

**In the
Supreme Court of Ohio**

***State ex rel.* OHIO DEMOCRATIC PARTY, :**
et al.,

Relators,

v.

**OHIO SECRETARY OF STATE
FRANK LAROSE,**

Respondent.

:
: Case No. 2024-1361
:
: For Writ of Mandamus
: (Expedited Election Case
: Under S.Ct.Prac.R. 12.08)
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ANSWER OF RESPONDENT OHIO SECRETARY OF STATE FRANK LAROSE

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By and through counsel, Respondent Ohio Secretary of State Frank LaRose answers the Relators' Verified Complaint for Writ of Mandamus as follows:

In response to Relators' unnumbered introductory paragraph on Page 1, Respondent denies that Directive 2024-21 is contrary to law and denies that Relators are entitled to any relief.

1. Any actual statements of Respondent and Governor DeWine speak for themselves. To the extent that the Complaint purports to characterize or summarize alleged statements without quoting them, Respondent denies the allegations in Paragraph 1.

2. Paragraph 2 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 2.

3. Paragraph 3 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 3.

4. Respondent admits that he issued Directive 2024-21 and Advisory 2024-03, which speak for themselves. Further answering, Exhibits A and G speak for themselves. Respondent denies the remaining allegations in Paragraph 4 and footnote 1.

5. Respondent denies the allegations in Paragraph 5.

6. Directive 2024-21 speaks for itself. Respondent denies the remaining allegations in Paragraph 6.

7. The allegations relating to Respondent's elections authority, the Ohio Constitution, and the Ohio Revised Code, are legal conclusions to which no response is required. Further answering, Respondent denies the remaining allegations in Paragraph 7, including any assertion that he acted "lawlessly," that he "redrafted" any laws, or that the Directive is allegedly "discriminatory."

8. The case cited in Paragraph 8 speaks for itself.

9. Respondent denies the allegations in Paragraph 9 and denies that Relators are entitled to any form of relief.

10. Respondent admits the allegations in Paragraph 10.

11. Respondent denies the allegations in Paragraph 11 and denies that Relators are entitled to any form of relief.

12. Paragraph 12 contains legal conclusions to which no response is required. Further answering, the Ohio Constitution and the case cited in Paragraph 12 speak for themselves.

13. Respondent admits that he issued Directive 2024-21 on Saturday, August 31, 2024, that he issued Advisory 2024-03 on September 20, 2024, and that Relators filed this action on September 27, 2024. Further answering, Advisory 2024-03 and Exhibit G speak for themselves. Respondent denies the remaining allegations in Paragraph 13.

14. Respondent admits that Directive 2024-21 is a temporary directive, and that absentee and early voting begin on October 8, 2024. Further answering, Respondent states that the voting window for Uniformed Services and Overseas Voters began on September 20, 2024. The remaining allegations in Paragraph 14 contain legal conclusions to which no response is required.

15. Respondent denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15. Further answering, Exhibit B speaks for itself.

16. Respondent denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16. Further answering, Exhibit B speaks for itself.

17. Respondent denies for lack of knowledge or information sufficient to form a belief as to the allegations in Paragraph 17. Further answering, Exhibit B speaks for itself.

18. Respondent denies that Relators have suffered or will suffer any injury that is related to the allegations in the Complaint. Respondent denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 18. Further answering, Exhibit B speaks for itself.

19. Respondent denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19. Further answering, Exhibit C speaks for itself.

20. Respondent denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20. Further answering, Exhibit D speaks for itself.

21. Respondent admits the allegations in Paragraph 21.

22. As to Paragraph 22, R.C. 3501.05, Directive 2024-21, and Exhibit A speak for themselves.

23. Paragraph 23 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 23. Further answering, the cases cited in Paragraph 23 speak for themselves.

24. Paragraph 24 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 24. Further answering, R.C. 3509.05 speaks for itself.

25. Paragraph 25 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 25. Further answering, R.C. 3509.05 speaks for itself.

26. Respondent admits that the Ohio General Assembly enacted H.B. 458 on April 7, 2023. Further answering, H.B. 458 and R.C. 3599.21 speak for themselves.

27. Paragraph 27 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 27. Further answering, R.C. 3509.05 and R.C. 3599.21 speak for themselves.

28. Paragraph 28 contains legal conclusions to which no response is required. Further answering, R.C. 3599.21 speaks for itself.

29. Paragraph 29 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 29. Further answering, 52 U.S.C. § 10508 speaks for itself.

30. Paragraph 30 contains legal conclusions to which no response is required. Further answering, the case cited in Paragraph 30 speaks for itself.

31. Respondent admits that he issued Directive 2024-21 on Saturday, August 31, 2024. Respondent denies the remaining allegations in Paragraph 31.

