

IN THE SUPREME COURT OF OHIO

State of Ohio ex rel. OHIO DEMOCRATIC
PARTY, et al.,

Case No. 2024-1361

Relators,

Original Action in Mandamus

v.

FRANK LAROSE, in his official capacity as
OHIO SECRETARY OF STATE,

Respondent.

**ANSWER OF INTERVENORS THE REPUBLICAN NATIONAL COMMITTEE
AND THE OHIO REPUBLICAN PARTY**

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ANSWER

By and through counsel, the Republican National Committee and the Ohio Republican Party (collectively, the “Intervenors”) answer the Relator’s Verified Complaint for Writ of Mandamus as follows:

As to Relators’ unnumbered introductory paragraph on Page 1, Intervenors deny that Directive 2024-21 is “contrary to law” and denies that Relators are entitled to relief.

1. Statements made by the Secretary or Governor DeWine speak for themselves, and Relators’ description of them does not require a response. To the extent a response is required, Intervenors deny the allegations.

2. Paragraph 2 contains legal conclusions to which no response is required. To the extent a response is required, Intervenors deny the allegations.

3. Paragraph 3 contains legal conclusions to which no response is required. To the extent a response is required, Intervenors deny the allegations.

4. Intervenor's admit that the Secretary issued Directive 2024-21, which speaks for itself, and Relators' description of it does not require a response. Furthermore, Exhibits A and G speak for themselves. Intervenor's deny the remaining allegations, including footnote 1.

5. Intervenor's deny the allegations in Paragraph 5.

6. Directive 2024-21 speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor's deny the allegations. Intervenor's deny the remaining allegations.

7. Allegations in Paragraph 7 regarding the Ohio Revised Code, the Ohio Constitution, Ohio election law, and the Secretary's authority are legal conclusions to which no response is required. To the extent a response is required, Intervenor's deny the allegations. Intervenor's deny the remaining allegations.

8. Relator's cited authority in Paragraph 8 speaks for itself, and Relators' description of it does not require a response. Furthermore, Paragraph 8 contains legal conclusions to which no response is required.

9. Intervenor's deny the allegations in Paragraph 9 and deny that Relators are entitled to relief.

10. Intervenor's admit the allegations in Paragraph 10.

11. Intervenor's state that Directive 2024-21 is lawful. Furthermore, Paragraph 11 contains legal conclusions to which no response is required. To the extent a response is required, Intervenor's deny the allegations. Intervenor's further deny that Relators are entitled to relief.

12. The Ohio Constitution and the case law cited in Paragraph 12 speak for themselves, and Relators' description of them does not require a response. Furthermore, Paragraph 12 contains

legal conclusions to which no response is required. To the extent a response is required, Intervenor deny the allegations.

13. Intervenor specifically deny that Relators have “acted with the utmost diligence, that there has been no unreasonable delay or lapse of time in asserting their rights, and that there is no prejudice” to the Secretary. Relators waited 27 days from the date of Directive 2024-21 to file their Verified Complaint. Service of the Verified Complaint did not issue until three days later on September 30, 2024—a mere 36 days before Election Day. Relators’ delay results in extreme inconvenience to this Court, which must now adjudicate an election issue less than one day before early voting begins, with only one week of briefing. Furthermore, to the extent this Court orders any relief, Relators’ delay will result in great prejudice to the Secretary and local boards of election, which would need to implement that relief in a highly compressed time period ahead of early voting and Election Day. Intervenor further state that Relators have failed to explain why the Secretary’ advisory of September 20 is relevant to the time in which Relators brought this action. Intervenor admit that Directive 2024-21 issued on Saturday, August 31, 2024; that Advisory 2024-03 issued on September 20, 2024; and that Relators filed this action on September 27, 2024. Furthermore, Advisory 2024-03 and Exhibit G speak for themselves, and Relators’ description of them does not require a response. To the extent a response is required, Intervenor deny the allegations. Intervenor deny the remaining allegations.

14. Intervenor admit that this action was filed fewer than 90 days before November 5, 2024 and that Directive 2024-21 is a temporary directive. Intervenor further state 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. To the extent a response is required, Intervenor deny the allegations.

15. Intervenor is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 15 and so deny them. Furthermore, Exhibit B speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor denies the allegations.

16. Intervenor is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 16 and so deny them. Furthermore, Exhibit B speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor denies the allegations.

17. Intervenor is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 17 and so deny them. Furthermore, Exhibit B speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor denies the allegations.

18. Intervenor specifically denies that Relators "will be directly injured if the Directive is not rescinded." Intervenor is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 18 and so deny them. Furthermore, Exhibit B speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor denies the allegations.

