

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, *et al.*, :
: Case No. 2021-1193
Relators, :
: Original Action Filed Pursuant to Ohio
v. : Constitution, Article XI, Section 9(A)
: [Apportionment Case Pursuant to S. Ct.
Ohio Redistricting :
Commission, *et al.*, : Prac. R. 14.03]
: Respondents. :
:
:
:

RESPONDENT SENATOR VERNON SYKES'
ANSWER TO RELATORS' COMPLAINT

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Respondent Sen. Vernon Sykes (“Sen. Sykes” or “Respondent”), by his attorneys, hereby answers and asserts the following affirmative defenses to the Complaint filed by Relators the League of Women Voters, *et al.*, according to the numbered paragraphs therein, as follows:

INTRODUCTION

1. Respondent admits the allegations of Paragraph 1.
2. In response to Paragraph 2, Respondent admits that the 2021 Commission Plan (the “Plan”) was designed to preserve the Republican super majority in the Ohio General Assembly, whereas a map that complied with the provisions of Article XI, Section 6, would have established districts favoring Democrats in at least 45% of the state’s districts with the remaining 55% favoring Republicans.
3. In response to Paragraph 3, Respondent admits that the Plan was designed to favor the Republican super majority in the Ohio General Assembly, whereas a map that complied with the provisions of Article XI, Section 6, would have established districts favoring Democrats in at least 45% of the state’s districts with the remaining 55% favoring Republicans.
4. Respondent admits the allegations of Paragraph 4.
5. In response to Paragraph 5, Respondent admits that in 2011, a group of voters challenged Ohio’s map on the basis of partisan unfairness. Answering further, Respondent states that the *Wilson v. Kasich* decision of the Ohio Supreme Court is a written document which speaks for itself, and thus no response is required to Relators’ characterization of it.
6. In response to Paragraph 6, Respondent admits that on November 3, 2015, approximately 71 percent of Ohio voters voted in favor of Issue 1, thereby voting to amend Article XI of the Ohio Constitution. Answering further, Respondent states that the Ohio Constitution and the additional source materials cited in Paragraph 6 speak for themselves, and thus no response is required to Relators’ characterization of them.

7. Respondent admits the allegations of Paragraph 7.

8. Respondent admits the allegations of the first sentence of Paragraph 8. Answering further, Respondent states that the remaining allegations of Paragraph 8 rely upon the written opinions of several courts, including (but not limited to) the Supreme Court of the United States, which opinions speak for themselves and thus no response is required to Relators' characterization of them.

9. In response to Paragraph 9, Respondent states that the written opinions of several courts, which opinions speak for themselves and thus no response is required to Relators' characterization of them. Answering further, Respondent is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 9, and therefore denies same.

10. In response to Paragraph 10, Respondent states that the written opinions of several courts, which opinions speak for themselves and thus no response is required to Relators' characterization of them. Answering further, Respondent is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 10, and therefore denies same.

11. In response to Paragraph 11, Respondent states that he voted against the Plan, which was proposed by Republican members of the Commission and adopted by a 5-2 party-line vote, and which was inconsistent with the Ohio Constitution, as amended overwhelmingly by Ohio voters just six years ago.

12. Respondent admits the allegations of Paragraph 12.

13. In response to Paragraph 13, Respondent states that the Complaint speaks for itself, and thus no response is required to Relators' characterization of it.

JURISDICTION

14. In response to Paragraph 14, Respondent admits that the Supreme Court of Ohio has original jurisdiction of this matter pursuant to Article XI of the Ohio Constitution. Answering further, Respondent states that the Complaint speaks for itself, and thus no response is required to Relators' characterization of it.

PARTIES

A. Relators

15. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 15, and therefore denies same.

16. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 16, and therefore denies same.

17. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 17, and therefore denies same.

18. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 18, and therefore denies same.

19. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 19, and therefore denies same.

20. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 20, and therefore denies same.

21. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 21, and therefore denies same.

22. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 22, and therefore denies same.

23. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 23, and therefore denies same.

24. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 24, and therefore denies same.

25. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 25, and therefore denies same.

26. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 26, and therefore denies same.

27. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 27, and therefore denies same.

28. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 28, and therefore denies same.

29. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 29, and therefore denies same.

30. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 30, and therefore denies same.

31. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 31, and therefore denies same.

32. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 32, and therefore denies same.

33. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 33, and therefore denies same.

34. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 34, and therefore denies same.

B. Respondents

35. In response to Paragraph 35, Respondent admits that he and the other six individuals listed comprise the Commission.

LEGAL BACKGROUND

A. Article XI

36. In response to Paragraph 36, Respondent states that the Ohio Supreme Court decision referenced therein speaks for itself, and thus no response is required to Relators' characterization of it.

37. In response to Paragraph 37, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

38. In response to Paragraph 38, Respondent states that the source materials cited therein speak for themselves, and thus no response is required to Relators' characterization of them.

39. In response to Paragraph 39, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

40. In response to Paragraph 40, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

a) Commission Process and Deadlines: Section 1

41. In response to Paragraph 41, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

42. In response to Paragraph 42, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

43. Respondent admits the allegations of Paragraph 43.

44. In response to Paragraph 44, Respondent admits that the Republican members of the Commission excluded Respondent and House Minority Leader Emilia Sykes from the process of drafting a proposed district plan, and that no such plan had been proposed, let alone adopted, by September 1, 2021. Answering further, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

45. In response to Paragraph 45, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

46. In response to Paragraph 46, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

47. In response to Paragraph 47, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

48. In response to Paragraph 48, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

49. In response to Paragraph 49, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

50. In response to Paragraph 50, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

b) Political Fairness: Section 6

51. In response to Paragraph 51, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

52. In response to Paragraph 52, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

53. In response to Paragraph 53, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

54. In response to Paragraph 54, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

c) Jurisdiction: Section 9

55. In response to Paragraph 55, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

56. In response to Paragraph 56, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

57. In response to Paragraph 57, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

58. In response to Paragraph 58, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

FACTS

A. Respondents Engaged in an Unduly Partisan Process

59. In response to Paragraph 59, Respondent admits that Ohio has a history of gerrymandered maps and admits that the maps in effect in the 2012 election cycle were no exception. Answering further, Respondent states that Exhibit 1 speaks for itself, and thus no response is required to Relators' characterization of it.

60. In response to Paragraph 60, Respondent states that he voted against the Plan proposed by Republican members of the Commission because, as in 2011, neither the process for drawing the map nor the map itself complied with the Ohio Constitution. Answering further, Respondent states that the caselaw cited therein speaks for itself, and thus no response is required to Relators' characterization of it.

61. In response to Paragraph 61, Respondent states that the caselaw cited therein speaks for itself, and thus no response is required to Relators' characterization of it.

62. Respondent admits the allegations of Paragraph 62.

63. Respondent admits the allegations of Paragraph 63.

64. Respondent admits the allegations of Paragraph 64.

65. Respondent admits the allegations of Paragraph 65.

66. Respondent admits the allegations of Paragraph 66.

67. In response to Paragraph 67, Respondent admits that he and House Leader Emilia Sykes had no opportunity to provide input on any map DiRossi prepared, and ultimately the Plan passed by a party-line vote of 5-2 with both Respondent and House Minority Leader Emilia Sykes voting against the Plan.

68. Respondent admits the allegations of Paragraph 68.

69. Respondent admits the allegations of Paragraph 69.

70. Respondent admits the allegations of Paragraph 70.

71. Respondent admits the allegations of Paragraph 71.

72. Respondent admits the allegations of Paragraph 72.

73. In response to Paragraph 73, Respondent states that the caselaw cited therein speaks for itself, and thus no response is required to Relators' characterization of it.

74. Respondent admits the allegations of Paragraph 74.

75. Respondent is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 75, and therefore denies same.

76. In response to Paragraph 76, Respondent states that the materials cited therein speak for themselves and thus no response is required to Relators' characterization of them. Respondent

is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 76, and therefore denies same.

77. In response to Paragraph 77, Respondent states that Exhibit 7 speaks for itself, and thus no response is required to Relators' characterization of it.

78. In response to Paragraph 78, Respondent states that Exhibit 7 speaks for itself, and thus no response is required to Relators' characterization of it.

79. Respondent admits the allegations of Paragraph 79.

80. In response to Paragraph 80, Respondent states that Exhibits 5 and 7 speak for themselves, and thus no response is required to Relators' characterization of them.

