

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

MICHAEL GONIDAKIS, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Case No. 2:22-CV-773
	:	
FRANK LaROSE,	:	Chief Judge Algenon Marbley
	:	
Defendant.	:	

DEFENDANT FRANK LaROSE’S ANSWER

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

1. As to Paragraph 1, Secretary LaRose denies that Ohio’s state legislative districts are based on the 2010 census data. As to the allegations related to the 2020 U.S. Census, Secretary LaRose denies for lack of knowledge. The 2020 Census data speaks for itself. The remaining allegations in Paragraph 1 of the First Amended Complaint are legal conclusions to which no response is required.
2. As to Paragraph 2, Secretary LaRose admits that the Ohio Redistricting Commission (“the Commission”) adopted two legislative district plans, which were invalidated by the Ohio Supreme Court. Further answering, this Paragraph contains legal conclusions to which no response is required.

3. Secretary LaRose admits the allegations contained in Paragraph 3 of the First Amended Complaint.
4. Secretary LaRose denies the allegations contained in Paragraph 4 of the First Amended Complaint.
5. As to Paragraph 5, Secretary LaRose denies that the Plaintiffs' constitutional rights have been violated. Further answering, this Paragraph contains legal conclusions to which no response is required. To the extent an answer is required, such allegations are denied.
6. As to Paragraph 6, Secretary LaRose denies that the Plaintiffs are entitled to relief because the Commission adopted a General Assembly district plan on February 24, 2022. *See* Ex. 1.
7. As to Paragraph 7, 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.
8. Secretary LaRose denies the allegations contained in Paragraph 8 of the First Amended Complaint as Ohio currently has state legislative maps.
9. As to Paragraph 9, Secretary LaRose denies that the Plaintiffs have suffered any harm as Ohio currently has state legislative maps.
10. As to Paragraph 10, 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.

11. As to Paragraph 11, 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.
12. Secretary LaRose admits the allegations contained in Paragraph 12 of the First Amended Complaint.
13. Secretary LaRose admits the allegations contained in Paragraph 13 of the First Amended Complaint.
14. Paragraph 14 contains legal conclusions to which no response is required. Further answering, 28 U.S.C. § 2284(a) speaks for itself.
15. Secretary LaRose admits the allegations contained in Paragraph 15 of the First Amended Complaint.
16. Secretary LaRose admits the allegations contained in Paragraph 16 of the First Amended Complaint. Further answering, Article II, Section 2 of the Ohio Constitution speaks for itself.
17. Secretary LaRose admits the allegations contained in Paragraph 17 of the First Amended Complaint. Further answering, Article II, Section 2 of the Ohio Constitution speaks for itself.
18. Secretary LaRose admits the allegations contained in Paragraph 18 of the First Amended Complaint. Further answering, the former sections of the Ohio Constitution cited therein speak for themselves.
19. Secretary LaRose 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. Secretary LaRose admits the allegations contained in Paragraph 20 of the First Amended Complaint.
21. Paragraph 21 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.
22. Paragraph 22 contains legal conclusions to which no response is required. Further answering, “Issue 1” speaks for itself.
23. Paragraph 23 contains legal conclusions to which no response is required. Further answering, Article XI, Section 3 of the Ohio Constitution speaks for itself.
24. Paragraph 24 contains legal conclusions to which no response is required. Further answering, Article XI, Section 1 of the Ohio Constitution speaks for itself.
25. Paragraph 25 contains legal conclusions to which no response is required. Further answering, Article XI, Section 6 of the Ohio Constitution speaks for itself.
26. Paragraph 26 contains legal conclusions to which no response is required. Further answering, the cited provisions of the Ohio Constitution speak for themselves.
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 lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28, and said allegations are, therefore, denied.
29. Secretary LaRose lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29, and said allegations are, therefore, denied.
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 lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32, and said allegations are, therefore, denied.
33. Secretary LaRose lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33, and said allegations are, therefore, denied.
34. Secretary LaRose lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34, and said allegations are, therefore, denied.
35. Secretary LaRose denies the allegations contained in Paragraph 35 of the First Amended Complaint.
36. As to Paragraph 36, 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.
37. Secretary LaRose admits the allegations contained in Paragraph 37 of the First Amended Complaint.
38. Secretary LaRose admits the allegations contained in Paragraph 38 of the First Amended Complaint. Further answering, Exhibit A speaks for itself.
39. Secretary LaRose admits the allegations contained in Paragraph 39 of the First Amended Complaint.
40. Paragraph 40 contains legal conclusions to which no response is required. Further answering, Article XI, Section 9 of the Ohio Constitution speaks for itself.