19. Intervenor is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 19 and so deny them. Furthermore, Exhibit C speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor denies the allegations.

20. Intervenor is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 20 and so deny them. Furthermore, Exhibit D speaks for

itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations.

21. Intervenor admit the allegations in Paragraph 21.

22. The Ohio Revised Code, Directive 2024-21, and Exhibit A speak for themselves, and Relators' description of them does not require a response. To the extent a response is required, Intervenor deny the allegations.

23. Paragraph 23 contains legal conclusions to which no response is required. To the extent a response is required, Intervenor deny the allegations. Furthermore, the case law cited in Paragraph 23 speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations.

24. The Ohio Revised Code speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations. Furthermore, Paragraph 24 contains legal conclusion to which no response is required. To the extent a response is required, Intervenor deny the allegations.

25. The Ohio Revised Code speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations. Furthermore, Paragraph 25 contains legal conclusion to which no response is required. To the extent a response is required, Intervenor deny the allegations.

26. Intervenor admit that the Ohio General Assembly enacted H.B. 458 on April 7, 2023. Furthermore, the Ohio Revised Code and H.B. 458 speak for themselves, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations. Furthermore, Paragraph 26 contains legal conclusion to which no response is required. To the extent a response is required, Intervenor deny the allegations.

27. The Ohio Revised Code speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations. Furthermore, Paragraph 27 contains legal conclusion to which no response is required. To the extent a response is required, Intervenor deny the allegations.

28. The Ohio Revised Code speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations. Furthermore, Paragraph 28 contains legal conclusion to which no response is required. To the extent a response is required, Intervenor deny the allegations.

29. 52 U.S.C. § 10508 speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations. Furthermore, Paragraph 29 contains legal conclusion to which no response is required. To the extent a response is required, Intervenor deny the allegations.

30. Intervenor state that they participated as intervenors in *League of Women of Ohio v. LaRose*, 1:23-CV-02414, 2024 WL 3495332, (N.D. Ohio July 22, 2024). That case speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations. Furthermore, Paragraph 30 contains legal conclusion to which no response is required. To the extent a response is required, Intervenor deny the allegations.

31. Intervenor admit that the Secretary issued Directive 2024-21 on Saturday, August 31, 2024. Intervenor deny the remaining allegations in Paragraph 31.

32. Directive 2024-21 and Exhibit A speak for themselves, and Relators' description of them does not require a response. To the extent a response is required, Intervenor deny the allegations.

33. Intervenor deny the allegations in Paragraph 33.

34. Directive 2024-21 and Exhibit A speak for themselves, and Relators' description of them does not require a response. To the extent a response is required, Intervenor deny the allegations.

35. Directive 2024-21 and Exhibit A speak for themselves, and Relators' description of them does not require a response. To the extent a response is required, Intervenor deny the allegations.

36. Directive 2024-21 and Exhibit A speak for themselves, and Relators' description of them does not require a response. To the extent a response is required, Intervenor deny the allegations.

37. Directive 2024-21 and Exhibit A speak for themselves, and Relators' description of them does not require a response. To the extent a response is required, Intervenor deny the allegations.

38. Directive 2024-21 and Exhibit A speak for themselves, and Relators' description of them does not require a response. To the extent a response is required, Intervenor deny the allegations.

39. Exhibit E speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations.

40. Directive 2024-21 speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations. Furthermore, Paragraph 40 contains legal conclusion to which no response is required. To the extent a response is required, Intervenor deny the allegations.

41. Intervenor is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 41 and so deny them.

42. Intervenor is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 42 and so deny them. Furthermore, Exhibit F speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations.

43. Intervenor is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 43 and so deny them. Furthermore, Exhibit F speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations.

44. Intervenor admit that the Secretary issued Advisory 2024-03 on September 20, 2024. Furthermore, Exhibit G and Advisory 2024-03 speak for themselves, and Relators' description of them does not require a response. To the extent a response is required, Intervenor deny the allegations.

45. Exhibit G and Advisory 2024-03 speak for themselves, and Relators' description of them does not require a response. To the extent a response is required, Intervenor deny the allegations.

46. Exhibit G and Advisory 2024-03 speak for themselves, and Relators' description of them does not require a response. To the extent a response is required, Intervenor deny the allegations.

47. Intervenor is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 47 and so deny them.

48. Intervenor are without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 48 and so deny them.

49. Intervenor incorporate all their answers and defenses from previous paragraphs.

50. Intervenor deny the allegations in Paragraph 50.

51. The case law cited in Paragraph 51 speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations. Furthermore, Paragraph 51 contains legal conclusions to which no response is required. To the extent a response is required, Intervenor deny the allegations.

