

dmctigue@electionlawgroup.com
ccolombo@electionlawgroup.com
kstreet@electionlawgroup.com
Tel: 614-263-7000 | Fax: 614-368-6961

Counsel for Relators

In the
Supreme Court of Ohio

STATE OF OHIO ex rel. ONE	:	
PERSON ONE VOTE, et al.,	:	Case No. 2023-0630
	:	
<i>Relators,</i>	:	
	:	
v.	:	Original Action in Mandamus
	:	Expedited Elections Case
	:	
OHIO SECRETARY OF STATE	:	
FRANK LAROSE,	:	
	:	
<i>Respondent.</i>	:	

RESPONDENT FRANK LAROSE’S ANSWER

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

1. In response to Paragraph 1, the Ohio Constitution speaks for itself. Further answering, the Introductory Paragraph states legal conclusions to which no response is required. To the extent a response is required, Respondent denies same. Respondent denies that Relators are entitled to any relief.
2. Respondent admits the allegations contained in Paragraph 2.
3. Paragraph 3 contains legal conclusions to which no response is required. Further answering, Amended Substitute Senate Joint Resolution Number 2 (“S.J.R. 2”), Exhibit 1, speaks for itself.
4. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4, and said allegations are, therefore, denied.

5. As to Paragraph 5, Respondent admits that S.J.R. 2 set a special election on August 8, 2023 for submission of the proposed constitutional amendment to the voters. Respondent denies the remaining allegations contained therein.
6. As to Paragraph 6, Respondent admits that 8.01% of registered voters voted in the 2022 August primary election. Further answering, Exhibit 2 speaks for itself
7. Respondent denies the allegations contained in Paragraph 7.
8. Respondent denies the allegations contained in Paragraph 8.
9. As to Paragraph 9, Respondent denies that there is no legal basis for submission of the Amendment to the voters in an August election. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 9, and said allegations are, therefore, denied.
10. Respondent denies the allegations contained in Paragraph 10. Respondent further denies that Relators are entitled to any relief.
11. Respondent admits the allegations contained in Paragraph 11.
12. As to Paragraph 12, Respondent denies that Relators are entitled to any relief and Respondent denies that S.J.R. 2's setting of an August election is contrary to law.
13. Respondent admits the allegations contained in Paragraph 13.
14. As to Paragraph 14, Respondent admits that S.J.R. 2 was signed by the General Assembly on May 10, 2023, and that Respondent instructed the 88 boards of elections to prepare for the August 2023 special election. Further answering, Respondent admits that this case was filed on May 12, 2023. Any remaining allegations are legal conclusions to which no response is required.
15. Respondent admits the allegations contained in Paragraph 15.

16. Respondent 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. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17, and said allegations are, therefore, denied.
18. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18, and said allegations are, therefore, denied.
19. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19, and said allegations are, therefore, denied.
20. Respondent admits the allegations contained in Paragraph 20.
21. Paragraph 21 contains legal conclusions to which no response is required. Further answering, R.C. 3501.05 speaks for itself.
22. As to Paragraph 22, Respondent admits that he instructed the 88 county boards of elections to prepare for the August 2023 special election. Any further allegations are legal conclusions to which no response is required. Further answering, R.C. 3501.05 and Exhibit 3 speak for themselves.
23. Paragraph 23 contains legal conclusions to which no response is required.
24. Paragraph 24 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.
25. Paragraph 25 contains legal conclusions to which no response is required. Further answering, the Ohio Constitution speaks for itself.
26. Paragraph 26 contains legal conclusions to which no response is required. Further answering, the Ohio Constitution speaks for itself.

27. Paragraph 27 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.
28. Paragraph 28 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, R.C. 3501.02 speaks for itself.
29. As to Paragraph 29, R.C. 3501.01 speaks for itself.
30. As to Paragraph 30, R.C. 3501.01 speaks for itself.
31. Paragraph 31 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.
32. Paragraph 32 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, R.C. 3501.01 speaks for itself.
33. Paragraph 33 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, R.C. 3501.022 speaks for itself.
34. Respondent admits that Substitute House Bill 458 amended Sections 3501.01(D) and 3501.022. Further answering, Exhibits 4 and 5 speak for themselves.
35. In response to Paragraph 35, Respondent's statements regarding H.B. 458, Exhibit 6, speak for themselves.
36. Paragraph 36 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, R.C. 3501.01, 3501.02, and 3501.022 speak for themselves.
37. Paragraph 37 contains legal conclusions to which no response is required. Further answering, *State ex rel Attorney General v. Kinney*, 56 Ohio St. 721, 724, 47 N.E. 569 (1897), and *State ex rel. Foreman v. Brown*, 10 Ohio St.2d 139, 142, 226 N.E.2d 116 (1967), speak for themselves.