41. Secretary LaRose admits the allegations contained in Paragraph 41 of the First Amended Complaint. Further answering, *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-65, speaks for itself.
42. Secretary LaRose admits the allegations contained in Paragraph 42 of the First Amended 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.
43. Secretary LaRose admits the allegations contained in Paragraph 43 of the First Amended Complaint.
44. Secretary LaRose admits the allegations contained in Paragraph 44 of the First Amended Complaint. Further answering, Exhibit B speaks for itself.
45. Secretary LaRose admits the allegations contained in Paragraph 45 of the First Amended Complaint. Further answering, Article XI, Section 8(B) of the Ohio Constitution speaks for itself.
46. Secretary LaRose admits the allegations contained in Paragraph 46 of the First Amended Complaint.
47. Secretary LaRose admits the allegations contained in Paragraph 47 of the First Amended Complaint.
48. Secretary LaRose admits the allegations contained in Paragraph 48 of the First Amended Complaint.
49. Secretary LaRose admits the allegations contained in Paragraph 49 of the First Amended Complaint.

50. Secretary LaRose admits the allegations contained in Paragraph 50 of the First Amended Complaint.

51. Secretary LaRose admits the allegations contained in Paragraph 51 of the First Amended Complaint.

52. Secretary LaRose admits the allegations contained in Paragraph 52 of the First Amended Complaint. Further answering, *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-342, speaks for itself.

53. Secretary LaRose admits the allegations contained in Paragraph 53 of the First Amended Complaint. Further answering, *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-342, speaks for itself.

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

55. As to Paragraph 55, 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.

56. As to Paragraph 56, Secretary LaRose denies that the full Commission declared that it was at an impasse on February 17, 2022. Further answering, Secretary LaRose states that the Commission's "Notice of Impasse" filed with the Ohio Supreme Court on February 18, 2022, Exhibit C, speaks for itself.

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

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

59. Secretary LaRose denies the allegations contained in Paragraph 59 of the First Amended Complaint. Further answering, the Ohio Redistricting Commission passed the Third Plan on February 24, 2022. *See* Ex. 1.
60. As to Paragraph 60, Secretary LaRose denies that no legislative maps exist. To the contrary, the Third Plan is in effect and candidates have a process outlined in Directive 2022-026 to choose their districts and declare their candidacies in time for the May 3, 2022 primary election. *See* Ex. 2. Further answering, any remaining allegations are denied. .
61. Secretary LaRose denies the allegations contained in Paragraph 61 of the First Amended Complaint. Further answering, see Answer to Paragraph 59.
62. Secretary LaRose denies the allegations contained in Paragraph 62 of the First Amended Complaint. Further answering, see Answer to Paragraph 59.
63. Secretary LaRose denies the allegations contained in Paragraph 63 of the First Amended Complaint. Further answering, see Answer to Paragraph 59.
64. Secretary LaRose denies the allegations contained in Paragraph 64 of the First Amended Complaint. Further answering, see Answer to Paragraph 59.
65. Paragraph 65 contains legal conclusions to which no response is required. Further answering, Exhibits A and B speak for themselves.
66. Secretary LaRose denies the allegations contained in Paragraph 66 of the First Amended Complaint. Further answering, see Answer to Paragraph 59.
67. Paragraph 67 contains legal conclusions to which no response is required. Further answering, the Fourteenth Amendment to the United States Constitution speaks for itself.
68. As to Paragraph 68, 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 68 of the First Amended Complaint.

69. Secretary LaRose denies the allegations contained in Paragraph 69.

70. Paragraph 70 contains legal conclusions to which no response is required. To the extent an answer is required, such allegations are denied.

71. Paragraph 71 contains legal conclusions to which no response is required. To the extent an answer is required, such allegations are denied.

72. Secretary LaRose denies the allegations contained in Paragraph 72 of the First Amended Complaint.

73. Paragraph 73 contains legal conclusions to which no response is required. Further answering, the Fourteenth Amendment to the United States Constitution speaks for itself.

74. As to Paragraph 74, Secretary LaRose denies that Ohio lacks legislative districts. Rather, the Commission’s February 24, 2022 plan is currently in effect. Further answering, Secretary LaRose admits that the statutory deadline for declarations of candidacy for partisan candidates has passed but denies that the deadline has caused harm to Plaintiffs.

75. Secretary LaRose denies the allegations contained in Paragraph 75 of the First Amended Complaint.

76. Paragraph 76 contains legal conclusions to which no response is required. To the extent an answer is required, such allegations are denied.

77. Secretary LaRose denies the allegations contained in Paragraph 77 of the First Amended Complaint.

78. Paragraph 78 contains legal conclusions to which no response is required. Further answering, the First and Fourteenth Amendments to the United States Constitution speak for themselves.

79. Paragraph 79 contains legal conclusions to which no response is required. To the extent an answer is required, such allegations are denied.

80. Secretary LaRose denies the allegations contained in Paragraph 80 of the First Amended Complaint.

81. As to Paragraph 81, Secretary LaRose denies that the Plaintiffs' freedom of association has been violated.

82. Secretary LaRose denies the allegations contained in Paragraph 82 of the First Amended Complaint.

83. Paragraph 83 contains legal conclusions to which no response is required. To the extent an answer is required, such allegations are denied.

