

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL GONIDAKIS, et al.,	:	
	:	
Plaintiffs,	:	Case No. 2:22-CV-773
	:	
v.	:	Chief Judge Algernon Marbley
	:	Circuit Judge Amul Thapar
FRANK LAROSE,	:	Judge Benjamin J. Beaton
	:	
Defendant.	:	

**SECRETARY OF STATE FRANK LAROSE’S ANSWER TO
PLAINTIFFS’ FIRST SUPPLEMENTAL COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF (DOC. 86)**

By and through counsel, the Ohio Secretary of State Frank LaRose (“Secretary LaRose”) responds and answers Plaintiffs’ First Supplemental Complaint for Declaratory and Injunctive Relief (Doc. 86) as follows:

1. Paragraph 1 contains legal conclusions to which no response is required.
2. Secretary LaRose admits the allegations contained in Paragraph 2 of the First Supplemental Complaint.
3. As to Paragraph 3, Secretary LaRose denies that the Plaintiffs are entitled to relief because the Commission adopted a General Assembly district plan on March 28, 2022. Further answering, Exhibit C speaks for itself.
4. As to Paragraph 4, including all subparagraphs, Secretary LaRose lacks knowledge or information sufficient to form a belief as to the truth of the allegations and said allegations are, therefore, denied.

5. Secretary LaRose denies the allegations contained in Paragraph 5 of the First Supplemental Complaint as Ohio currently has state legislative maps.
6. As to Paragraph 6, Secretary LaRose denies that the Plaintiffs have suffered any harm as Ohio currently has state legislative maps.
7. As to Paragraph 7, Secretary LaRose admits that he is the Secretary of State of Ohio and is Ohio's chief elections officer. Further answering, this Paragraph contains legal conclusions to which no response is required. Moreover, Ohio Rev. Code § 3501.04 speaks for itself.
8. As to Paragraph 8, the cited statutes speak for themselves. Further answering, this Paragraph contains legal conclusions to which no response is required. To the extent an answer is required, such allegations are denied.
9. Secretary LaRose admits the allegations contained in Paragraph 9 of the First Supplemental Complaint.
10. Secretary LaRose admits the allegations contained in Paragraph 10 of the First Supplemental Complaint.
11. Paragraph 11 contains legal conclusions to which no response is required. Further answering, 28 U.S.C. § 2284(a) speaks for itself.
12. Secretary LaRose admits the allegations contained in Paragraph 12 of the First Supplemental Complaint.
13. Secretary LaRose admits the allegations contained in Paragraph 13 of the First Supplemental Complaint. Further answering, Article II, Section 2 of the Ohio Constitution speaks for itself.

14. Secretary LaRose admits the allegations contained in Paragraph 14 of the First Supplemental Complaint. Further answering, Article II, Section 2 of the Ohio Constitution speaks for itself.
15. Secretary LaRose admits the allegations contained in Paragraph 15 of the First Supplemental Complaint. Further answering, the former sections of the Ohio Constitution cited therein speak for themselves.
16. Secretary LaRose lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16, and said allegations are, therefore, denied.
17. Paragraph 17 contains legal conclusions to which no response is required. Further answering, *Wilson v. Kasich*, 981 N.E.2d 814, 134 Ohio St.3d 221, 2012-Ohio-5367, speaks for itself.
18. Paragraph 18 contains legal conclusions to which no response is required. Further answering, *Wilson v. Kasich*, 981 N.E.2d 814, 134 Ohio St.3d 221, 2012-Ohio-5367, speaks for itself.
19. Paragraph 19 contains legal conclusions to which no response is required. Further answering, “Issue 1” speaks for itself.
20. Paragraph 20 contains legal conclusions to which no response is required. Further answering, Article XI, Section 3 of the Ohio Constitution speaks for itself.
21. Paragraph 21 contains legal conclusions to which no response is required. Further answering, Article XI, Section 1 of the Ohio Constitution speaks for itself.
22. Paragraph 22 contains legal conclusions to which no response is required. Further answering, Article XI, Section 6 of the Ohio Constitution speaks for itself.

