

IN THE SUPREME COURT OF OHIO

MERYL NEIMAN, *et al.*,

Petitioners,

v.

SECRETARY OF STATE FRANK LAROSE, *et al.*,

Respondents.

Case No. 2022-0298

Original Action Pursuant to Ohio Const.,
Art. XIX, Section 3(A)

ANSWER OF RESPONDENT THE OHIO REDISTRICTING COMMISSION

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Now comes Respondent The Ohio Redistricting Commission (“Commission”), by and through the undersigned counsel, to answer Petitioners’ Complaint and states as follows:

1. Paragraph 1 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that *Adams v. DeWine*, 2022-Ohio-89 speaks for itself. Any remaining allegations are denied.

2. Paragraph 2 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that *Adams v. DeWine*, 2022-Ohio-89 speaks for itself. Any remaining allegations are denied.

3. Paragraph 3 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 3.

4. Paragraph 4 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 4.

5. Paragraph 5 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies any remaining allegations in Paragraph 5.

6. The Commission denies the allegations in Paragraph 6 of the Complaint.

7. The Commission denies the allegations in Paragraph 7 of the Complaint.

8. Paragraph 8 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Articles IV and XIX of the Ohio Constitution speak for themselves. Any remaining allegations are denied.

9. In response to Paragraph 9 of the Complaint, the Commission admits that Petitioners seek to invalidate the March 2 Congressional Plan. The Commission denies the remaining allegations in Paragraph 9.

10. In response to Paragraph 10 of the Complaint, the Commission admits that Petitioners seek an order from this Court to stay election-related deadlines and move the date of the primary date for Ohio's congressional offices. The Commission denies the remaining allegations in Paragraph 10.

11. Paragraph 11 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that May 3, 2022, is the date of the primary election for Ohio's Congressional offices. The Commission denies the remaining allegations in Paragraph 11.

12. The Commission lacks information sufficient to form a belief as to the allegations set forth in Paragraph 12 of the Complaint, and therefore denies the same.

13. Paragraph 13 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 13.

14. The Commission admits the allegations in Paragraph 14 of the Complaint. In all other respects, the Commission denies the allegations in Paragraph 14.

15. The Commission admits the allegations in Paragraph 15 of the Complaint. In all other respects, the Commission denies the allegations in Paragraph 15.

16. The Commission admits the allegations in Paragraph 16 of the Complaint. In all other respects, the Commission denies the allegations in Paragraph 16.

17. Paragraph 17 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that it was sued in its official capacity and that it approved the March 2 Plan. The Commission denies the remaining allegations in Paragraph 17.

18. The Commission lacks knowledge or information sufficient to form a belief as to the allegations regarding where the Petitioners reside. The Commission denies the remaining allegations in Paragraph 18.

19. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 19 of the Complaint, and therefore denies same.

20. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 20 of the Complaint, and therefore denies same.

21. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 21 of the Complaint, and therefore denies same.

22. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 22 of the Complaint, and therefore denies same.

23. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 23 of the Complaint, and therefore denies same.

24. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 24 of the Complaint, and therefore denies same.

25. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 25 of the Complaint, and therefore denies same.

26. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 26 of the Complaint, and therefore denies same.

27. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 27 of the Complaint, and therefore denies same.

28. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 28 of the Complaint, and therefore denies same.

29. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 29 of the Complaint, and therefore denies same.

30. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 30 of the Complaint, and therefore denies same.

31. Paragraph 31 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 31.

32. Paragraph 32 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 32.

33. Paragraph 33 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Articles XI and XIX of the Ohio Constitution speak for themselves. In all other respects, the Commission denies the allegations in Paragraph 33.

34. Paragraph 34 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the

Ohio Constitution speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 34.

35. Paragraph 35 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 35.

36. Paragraph 36 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 36.

37. Paragraph 37 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 37.

38. Paragraph 38 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 38.

39. Paragraph 39 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 39.

40. Paragraph 40 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 40.

41. Paragraph 41 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 41.

42. Paragraph 42 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, Article XIX of the Ohio Constitution speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 42.

43. Paragraph 43 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that *Adams v. DeWine*, 2022-Ohio-89 speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 43.