81. In response to Paragraph 81, Respondent admits that the Commission adopted the Section 8(C)(2) statement introduced by Senate President Huffman (the "Statement"). Answering further, Respondent states that he and House Minority Leader Emilia Sykes introduced a response to the Statement, referred to as the Minority Report, memorializing the Plan's numerous deficiencies and the reasons it failed to comply with Article XI of the Ohio Constitution. Answering further, Respondent states that Exhibit 7 speaks for itself, and thus no response is required to Relators' characterization of it.

B. Respondents' Partisan Process Created Unduly Partisan Results.

82. Respondent admits the allegations of Paragraph 82.

83. Respondent admits the allegations of Paragraph 83.

84. In response to Paragraph 84, Respondent admits that the Commission voted to approve the Plan by a 5-2 party-line vote, with Respondent and House Minority Leader Emilia Sykes voting against the Republicans' proposal. Answering further, Respondent states that the

Statement and the additional materials cited therein speak for themselves, and thus no response is required to Relators' characterization of them.

85. In response to Paragraph 85, Respondent admits that the Republican members of the Commission did not attempt to meet the requirements of Article XI, Section 6. Answering further, Respondent states that the Plan was designed to preserve the Republican super majority in the Ohio General Assembly, whereas a map that complied with the provisions of Article XI, Section 6, would have established districts favoring Democrats in at least 45% of the state's districts with the remaining 55% favoring Republicans. The Plan was adopted by the Commission by a 5-2 party-line vote with Respondent and House Minority Leader Emilia Sykes voting against the Plan.

86. In response to Paragraph 86, Respondent states that the Plan was designed to preserve the Republican super majority in the Ohio General Assembly, whereas a map that complied with the provisions of Article XI, Section 6, would have established districts favoring Democrats in at least 45% of the state's districts with the remaining 55% favoring Republicans. The Plan was adopted by the Commission by a 5-2 party-line vote with Respondent and House Minority Leader Emilia Sykes voting against the Plan.

87. In response to Paragraph 87, Respondent states that Exhibit 9 speaks for itself, and thus no response is required to Relators' characterization of it.

88. In response to Paragraph 88, Respondent states that the Plan was designed to preserve the Republican super majority in the Ohio General Assembly, whereas a map that complied with the provisions of Article XI, Section 6, would have established districts favoring Democrats in at least 45% of the state's districts with the remaining 55% favoring Republicans. The Plan was adopted by the Commission by a 5-2 party-line vote with Respondent and House

Minority Leader Emilia Sykes voting against the Plan. Answering further, Respondent states that the affidavit cited in Paragraph 88 speaks for itself, and thus no response is required to Relators' characterization of it.

89. Respondent admits that the Plan, adopted by the Commission by a 5-2 party-line vote with Respondent and House Minority Leader Emilia Sykes voting in opposition, does not comply with the Ohio Constitution.

FIRST CAUSE OF ACTION
VIOLATION OF ARTICLE XI

(The Districts of the Ohio House of Representatives)

90. Respondent restates and incorporates by reference all prior and subsequent answers as though fully restated herein.

91. Respondent admits that the Plan, adopted by the Commission by a 5-2 party-line vote with Respondent and House Minority Leader Emilia Sykes voting in opposition, does not comply with the Ohio Constitution. Answering further, Respondent states that the affidavit and other materials cited in Paragraph 91 speak for themselves, and thus no response is required to Relators' characterization of them.

SECOND CAUSE OF ACTION
VIOLATION OF ARTICLE XI

(The Districts of the Ohio Senate)

92. Respondent restates and incorporates by reference all prior and subsequent answers as though fully restated herein.

93. Respondent admits that the Plan, adopted by the Commission by a 5-2 party-line vote with Respondent and House Minority Leader Emilia Sykes voting in opposition, does not

comply with the Ohio Constitution. Answering further, Respondent states that the affidavit and other materials cited in Paragraph 93 speak for themselves, and thus no response is required to Relators' characterization of them.

94. Respondent denies every allegation not explicitly admitted to be true herein.

PRAYER FOR RELIEF

In response to Relators' Prayer for Relief, Respondent requests that the Court grant the relief requested in Paragraphs 1-5. In response to Paragraph 6, Respondent denies any obligation to pay Relators' attorneys' fees and costs.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2021, I have served the foregoing document by email on the following:

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