23. Paragraph 23 contains legal conclusions to which no response is required. Further answering, the cited provisions of the Ohio Constitution speak for themselves.
24. Secretary LaRose lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24, and said allegations are, therefore, denied.
25. Secretary LaRose lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25, and said allegations are, therefore, denied.
26. Secretary LaRose lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26, and said allegations are, therefore, denied.
27. Secretary LaRose lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27, and said allegations are, therefore, denied.
28. Secretary LaRose admits the allegations contained in Paragraph 28 of the First Supplemental Complaint.
29. As to Paragraph 29, Secretary LaRose admits that the 2020 U.S. Census data shows that Ohio's population was 11, 799,448. Any remaining allegation are denied due to lack of knowledge.
30. Secretary LaRose lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30, and said allegations are, therefore, denied.
31. Secretary LaRose lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31, and said allegations are, therefore, denied.
32. Secretary LaRose denies the allegations contained in Paragraph 32 of the First Supplemental Complaint.
33. As to Paragraph 33, Secretary LaRose denies that the Commission adopted a plan on September 9, 2021. Further answering, Secretary LaRose admits that members of the

Commission and/or the members' staff met with the public throughout Ohio on September 12, 13, and 14.

34. Secretary LaRose admits the allegations contained in Paragraph 34 of the First Supplemental Complaint.

35. Secretary LaRose admits the allegations contained in Paragraph 35 of the First Supplemental Complaint. Further answering, Exhibit A speaks for itself.

36. Secretary LaRose admits the allegations contained in Paragraph 36 of the First Supplemental Complaint.

37. Paragraph 37 contains legal conclusions to which no response is required. Further answering, Article XI, Section 9 of the Ohio Constitution speaks for itself.

38. Secretary LaRose admits the allegations contained in Paragraph 38 of the First Supplemental Complaint. Further answering, *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-65, speaks for itself.

39. Secretary LaRose admits the allegations contained in Paragraph 39 of the First Supplemental Complaint. Further answering, *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-65, and Article XI, Section 6 of the Ohio Constitution speak for themselves.

40. Secretary LaRose admits the allegations contained in Paragraph 40 of the First Supplemental Complaint.

41. Secretary LaRose admits the allegations contained in Paragraph 41 of the First Supplemental Complaint. Further answering, Exhibit B speaks for itself.

42. Secretary LaRose admits the allegations contained in Paragraph 42 of the First Supplemental Complaint. Further answering, Article XI, Section 8(B) of the Ohio Constitution speaks for itself.
43. Secretary LaRose admits the allegations contained in Paragraph 43 of the First Supplemental Complaint.
44. Secretary LaRose admits the allegations contained in Paragraph 44 of the First Supplemental Complaint.
45. Secretary LaRose admits the allegations contained in Paragraph 45 of the First Supplemental Complaint.
46. Secretary LaRose admits the allegations contained in Paragraph 46 of the First Supplemental Complaint.
47. Secretary LaRose admits the allegations contained in Paragraph 47 of the First Supplemental Complaint.
48. Secretary LaRose admits the allegations contained in Paragraph 48 of the First Supplemental Complaint.
49. Secretary LaRose admits the allegations contained in Paragraph 49 of the First Supplemental Complaint. Further answering, *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-342, speaks for itself.
50. Secretary LaRose admits the allegations contained in Paragraph 50 of the First Supplemental Complaint. Further answering, *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-342, speaks for itself.
51. Secretary LaRose admits the allegations contained in Paragraph 51 of the First Supplemental Complaint.

52. As to Paragraph 52, Secretary LaRose admits that the Commission failed to adopt a general assembly district plan on February 17, 2022. Further answering, any remaining allegations are denied.

53. As to Paragraph 53, Secretary LaRose admits that a majority of the Commission declared that it was at an impasse on February 17, 2022, but denies for lack of knowledge the position of commission members individually. Further answering, Secretary LaRose states that the Commission's "Notice of Impasse," filed with the Ohio Supreme Court on February 18, 2022, speaks for itself.

54. Secretary LaRose admits the allegations contained in Paragraph 54 of the First Supplemental Complaint.

55. As to Paragraph 55, Secretary LaRose admits that the impasse declared by a majority of the Commission was broken.

56. Secretary LaRose admits the allegations contained in Paragraph 56 of the First Supplemental Complaint.

57. Secretary LaRose admits the allegations contained in Paragraph 57 of the First Supplemental Complaint.

58. Secretary LaRose admits the allegations contained in Paragraph 58 of the First Supplemental Complaint. Further answering, Exhibit C speaks for itself.

