Supreme Court of Ohio Clerk of Court - Filed November 20, 2026 - Case No. 2026-1574

2026-1574

IN THE OHIO SUPREME COURT

ORIGINAL ACTION IN MANDAMUS

STATE OF OHIO ex rel. EDWARD L. SCHIMMEL,
Relator,

v.

LUCAS COUNTY BOARD OF ELECTIONS, et al.,
Respondents.

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RESPONSE TO COURT'S NOVEMBER 19, 2026 ENTRY

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Respondents, the Lucas County Board of Elections and its members Richard F. (Fritz) Schoen, Kurt M. Young, Dawn Christen, and Donald Miller in their official capacities, submit their response to the Court's November 19, 2026 Entry: as of November 19, 2026, there were no unopened, uncounted provisional ballot envelopes in their possession that are relevant to the mandamus action filed by Relator Edward L. Schimmel. This Court's November 19, 2026, Entry states in relevant part:

> "It is further ordered by the court that to the extent that any provisional-ballot envelopes in the category set forth in ¶6 of relator's verified complaint remain sealed and unopened, respondent Lucas County Board of Elections is ordered to keep them sealed, unopened, and uncounted until the court decides this action."

The provisional ballots mentioned in the Entry (set forth in ¶6 of relator's verified complaint) are: "provisional ballots cast at precinct polling places by electors who were registered in another Ohio county, and who moved to Lucas County without updating their registrations."

Consistent with its duties under Ohio law, including the requirement that the results for the 2026 general election be certified no later than November 24, 2026, the Lucas County Board of Elections held a special meeting on November 16, 2026, beginning at 8:00 a.m., to determine the validity of approximately 3,000 provisional ballots cast in the election. At approximately 1:00 p.m., and before Relator Schimmel filed his mandamus action later that day, the Board voted (4-0) to accept, as valid, approximately 2,400 provisional ballots and rejected approximately 600 as invalid. After the conclusion of the Board's November 16, 2026 meeting, Respondents' employees began opening the approximately 2,400 provisional ballot envelopes found by the Board to be valid (and counting the ballots inside), finished doing so on Tuesday, November 17, 2026, and any remakes from the opened provisional ballots were made on Wednesday, November 18,

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2026. As a result, there are no unopened provisional ballots that are relevant to ¶6 of Relator's Schimmel's *Complaint*--provisional ballots cast at precinct polling places by electors who were registered in another Ohio county, and who moved to Lucas County without updating their registrations. The approximately 600 provisional ballots rejected as invalid by the Board of Elections remain unopened but all of those provisional ballots were rejected for reasons other than that set forth in ¶6 of relator's verified complaint.

Respectfully submitted,

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LUCAS COUNTY PROSECUTING ATTORNEY

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CERTIFICATE OF SERVICE

A copy of the foregoing notice was sent by electronic mail on the 20th day of November, 2026 to counsel for Relator: W. Stuart Dornette E-mail: dornette@taftlaw.com; Philip D. Williamson E-mail: pwilliamson@taftlaw.com; and Dominic Bayer E-mail: dbayer@taftlaw.com.

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