

In the
Supreme Court of Ohio

State of Ohio ex rel.	:	
WILLIAM DUDLEY, et al.,	:	
Relators,	:	Case No. 2024-0161
	:	
v.	:	Original Action in Mandamus
	:	
DAVE YOST, in his official capacity as	:	
OHIO ATTORNEY GENERAL,	:	
Respondent.	:	

ANSWER OF RESPONDENT OHIO ATTORNEY GENERAL

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Ohio Attorney General

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	:	
<i>Respondent.</i>	:	

ANSWER OF RESPONDENT OHIO ATTORNEY GENERAL

By and through counsel, Respondent Dave Yost in his official capacity as the Ohio Attorney General answers Relators' Complaint as follows:

1. As to Paragraph 1 of the Complaint, Respondent admits that Relators seek to propose a constitutional amendment by initiative petition and that they previously submitted two versions of their proposed constitutional amendment and corresponding summary signed by more than one thousand qualified electors to the Ohio Attorney General. The remaining allegations in Paragraph 1 contain legal conclusions to which no response is required. Further answering, R.C. 3519.0(A) speaks for itself.

2. Paragraph 2 of the Complaint contains legal conclusions to which no response is required. Further answering, Relators' Exhibit 6 speaks for itself. To the extent that the allegations contained in Paragraph 2 misconstrue the contents of Relators' Exhibit 6, Respondent denies same.

3. Paragraph 3 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Respondent admits that Relators' second summary

was rejected because it failed to comply with the requirements of R.C. 3519.01. Respondent further admits that his rejection of Relators' summary met the ten-day deadline set forth in R.C. 3519.01. Respondent denies that he was without statutory authority to reject Relators' summary under R.C. 3519.01. Respondent denies that Relators are entitled to a writ of mandamus or other relief. Further answering, R.C. 3519.01 and R.C. 3519.05 speak for themselves.

4. As to Paragraph 4 of the Complaint, Respondent admits that this is an original action brought pursuant to Article IV, Section 2(B)(1)(b) of the Ohio Constitution and Chapter 3519 of the Ohio Revised Code. Respondent denies that Relators are entitled to relief.

5. Paragraph 5 of the Complaint contains legal conclusions to which no response is required.

6. Paragraph 6 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies Relators' allegations as to the scope of his statutory duties and obligations under R.C. 3519.01. Further answering, R.C. 3519.01 and 3519.05 speak for themselves.

7. Respondent denies the allegations contained in Paragraph 7 of the Complaint.

8. Respondent admits the allegations contained in Paragraph 8 of the Complaint but denies that Relators are entitled to relief.

9. As to Paragraph 9 of the Complaint, Respondent admits that he rejected Relators' petition summary on January 25, 2024, and that Relators filed this action on February 1, 2024. Respondent denies the remaining allegations in Paragraph 9.

10. As to Paragraph 10 of the Complaint, Respondent admits that the named individuals are "members of the Committee Representing the Petitioners with Respect to the Initiative Petition Proposing an Amendment to the Ohio Constitution Entitled the 'Ohio Voters Bill of Rights.'"

Respondent lacks knowledge or information sufficient to form a belief as to the truthfulness of the remaining allegations in Paragraph 10, and said allegations are, therefore, denied.

11. Respondent denies the allegations in Paragraph 11 of the Complaint.

12. As to Paragraph 12 of the Complaint, Respondent admits that he is named in his official capacity as the Ohio Attorney General. The remaining allegations in Paragraph 12 contain legal conclusions to which no response is required. Further answering, R.C. 3519.01(A) speaks for itself.

13. Paragraph 13 of the Complaint contains legal conclusions to which no response is required.

14. Paragraph 14 of the Complaint contains legal conclusions to which no response is required. Further answering, R.C. 3519.01(A) speaks for itself.

15. Respondent denies the allegations in Paragraph 15 of the Complaint.

16. Respondent denies the allegations in Paragraph 16 of the Complaint.

17. Respondent denies the allegations in Paragraph 17 of the Complaint.

18. Respondent denies the allegations in Paragraph 18 of the Complaint.

19. As to Paragraph 19 of the Complaint, Respondent admits that a proposed constitutional amendment was submitted to Respondent on December 19, 2023, with part-petitions purporting to bear the signatures of more than a thousand qualified electors. Further answering, Relators' Exhibits 7 and 8 speak for themselves.