84. Secretary LaRose denies the allegations contained in Paragraph 84 of the First Amended Complaint.

85. Paragraph 85 contains legal conclusions to which no response is required.

86. Paragraph 86 contains legal conclusions to which no response is required.

87. 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. To the extent an answer is required, Secretary LaRose denies same.

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 Amended 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 Amended 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' Amended 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/ Bridget C. Coontz

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Counsel for Defendant Frank LaRose

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 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/ Bridget C. Coontz

BRIDGET C. COONTZ (0072919)

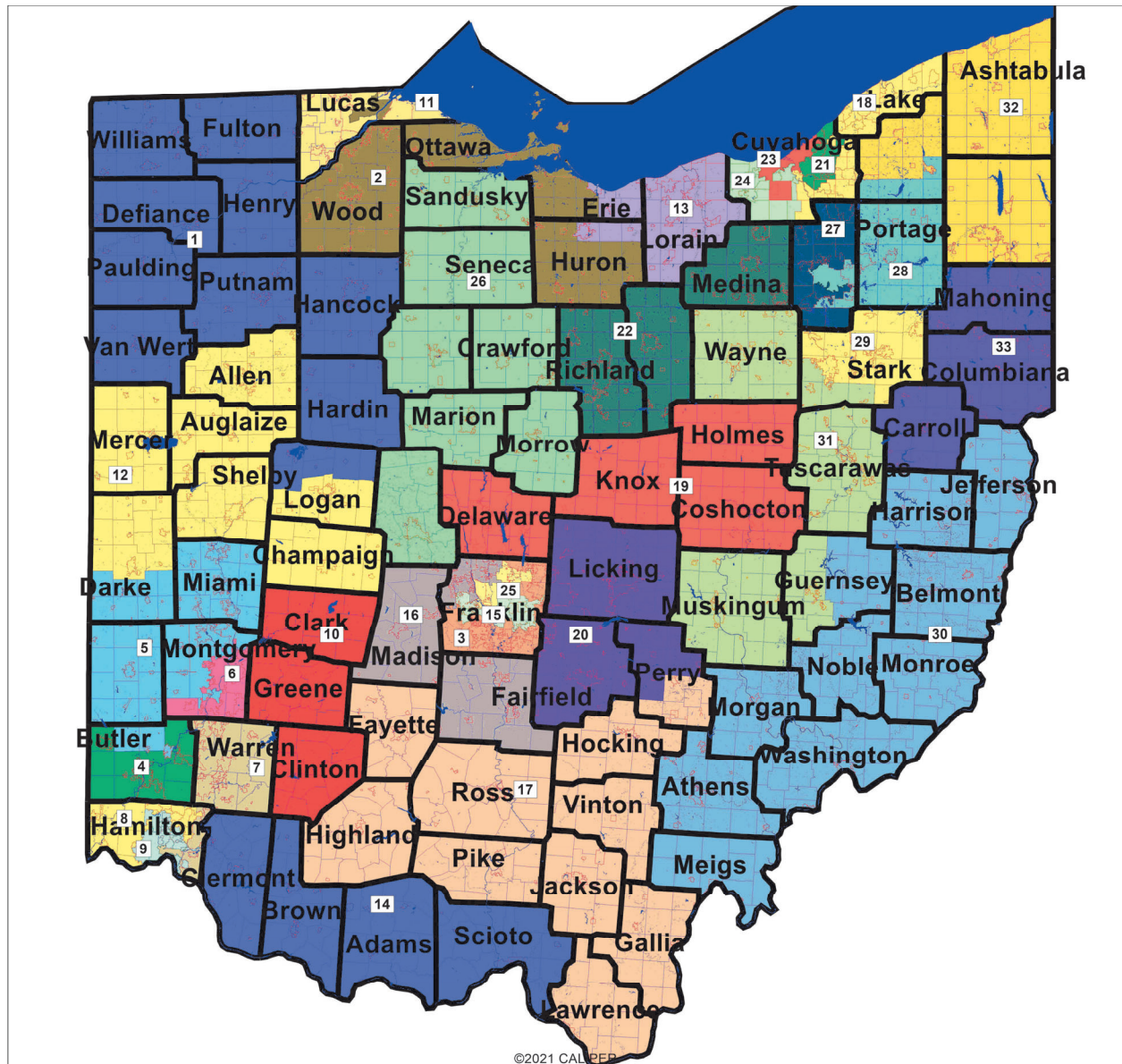
Assistant Attorney General

Exhibit 1

Third Plan



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Pursuant to the 2020 U.S. Census, the population of Ohio as of April 1, 2020 was 11,799,448. The target population for each Ohio House district is therefore 119,186.

