

**In the
Supreme Court of Ohio**

STATE OF OHIO EX REL. ONE PERSON ONE VOTE, ET AL.,	:	
	:	Case No. 2023-0672
<i>Relators,</i>	:	
	:	
v.	:	Original Action in Mandamus
	:	
OHIO BALLOT BOARD, ET AL.,	:	Expedited Elections Case
	:	
<i>Respondents.</i>	:	

ANSWER OF RESPONDENTS

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ANSWER OF RESPONDENTS

By and through counsel, Respondents Ohio Ballot Board, Frank LaRose, Theresa Gavarone, William DeMora, William Morgan, and Elliot Forhan answer the Relators’ Complaint as follows:

1. In response to Paragraph 1, Respondents admit that this case represents Relators’ second challenge to Amended Substitute Senate Joint Resolution 2 (“S.J.R. 2”). Any remaining allegations constitute legal conclusions to which no response is required. Further answering, S.J.R. 2, Exhibit 1, speaks for itself.
2. In response to Paragraph 2, the docket and status of *State ex rel. One Person One Vote, et al., v. LaRose*, No. 2023-0630 speak for themselves.
3. As to Paragraph 3, the Respondents admit that this Complaint alleges a different issue than the one presented in *State ex rel. One Person One Vote, et al., v. LaRose*, No. 2023-0630. Any remaining allegations constitute legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.

4. In response to Paragraph 4, Article II, Section 1 of the Ohio Constitution speaks for itself.
5. Respondents lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5, and said allegations are, therefore, denied.
6. Respondents deny the allegations in Paragraph 6.
7. Paragraph 7 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, Respondents lack knowledge as to how a voter might possibly interpret the ballot language adopted by the Ballot Board (“the Ballot Language”). Thus, that particular allegation is denied. Finally, the Ballot Language speaks for itself.
8. Paragraph 8 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, the Ballot Language speaks for itself.
9. Paragraph 9 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, the Ballot Language and Exhibit 1 speak for themselves.
10. Paragraph 10 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.
11. Respondents deny the allegations contained in Paragraph 11. Respondents further deny that Relators are entitled to any relief.
12. Respondents admit the allegations contained in Paragraph 12.
13. As to Paragraph 13, Respondents deny that the Ballot Language and the title chosen by Secretary LaRose (“the Title”) are unlawful. Further answering, Respondents deny that Relators are entitled to any relief.

14. Respondents admit the allegations contained in Paragraph 14.
15. As to Paragraph 15, Respondents admit that the Ballot Board adopted the Ballot Language and Secretary LaRose chose the Title on May 18, 2023. Respondents further admit that this action was filed on May 23, 2023. Any remaining allegations are legal conclusions to which no response is required.
16. Respondents admit the allegations contained in Paragraph 16.
17. Respondents lack 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. Respondents admit the allegations contained in Paragraph 18.
19. Respondents deny the allegations contained in Paragraph 19.
20. Respondents deny the allegations contained in Paragraph 20.
21. As to Paragraph 21, Respondents deny that the Ballot Language and the Title are incomplete, inaccurate, misleading, and prejudicial. Any remaining allegations are denied due to lack of knowledge.
22. Respondents lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22, and said allegations are, therefore, denied.
23. Respondents deny the allegations contained in Paragraph 23.
24. Respondents admit the allegations contained in Paragraph 24.
25. Respondents admit the allegations contained in Paragraph 25.
26. Paragraph 26 contains legal conclusions to which no response is required.
27. As to Paragraph 27, Article XVI, Section 1 of the Ohio Constitution speaks for itself.
28. As to Paragraph 28, Article XVI, Section 1 of the Ohio Constitution speaks for itself.

29. Paragraph 29 contains legal conclusions to which no response is required. Further answering, R.C. 3505.062(B) speaks for itself.
30. As to Paragraph 30, R.C. 3519.21 speaks for itself.
31. As to Paragraph 31, R.C. 3519.21 speaks for itself.
32. Respondents admit the allegations contained in paragraph 32. Further answering, Exhibit 1 speaks for itself.
33. Paragraph 33 contains legal conclusions to which no response is required. Further answering, S.J.R. 2 speaks for itself.
34. Paragraph 34 contains legal conclusions to which no response is required.
35. Paragraph 35 contains legal conclusions to which no response is required.
36. Paragraph 36 contains legal conclusions to which no response is required.
37. Paragraph 37 contains legal conclusions to which no response is required.
38. In response to Paragraph 38, S.J.R. 2 speaks for itself.
39. As to Paragraph 39, Respondents admit that Relators are also challenging S.J.R. 2 in *State ex rel. One Person One Vote, et al., v. LaRose*, No. 2023-0630, which was filed on May 12, 2023. Further answering, S.J.R. 2 speaks for itself.
40. Respondents admit the allegations contained in Paragraph 40.
41. As to Paragraph 41, Exhibit 2 speaks for itself.
42. As to Paragraph 42, Exhibits 2 and 3 speak for themselves.
43. As to Paragraph 43, Respondents agree that Counsel for Relators, Don McTigue, spoke at the May 18, 2023 Ballot Board meeting. Any remaining allegations are legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.

