

**In the
Supreme Court of Ohio**

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	:	
	:	
<i>Relators,</i>	:	Case No. 2021-1449
	:	
v.	:	Original Action Pursuant to
	:	Ohio Const., art. XIX
GOVERNOR MICHAEL DEWINE, et al.,	:	
	:	Apportionment Case
<i>Respondents.</i>	:	

**ANSWER OF SECRETARY OF STATE FRANK LAROSE
TO THE FIRST AMENDED COMPLAINT**

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**In The
Ohio Supreme Court**

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	:	
	:	
<i>Relators,</i>	:	Case No. 2021-1449
	:	
v.	:	Original Action Pursuant to
	:	Ohio Const., Art. XIX, § 3(A)
GOVERNOR MIKE DEWINE, et al.,	:	
	:	Redistricting Case
<i>Respondents.</i>	:	

**ANSWER OF SECRETARY OF STATE FRANK LAROSE
TO FIRST AMENDED COMPLAINT**

By and through counsel, the Ohio Secretary of State Frank LaRose answers the Relators' First Amended Complaint as follows:

1. As to Paragraph 1, the Secretary of State admits that the 2021 Congressional District Plan created by the passage of Sub. S.B. 258 was passed without bipartisan support as permitted by Art. XIX, Sec. 1(C)(3) of the Ohio Constitution. The remaining allegations are legal conclusions to which no response is required. Further answering, Article XIX of the Ohio Constitution speaks for itself.
2. As to Paragraphs 2 through 4, the Secretary of State denies the allegations contained therein due to lack of knowledge because the General Assembly, not the Secretary, created and passed the 2021 Congressional Plan. Further answering, the Secretary denies for lack of knowledge the substance and basis for the report by Relators' witness Dr. Warshaw.
3. As to Paragraph 5, the Secretary admits that Ohio voters passed Article XIX of the Ohio Constitution. The Secretary denies for lack of knowledge the reason{s} that Ohioans did or did

not vote for Article XIX. The Secretary further denies for lack of knowledge the substance and basis for the report by Relators' witness Dr. Rodden.

4. Paragraph 6 contains legal conclusions to which no response is required.

5. Paragraph 7 contains legal conclusions to which no response is required. Whether the 2021 Congressional Plan violates the Ohio Constitution as alleged in Paragraph 7 is a legal conclusion to which no response is required. To the extent a response is required, the Secretary of State denies same for lack of knowledge because the General Assembly, not the Secretary, created and passed the 2021 Congressional Plan.

6. As to Paragraph 8, the Secretary admits that this Court possesses original jurisdiction over the claims. The remaining allegations are legal conclusions to which no response is required. Further answering, Ohio Const. Art. XIX speaks for itself.

7. Paragraph 9 contains legal conclusions to which no response is required. Whether the 2021 Congressional Plan violates the Ohio Constitution as alleged in Paragraph 9 is a legal conclusion to which no response is required. To the extent a response is required, the Secretary of State denies same for lack of knowledge because the General Assembly, not the Secretary, created and passed the 2021 Congressional Plan.

8. As to Paragraph 10, the Secretary admits that Relators bring this action under Article XIX of the Ohio Constitution but denies for lack of knowledge whether the 2021 Congressional Plan violates same because the General Assembly, not the Secretary, created and passed the 2021 Congressional Plan.

JURISDICTION

9. Paragraph 11 is a legal conclusion to which no response is required. Further answering, Ohio Const. Art. XIX, Sec. 3(A) and (B) speak for themselves.

10. As to Paragraph 12, the Secretary admits that this Court possesses jurisdiction over the claims but denies for lack of knowledge whether the 2021 Congressional Plan violates same because the General Assembly, not the Secretary, created and passed the 2021 Congressional Plan.

PARTIES

11. As to Paragraphs 13 through 35, the Secretary of State denies the allegations contained therein for lack of knowledge. Further answering, the allegations that the 2021 Congressional Plan is unconstitutional are legal conclusions to which no response is required. To the extent an answer is required, the Secretary denies same for lack of knowledge because the General Assembly, not the Secretary, created and passed the 2021 Congressional Plan.

12. The Secretary denies the allegations contained in Paragraph 36.

13. As to Paragraph 37, pursuant to this Court's order, Governor Mike DeWine is not a party to this First Amended Complaint and no response is required.

14. As to Paragraph 38, the Secretary admits that he is the chief elections officer in Ohio and is responsible for overseeing election administration as provided for by Ohio law. The Secretary also admits that he is being sued in his capacity as Secretary of State only but denies liability for the claims set forth in the First Amended Complaint. Further answering, pursuant to this Court's order, the Secretary, in his capacity as Ohio Redistricting Commission member, is not a party to this First Amended Complaint and no response is required.

15. As to Paragraph 39, the Secretary admits that Respondent Huffman is sued in his official capacity as the President of the Ohio Senate. Further answering, pursuant to this Court's order, Respondent Huffman, in his capacity as Ohio Redistricting Commission member, is not a party to this First Amended Complaint and no response is required. The remaining allegation is a legal conclusion to which no response is required. To the extent a response is required, the Secretary

denies same due to lack of knowledge because the General Assembly, not the Secretary, created and passed the 2021 Congressional Plan.

16. As to Paragraph 40, the Secretary admits that Respondent Cupp is sued in his official capacity as the Speaker of the House of Representatives. Further answering, pursuant to this Court's order, Respondent Cupp, in his capacity of Ohio Redistricting Commission member, is not a party to this First Amended Complaint and no response is required. The remaining allegation is a legal conclusion to which no response is required. To the extent a response is required, the Secretary denies same due to lack of knowledge because the General Assembly, not the Secretary, created and passed the 2021 Congressional Plan.