44. Section “A” of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in section “A.” In all other respects, the Commission denies the allegations in Paragraph 44.

45. Paragraph 44(A)¹ of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article IV, Section 2 of the Ohio Constitution and *League of Women Voters of Ohio v. Ohio Redistricting Comm.*,

¹ Petitioners’ Complaint includes two Paragraph 44s. The Commission has labeled the first as “44(A)” and the second as “44(B).”

2022-Ohio-65, speak for themselves. In all other respects, the Commission denies the allegations in Paragraph 44(A).

46. Paragraph 44(B) of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that the Ohio Constitution speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 44(B).

47. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 45 of the Complaint, and therefore denies same. Further answering, the 2011 Congressional map and the public record speak for themselves.

48. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 46 of the Complaint, and therefore denies same. Further answering, the 2011 Congressional map and the public record speak for themselves.

49. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 47 of the Complaint, and therefore denies same. Further answering, the 2011 Congressional map and the public record speak for themselves.

50. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 48 of the Complaint, and therefore denies same. Further answering, the 2011 Congressional map and the public record speak for themselves.

51. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 49 of the Complaint, and therefore denies same. Further answering, the 2011 Congressional map and the public record speak for themselves.

52. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 50 of the Complaint, and therefore denies same. Further answering, the 2011 Congressional map and the public record speak for themselves.

53. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 51 of the Complaint, and therefore denies same.

54. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 52 of the Complaint, and therefore denies same. Further answering, the 2011 Congressional map, subsequent election results, and the public record speak for themselves.

55. Paragraph 53 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that the cited court decisions speak for themselves.

56. In response to section “B” of the Complaint, the Commission admits that Ohio voters enacted Article XIX of the Ohio Constitution. The Commission lacks knowledge or information sufficient to form a belief as to the motivations of Ohio voters with regard to Article XIX, and therefore denies the remaining allegations in section “B.”

57. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth Paragraph 54 of the Complaint concerning the motivations of Ohio voters as it relates to Article XIX, and therefore denies the same.

58. In response to Paragraph 55 of the Complaint, the Commission admits that S.J.R. 5, Exhibit 12, and Exhibit 13 speak for themselves.

59. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 56 of the Complaint and therefore denies the same. Further answering, the Ohio Constitution and Exhibit 14 speak for themselves.

60. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 57 of the Complaint and therefore denies the same. Further answering, the Ohio Constitution and Exhibit 15 speak for themselves.

61. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 58 of the Complaint and therefore denies the same. Further answering, the Ohio Constitution and Exhibit 12 speak for themselves.

62. In response to Paragraph 59 of the Complaint, the Commission admits that the Ohio Constitution and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 59.

63. Paragraph 60 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 60.

64. Paragraph 61 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself.

65. Paragraph 62 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, Exhibit 16 speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 62.

66. Paragraph 63 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, Exhibit 17 speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 63.

67. In response to Paragraph 64 of the Complaint, the Commission admits that Exhibit 18 speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 64.

68. In response to Paragraph 65 of the Complaint, the Commission admits that the voters approved what is now Article XIX, and that the Commission and General Assembly must comply with the relative provisions of the Ohio Constitution. Further answering, Exhibit 1 speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 68.

69. Section “C” and subsection “C.1” of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in section “C” and subsection “C.1.” In all other respects, the Commission denies the allegations in Paragraph 69.

70. The Commission admits the allegations in Paragraph 66 of the Complaint. Further answering, Exhibit 4 speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 66.

71. Paragraph 67 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, Article XIX speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 67.

72. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 68 of the Complaint concerning the congressional redistricting

process carried out by the General Assembly in November 2021, and therefore denies the same. Further answering, Exhibit 4 speaks for itself.

73. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 69 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies the same. Further answering, Exhibit 19 speaks for itself.

74. In response to Paragraph 70 of the Complaint, the Commission admits that the public record and Exhibit 20 speak for themselves. The Commission denies the remaining allegations in Paragraph 70.

75. In response to Paragraph 71 of the Complaint, the Commission admits that the public record, Exhibit 21, and 5 speak for themselves. The Commission denies the remaining allegations in Paragraph 71.