Statistical Information – Ohio House Districts
Revised February 24, 2022

House District	Population	Deviation
1	118,269	-0.77%
2	121,167	1.66%
3	119,267	0.07%
4	113,292	-4.95%
5	116,055	-2.63%
6	116,844	-1.97%
7	123,620	3.72%
8	123,378	3.52%
9	117,175	-1.69%
10	118,982	-0.17%
11	124,045	4.08%
12	114,076	-4.29%
13	125,018	4.89%
14	125,123	4.98%
15	125,126	4.98%
16	124,466	4.43%
17	124,902	4.80%
18	125,122	4.98%
19	123,250	3.41%
20	125,116	4.98%
21	125,129	4.99%
22	125,144	5.00%
23	124,913	4.81%
24	122,543	2.82%
25	115,014	-3.50%
26	120,124	0.79%
27	124,316	4.30%
28	120,869	1.41%
29	113,611	-4.68%
30	114,162	-4.22%
31	121,137	1.64%
32	121,972	2.34%
33	124,678	4.61%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED FEBRUARY 24, 2022

House District	119,468	0.24%
34	124,362	4.34%
35	114,991	-3.52%
36	121,534	1.97%
37	122,075	2.42%
38	123,935	3.98%
39	117,193	-1.67%
40	114,264	-4.13%
41	117,985	-1.01%
42	113,597	-4.69%
43	113,261	-4.97%
44	123,472	3.60%
45	121,992	2.35%
46	123,473	3.60%
47	124,669	4.60%
48	116,324	-2.40%
49	113,282	-4.95%
50	113,841	-4.48%
51	118,043	-0.96%
52	123,651	3.75%
53	119,251	0.05%
54	120,633	1.21%
55	121,704	2.11%
56	124,111	4.13%
57	119,785	0.50%
58	123,071	3.26%
59	113,964	-4.38%
60	120,578	1.17%
61	124,425	4.40%
62	113,544	-4.73%
63	124,867	4.77%
64	114,353	-4.06%
65	116,342	-2.39%
66	118,575	-0.51%
67	115,385	-3.19%
68	120,418	1.03%
69	115,458	-3.13%
70	114,405	-4.01%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED FEBRUARY 24, 2022

House District	121,758	2.16%
71	123,971	4.01%
72	116,122	-2.57%
73	115,928	-2.73%
74	124,936	4.82%
75	116,894	-1.92%
76	113,287	-4.95%
77	114,356	-4.05%
78	124,211	4.22%
79	113,487	-4.78%
80	114,464	-3.96%
81	122,058	2.41%
82	114,313	-4.09%
83	116,652	-2.13%
84	113,566	-4.72%
85	113,452	-4.81%
86	113,965	-4.38%
87	115,062	-3.46%
88	115,793	-2.85%
89	113,883	-4.45%
90	116,490	-2.26%
91	120,113	0.78%
92	114,124	-4.25%
93	114,126	-4.25%
94	114,020	-4.33%
95	114,521	-3.91%
96	123,138	3.32%
97	124,572	4.52%
98	118,269	-0.77%
99	121,167	1.66%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED FEBRUARY 24, 2022

Pursuant to the 2020 U.S. Census, the population of Ohio as of April 1, 2020 was 11,799,448. The target population for each Ohio Senate district is therefore 357,559.

Statistical Information – Ohio Senate Districts
Revised January 2022

Senate District	Population	Deviation
1	350,009	-2.11%
2	344,251	-3.72%
3	348,329	-2.58%
4	368,937	3.18%
5	365,339	2.18%
6	358,600	0.29%
7	366,653	2.54%
8	348,642	-2.49%
9	357,681	0.03%
10	345,985	-3.24%
11	345,846	-3.28%
12	344,252	-3.72%
13	360,945	0.95%
14	353,762	-1.06%
15	356,280	-0.36%
16	361,499	1.10%
17	350,486	-1.98%
18	372,274	4.12%
19	357,680	0.03%
20	359,774	0.62%
21	375,395	4.99%
22	359,853	0.64%
23	375,257	4.95%
24	374,494	4.74%
25	360,062	0.70%
26	340,983	-4.64%
27	362,577	1.40%
28	370,798	3.70%
29	354,275	-0.92%
30	342,270	-4.28%
31	345,256	-3.44%
32	363,792	1.74%
33	357,212	-0.10%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED FEBRUARY 24, 2022

Ohio's 33 Senate districts are comprised of the following Ohio House districts.

Senate District 1:	House Districts 81, 82, 83	
Senate District 2:	House Districts 44, 75, 89	Assigned to Senator Gavarone
Senate District 3:	House Districts 4, 5, 10	
Senate District 4:	House Districts 45, 46, 47	
Senate District 5:	House Districts 39, 40, 80	
Senate District 6:	House Districts 36, 37, 38	
Senate District 7:	House Districts 27, 55, 56	
Senate District 8:	House Districts 28, 29, 30	
Senate District 9:	House Districts 24, 25, 26	
Senate District 10:	House Districts 70, 71, 74	Assigned to Senator Hackett
Senate District 11:	House Districts 41, 42, 43	
Senate District 12:	House Districts 78, 84, 85	
Senate District 13:	House Districts 52, 53, 54	
Senate District 14:	House Districts 62, 63, 90	
Senate District 15:	House Districts 1, 2, 6	
Senate District 16:	House Districts 8, 11, 12	
Senate District 17:	House Districts 91, 92, 93	
Senate District 18:	House Districts 19, 23, 57	Assigned to Senator Cirino
Senate District 19:	House Districts 60, 61, 98	
Senate District 20:	House Districts 68, 69, 73	
Senate District 21:	House Districts 18, 21, 22	
Senate District 22:	House Districts 66, 67, 76	
Senate District 23:	House Districts 13, 14, 20	
Senate District 24:	House Districts 15, 16, 17	Assigned to Senator Dolan
Senate District 25:	House Districts 3, 7, 9	
Senate District 26:	House Districts 86, 87, 88	
Senate District 27:	House Districts 31, 32, 34	
Senate District 28:	House Districts 33, 35, 72	Assigned to Senator Sykes
Senate District 29:	House Districts 48, 49, 50	
Senate District 30:	House Districts 94, 95, 96	
Senate District 31:	House Districts 51, 77, 97	
Senate District 32:	House Districts 64, 65, 99	
Senate District 33:	House Districts 58, 59, 79	

