

**In the  
Supreme Court of Ohio**

<b>LEAGUE OF WOMEN VOTERS OF OHIO, et al.,</b>	:	
	:	
<i>Petitioners,</i>	:	<b>Case No. 2022-0303</b>
	:	
v.	:	<b>Original Action Pursuant to</b>
	:	<b>Ohio Const., Art. XIX</b>
<b>SECRETARY OF STATE FRANK LAROSE, et al.,</b>	:	
	:	<b>Apportionment Case</b>
<i>Respondents.</i>	:	

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**OHIO SECRETARY OF STATE FRANK LAROSE'S  
ANSWER TO PETITIONERS' FIRST AMENDED COMPLAINT**

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**OHIO SECRETARY OF STATE FRANK LAROSE’S ANSWER TO PETITIONERS’  
FIRST AMENDED COMPLAINT**

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By and through counsel, the Ohio Secretary of State Frank LaRose (“Secretary LaRose”) responds and answers the Complaint as follows:

1. Secretary LaRose admits that the General Assembly passed Sub. S.B. 258 creating the November 20, 2021 Congressional Plan by a simple majority. Secretary LaRose denies the remaining allegations contained therein.
2. In response to Paragraph 2, Secretary LaRose admits that *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89, speaks for itself. Further answering, Secretary LaRose admits that Article XIX of the Ohio Constitution speaks for itself.
3. In response to Paragraph 3, Secretary LaRose admits that a new congressional district plan was adopted by the Commission on March 2, 2022. Further answering, whether the Revised Plan is “constitutionally deficient” is a legal conclusion to which no response is required. To the extent any further answer is required, Secretary LaRose denies the same.

4. Paragraph 4 contains legal conclusions to which no response is required. To the extent an answer is required, Secretary LaRose denies the same.

5. As to Paragraph 5, Secretary LaRose admits that the Petitioners seek changes in the congressional district plan starting in the 2024 election cycle. Further answering, Secretary LaRose admits that Article XIX of the Ohio Constitution speaks for itself. The remaining allegations within Paragraph 5 contain legal conclusion to which no response is required. To the extent an answer is required, Secretary LaRose denies the same.

6. As to Paragraph 5, Secretary LaRose admits that the Supreme Court decision *Rucho v. Common Cause*, 139 S.Ct. 2484, 204 L.Ed.2d 931 (2019), speaks for itself. The remaining allegations within Paragraph 6 contain legal conclusion to which no response is required. To the extent an answer is required, Secretary LaRose denies the same.

7. Secretary LaRose denies the allegations contained in Paragraph 7 of the First Amended Complaint.

8. In response to Paragraph 8, Secretary LaRose admits that Article XIX of the Ohio Constitution speaks for itself. To the extent an answer is required, Secretary LaRose denies the same.

9. In response to Paragraph 9, Secretary LaRose admits that Article XIX of the Ohio Constitution speaks for itself. To the extent an answer is required, Secretary LaRose denies the same.

10. In response to Paragraph 10, Secretary LaRose admits that Article XIX of the Ohio Constitution speaks for itself. To the extent an answer is required, Secretary LaRose denies the same.

11. As to Paragraph 11, Secretary LaRose admits that the Petitioners seek relief, but denies that they are entitled to any.

12. Paragraph 12 contains legal conclusions to which no response is required. To the extent an answer is required, Secretary LaRose denies the same.

13. Secretary LaRose denies for lack of knowledge the allegations contained in Paragraphs 13 through 19 of the First Amended Complaint.

14. In response to Paragraph 20, Secretary LaRose admits that Petitioner LWVO is suing on its own behalf and in a representative capacity. Any remaining allegations are legal conclusions to which no response is required.

15. Secretary LaRose denies for lack of knowledge the allegations contained Paragraphs 21 through 28 of the First Amended Complaint. Further answering, Secretary LaRose denies that any districts were drawn to “submerge Democratic votes” or to “prevent[] Democratic voters from electing their candidates of choice.”

16. Paragraph 29 contains legal conclusions to which no response is required. To the extent an answer is required, Secretary LaRose denies the same.

17. Paragraph 30 contains legal conclusions to which no response is required. To the extent a response is required, Secretary LaRose denies the same.

18. Secretary LaRose admits the allegations contained in Paragraph 31 of the First Amended Complaint.

19. Secretary LaRose admits the allegations contained in Paragraph 32 of the First Amended Complaint.

20. Secretary LaRose admits the allegations contained in Paragraph 33 of the First Amended Complaint.

21. In response to Paragraph 34, Secretary LaRose admits that Article XIX of the Ohio Constitution speaks for itself. To the extent an answer is required, Secretary LaRose denies the same.

22. As to Paragraph 35, Secretary LaRose admits that the Ohio Redistricting Commission adopted the March 2 Plan but denies that it “failed to remedy the legal defects in the Enacted Plan.” Any remaining allegations are legal conclusions to which no response is required.

23. Secretary LaRose admits the allegations contained in Paragraph 36 of the First Amended Complaint.

24. Paragraphs 37 through 51 contain legal conclusions to which no response is required. Further answering, the cited sections of Article XIX of the Ohio Constitution speak for themselves. To the extent an answer is required, Secretary LaRose denies the same.