52. The Ohio Revised Code speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations.

53. The Ohio Revised Code speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations.

54. The Ohio Revised Code and the case law cited in Paragraph 54 speak for themselves, and Relators' description of them does not require a response. To the extent a response is required, Intervenor deny the allegations.

55. The Ohio Revised Code speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations.

56. The Ohio Revised Code speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations. Furthermore, Paragraph 56 contains legal conclusions to which no response is required. To the extent a response is required, Intervenor deny the allegations.

57. Intervenor specifically deny that Directive 2024-21 is a "voting restriction[.]" Furthermore, the case law cited in Paragraph 57 speaks for itself, and Relators' description of it

does not require a response. To the extent a response is required, Intervenor deny the allegations. Further, Paragraph 57 contains legal conclusions to which no response is required. To the extent a response is required, Intervenor deny the allegations.

58. The case law cited in Paragraph 58 speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations. Furthermore, Paragraph 58 contains legal conclusions to which no response is required. To the extent a response is required, Intervenor deny the allegations

59. Intervenor specifically deny that Directive 2024-21 is "contrary to the Revised Code." Furthermore, the Ohio Revised Code speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations. Furthermore, Paragraph 59 contains legal conclusions to which no response is required. To the extent a response is required, Intervenor deny the allegations

60. Intervenor specifically deny that Directive 2024-21 is "void." Intervenor deny the remaining allegations in Paragraph 60.

61. The Ohio Constitution speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations.

62. The Ohio Constitution and the case law cited in Paragraph 62 speak for themselves, and Relators' description of them does not require a response. To the extent a response is required, Intervenor deny the allegations.

63. Paragraph 63 contains legal conclusions to which no response is required. To the extent a response is required, Intervenor deny the allegations. Furthermore, the case cited in Paragraph 63 speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations.

64. The case cited in Paragraph 64 contains legal conclusions to which no response is required. Intervenor deny the remaining allegations in Paragraph 64.

65. Intervenor deny the allegations in Paragraph 65.

66. 52 U.S.C. § 10508 speaks for itself, and Relators' description of it does not require a response.

67. Intervenor deny that Directive 2024-21 violates 52 U.S.C. § 10508. Intervenor are without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 67 and so deny them.

68. Intervenor deny the allegations in Paragraph 68. Furthermore, the case cited in Paragraph 68 speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations.

69. Intervenor deny that Directive 2024-21 is contrary to law or is an abuse of the Secretary's discretion.

70. Paragraph 70 contains legal conclusions to which no response is required. To the extent a response is required, Intervenor deny the allegations.

71. Intervenor specifically deny that the Directive is contrary to the Ohio Revised Code, the Ohio Constitution, or Section 208 of the Voting Rights Act of 1965. Intervenor further deny that Relators are entitled to relief.

72. The Ohio Revised Code speaks for itself, and Relators' description of it does not require a response. To the extent a response is required, Intervenor deny the allegations. Furthermore, Paragraph 72 contains legal conclusions to which no response is required. To the extent a response is required, Intervenor deny the allegations.

73. The case cited in Paragraph 73 speaks for itself, and Relators' description of it does not require a response. Intervenor deny the remaining allegations in Paragraph 73.

A. Intervenor deny the allegations in paragraph A of the Prayer for Relief and deny that Relators are entitled to any relief.

B. Intervenor deny the allegations in paragraph B of the Prayer for Relief and deny that Relators are entitled to any relief.

C. Intervenor deny the allegations in paragraph C of the Prayer for Relief and deny that Relators are entitled to any relief.

D. Intervenor deny the allegations in paragraph D of the Prayer for Relief and deny that Relators are entitled to any relief.

FIRST AFFIRMATIVE DEFENSE

Relators' claims are barred by laches.

SECOND AFFIRMATIVE DEFENSE

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

THIRD AFFIRMATIVE DEFENSE

Relators have no clear legal right to the relief they seek from Secretary of State LaRose.

FOURTH AFFIRMATIVE DEFENSE

Secretary of State LaRose has no clear legal duty to perform the actions Relators request.

FIFTH AFFIRMATIVE DEFENSE

Relators have an adequate remedy at law.

RESERVATION OF ADDITIONAL DEFENSES

Intervenors reserve the right to add additional defenses, including affirmative defenses, as they become known or as the case progresses.

Respectfully submitted,

/s John M. Gore

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CERTIFICATE OF SERVICE

I certify that a on October 4, 2024, copy of the foregoing was filed electronically using the Court's e-filing system and served via electronic mail upon the following counsel:

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