17. As to Paragraph 41, pursuant to this Court's order, the Respondents identified therein are not parties to this First Amended Complaint and no response is required.

LEGAL BACKGROUND

18. The Secretary admits the allegation contained in Paragraph 42.

19. Paragraph 43 contains a legal conclusion to which no response is required. Further answering, Article XIX speaks for itself.

20. Paragraphs 44 through 51 contain legal conclusions to which no response is required. Further answering, Article XIX speaks for itself.

21. Paragraphs 52 through 54 contain legal conclusions to which no response is required. Further answering, Article XIX speaks for itself.

FACTUAL BACKGROUND

22. The Secretary denies the allegations contained in Paragraph 55. Further answering, the Secretary denies for lack of knowledge the substance and basis for the report of Relators' witness Dr. Warshaw.

23. Paragraph 56 contains legal conclusions to which no response is required. Further answering, the case Relators reference speaks for itself.
24. As to Paragraph 57, the Secretary admits that the voters approved what is now Article XIX of the Ohio Constitution in 2018. The Secretary denies the remaining allegations contained therein for lack of knowledge. Further answering, Article XIX speaks for itself.
25. As to Paragraphs 58 through 63, the Secretary denies for lack of knowledge the actions and processes taken by “good government groups,” the General Assembly and/or its members in the passage of Article XIX in 2018. The Secretary admits that Ohio voters passed Article XIX of the Ohio Constitution.
26. The Secretary admits the allegations contained in Paragraph 64.
27. As to Paragraph 65, the Secretary admits that the General Assembly did not “offer a Republican map” by September 30, 2021. The Secretary denies the remaining allegations contained therein due to lack of knowledge.
28. As to Paragraph 66, the Secretary admits that the Ohio Redistricting Commission met on October 28, 2021 and that the Commission did not pass a congressional plan by October 31, 2021. The Secretary denies the remaining allegations contained therein due to lack of knowledge.
29. As to Paragraphs 67 through 84 and sub-headings (C)(1)-(5), the Secretary denies the allegations contained therein due to lack of knowledge because the General Assembly, not the Secretary, created and passed the 2021 Congressional Plan.
30. Paragraphs 85 through 112 and sub-headings (D)(1)-(4) and (E), contain legal conclusions to which no response is required. To the extent an answer is required, the Secretary denies same. The Secretary denies the remaining allegations contained therein for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Plan.

Further answering, the Secretary of State denies for lack of knowledge the substance and basis for the reports by Relators' witnesses Drs. Warshaw and Rodden.

FIRST CAUSE OF ACTION

31. To the extent that Paragraph 113 reincorporates other paragraphs of the First Amended Complaint, all defenses and averments are specifically incorporated by reference.

32. As to Paragraph 114, the Secretary admits that the General Assembly passed the 2021 Congressional Plan by a simple majority. The remaining allegations are legal conclusions to which no response is required.

33. Paragraph 115 contains legal conclusions to which no response is required.

34. As to Paragraph 116, whether the 2021 Congressional Plan "unduly favors the Republican Party and its incumbents" is a legal conclusion to which no response is required. To the extent an answer is required, the Secretary of State denies same. The Secretary of State denies the remaining allegations for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Plan.

35. As to Paragraphs 117 and 118, the Secretary denies the allegations contained therein for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Plan. To the extent an answer is required, the Secretary of State denies same.

36. Paragraph 119 contains a legal conclusion to which no response is required. To the extent an answer is required, the Secretary of State denies the same.

SECOND CAUSE OF ACTION

37. To the extent that Paragraph 120 reincorporates other paragraphs of the Complaint, all defenses and averments are specifically incorporated by reference.

38. As to Paragraph 121, the Secretary of State admits that the 2021 Congressional Plan was passed by a simple majority in the General Assembly. The remaining allegation is a legal conclusion to which no response is required.

39. Paragraph 122 contains legal conclusions to which no response is required.

40. As to Paragraph 123, whether the 2021 Congressional Plan “unduly” splits governmental units is a legal conclusion to which no response is required. To the extent an answer is required, the Secretary of State denies same. The remaining allegation contained therein are denied for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Plan.

41. Paragraph 124 contains legal conclusions to which no response is required. To the extent an answer is required, the Secretary of State denies that the Relators’ constitutional rights have been violated. Further answering the remaining allegations contained therein are denied for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Plan.

42. Paragraph 125 contains a legal conclusion to which no response is required.

PRAYER FOR RELIEF

43. The Secretary of State denies that Relators are entitled to any relief as prayed for in the Complaint.

44. The Secretary of State denies all allegations set forth in the Prayer for Relief and specifically denies that Relators are entitled to any relief.

45. Any allegations contained in any titles or section headers are denied.

46. The Secretary of State denies each allegation in the Complaint not expressly admitted or denied herein.

FIRST DEFENSE

1. Relators failed to state a claim upon which relief can be granted.

SECOND DEFENSE

2. The 2021 Congressional Plan in Sub. S.B. 258 is constitutional.

THIRD DEFENSE

3. Relators fail to state a legal claim against the Secretary of State in his official capacity as Secretary of State. The Secretary is a proper party for remedial purposes only.

RESERVATION OF ADDITIONAL DEFENSES

4. The Secretary of State reserves the right to add additional defenses, including affirmative defenses, as they become known or as the case progresses.

Respectfully submitted,

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/s/Julie M. Pfeiffer

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CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2021, the foregoing *Answer of The Ohio Secretary of State Frank LaRose to the First Amended Complaint* was filed electronically. I further certify that a copy of the foregoing has been served via the electronic mail upon the following counsel for Relators.

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