76. In response to Paragraph 72 of the Complaint, the Commission admits that the Commission held a hearing on October 28, 2021, and that the Commission did not approve a 2021 Congressional plan. Further answering, the public record speaks for itself. The Commission denies the remaining allegations in Paragraph 72.

77. Subsection “C.2” of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission lacks knowledge or information sufficient to form a belief as to the allegations concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same.

78. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 74 of the Complaint concerning the congressional redistricting

process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibits 6, 7, 8 and the public record speak for themselves.

79. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 75 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 6 and the public record speak for themselves.

80. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 76 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 7 and the public record speak for themselves.

81. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 77 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 7 and the public record speak for themselves.

82. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 78 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 8, 23 and the public record speak for themselves.

83. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 79 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 7 and the public record speak for themselves.

84. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 80 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 24, 25, 26 and the public record speak for themselves.

85. Subsection “C.3” of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission lacks knowledge or information sufficient to form a belief as to the allegations in subsection “C.3” of the Complaint and therefore denies same.

86. Paragraph 81 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, Article XIX, Section 1(G) of the Ohio Constitution speaks for itself.

87. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 82 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, the public record speaks for itself.

88. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 83 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 27 speaks for itself.

89. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 84 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 28 speaks for itself.

90. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 85 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 28 speaks for itself.

91. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 86 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 29 speaks for itself.

92. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 87 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 29 speaks for itself.

93. Subsection “C.4” of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission lacks knowledge or information sufficient to form a belief as to the allegations in subsection “C.4” of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same.

94. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 88 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 30, 31, and 32 speak for themselves.

95. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 89 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same.

96. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 90 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same.

97. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 91 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same.

98. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 92 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 31 and the public record speak for themselves.

99. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 93 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Article XIX of the Ohio Constitution and the public record speak for themselves.

100. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 94 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 33 and the public record speak for themselves.

101. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 95 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 34 and the public record speak for themselves.

102. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 96 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, Exhibit 35, 36 and the public record speak for themselves.

103. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 97 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. Further answering, the public record and Exhibit 32 speak for themselves.

104. In response to section “D” of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that this Court’s decision in *Adams v. DeWine*, 2022-Ohio-89 speaks for itself. In all other respects, the Commission denies the allegations in section “D”.

105. Paragraph 98 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 98.

106. In response to Paragraph 99 of the Complaint, the Commission admits that Petitioners sued Respondents regarding the November 20 Plan. Further answering, the

Complaint in *Adams v. DeWine*, No. 2021-1428 (Ohio 2021), speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 99.

107. In response to Paragraph 100 of the Complaint, the Commission admits that this Court's decision in *Adams v. DeWine*, 2022-Ohio-89 speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 100.

108. In response to Paragraph 101 of the Complaint, the Commission admits that this Court's decision in *Adams v. DeWine*, 2022-Ohio-89 speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 101.

109. In response to Paragraph 102 of the Complaint, the Commission admits that this Court's decision in *Adams v. DeWine*, 2022-Ohio-89 speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 102.

110. In response to Paragraph 103 of the Complaint, the Commission admits that this Court's decision in *Adams v. DeWine*, 2022-Ohio-89 speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 103.

111. In response to Paragraph 104 of the Complaint, the Commission admits that this Court's decision in *Adams v. DeWine*, 2022-Ohio-89 speaks for itself. In all other respects, the Commission denies the allegations in Paragraph 104.

112. Section "E" of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission lacks knowledge or information sufficient to form a belief as to the allegations in to section "E" of the Complaint regarding the actions taken or not taken by the General Assembly following the Court's decision in *Adams v. DeWine*, 2022-Ohio-89 and therefore denies same.

113. In response to Paragraph 105 of the Complaint, the Commission admits that the General Assembly did not pass a new Congressional plan following this Court's decision in *Adams v. DeWine*, 2022-Ohio-89. Any remaining allegations are legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself.

114. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 106 of the Complaint regarding the actions taken or not taken by the General Assembly following the Court's decision in *Adams v. DeWine*, 2022-Ohio-89 and therefore denies same. Further answering, Exhibits 41, 42, 43, 44 and the public record speak for themselves.

115. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 107 of the Complaint and therefore denies same. Further answering, Exhibits 45, 46, 47, and 50 speak for themselves.

116. The Commission admits that this Court's decision in *LWV II* speaks for itself. The Commission denies the remaining allegations in Paragraph 108.

117. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 109 of the Complaint and therefore denies same. Further answering, the public record and Exhibits 45, 48, 49, and 50 speak for themselves.

118. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 110 of the Complaint and therefore denies same. Further answering, Exhibits 51 and 52 speak for themselves.

119. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 111 of the Complaint and therefore denies same. Further answering, the public record speaks for itself.

120. The Commission denies the allegations in Section “F” and subsection “F.1” of the Complaint.

121. In response to Paragraph 112 of the Complaint, the Commission admits that Exhibits 54, 55 and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 112.

122. In response to Paragraph 113 of the Complaint, the Commission admits that Exhibit 55 and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 113.

123. In response to Paragraph 114 of the Complaint, the Commission admits that Exhibits 58, 59, 60 and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 114.

124. Subsection “F.2” of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Subsection “F.2.”

125. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 115 of the Complaint and therefore denies same. Further answering, Exhibit 67 and the public record speak for themselves.

126. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 116 of the Complaint and therefore denies same. Further answering, Exhibits 63 and 65 speak for themselves.

127. In response to Paragraph 117 of the Complaint, the Commission admits that Exhibit 67 and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 117.

128. In response to Paragraph 118 of the Complaint, the Commission admits that Exhibit 67 and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 118.

129. In response to Paragraph 119 of the Complaint, the Commission admits that Exhibit 67 and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 119.

130. In response to Paragraph 120 of the Complaint, the Commission admits that Exhibit 69 and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 120.

131. In response to Paragraph 121 of the Complaint, the Commission admits that Exhibit 69 and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 121.

132. In response to Paragraph 122 of the Complaint, the Commission admits that Exhibit 69 and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 122.

133. In response to Paragraph 123 of the Complaint, the Commission admits that Exhibit 69 and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 123.

134. In response to Paragraph 124 of the Complaint, the Commission admits that Exhibit 69 and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 124.

135. In response to Paragraph 125 of the Complaint, the Commission admits that Exhibit 73 speaks for itself. The Commission denies the remaining allegations in Paragraph 125.

136. Subsection “G” of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Subsection “G.”

137. Paragraph 126 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations as against the March 2 Plan.

138. Subsection “G.1” of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Subsection “G.1.”

139. Paragraph 127 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 127 of the Complaint.

140. Paragraph 128 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 128 of the Complaint.

141. Paragraph 129 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 129 of the Complaint.

142. Paragraph 130 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 130 of the Complaint.

143. Subsection “G.2” of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Subsection “G.2.”

144. Paragraph 131 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 131 of the Complaint.

145. Paragraph 132 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 132 of the Complaint.

146. Paragraph 133 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 133 of the Complaint.

147. Paragraph 134 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 134 of the Complaint.

148. Paragraph 135 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 135 of the Complaint.

149. Subsection “G.3” of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Subsection “G.3.”

150. Paragraph 136 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 136.

151. Paragraph 137 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 137.

152. Paragraph 138 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 138.

153. Paragraph 139 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 139.

154. Paragraph 140 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 140.

155. Paragraph 141 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 141.

156. Paragraph 142 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that cited affidavit speaks for itself. The Commission denies the remaining allegations in Paragraph 142.

157. Section “H” of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that the primary election of Ohio’s congressional districts is set for May 3, 2022. The Commission denies the remaining allegations in Section “H.”

158. In response to Paragraph 143 of the Complaint, the Commission admits that the Commission approved the March 2 Plan approximately two months before the May 3, 2022 primary election date for Ohio’s congressional districts. The Commission denies the remaining allegations in Paragraph 143 of the Complaint.

159. In response to Paragraph 144 of the Complaint, the Commission admits that Exhibit 74 speaks for itself. The Commission denies the remaining allegations in Paragraph 144.

