

IN THE SUPREME COURT OF OHIO

State ex rel. BRIAN M. AMES	:	Case No. 2022-0850
	:	
Relator,	:	Original Action in Mandamus
	:	
v.	:	Expedited Election Matter
	:	Pursuant to S.Ct.Prac.R. 12.08
FRANK LAROSE,	:	
OHIO SECRETARY OF STATE, et al.	:	
	:	
Respondents.	:	

**ANSWER OF RESPONDENT
GEAUGA COUNTY BOARD OF ELECTIONS**

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For its Answer to Relator Brian M. Ames' Verified Complaint for Mandamus ("Complaint"), Respondent Geauga County Board of Elections ("Respondent Geauga BOE") states as follows:

ANSWER

1. As to the allegations contained in Paragraph 1, Respondent Geauga BOE states that Article IV, Section 2(B)(1)(b) and 2(B)(1)(f) of the Ohio Constitution and Chapter 2731 of the Ohio Revised Code speak for themselves. Further answering, Respondent Geauga BOE denies this mandamus case is proper.
2. As to the allegations contained in Paragraph 2, Respondent Geauga BOE denies that Relator is entitled to the relief sought in this complaint.
3. Respondent Geauga BOE denies the allegations contained in Paragraph 3.
4. Respondent Geauga BOE denies for lack of knowledge sufficient to form a belief the allegations contained in Paragraph 4.
5. As to the allegations contained in Paragraph 5, Respondent Geauga BOE admits the Respondent Secretary of State Frank LaRose is the chief elections officer of Ohio. Further answering, Respondent Geauga BOE states that R.C. 3501.05(B),(C),(G) and (M) and R.C. 3501.11(P) speak for themselves.
6. As to the allegations contained in Paragraph 6, Respondent Geauga BOE admits that Respondent Summit County Board of Elections is the duly established and acting election authority in Summit County. Further answering, Respondent Geauga BOE states that R.C. 3501.06, 3501.22, and 3513.19(A) speak for themselves. Respondent Geauga BOE denies the remaining allegations contained in Paragraph 6.

7. As to the allegations contained in Paragraph 7, Respondent Geauga BOE admits that Respondent Portage County Board of Elections is the duly established and acting election authority in Portage County. Further answering, Respondent Geauga BOE states that R.C. 3501.06, 3501.22, and 3513.19(A) speak for themselves. Respondent Geauga BOE denies the remaining allegations contained in Paragraph 7.
8. As to the allegations contained in Paragraph 8, Respondent Geauga BOE denies that Respondent Geauga BOE is the duly established and acting election authority in Portage County. Further answering, Respondent Geauga BOE states that R.C. 3501.06, 3501.22, and 3513.19(A) speak for themselves. Respondent Geauga BOE denies the remaining allegations contained in Paragraph 8.
9. Respondent Geauga BOE denies the allegations contained in Paragraph 9.
10. As to the allegations contained in Paragraph 10, Respondent Geauga BOE states that Relator's Exhibit 1 speaks for itself.
11. As to the allegations contained in Paragraph 11, Respondent Geauga BOE states that Relator's Exhibit 2 speaks for itself.
12. As to the allegations contained in Paragraph 12, Respondent Geauga BOE states that Relator's Exhibit 3 speaks for itself.
13. As to the allegations contained in Paragraph 13, Respondent Geauga BOE states that Relator's Exhibit 4 speaks for itself.
14. As to the allegations contained in Paragraph 14, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶52 speaks for itself.

15. As to the allegations contained in Paragraph 15, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶53 speaks for itself.
16. As to the allegations contained in Paragraph 16, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶56 speaks for itself.
17. As to the allegations contained in Paragraph 17, Respondent Geauga BOE states that R.C. 3501.01(E)(1) speaks for itself.
18. As to the allegations contained in Paragraph 18, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶58 speaks for itself.
19. As to the allegations contained in Paragraph 19, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶60 speaks for itself.
20. As to the allegations contained in Paragraph 20, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶61 speaks for itself.

21. As to the allegations contained in Paragraph 21, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶63 speaks for itself.
22. As to the allegations contained in Paragraph 22, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶64 speaks for itself.
23. As to the allegations contained in Paragraph 23, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶65 speaks for itself.
24. As to the allegations contained in Paragraph 24, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶66 speaks for itself.
25. As to the allegations contained in Paragraph 25, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶67 speaks for itself.
26. As to the allegations contained in Paragraph 26, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further

answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶68 speaks for itself.

27. As to the allegations contained in Paragraph 27, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶70 speaks for itself.
28. As to the allegations contained in Paragraph 28, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶72 speaks for itself.
29. As to the allegations contained in Paragraph 29, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶73 speaks for itself.
30. As to the allegations contained in Paragraph 30, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further answering, the opinions in *State ex rel. Linnabary v. Husted* and *Creasy v. Waller* speak for themselves.
31. As to the allegations contained in Paragraph 31, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. To the extent a response is required, Respondent Geauga BOE denies these allegations.
32. As to the allegations contained in Paragraph 32, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. Further

answering, the excerpt of the opinion cited by Relator from *State ex rel. DeMora v. LaRose*, Slip Opinion No. 2022-Ohio-2173 at ¶76 speaks for itself.

33. As to the allegations contained in Paragraph 33, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. To the extent a response is required, Respondent Geauga BOE denies these allegations.
34. As to the allegations contained in Paragraph 34, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. To the extent a response is required, Respondent Geauga BOE denies these allegations.
35. Respondent Geauga BOE denies the allegations set forth in Paragraph 35.
36. As to Paragraph 36, Respondent Geauga BOE incorporates its above answers to Paragraphs 1 through 35 as if fully rewritten herein.
37. As to the allegations contained in Paragraph 37, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. To the extent a response is required, Respondent Geauga BOE denies these allegations.
38. As to the allegations contained in Paragraph 38, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. To the extent a response is required, Respondent Geauga BOE denies these allegations.
39. As to the allegations contained in Paragraph 39, Respondent Geauga BOE states the paragraph contains legal conclusions to which no response is required. To the extent a response is required, Respondent Geauga BOE denies these allegations.
40. As to Relator's Prayer for Relief and Wherefore Paragraphs, Respondent Geauga BOE denies any allegations contained therein. Further answering, Respondent Geauga BOE denies Relator is entitled to the relief requested, or to any relief whatsoever.

AFFIRMATIVE DEFENSES

1. Relator Ames has failed to state a claim upon which relief can be granted.
2. Relator Ames' claims are barred by the doctrine of laches.
3. Relator Ames' claims are barred by the doctrine of res judicata.
4. Respondent Geauga BOE has no clear legal duty to perform the actions requested by Relator Ames.
5. Relator Ames has no clear legal right to the relief he seeks from Respondent Geauga BOE or any of the Respondents in this case.
6. Respondent Geauga BOE has not abused its discretion.
7. Respondent Geauga BOE has acted in conformity with its obligations under Ohio law as a county board of elections.

RESERVATION OF ADDITIONAL DEFENSES AND MATTERS

Respondent Geauga BOE reserves the right to add additional defenses, including affirmative defenses, as they become known or as the case progresses. Respondent Geauga BOE also reserves its ability to seek sanctions pursuant to S.Ct.Prac.R. 4.03 against Relator.

Respectfully submitted,

/s/Kristen Rine

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of July 2022, the foregoing *Answer of Respondent Geauga County Board of Elections* was filed electronically and served by electronic mail upon the following:

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