59. Secretary LaRose admits the allegations contained in Paragraph 59 of the First Supplemental Complaint.

60. Secretary LaRose admits the allegations contained in Paragraph 60 of the First Supplemental Complaint.

61. Secretary LaRose admits the allegations contained in Paragraph 61 of the First Supplemental Complaint. Further answering, Exhibit D speaks for itself.
62. Secretary LaRose admits the allegations contained in Paragraph 62 of the First Supplemental Complaint.
63. Secretary LaRose admits the allegations contained in Paragraph 63 of the First Supplemental Complaint. Further answering, Exhibit D speaks for itself.
64. Secretary LaRose admits the allegations contained in Paragraph 64 of the First Supplemental Complaint. Further answering, Exhibit D speaks for itself.
65. As to Paragraph 65, Secretary LaRose admits that, prior to the Supreme Court of Ohio invalidating the Third Plan on March 16, 2022, the county boards of election were proceeding to hold the May 3, 2022 primary election, including holding General Assembly primary elections, using the legislative districts in the Third Plan.
66. Secretary LaRose admits the allegations contained in Paragraph 66 of the First Supplemental Complaint.
67. Secretary LaRose admits the allegations contained in Paragraph 67 of the First Supplemental Complaint.
68. By way of answering, Secretary LaRose states that he has since informed the court that due to the passage of time, it is no longer possible to hold the primary elections for the General Assembly candidates with the May 3, 2022 primary election. As such, Secretary LaRose denies the allegations contained in Paragraph 68 of the First Supplemental Complaint.
69. Secretary LaRose admits the allegations contained in Paragraph 69 of the First Supplemental Complaint. Further answering, after the Supreme Court of Ohio invalidated

the Third Plan on March 16, 2022, Secretary LaRose instructed Ohio's 88 county boards of elections to stop implementing the Third Plan via Directive 2022-31.

70. As to Paragraph 70, Secretary LaRose denies that no legislative maps exist. Rather, on March 28, 2022, the Commission adopted a Fourth Plan. Further answering, this Paragraph contains legal conclusions to which no response is required.

71. Secretary LaRose denies the allegations contained in Paragraph 71 of the First Supplemental Complaint. Further answering, see Answer to Paragraph 70.

72. Secretary LaRose denies the allegations contained in Paragraph 72 of the First Supplemental Complaint. Further answering, see Answer to Paragraph 70.

73. Secretary LaRose denies the allegations contained in Paragraph 73 of the First Supplemental Complaint. Further answering, see Answer to Paragraph 70.

74. Secretary LaRose denies the allegations contained in Paragraph 74 of the First Supplemental Complaint. Further answering, see Answer to Paragraph 70.

75. Paragraph 75 contains legal conclusions to which no response is required. Further answering, Exhibits A and B speak for themselves.

76. Paragraph 76 contains legal conclusions to which no response is required.

77. Secretary LaRose denies the allegations contained in Paragraph 77 of the First Supplemental Complaint. Further answering, see Answer to Paragraph 70.

78. Paragraph 78 contains legal conclusions to which no response is required. Further answering, the Fourteenth Amendment to the United States Constitution speaks for itself.

79. As to Paragraph 79, Secretary LaRose admits that the 2020 U.S. Census revealed changes to Ohio's population such that Ohio lost one congressional district. Further answering,

Secretary LaRose lacks knowledge or information sufficient to form a belief as to whether such change is “significant” as stated in Paragraph 79 of the First Supplemental Complaint.

80. As to Paragraph 80, Secretary LaRose states that, because the Ohio Redistricting Commission adopted a new General Assembly district plan on March 28, 2022, and the Commission filed that Plan with his office, Ohio now has legislative districts that comply with the district population provisions of Article XI of Ohio’s Constitution, based on the 2020 Census. Further answering, Secretary LaRose states that it is not logistically possible to hold General Assembly district primary elections on May 3, 2022, using the March 28, 2022 district plan. As such, Secretary LaRose denies the allegations contained in Paragraph 80 of the First Supplemental Complaint.

81. Paragraph 81 contains legal conclusions to which no response is required. To the extent an answer is required, such allegations are denied.

82. Paragraph 82 contains legal conclusions to which no response is required. To the extent an answer is required, such allegations are denied.

