

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

MICHAEL GONIDAKIS, et al.,	:	
	:	Case No. 2:22-CV-773
Plaintiffs,	:	
	:	Chief Judge Algenon Marbley
v.	:	
	:	Circuit Judge Amul R. Thapar
FRANK LaROSE,	:	
	:	Judge Benjamin J. Beaton
Defendant.	:	

**DEFENDANT FRANK LaROSE’S RESPONSE TO
PLAINTIFFS’ SECOND MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs request the same relief in their Motion for Temporary Restraining Order (Doc. 84) as they do in their Second Motion for a Preliminary Injunction (Doc. 96), namely that “this Court require that Secretary of State Frank LaRose maintain the Third Plan to carry out the 2022 primary and general election.” Second Mot. for PI, Doc. 96, PAGEID #1595. Secretary LaRose responded to Plaintiffs’ Motion for a Temporary Restraining Order on March 22, 2022. *See generally* Sec. LaRose’s Response, Doc. 88. In his Response, Secretary LaRose explained that the implementation of the “Third Plan” was placed on pause, after the Supreme Court of Ohio invalidated it in *League of Women Voters of Ohio v. State Redistricting Comm’n*, 2022-Ohio-789. *See* Sec. LaRose’s Response, Doc. 88, PAGEID #1311. Yet, this pause was only temporary. The Secretary further explained “that absent a *very* prompt ruling from this court granting Plaintiffs’ the relief they seek * * *, he will have to instruct the boards of election to proceed with the 2022 primary election without the state legislative races being part of that election.” *Id.* at PAGEID #1312.

On March 23, 2022, the Secretary did so instruct the boards of elections when he issued Directive 2022-31. *See* Notice of Issuance, Doc. 97, PAGEID #1599 (“offices and candidates for Ohio House, Ohio Senate, or State Central Committee will not appear on the [May 3rd] ballot”).

As stated at today’s proceedings, the Secretary of State stands prepared to implement any order of this Court to the best of his ability. The Secretary’s ability to do so, however, is impacted by two variables that are not in his control: (1) the date on which this Court would issue such an order, and (2) the ability of Ohio’s eighty-eight county boards of elections to quickly put the Secretary’s instructions into action at the local level to allow voting to begin in all eighty-eight counties at the same time. Other than providing this update, Secretary LaRose rests on his Response (Doc. 88) in addition to the answers to this Court’s questions raised during the March 25, 2022 hearing on the motion for a temporary order, which will be filed with the Court on Monday, March 28, 2022.

Respectfully submitted,

OHIO ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that on March 25, 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.

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