All of the above assignments of Senators are made pursuant to Section 5, Article XI of the Ohio Constitution.

Exhibit 2

Secretary of State Directive 2022-26
February 26, 2022



DIRECTIVE 2022-26

February 26, 2022

To: All County Boards of Elections
Board Members, Directors, and Deputy Directors

Re: State House and Senate District Maps and House Bill ("H.B." 93)

I recognize the unprecedented nature of this Directive and the incredible challenge it presents to each of our 88 county boards of elections. The General Assembly has the legal authority to set the time, place, and manner of Ohio's elections, and they have made clear their instructions to include the state House and Senate contests on the May 3, 2022 Primary Election ballot. Senate President Matt Huffman and House Speaker Robert Cupp sent a letter to me on Thursday, February 24, 2022 stating the following:

"...We are providing your office with the underlying information for the newly adopted plan, including the shape files.

"Please immediately transmit the relevant information to all the state's boards of elections as you deem appropriate so that the necessary preparations may be made for carrying out the primary election on May 3rd, 2022."

I have communicated to the legislative leaders the risks associated with rushing this process and shared your concerns about the compressed timeline for everything from candidate certification and ballot preparation to the programming and testing of voting equipment. These are serious concerns, but our directive is clear, and I am confident that, together, we will work tirelessly to achieve it. Winston Churchill said, "It's not enough that we do our best; sometimes we have to do what's required." We have the hardest-working elections officials in the nation, and you are known for doing your best. This one requires more. Beyond doing our best, we will need unprecedented courage, optimism, and maybe a little divine blessing to get it done. I told the leaders of our General Assembly that we will do everything we can to rise to their challenge. As it relates to conducting this unprecedented election, I reminded them that our State's motto is: "With God all things are possible."

SUMMARY

On February 24, 2022, the Ohio Redistricting Commission passed (4-3) a third General Assembly district map. Attached to this Directive are the following:

- House Shapefile;
- Senate Shapefile;
- State House and Senate Equivalency Files (otherwise known as BAFs or block assignment files);
- Addendum to Declaration of Candidacy, Nominating Petition or Declaration of Intent to be a Write-in Candidate;
- State House District – County Population and Filing Location – September 2021;

- State House District – County Population and Filing Location – January 22, 2022;
- State House District – County Population and Filing Location – February 24, 2022;
- State Senate District – County Population and Filing Location – September 2021;
- State Senate District – County Population and Filing Location – January 22, 2022;
- State Senate District – County Population and Filing Location – February 24, 2022;
- U.S. House District – County Population and Filing Location – S.B. 258; and
- Letter from Senate President Huffman and House Speaker Cupp to Secretary LaRose, February 24, 2022.

Governor DeWine signed H.B. 93 into law on January 28, 2022 enacting many temporary law changes to the requirements for the 2022 primary election. Ultimately, the Ohio Redistricting Commission needed to adopt a new district plan a few weeks later. This Directive provides guidance on how to apply the temporary law provisions from H.B. 93 to the third set of General Assembly district maps. Please know that my Office is actively working with the General Assembly to develop additional temporary law changes to account for this incredibly compressed timeline, including providing additional funding for the county boards of elections. My Office has also filed with the Department of Defense and Federal Voter Assistance Program a UOCAVA waiver pursuant to 52 U.S.C. 20302(g) for the May 3, 2022 Primary Election.

Additionally, decisions in ongoing litigation¹ may render some or all of this Directive moot. In that event, my Office will issue additional instruction. As you know, the redistricting process has been the subject of much litigation. This Directive is not contrary to any order of the Ohio Supreme Court, nor should it be construed as such. This new General Assembly district plan adopted by the Ohio Redistricting Commission was filed with my office and is presumed valid. If there is additional litigation over this new district plan, the outcome of that litigation will be that the new plan is either valid or invalid. Because of the severe time constraints under which we are operating to hold Ohio House and Ohio Senate primary races with the May 3, 2022 Primary Election, we must begin preparations for those elections immediately in the anticipation that the Court will uphold the new plan. Obviously, if a few weeks from now the Court rules that the new plan is invalid, it will not be possible to conduct Ohio House and Ohio Senate primary elections with the May 3, 2022 Primary Election.