44. Paragraph 44 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, Exhibit 2 speaks for itself.
45. Paragraph 45 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, Exhibit 2 speaks for itself.
46. Paragraph 46 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, Exhibit 2 speaks for itself.
47. Paragraph 47 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, Secretary LaRose's statements, Exhibit 4, speak for themselves.
48. As to Paragraph 48, Respondents admit that Attorney McTigue proposed alternative language for the Ballot Board to adopt. Further answering, Respondents deny that the Ballot Language is defective. Finally, Exhibit 2 speaks for itself.
49. Respondents admit the allegations contained in Paragraph 49.
50. As to paragraph 50, Exhibit 3 speaks for itself.
51. As to Paragraph 51, Attorney McTigue's statements speak for themselves.
52. Paragraph 52 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, Exhibit 5 speaks for itself.
53. As to Paragraph 53, Exhibit 2 speaks for itself.
54. Respondents admit the allegations contained in Paragraph 54.
55. As to Paragraph 55, Secretary LaRose's statements, Exhibit 4, speak for themselves.
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. Respondents deny the allegations contained in Paragraph 57.
58. Paragraph 58 contains legal conclusions to which no response is required. Further answering, Article XVI, Section 1 of the Ohio Constitution and R.C. 3505.062(B) speak for themselves.
59. Paragraph 59 contains legal conclusions to which no response is required. Further answering, *State ex rel. Voters First v. Ohio Ballot Bd.*, 133 Ohio St.3d 257, 2012-Ohio-419, 978 N.E.2d 119, speaks for itself.
60. Paragraph 60 contains legal conclusions to which no response is required. Further answering, *State ex rel. Voters First v. Ohio Ballot Bd.*, 133 Ohio St.3d 257, 2012-Ohio-419, 978 N.E.2d 119, and *Markus v. Trumbull Cnty. Bd. of Elections*, 22 Ohio St.2d 197, 259 N.E.2d 501 (1970), speak for themselves.
61. Paragraph 61 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.
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, the Ballot Language speaks for itself.
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, the Ballot Language 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, the Ballot Language, Exhibit 1, and Article II, Section 1g of the Ohio Constitution speak for themselves.

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, the Ballot Language and Merriam-Webster's Online Dictionary speaks for themselves.
66. Paragraph 66 contains legal conclusions to which no response is required. Further answering, the Ballot Language 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.
68. Paragraph 68 contains legal conclusions to which no response is required.
69. As to Paragraph 69, Respondents deny 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.
70. As to Paragraph 70, Respondents deny that they owe Relators a duty to perform the requested 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. Finally, Article XVI of the Ohio Constitution and R.C. 3505.062(B) speak for themselves.
71. Paragraph 71 contains legal conclusions to which no response is required.
72. To the extent Paragraph 72 reincorporates other paragraphs of the Complaint, all defenses and averments of lack of knowledge or information are specifically incorporated by reference.
73. Paragraph 73 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, the Title speaks for itself.
74. Paragraph 74 contains legal conclusions to which no response is required. Further answering, R.C. 3519.21 speaks for itself.

75. Paragraph 75 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, the Title speaks for itself.
76. Paragraph 76 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.
77. Paragraph 77 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, the Title speaks for itself.
78. Paragraph 78 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied. Further answering, Secretary LaRose's statements, Exhibit 4, and Merriam-Webster's Online Dictionary speak for themselves.
79. Paragraph 79 contains legal conclusions to which no response is required. To the extent a response is necessary, the same is denied.
80. Paragraph 80 contains legal conclusions to which no response is required.
81. As to Paragraph 81, Respondents deny 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.
82. As to Paragraph 82, Respondents deny that Secretary LaRose owes Relators a duty to perform the requested 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. Finally, R.C. 3519.21 speaks for itself.
83. Paragraph 83 contains legal conclusions to which no response is required.

Respondents' Response to Relators' Prayer for Relief

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

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Relators 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

Respondents do not owe Relators a duty to perform the requested relief.

RESERVATION OF ADDITIONAL DEFENSES

Respondents reserve the right to supplement their Answer with additional defenses, including affirmative defenses, as litigation in this matter proceeds.

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

Respectfully submitted,

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/s/ Julie Pfeiffer

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Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2023, a copy of the foregoing *Answer Of Respondents* was filed electronically. Notice of this filing will be sent to counsel for Relators by electronic mail.

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