83. Secretary LaRose denies the allegations contained in Paragraph 83 of the First Supplemental Complaint.

84. Paragraph 84 contains legal conclusions to which no response is required. Further answering, the Fourteenth Amendment to the United States Constitution speaks for itself.

85. As to Paragraph 85, Secretary LaRose admits that, after the Ohio Redistricting Commission adopted the Third Plan, he initially instructed Ohio’s 88 county boards of election to initially implement the Third Plan so that candidates for the General Assembly could be included on the May 3 primary election ballot. Secretary LaRose denies the remaining allegations contained therein.

86. As to Paragraph 86, Secretary LaRose admits that the Ohio Supreme Court invalidated the Third Plan. As a result, Secretary LaRose instructed Ohio's 88 county boards of election to stop implementing the Third Plan. The remaining allegations contained therein are legal conclusions which no response is required. To the extent an answer is required, Secretary LaRose denies same.
87. As to Paragraph 87, Secretary LaRose denies that no legislative districts exist. Rather, the Commission adopted a Fourth Plan on March 28, 2022. Further answering, this Paragraph contains legal conclusions to which no response is required. To the extent an answer is required, such allegations are denied.
88. Paragraph 88 contains legal conclusions to which no response is required. To the extent an answer is required, such allegations are denied.
89. Secretary LaRose denies the allegations contained in Paragraph 89 of the First Supplemental Complaint.
90. Paragraph 90 contains legal conclusions to which no response is required. Further answering, the First and Fourteenth Amendments to the United States Constitution speak for themselves.
91. Paragraph 91 contains legal conclusions to which no response is required. To the extent an answer is required, such allegations are denied.
92. Secretary LaRose denies the allegations contained in Paragraph 92 of the First Supplemental Complaint.
93. As to Paragraph 93, Secretary LaRose denies that the Plaintiffs' freedom of association has been violated.

94. Secretary LaRose denies the allegations contained in Paragraph 94 of the First Supplemental Complaint.
95. As to Paragraph 95, Secretary LaRose admits that he has instructed Ohio's 88 county boards of election to stop implementing the Third Plan. Further answering, this Paragraph contains legal conclusions to which no response is required. To the extent an answer is required, such allegations are denied.
96. Secretary LaRose denies the allegations contained in Paragraph 96 of the First Supplemental Complaint.
97. Paragraph 97 contains legal conclusions to which no response is required.
98. Paragraph 98 contains legal conclusions to which no response is required.
99. Secretary LaRose admits that Plaintiffs request a three-judge panel pursuant to 28 U.S.C. § 2284(a). Whether Plaintiffs are entitled to a three-judge panel is a legal conclusion to which no answer is required.

Secretary LaRose's Response to Plaintiffs' Prayer for Relief

1. Secretary LaRose denies all allegations set forth in the prayer for relief and specifically denies that Plaintiffs are entitled to any relief.
2. In response to the prayer for relief, Secretary LaRose asks for judgment in his favor and denies that Plaintiffs are entitled to any relief.
3. Any allegations contained in any titles or section headers are denied.
4. Secretary LaRose denies any and all allegations of the First Supplemental Complaint not expressly admitted herein.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

This Court lacks subject matter jurisdiction over Plaintiffs' case.

SECOND DEFENSE

Plaintiffs lack standing to bring this First Supplemental Complaint.

THIRD DEFENSE

Plaintiffs fail to state a claim upon which relief can be granted.

FOURTH DEFENSE

Plaintiffs have not been deprived of any federal constitutional or statutory rights.

FIFTH DEFENSE

Plaintiffs are unable to establish the elements required for injunctive relief.

RESERVATION OF ADDITIONAL DEFENSES

Secretary LaRose reserves the right to supplement his Answer with additional defenses, including affirmative defenses, as litigation in this matter proceeds.

Thus, having fully answered Plaintiffs' First Supplemental Complaint, Secretary LaRose requests that this Court dismiss Plaintiffs' claims, with prejudice, and that Plaintiffs be awarded no relief, no costs, and no fees.

Respectfully submitted,

OHIO ATTORNEY GENERAL

/s/ Jonathan D. Blanton

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Counsel for Defendant Frank LaRose

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2022, the foregoing was filed with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties for whom counsel has entered an appearance. Parties may access this filing through the Court's system.

/s/ Jonathan D. Blanton

JONATHAN D. BLANTON (0070035)

Deputy Attorney General