The Ohio Supreme Court issued a briefing schedule requiring that objections, if any, to the General Assembly maps submitted on February 25, 2022 by the Ohio Redistricting Commission be filed by 9 a.m. on Monday, February 28, 2022 and granted the Commission three days (Thursday, March 3, 2022) after the objections are filed to respond.

INSTRUCTIONS

I. FEBRUARY 24, 2022 GENERAL ASSEMBLY DISTRICT MAP AND LEGAL DESCRIPTIONS

On February 24, 2022, the Ohio Redistricting Commission passed a General Assembly district plan. Shortly thereafter, Senate President Matt Huffman and House Speaker Bob Cupp sent a letter

¹ *Simon, et al. v. DeWine, et. al*, N.D. Ohio No. 4:21-cv-02267-JRA, *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-65, and *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89.

directing me to immediately transmit the relevant information to all boards of elections “so that the necessary preparations may be made for carrying out the primary election on May 3, 2022.”²

As such, given the incredibly unfortunate impact that redistricting litigation has had on the election calendar and our ability to administer an election in a manner that will inevitably lead to the best chances of success, all boards must immediately begin the process of reprogramming their voter registration systems with the February 24, 2022 General Assembly district maps.

The State House and Senate district shapefiles, and equivalency files accompany this Directive. My Office is waiting for the House and Senate legal descriptions from the General Assembly. We will forward those to you as soon as we receive them. However, boards and members of the public may find the most updated district maps at OhioSoS.gov/Districts.

Boards cannot verify or certify candidate petitions until the reprogramming of the voter registration system is complete. Whenever an area included in a district is less than a county, the legal description is a political subdivision, such as city, village, township, municipal ward, or precinct and portions thereof. The descriptions are based on boundaries as they existed when the data was collected by Ohio University. If the board of elections changed precinct boundaries or if there were municipal ward boundary changes or annexations in the past year, the board needs to consider that the new assignments were made based on previous data. For example, if the board combined Precinct A and C into a new Precinct A, and Precinct A is listed in the legal description, then it is referring to the old Precinct A portion of the new Precinct A.

II. 2022 PRIMARY ELECTION DEADLINES

Pursuant to H.B. 93, the 2022 primary election filing deadline was **February 2, 2022** for all candidates *other* than those for U.S. House.

H.B. 93 also permits the Secretary of State to adjust deadlines pertaining to the administration of the May 3, 2022 primary election *except* for the following:³

- The deadline to file a declaration of candidacy, declaration of candidacy and petition, or declaration of intent to be a write-in candidate;
- The deadline to certify a ballot issue or question to the election officials or to file a petition with the election officials to place a question or issue on the ballot at the May 3, 2022 primary election or a special election on that date;
- The UOCAVA deadline Unless the Secretary of State obtains a waiver pursuant to 52 U.S.C. 20302(g) for the May 3, 2022 primary election; and
- Any deadline that, under Ohio law, falls on or after April 3, 2022.

The Secretary submitted a UOCAVA waiver request to the Department of Defense and Federal Voting Assistance Program. We will keep you informed on the outcome of that request.

Therefore, the certification and protest deadline for candidates to the offices of Ohio House of Representatives (“Ohio House”), Ohio Senate, and state central committee of a political party shall be as follows:

² See Letter from Senate President Matt Huffman and House Speaker Bob Cupp to Secretary LaRose, February 24, 2022.

³ Section 4(C) of H.B. 93.

- **Monday, March 14, 2022** – Most populous county board of elections or board of elections must certify the validity and sufficiency of partisan candidate petitions and provide the names of the certified candidates to the less populous county board(s) of elections in the district, subject to any filers changing districts and completing their move by March 26, 2022. Boards cannot verify or certify candidate petitions until the reprogramming of the voter registration system is complete.
- **Thursday, March 17, 2022** – Protests against partisan candidates for Ohio House, Ohio Senate, and state central committee of a political party (including write-in candidates) must be filed with the most populous county board of elections by 4:00 p.m.

Each board must be open to the public on Saturday, March 26, 2022, and must notify my Office no later than 4:00 p.m. on March 26, 2022 if a candidate for General Assembly, as of that date, has not become a resident of the district the filer seeks to represent, filed an addendum, and updated their voter registration record to reflect their new residency. My Office will issue a form of the ballot directive as soon as possible. Pending the outcome of the ongoing litigation mentioned above, the Secretary may establish or amend other deadlines and dates related to the administration of the May 3, 2022 primary election.