20. As to Paragraph 20 of the Complaint, Respondent admits that he rejected Relators' summary of their December 19, 2023, proposed constitutional amendment on December 28, 2023, because it failed to comply with the requirements of R.C. 3519.01. Further answering, Relators'

Exhibit 9 speaks for itself. To the extent that the allegations contained in Paragraph 20 misconstrue the contents of Relators' Exhibit 9, Respondent denies same.

21. As to Paragraph 21 of the Complaint, Respondent admits that he rejected Relators' summary of their December 19, 2023, proposed constitutional amendment on December 28, 2023, because it failed to comply with the requirements of R.C. 3519.01. Further answering, Relators' Exhibit 9 speaks for itself. To the extent that the allegations contained in Paragraph 21 misconstrue the contents of Relators' Exhibit 9, Respondent denies same. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 21 and therefore denies same.

22. As to Paragraph 22 of the Complaint, Respondent admits that Relators submitted a summary petition to the Attorney General on January 16, 2024, including the text of a proposed constitutional amendment, a summary, and part-petitions purporting to bear the signatures of more than a thousand qualified electors. Respondent denies that Relators' January 16, 2024, submission was a "resubmi[ssion]" and denies that Relators addressed and resolved all issues identified in Attorney General Yost's December 28, 2023, letter. Further answering, Relators' Exhibit 11 speaks for itself. To the extent that the allegations contained in Paragraph 22 misconstrue the contents of Relators' Exhibit 11, Respondent denies same.

23. As to Paragraph 23 of the Complaint, Respondent admits that Relators' second submitted petition summary was titled "Ohio Voters Bill of Rights." Further answering, Relators' Exhibits 10 and 11 speak for themselves. To the extent that the allegations contained in Paragraph 23 misconstrue the contents of Exhibits 10 and 11, Respondent denies the same. Respondent denies the remaining allegations in Paragraph 23.

24. As to Paragraph 24 of the Complaint, Respondent admits that Relators' second submission included a substantively revised proposed amendment. Further answering, Relators' Exhibits 10 and 11 speak for themselves. To the extent that the allegations contained in Paragraph 24 misconstrue the contents of Exhibits 10 and 11, Respondent denies same.

25. As to Paragraph 25 of the Complaint, Respondent admits that he rejected Relators' summary of their January 16, 2024, proposed amendment on January 25, 2024, because it failed to comply with the requirements of R.C. 3519.01. Respondent admits that he refused to certify the summary because the title "Ohio Voters Bill of Rights" does not fairly or truthfully summarize or describe the proposed amendment because it does not reflect the common understanding of a "Bill of Rights." Further answering, Relators' Exhibit 12 speaks for itself. To the extent that the allegations contained in Paragraph 25 misconstrue the contents of Exhibit 12, Respondent denies same. Respondent denies any remaining allegations in Paragraph 25.

26. As to Paragraph 26 of the Complaint, Respondent admits that his office previously certified petition summaries including the titles "Nursing Facility Patients' Bill of Rights" and "Ohio Voters Bill of Rights" and that those certifications were not dispositive of his refusal to certify Relators' petition summary. Further answering, Relators' Exhibit 12 speaks for itself. To the extent that the allegations contained in Paragraph 26 misconstrue the contents of Exhibit 12, Respondent denies same.

27. Respondent denies the allegations in Paragraph 27 of the Complaint.

28. To the extent that Paragraph 28 of the Complaint reincorporates Paragraphs 1 through 28 of the Complaint, all defenses and averments of lack of knowledge or information are specifically incorporated by reference.

29. Paragraph 29 of the Complaint contains legal conclusions to which no response is required. Further answering, R.C. 3519.01(A) speaks for itself.

