks for itself. The Ohio Republican Party denies any remaining allegations in Paragraph 53.

54. Paragraph 54 states a legal conclusion that does not require an answer. To the extent one is required, the caselaw quoted in Paragraph 54 speaks for itself. The Ohio Republican Party denies any remaining allegations in Paragraph 54.

55. Paragraph 55 states legal conclusions that do not require an answer. To the extent one is required, R.C. 3509.05 speaks for itself. The Ohio Republican Party denies the remaining allegations in Paragraph 55.

56. Paragraph 56 states a legal conclusion that does not require an answer. To the extent one is required, the Ohio Republican Party denies the allegations in Paragraph 56.

57. Paragraph 57 states a legal conclusion that does not require an answer. To the extent one is required, the Ohio Republican Party denies the allegations in Paragraph 57.

58. Paragraph 58 states a legal conclusion that does not require an answer. To the extent one is required, the Ohio Republican Party denies the allegations in Paragraph 58.

59. Paragraph 59 states a legal conclusion that does not require an answer. To the extent one is required, the Ohio Republican Party denies the allegations in Paragraph 59.

60. Paragraph 60 states legal conclusions that do not require an answer. To the extent one is required, the Ohio Republican Party is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 60 and so denies them.

**PRAYER FOR RELIEF**

(1) The Ohio Republican Party denies the allegations of Paragraph (1) of Plaintiffs' prayer for relief and denies that Plaintiffs are entitled to relief.

(2) The Ohio Republican Party denies the allegations of Paragraph (2) of Plaintiffs' prayer for relief and denies that Plaintiffs are entitled to relief.

(3) The Ohio Republican Party denies the allegations of Paragraph (3) of Plaintiffs' prayer for relief and denies that Plaintiffs are entitled to relief.

(4) The Ohio Republican Party denies the allegations of Paragraph (4) of Plaintiffs' prayer for relief and denies that Plaintiffs are entitled to relief.

(5) The Ohio Republican Party denies the allegations of Paragraph (5) of Plaintiffs' prayer for relief and denies that Plaintiffs are entitled to relief.

**AFFIRMATIVE AND OTHER DEFENSES**

Without assuming the burden of proof or persuasion, and while reserving the right to assert all applicable affirmative defenses supported in law and fact, the Ohio Republican Party asserts the following affirmative defenses:

**FIRST AFFIRMATIVE DEFENSE**

The First Amended Complaint fails to allege sufficient facts upon which a claim for relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiffs lack standing to assert their claims in the First Amended Complaint.

**CONCLUSION**

The Ohio Republican Party respectfully requests that the Court (1) dismiss Plaintiffs' claims with prejudice and enter judgment for Defendants; (2) deny Plaintiffs' prayer for relief; and (3) grant other such relief as the Court may deem proper.

September 3, 2020

Respectfully submitted,

/s/ Edward M. Carter

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**CERTIFICATE OF SERVICE**

I certify that on September 3, 2020, the foregoing was electronically filed via the Court's e-Filing System, which will send notice of such filing to the following counsel of record:

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*/s/ Edward M. Carter*

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