III. OHIO HOUSE AND SENATE CANDIDATES

A. DECLARATION OF CANDIDACY, PETITION, NOMINATING PETITION, OR DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE

i. REQUIREMENTS FOR FILING VALIDITY AND IDENTIFYING DISTRICTS

For candidates for Ohio House and Ohio Senate, boards are prohibited from invalidating a declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate on the basis that it does not include the number of the district the filer seeks to represent or includes an incorrect district number.⁴ The appropriate document filed by the candidate shall be deemed to include the correct number of the applicable House or Senate district in which the filer (i.e. the candidate filing to run) for Ohio House or Ohio Senate currently resides.⁵

On February 24, 2022, in conjunction with the Ohio Redistricting Commission's adoption of the new General Assembly district plan on February 24, 2022, the Commission approved a motion that I made to authorize me to issue to the boards of election directives by which House and Senate candidates who have filed to run shall comply with Article XI, Section 9(C), if any candidates wish to do so.

This statement made it clear that I have the responsibility to reasonably interpret the law to administer an election under such unprecedented time constraints. In the alternative, Section 9(C) of Article XI of the Ohio Constitution provides that when the Ohio Redistricting Committee adopts a new district plan pursuant to an order of the Ohio Supreme Court, as is currently the case, a candidate is allowed up to 30 days to change their residence to be eligible for election in a district in which the candidate may not currently reside. As such, boards are prohibited from invalidating a declaration of

⁴ Section 4(B) of H.B. 93.

⁵ Section 4(B) of H.B. 93.

candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate filed by a person seeking nomination for Ohio House or Ohio Senate on the basis that it contains the filer's former residence address that is *not* located in the district the filer seeks to represent.

Section 4(C) of H.B. 93 implements the broad constitutional provision in Article XI, Section 9(C) by requiring any such candidate to:

- (1) Become a resident of the district the filer seeks to represent;
- (2) File an addendum to the declaration of candidacy declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate with the board of elections that indicates the filer's new address; and
- (3) Update their voter registration record to reflect their new residency.

The Redistricting Commission adopted the present General Assembly district plan on February 24, 2022. Thus, the 30-day period provided for by Article XI, Section 9(C) ends on March 26, 2022. The constitutional provision simply says that the new district plan "shall allow thirty days for persons to change residence in order to be eligible for election." Thus, Section 9(C)'s irreducible minimum is that any such candidate must be given 30 days to change their residence to run in another district.

While Section 4(C) of H.B. 93 attempts to implement Article XI, Section 9(C) by stating the three requirements that a candidate must undertake to qualify under Section 9(C) to run in another district, I am interpreting Section 4(C) of H.B. 93 to mean that as long as we allow any such candidate the constitutionally required 30 days to change their residence, which we are, the constitutional requirement is satisfied.

Thus, the requirement in Section 4(C)(1)(b) of filing the addendum indicating an intention to run in another district can be done as the first step in the process, not the second step. Once a candidate files the addendum with the board stating their intention to be a candidate in another district, the candidate may later perfect their residency in the new district and change their voter registration to the new district within the remainder of the 30-day period.

Thus, I am instructing all boards of election with which an Ohio House or Ohio Senate candidate filed petitions to immediately:

- (1) Contact all such candidates by phone and/or email, inform them of this constitutional provision, and inquire of each of them whether they intend to change their residence to run in another district and confirm such contact with any candidate by **March 1, 2022**.
- (2) Ask all such House and Senate candidates who may wish to change their residence to run in another district to file the addendum contemplated by Section 4(C)(1)(b) of H.B. 93 with the board no later than **4:00 p.m. on March 10, 2022**.
- (3) Provide all such House and Senate candidates with the attached template of the addendum contemplated by Section 4(C)(1)(b) of H.B. 93. The attached addendum template includes not only a space for the filer's new residence address, but in lieu of an actual new residence address, the template alternatively includes space in which the filer may simply state an indication of the filer's intent to change their residence to a new district the filer seeks to represent.

- (4) If a candidate files the addendum with the board, then on whatever date a candidate files the addendum with the board, whether that addendum lists a new residence address or simply states the filer's intention to change their residence to a new district the filer seeks to represent, the board shall immediately begin to verify the signatures on the filer's petition under this section based on either the filer's new residence address or the new district the filer has indicated they now seek to represent.
- (5) If a candidate who has filed with the board has not filed the addendum with the board by **4:00 p.m. on March 10, 2022**, the board shall begin to verify the signatures on the filer's petition under this section based on the filer's residence address as stated in their declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate.
- (6) Notify my Office no later than **4:00 p.m. on March 26, 2022** if a candidate for General Assembly, as of that date, has not become a resident of the district the filer seeks to represent, filed an addendum, and updated their voter registration record to reflect their new residency.

However, even if a candidate files the addendum with a board of elections, the board must invalidate an Ohio House or Ohio Senate declaration of candidacy declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate if the filer does not take all three actions required in Section 4(C) of H.B. 93 on or before **March 26, 2022**.

ii. **REQUIREMENTS FOR SIGNATURE VALIDITY**

Boards are prohibited from invalidating a signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for Ohio House or Ohio Senate on the ground that the signer does not reside in the *new* district the filer seeks to represent (i.e., per the plan the Ohio Redistricting Commission adopted on February 24, 2022) so long as:

- (1) The House or Senate district in which the filer resided under the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021 had territory in the county in which the signer resides; and
- (2) The *new* House or Senate district the filer seeks to represent has territory in the county in which the signer resides.⁶

Attached with this Directive is a list of counties within each district under the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021 and a list of counties within each district under the General Assembly district plan adopted by the Ohio Redistricting Commission on February 24, 2022.