160. The Commission admits the allegations in Paragraph 145 of the Complaint.

161. In response to Paragraph 146 of the Complaint, the Commission admits that Exhibit 61 speaks for itself. The Commission denies the remaining allegations in Paragraph 146.

162. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 147 of the Complaint concerning the congressional redistricting process carried out by the General Assembly in November 2021, and therefore denies same. The Commission denies the remaining allegations in Paragraph 147.

**“FIRST CAUSE OF ACTION – Violation of Article XIX, Section 1(C)(3)(a) of the
Ohio Constitution”**

163. To the extent that Paragraph 148 of the Complaint restates and reincorporates other paragraphs of the Complaint, all defenses and averments are specifically incorporated by reference.

164. Paragraph 149 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that the public record and Article XIX of the Ohio Constitution speak for themselves. The Commission denies the remaining allegations in Paragraph 149.

165. In response to Paragraph 150 of the Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 150.

166. Paragraph 151 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution and *Adams v. DeWine*, 2022-Ohio-89, speak for themselves. The Commission denies the remaining allegations in Paragraph 151.

167. Paragraph 152 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 152 with respect to the March 2 Plan. The Commission lacks knowledge or information sufficient to form a belief as to the allegations concerning the November 20 Plan approved by the General Assembly, and therefore denies same.

168. The Commission denies the allegations in Paragraph 153 of the Complaint with respect to the March 2 Plan. The Commission lacks knowledge or information sufficient to form

a belief as to the allegations concerning the November 20 Plan approved by the General Assembly, and therefore denies same.

169. The Commission denies the allegations in Paragraph 154 of the Complaint with respect to the March 2 Plan. The Commission lacks knowledge or information sufficient to form a belief as to the allegations concerning the November 20 Plan approved by the General Assembly, and therefore denies same.

170. Paragraph 155 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 155.

171. Paragraph 156 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 156.

172. In response to Paragraph 157 of the Complaint, the Commission denies that Petitioners are entitled to the relief sought in the Complaint.

173. In response to Paragraph 158 of the Complaint, the Commission denies the allegations as against the Commission with respect to the March 2 Plan. The Commission lacks knowledge or information sufficient to form a belief as to the allegations concerning the November 20 Plan approved by the General Assembly, and therefore denies same.

“SECOND CAUSE OF ACTION – Violation of Article XIX, Section 1(C)(3)(b) of the Ohio Constitution”

174. To the extent that Paragraph 159 of the Complaint restates and reincorporates other paragraphs of the Complaint, all defenses and averments are specifically incorporated by reference.

175. Paragraph 160 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 160.

176. Paragraph 161 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 161.

177. Paragraph 162 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution and *Adams v. DeWine*, 2022-Ohio-89 speak for themselves. The Commission denies the remaining allegations in Paragraph 162.

178. Paragraph 163 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 163.

179. Paragraph 164 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 164.

180. In response to Paragraph 165 of the Complaint, the Commission denies that Petitioners are entitled to the relief sought in the Complaint.

181. Paragraph 166 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 166.

182. The Commission denies any allegation in the Complaint that is not specifically admitted herein, and further denies that the Neiman Petitioners are entitled to any of the relief requested in the Complaint.

FIRST DEFENSE

1. As its first defense, the Commission states that the Complaint, and each cause of action therein, fails to state a claim upon which relief may be granted.

SECOND DEFENSE

2. As its second defense, the Commission states that the March 2, 2022 Congressional Plan is presumed to be constitutional under applicable law.

THIRD DEFENSE

3. As its third defense, the Commission states that Petitioners cannot establish that the March 2 Congressional Plan is unconstitutional beyond a reasonable doubt.

FOURTH DEFENSE

4. As its fourth defense, the Commission states that it has, at all times, acted in conformance with applicable law in connection with the allegations set forth in the Complaint.

RESERVATION OF ADDITIONAL DEFENSES

5. The Commission reserves the right to raise additional defenses, including affirmative defenses, as they become known or available.

Date: April 15, 2022

Respectfully submitted,

/s/ Ashley T. Merino

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 15, 2022, a copy of the foregoing was served by electronic mail upon the following:

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