38. As to Paragraph 38, Respondent admits that the General Assembly has amended Revised Code Chapter 3501. Respondent denies the remaining allegations contained therein.
39. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39, and said allegations are, therefore, denied.
40. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40, and said allegations are, therefore, denied. Further answering, Exhibits 7 and 8 speak for themselves.
41. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41, and said allegations are, therefore, denied.
42. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42, and said allegations are, therefore, denied.
43. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43, and said allegations are, therefore, denied. Further answering, Exhibits 9 and 10 speak for themselves.
44. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44, and said allegations are, therefore, denied. Further answering, Exhibit 11 speaks for itself.
45. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45, and said allegations are, therefore, denied. Further answering, Exhibit 12 speaks for itself.
46. Respondent admits the allegations contained in Paragraph 46.
47. Respondent admits the allegations contained in Paragraph 47. Further answering, Exhibit 1 speaks for itself.

48. Respondent admits the allegations contained in Paragraph 48 Further answering, Exhibit 1 speaks for itself.
49. Paragraph 49 contains legal conclusions to which no response is required. Further answering, S.J.R. 2 speaks for itself.
50. Paragraph 50 contains legal conclusions to which no response is required.
51. Paragraph 51 contains legal conclusions to which no response is required.
52. Paragraph 52 contains legal conclusions to which no response is required.
53. Paragraph 53 contains legal conclusions to which no response is required.
54. In response to Paragraph 54, S.J.R. 2 speaks for itself.
55. Paragraph 55 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, S.J.R. 2 speaks for itself.
56. To the extent Paragraph 56 reincorporates other paragraphs of the Complaint, all defenses and averments of lack of knowledge or information are specifically incorporated by reference.
57. Respondent denies the allegations contained in Paragraph 57
58. Paragraph 58 contains legal conclusions to which no response is required. Further answering, the Ohio Constitution speaks for itself.
59. Paragraph 59 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.
60. Paragraph 60 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.
61. Paragraph 61 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, R.C. 3501.01 and 3501.022 speak for themselves.

62. Paragraph 62 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, R.C. 3501.01 and 3501.022 speak for themselves.
63. Paragraph 63 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, R.C. 3501.02 speaks for itself.
64. Paragraph 64 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, R.C. 3501.02 speaks for itself.
65. Paragraph 65 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, R.C. 3501.02 speaks for itself.
66. Paragraph 66 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, R.C. 3501.02 speaks for itself.
67. Paragraph 67 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, R.C. 3501.02 speaks for itself.
68. Paragraph 68 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, R.C. 3501.02 speaks for itself.
69. Paragraph 69 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.
70. Paragraph 70 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, *State ex rel Attorney General v. Kinney*, 56 Ohio St. 721, 724, 47 N.E. 569 (1897), and *State ex rel. Foreman v. Brown*, 10 Ohio St.2d 139, 142, 226 N.E.2d 116 (1967), speak for themselves.
71. Paragraph 71 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.

72. Paragraph 72 contains legal conclusions to which no response is required.

73. As to Paragraph 73, Respondent denies that the Relators are entitled to any relief. Further answering, this Paragraph contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.

74. As to Paragraph 74, Respondent denies that he owes Relators any duty to perform the requested relief. Further answering, this Paragraph contains legal conclusions to which no response is required. Additionally, R.C. 3501.05 speaks for itself.

75. Paragraph 75 contains legal conclusions to which no response is required.

Respondent's Response to Relators' Prayer for Relief

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

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Relator's fail to state a claim upon which relief can be granted.

SECOND DEFENSE

Relators do not have a clear legal right to the request relief.

THIRD DEFENSE

Respondent does not owe Relators a duty to perform the requested relief.

RESERVATION OF ADDITIONAL DEFENSES

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

Thus, having fully answered Relators' Complaint, Respondent requests that this Court dismiss Relators' claims, with prejudice, and that Relators be awarded no relief, no costs, and no fees.

Respectfully submitted,

DAVE YOST (0056290)
Ohio Attorney General

/s/ Julie M. Pfeiffer

JULIE M. PFEIFFER (0069762)*

**Counsel of Record*

AMANDA L. NAROG (0093954)

MICHAEL A. WALTON (0092201)

ELIZABETH H. SMITH (0076701)

PHILLIP T. KELLY (0102198)

Assistant Attorneys General

Constitutional Offices Section

30 East Broad Street, 16th Floor

Columbus, Ohio 43215

Tel: 614- 466-2872 | Fax: 614-728-7592

Julie.Pfeiffer@OhioAGO.gov

Amanda.Narog@OhioAGO.gov

Michael.Walton@OhioAGO.gov

Elizabeth.Smith@OhioAGO.gov

Phillip.Kelly@OhioAGO.gov

Counsel for Respondent Frank LaRose

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2023, the foregoing was filed electronically using the Court's e-filing system. I further certify that the foregoing was served via electronic mail upon the following:

David R. Fox
Emma Olson Sharkey
Jyoti Jasrasaria
Samuel T. Ward-Packard
ELIAS LAW GROUP LLP
dfox@elias.law
eolsonsharkey@elias.law
jjasrasaria@elias.law
swardpackard@elias.law

Donald J. McTigue
J. Corey Colombo
Katie I. Street
McTIGUE & COLOMBO LLC
dmctigue@electionlawgroup.com
ccolombo@electionlawgroup.com

Counsel for Relators

/s/ Julie M. Pfeiffer

JULIE M. PFEIFFER (0069762)
Assistant Attorney General