Moreover, boards are prohibited from invalidating a signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for Ohio House or Ohio Senate on the ground that the signature was signed before a district plan for Ohio House of Representatives was adopted or enacted or took effect, provided that a signature on a nominating petition is not valid if it is dated more than one year before the date the nominating petition is filed.⁷

⁶ Section 4(D)(2)-(3) of H.B. 93.

⁷ Section 4(F) of H.B. 93.

IV. CANDIDATE FOR STATE CENTRAL COMMITTEE OF A POLITICAL PARTY

A. DECLARATION OF CANDIDACY, PETITION, NOMINATING PETITION, OR DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE

i. REQUIREMENTS FOR FILING VALIDITY AND IDENTIFYING DISTRICTS

Boards are prohibited from invalidating a declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate filed by a person seeking nomination for the state central committee of a political party on the basis that it does not include the number of the district the filer seeks to represent or that it includes an incorrect district number. If the filer seeks nomination for the office of the state central committee of a political party, the document shall be deemed to include the number of the applicable district in which the filer resides.⁸

ii. REQUIREMENTS FOR SIGNATURE VALIDITY

Boards are prohibited from invalidating a signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for the office of state central committee of a political party on the ground that the signature was signed before a district plan of the applicable type was adopted or enacted or took effect, provided that a signature on a nominating petition is not valid if it is dated more than one year before the date the nominating petition is filed.⁹

a. SENATE DISTRICTS

If the state central committee of a political party representation is based on Senate districts, boards are prohibited from invalidating a signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for the office of state central committee of a political party on the ground that the signer does not reside in the district the filer seeks to represent so long as the filer seeks nomination for the office of member of the state central committee of a political party to represent a Senate district and:

(1) The Senate district in which the filer resided under the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021 had territory in the county in which the signer resides; **and**

(2) The *new* Senate district the filer seeks to represent has territory in the county in which the signer resides.¹⁰

⁸ Section 4(B) of H.B. 93.

⁹ Section 4(F) of H.B. 93.

¹⁰ Section 4(D)(5) of H.B. 93.

V. TRANSFER OF DECLARATION OF CANDIDACY, DECLARATION OF CANDIDACY AND PETITION, NOMINATING PETITION, OR DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE

Please review [Directive 2022-03](#) and the following instruction set forth below.

A. GENERAL ASSEMBLY AND STATE CENTRAL COMMITTEE PETITIONS

As you know, the filing deadline for General Assembly declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate was February 2, 2022 with the most populous county board of elections pursuant to the January 22, 2022 Ohio Redistricting Commission maps. The Ohio Supreme Court invalidated those maps on February 7, 2022. The Ohio Redistricting Commission passed new Ohio House and Senate maps on February 24, 2022. As such, the most populous county may have changed. If a candidate *properly* filed their declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate properly in the most populous county board of elections under the January 22, 2022 map by February 2, 2022, then the board of elections is required to promptly transfer that declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate to the new most populous county board of elections pursuant to Section 4(E) of H.B. 93.

B. U.S. HOUSE PETITIONS

Conversely, the Ohio Redistricting Commission has not passed congressional district maps. District maps may not exist prior to the March 4, 2022 filing deadline for congressional candidates. If new congressional district maps do not exist prior to the March 4, 2022 filing deadline and a candidate has not yet filed their petition, those candidates for U.S. House must file in the most populous board of elections pursuant to the district maps set forth in S.B. 258. That list is attached.

If the Ohio Redistricting Commission passes a new congressional district map prior to the March 4, 2022 filing deadline, and a candidate has not yet filed their petition, that candidate should file their petition with the most populous county under the new district map.

However, if a candidate has already properly filed their petition prior to the Ohio Redistricting Commission passing a new map but prior to the filing deadline with the most populous county board of elections pursuant to S.B. 258, and the most populous county board of elections has changed under the new congressional district map, that board of elections must transfer that filing to the new most populous county board of elections pursuant to the new map.

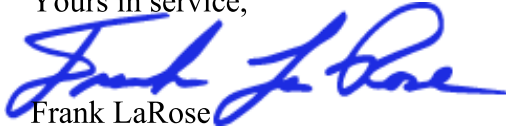
If the Ohio Redistricting Commission does pass a new congressional district map following March 4, 2022, and the most populous county changed, the board of elections that the declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate was filed in must transfer that filing to the new most populous county board of elections pursuant to the new map.

If the General Assembly makes any changes to the election administrative procedures in temporary law, my Office will issue guidance as soon as possible.

Each board of elections director must share this Directive with its legal counsel, the county prosecuting attorney, and voter registration system and voting system vendors as soon as possible. If

you have any questions regarding this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State