30. Paragraph 30 of the Complaint contains legal conclusions to which no response is required.

31. Paragraph 31 of the Complaint contains legal conclusions to which no response is required. Further answering, Relators' Exhibit 6 speaks for itself. To the extent the allegations in Paragraph 31 of the Complaint misconstrue Relators' Exhibit 6, Respondent denies same.

32. Respondent denies the allegations in Paragraph 32 of the Complaint.

33. Respondent lacks knowledge or information sufficient to form a belief as to the truthfulness of the allegations in Paragraph 33 of the Complaint and said allegations are, therefore, denied.

34. Paragraph 34 of the Complaint contains legal conclusions to which no response is required. Further answering, R.C. 3519.01, R.C. 3519.05, and Article II, Section 1g of the Ohio Constitution speak for themselves.

35. Respondent denies the allegations in Paragraph 35 of the Complaint.

36. Respondent denies the allegations in Paragraph 36 of the Complaint.

37. As to Paragraph 37 of the Complaint, Respondent admits that his rejection letter of December 28, 2023, identified several deficiencies in the first submission of the summary of the amendment. Further answering, Relators' Exhibit 9 speaks for itself. To the extent the allegations in Paragraph 37 of the Complaint misconstrue Relators' Exhibit 9, Respondent denies same.

38. As to Paragraph 38 of the Complaint, Respondent admits that he reviewed the second submission of Relators' proposed constitutional amendment. Respondent denies that Relators' second submission of their proposed constitutional amendment addressed the

deficiencies identified by Respondent in response to their first submission. The remaining allegations in Paragraph 38 contain legal conclusions to which no response is required.

39. Paragraph 39 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 39 of the Complaint.

40. Paragraph 40 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 40 of the Complaint.

41. Respondent denies the allegations in Paragraph 41 of the Complaint.

42. As to Paragraph 42 of the Complaint, Respondent denies that the title “Ohio Voters Bill of Rights” accurately describes Relators’ proposed amendment. Further answering, Relators’ Exhibit 11 speaks for itself. To the extent the allegations in Paragraph 42 of the Complaint misconstrue Relators’ Exhibit 11, Respondent denies same.

43. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 and therefore denies same. Further answering, Relators’ Exhibit 11 speaks for itself. To the extent the allegations in Paragraph 43 of the Complaint misconstrue Relators’ Exhibit 11, Respondent denies same.

44. Respondent denies the allegations in Paragraph 44 of the Complaint.

45. Paragraph 45 of the Complaint contains legal conclusions to which no response is required.

46. Respondent denies the allegations in Paragraph 46 of the Complaint.

47. Respondent denies the allegations in Paragraph 47 of the Complaint.

48. Respondent denies the allegations in Paragraph 48 of the Complaint.

49. Respondent denies the allegations in Paragraph 49 of the Complaint.
50. Respondent denies the allegations in Paragraph 50 of the Complaint.

RESPONDENT'S RESPONSE TO RELATORS' REQUEST FOR RELIEF

1. Respondent denies all allegations set forth in Relators' prayer for relief and specifically denies that Relators are entitled to any relief.
2. Respondent asks for judgment in its favor and denies that Relators are entitled to any relief.
3. Any allegations contained in any titles or section headers are denied.
4. Respondent denies any and all allegations of the Complaint not expressly admitted.

Wherefore, having answered all of Relators' Complaint, Respondent, Ohio Attorney General Dave Yost, raises the following defenses, including the affirmative defenses.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

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

SECOND AFFIRMATIVE DEENSE

2. Relators do not have a clear legal right to the relief sought.

THIRD AFFIMRATIVE DEFENSE

3. Respondent does not owe Relators a duty to perform the requested relief.

RESERVATION OF ADDITIONAL DEFENSES

Respondent reserves the right to supplement his Answer with additional defenses, including affirmative defenses, as litigation in this matter proceeds.

Thus, having fully answered Relators' Complaint, Respondent requests that this Court dismiss Relators' claims, with prejudice, and that Relators be awarded no relief, no costs, and no fees.

Respectfully submitted,

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Ohio Attorney General

/s/ Byers B. Emmerling

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CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2024, the foregoing *Answer Of Respondent Ohio Attorney General* was filed electronically using the Court's e-filing system and served via electronic mail upon the following:

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