

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

OHIO DEMOCRATIC PARTY, et al.,	:	
	:	
Plaintiff,	:	Case No. 20-CV-5634
	:	
v.	:	Judge Richard Frye
	:	
FRANK LAROSE, in his official capacity as	:	
Ohio Secretary of State,	:	
	:	
Defendants.	:	

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**ANSWER OF DEFENDANT OHIO SECRETARY OF STATE FRANK LAROSE**

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By and through counsel, Respondent Ohio Secretary of State Frank LaRose answers the Plaintiffs' Complaint as follows:

1. In response to Paragraph 1, Secretary LaRose states that Directive 2020-16 speaks for itself.
2. In response to Paragraph 2, Secretary LaRose states that Directive 2020-16 speaks for itself. Further answering, Defendant LaRose admits that that he provided the quoted statement and denies the remaining allegations.
3. In response to Paragraph 3, Secretary LaRose admits that he provided the quoted statement.
4. In response to Paragraph 4, Secretary LaRose states that Plaintiffs' Complaint speaks for itself.
5. Secretary LaRose admits the allegations set forth in Paragraph 5 of Plaintiffs' Complaint.

6. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 6.
7. Secretary LaRose admits the allegations of the first sentence of Paragraph 7. Further answering, the Secretary states that R.C. 3501.05(B)-(C) speaks for itself.
8. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 8.
9. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 9.
10. Secretary LaRose denies that Plaintiff ODP has any legally recognizable and enforceable interest in whether Ohio law limits each county board of elections to a single secure receptacle for the return of voted ballots. Secretary LaRose denies for lack of knowledge sufficient to form a belief the remaining allegations in Paragraph 10.
11. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 11.
12. In response to the first sentence of Paragraph 12, the Secretary states that Ohio law speaks for itself. Secretary LaRose denies for lack of knowledge sufficient to form a belief the remaining allegations in Paragraph 12.
13. Secretary LaRose denies that Plaintiff Goldfarb has any legally recognizable and enforceable interest in whether Ohio law limits each county board of elections to a single secure receptacle for the return of voted ballots. Secretary LaRose denies for lack of knowledge sufficient to form a belief the remaining allegations in Paragraph 13.
14. Secretary LaRose denies the allegations set forth in Paragraph 14.
15. Secretary LaRose denies the allegations set forth in Paragraph 15.

16. Secretary LaRose denies the allegations set forth in Paragraph 16.
17. Secretary LaRose admits the allegations set forth in Paragraph 17.
18. Paragraph 18 states legal conclusions to which no response is required.
19. Paragraph 19 states a legal conclusion to which no response is required.
20. Paragraph 20 states a legal conclusion to which no response is required.
21. Paragraph 21 states a legal conclusion to which no response is required.
22. Paragraph 22 states legal conclusions to which no response is required.
23. Paragraph 23 states legal conclusions to which no response is required.
24. Paragraph 24 states a legal conclusion to which no response is required.
25. Secretary LaRose denies the allegations set forth in Paragraph 25 of the Complaint.
26. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 26.
27. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 27.
28. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 28.
29. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 29.
30. In response to Paragraph 30 of the Complaint, Secretary LaRose admits that he is anticipating an increase in the use of absentee voting for the November 3, 2020 General Election. He is without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 30.

31. Secretary LaRose admits that he has publicly said that he believes as many as 50% of Ohio voters could request an absentee ballot for the November 3, 2020 General Election. Secretary LaRose is without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 31.
32. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 32.
33. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 33.
34. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 34.
35. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 35.
36. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 36.
37. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 37.
38. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 38.
39. In response to Paragraph 39 of the Complaint, the Secretary states that his letter to Ohio's congressional delegation speaks for itself.
40. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 40.

