

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, et al.,

Relators,

v.

Governor Mike DeWine, et al.,

Respondents.

Case No. 2021-1449

Original Action Filed Pursuant to Ohio
Constitution, Article XIX

**ANSWER AND AFFIRMATIVE DEFENSES OF
RESPONDENTS HUFFMAN AND CUPP**

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Counsel for Respondents Huffman and Cupp
**Pro Hac Vice Motions Pending*

By and through counsel, Respondents Senate President Matt Huffman and Speaker Robert R. Cupp (“Respondents”) answer the Relators’ Complaint as follows:

FIRST DEFENSE

1. Regarding the allegations in paragraphs 1-12 and 36-125, Respondents admit that the public record, any exhibits and any sections of the Ohio Constitution cited by Relators speak for themselves. To the extent paragraphs 1-12 and 36-125 contain legal conclusions, no response is required. In all other respects, Respondents deny the allegations of paragraphs 1-12 and 36-125.

2. Respondents are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 13-35.

SECOND DEFENSE

2. Relators Complaint fails to state a claim upon which relief can be granted and should be dismissed pursuant to Ohio Rule of Civil Procedure 12(b)(6).

THIRD DEFENSE

3. Relators Complaint should be dismissed pursuant to Rules 12(b)(7) and 19 of the Ohio Rules of Civil Procedure for failure to join a necessary party in this case.

FOURTH DEFENSE

4. The 2021 Congressional Plan challenged by Relators complies with all of the applicable sections and subsections of Article XIX, of the Ohio Constitution, and any other requirements of the Ohio Constitution.

FIFTH DEFENSE

5. The General Assembly consideration of partisan factors did not prevail over the requirements of Article XIX.

SIXTH DEFENSE

6. This Court is obligated to defer to the General Assembly’s reasonable interpretation of Article XIX.

SEVENTH DEFENSE

7. Under applicable law, the 2021 Congressional Plan is presumed to be constitutional.

EIGHTH DEFENSE

8. Relators cannot prove that the 2021 Congressional Plan is unconstitutional beyond a reasonable doubt.

NINTH DEFENSE

9. The 2021 Congressional Plan does not unduly favor or disfavor a political party or its incumbents.

TENTH DEFENSE

10. The 2021 Congressional Plan does not unduly split governmental units and gave preference in keeping whole, in order, Counties, then townships and municipal corporations.

PRAYER FOR RELIEF

Respondents move the Court for an order that the Court dismiss Relators’ Complaint and award Respondents such other relief as may be just and equitable.

Respectfully submitted this the 2nd day of December, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 2021, I have served the foregoing document by email:

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