32. As to Paragraph 32, Directive 2024-21 and Exhibit A speak for themselves.
33. Respondent denies the allegations in Paragraph 33.
34. As to Paragraph 34, Directive 2024-21 and Exhibit A speak for themselves. Further answering, Respondent denies the remaining allegations in Paragraph 34.
35. As to Paragraph 35, Directive 2024-21 and Exhibit A speak for themselves. Further answer, Respondent denies the remaining allegations in Paragraph 35.
36. As to Paragraph 36, Directive 2024-21 and Exhibit A speak for themselves.
37. As to Paragraph 37, Directive 2024-21 and Exhibit A speak for themselves.
38. As to Paragraph 38, Directive 2024-21 and Exhibit A speak for themselves.
39. As to Paragraph 39, Exhibit E speaks for itself.
40. Paragraph 40 contains legal conclusions to which no response is required. To the extent a response is required, Directive 2024-21 speaks for itself. Respondent denies the remaining allegations in Paragraph 40.
41. Respondent denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41.
42. Respondent denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42. Further answering, Exhibit F speaks for itself.
43. Respondent denies for lack of knowledge or information sufficient to form a belief as to the allegations in Paragraph 43. Further answering, Exhibit F speaks for itself.
44. As to Paragraph 44, Respondent admits that he issued Advisory 2024-03 on September 20, 2024. Further answering, Advisory 2024-03 and Exhibit G speak for themselves.
45. As to Paragraph 45, Advisory 2024-03 and Exhibit G speak for themselves.
46. As to Paragraph 46, Advisory 2024-03 and Exhibit G speak for themselves.

47. Respondent denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47.

48. Respondent denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48.

49. Respondent incorporates all answers and defenses in the preceding paragraphs.

50. Respondent denies the allegations in Paragraph 50.

51. Paragraph 51 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 51. Further answering, the case cited in Paragraph 51 speaks for itself.

52. As to Paragraph 52, R.C. 3509.05 speaks for itself.

53. As to Paragraph 53, R.C. 3509.05 speaks for itself.

54. Paragraph 54 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 54. Further answering, the case and brief cited in Paragraph 54 speak for themselves.

55. As to Paragraph 55, R.C. 3509.05 speaks for itself.

56. Paragraph 56 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 56. Further answering, R.C. 3509.05 speaks for itself.

57. Paragraph 57 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 57, and specifically denies any suggestion that the challenged Directive constitutes a “voting restriction.” Further answering, the case cited in Paragraph 57 speaks for itself.

58. Paragraph 58 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 58. Further answering, the case cited in Paragraph 58 speaks for itself.

59. Respondent denies the allegations in Paragraph 59. Further answering, R.C. 3509.05 speaks for itself.

60. Respondent denies the allegations in Paragraph 60.

61. Respondent admits that he is obligated to uphold the Ohio Constitution by his oath of office. Respondent denies the remaining allegations in Paragraph 61. Further answering, the Ohio Constitution speaks for itself.

62. As to Paragraph 62, the Ohio Constitution and the case cited in Paragraph 62 speak for themselves.

63. Respondent denies the allegations in Paragraph 63. Further answering, the case cited in Paragraph 63 speaks for itself.

64. Respondent denies the allegations in Paragraph 64. Further answering, the case cited in Paragraph 64 speaks for itself.

65. Respondent denies the allegations in Paragraph 65.

66. As to Paragraph 66, 52 U.S.C. § 10508 speaks for itself.

67. Respondent denies that Directive 2024-21 violates 52 U.S.C. § 10508 or any other law. Respondent denies for lack of knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 67.

68. Respondent denies the allegations in Paragraph 68.

69. Respondent denies the allegations in Paragraph 69. Further answering, the case cited in Paragraph 69 speaks for itself.

70. Paragraph 70 contains legal conclusions to which no response is required. To the extent a response is required, Respondent denies the allegations in Paragraph 70.

71. Respondent denies the allegations in Paragraph 71.

72. Paragraph 72 contains legal conclusions to which no response is required. Further answering, R.C. 3501.05 speaks for itself. Respondent denies that he has a clear legal duty to provide the requested relief.

73. Respondent denies the allegations in Paragraph 73. Further answering, the case cited in Paragraph 73 speaks for itself.

74. Respondent denies the allegations of each sub-paragraph of the Prayer for Relief and denies that Relators are entitled to any of the relief requested in the Prayer for Relief.

75. Any allegations not specifically answered or admitted herein, including but not limited to those contained in the introduction, any titles or section headers, or any footnotes, are hereby denied.

FIRST DEFENSE

1. Relators' claims are barred by laches.

SECOND DEFENSE

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

THIRD DEFENSE

3. Relators have no clear legal right to the relief they seek from Respondent Secretary LaRose.

FOURTH DEFENSE

4. Respondent Secretary LaRose has no clear legal duty to perform the actions requested by Relators.

FIFTH DEFENSE

5. Relators have an adequate remedy at law.

RESERVATION OF ADDITIONAL DEFENSES

6. Secretary LaRose reserves the right to add additional defenses, including affirmative defenses, as they become known or as the case progresses

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Heather L. Buchanan

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2024, the foregoing was filed electronically using the Court's efilings system. I further certify that the foregoing was served by electronic mail upon the following:

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