41. In response to Paragraph 41, the Secretary states the USPS' recommendation speaks for itself.
42. In response to Paragraph 42, Secretary LaRose admits that he issued Directive 2020-16 on August 12, 2020. Further answering, that Directive speaks for itself.
43. In response to Paragraph 43, Secretary LaRose states that Directive 2020-16 speaks for itself.
44. In response to Paragraph 44, Secretary LaRose states that Directive 2020-16 speaks for itself.
45. In response to Paragraph 45, Secretary LaRose states that Directive 2020-16 speaks for itself.
46. Secretary LaRose denies the allegations of Paragraph 46.
47. Secretary LaRose denies the allegations of Paragraph 47.
48. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 48.
49. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 49.
50. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 50.
51. Secretary LaRose denies for lack of knowledge sufficient to form a belief the allegations in Paragraph 51.
52. In response to Paragraph 52, Secretary LaRose incorporates by reference his responses to the preceding and subsequent paragraphs.

53. In response to Paragraph 53 of the Complaint, Secretary LaRose states that *State ex rel. Myles v. Brunner*, 120 Ohio St.3d 328, 2008-Ohio-5907, speaks for itself.
54. In response to Paragraph 54 of the Complaint, Secretary LaRose states that *State ex rel. Myles v. Brunner*, 120 Ohio St.3d 328, 2008-Ohio-5907, speaks for itself.
55. Secretary LaRose denies the allegations set forth in Paragraph 55 of the Complaint.
56. Secretary LaRose denies the allegations set forth in Paragraph 56 of the Complaint.
57. Secretary LaRose denies the allegations set forth in Paragraph 57 of the Complaint.
58. Secretary LaRose denies the allegations set forth in Paragraph 58 of the Complaint.
59. Secretary LaRose denies the allegations set forth in Paragraph 59 of the Complaint.
60. Secretary LaRose denies the allegations set forth in Paragraph 60 of the Complaint.
61. Secretary LaRose denies that Plaintiffs are entitled to any relief as prayed for in the Complaint.
62. Any allegations not specifically admitted herein, including but not limited to those contained in any titles or section headers, are hereby denied.

**FIRST DEFENSE**

1. Plaintiffs failed to state any claim upon which relief can be granted.

**SECOND DEFENSE**

2. This Court lacks jurisdiction over Plaintiffs' claims.

**THIRD DEFENSE**

3. Plaintiffs do not have standing.

**FOURTH DEFENSE**

4. Plaintiffs have failed to join necessary parties.

Respectfully Submitted,

DAVE YOST  
Ohio Attorney General

*/s/ Bridget C. Coontz*

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*Counsel for Defendant Frank LaRose, in his official  
capacity of Ohio Secretary of State*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2020, I electronically filed the foregoing with the Clerk of the Court by using the e-Filing system which will send a notice of electronic filing to the following:

EDWARD M CARTER for Donald J Trump For President Inc, The Republican National Committee, The Ohio Republican Party, National Republican Congressional Committee

M RYAN HARMANIS for Donald J Trump For President Inc, The Republican National Committee, The Ohio Republican Party, National Republican Congressional Committee

ALANA TANOURY for Jane Doe, Summit County, City Of Akron, City Of Dayton, City Of Columbus, City Of Cincinnati, Joan Doe, Commissioners, John Doe

RICHARD N COGLIANESE for Jane Doe, Summit County, City Of Akron, City Of Dayton, City Of Columbus, City Of Cincinnati, Joan Doe, Commissioners, John Doe

EVE V BELFANCE for Jane Doe, Summit County, City Of Akron, City Of Dayton, City Of Columbus, City Of Cincinnati, Joan Doe, Commissioners, John Doe

DEREK CLINGER for Ohio Democratic Party, Lewis Goldfarb

DONALD J MCTIGUE for Ohio Democratic Party, Lewis Goldfarb

JOHN C COLOMBO for Ohio Democratic Party, Lewis Goldfarb

I further certify that the following parties were served by electronic mail on this 8th day of September, 2020:

DEBORAH S. MATZ (dmatz@summitoh.net)  
*Counsel for Amicus Summit County*

ANDREW GARTH (Andrew.Garth@cincinnati-oh.gov)  
*Interim City Solicitor for the City of Cincinnati*  
*Counsel for Amicus City of Cincinnati*

BARBARA J. DOSECK (Barbara.Doseck@daytonohio.gov)  
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/s/ Bridget C. Coontz

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