25. Secretary LaRose denies the allegations contained within sub-header “A” and Paragraph 52. Further answering, Exhibit 2 and *Adams v. DeWine*, No. 2021-1428 speak for themselves.

26. Secretary LaRose denies for lack of knowledge the allegations contained within Paragraph 53. Further answering, Exhibit 3 and *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, No. 2021-1449 speak for themselves.

27. Paragraph 54 contains legal conclusions to which no response is required. Further answering, *Ohio A. Philip Randolph Inst. v. Householder*, 373 F.Supp.3d 978 (S.D. Ohio 2019), speaks for itself.

28. In response to Paragraph 55, Secretary LaRose admits that Ohioans enacted Article XIX of the Ohio Constitution. Secretary LaRose denies for lack of knowledge the motivations behind Ohioans’ votes for or against Article XIX.

29. Secretary LaRose denies for lack of knowledge the allegations contained in Paragraph 56 of the First Amended Complaint.

30. Secretary LaRose admits the allegations contained in Paragraph 57 of the First Amended Complaint. Further answering, Exhibit 4 speaks for itself.

31. As to Paragraphs 58 through 61, Secretary LaRose denies for lack of knowledge the allegations contained therein. By way of further answering, Secretary LaRose admits that the General Assembly passed S.J.R. 5 and that the voters approved what is now Article XIX of the Ohio Constitution in 2018.

32. Secretary LaRose admits the allegations contained in Paragraph 62 of the First Amended Complaint.

33. As to Paragraph 63, Secretary LaRose denies for lack of knowledge the allegations contained therein.

34. As to Paragraph 64, Secretary LaRose admits that the Ohio Redistricting Commission did not approve a congressional map on or before October 31, 2021. Further answering, Exhibits 6 and 7 speak for themselves. Any further allegations are legal conclusions to which no response is required. To the extent any further response is required, Secretary LaRose denies the same.

35. As to Paragraph 65, Secretary LaRose admits that the Ohio Redistricting Commission did not approve a congressional map on or before October 31, 2021. The Secretary denies the remaining allegations.

36. As to Paragraph 66, Secretary LaRose denies for lack of knowledge the allegations contained therein. Further answering, H.B. 479 and S.B. 258 speak for themselves.

37. As to Paragraph 67, Secretary LaRose denies for lack of knowledge the allegations contained therein. Further answering, Exhibit 8 speaks for itself.

38. As to Paragraph 68, Secretary LaRose denies for lack of knowledge the allegations contained therein. Further answering, Exhibit 9 speaks for itself.

39. As to Paragraph 69, Secretary LaRose denies for lack of knowledge the allegations contained therein.

40. As to Paragraph 70, Secretary LaRose admits that S.B. 258 was signed by Governor DeWine. The Secretary denies for lack of knowledge the remaining allegations contained therein.

41. In response to Paragraph 71, Secretary LaRose admits that S.B. 258 and Article XIX of the Ohio Constitution speaks for themselves. To the extent an answer is required, Secretary LaRose denies the same.

42. Secretary LaRose denies the allegations contained in Sub-Heading D of the First Amended Complaint.

43. As to Paragraph 72 of the First Amended Complaint, Secretary LaRose admits that Petitioners filed an original action in this Court on November 30, 2021 that alleged violations of Article XIX. Further answering, *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2021-1449, speaks for itself.

44. Secretary LaRose denies the allegations contained in Sub-heading D(1) of the First Amended Complaint.

45. Paragraph 73 of the First Amended Complaint simply restates the “Warshaw Rep.” To the extent a response is required, Secretary LaRose denies same. Further answering, Exhibit 3 speaks for itself.

46. Secretary LaRose denies the allegations contained in Sub-heading D(2) of the First Amended Complaint.



47. As to Paragraph 74, Secretary LaRose denies for lack of knowledge the allegations contained therein. Further answering, S.B. 258 speaks for itself.

48. Paragraphs 75 through 79 of the First Amended Complaint simply restates the “Warshaw Rep.” To the extent a response is required, Secretary LaRose denies same. Further answering, Exhibit 3 speaks for itself.

49. Secretary LaRose denies the allegations contained in Sub-headings D(3) and (4) of the First Amended Complaint.

50. Paragraphs 80 through 90 of the First Amended Complaint simply restates the “Rodden Aff.” To the extent a response is required, Secretary LaRose denies same. Further answering, Exhibit 2 speaks for itself.

51. Secretary LaRose denies the allegations contained in Paragraph 91 of the First Amended Complaint.

52. In response to Paragraphs 92 and 93, Secretary LaRose admits that *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89, speaks for itself. Further answering, Secretary LaRose admits that Article XIX of the Ohio Constitution speaks for itself. To the extent an answer is required, Secretary LaRose denies the same.

53. As to Paragraph 94, Secretary LaRose admits that *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89, and Article XIX speak for themselves. Further answering, Secretary LaRose admits that the General Assembly did not enact a new congressional districting plan by February 13, 2022. The remaining allegations are legal conclusions to which no response is required.

54. In response to Paragraph 95, Secretary LaRose admits that the responsibility for enacting a new congressional redistricting plan passed to the Ohio Redistricting Commission when

the General Assembly did not enact a new plan by February 13, 2022. The remaining allegations are legal conclusions to which no response is required.

55. Secretary LaRose denies the allegations contained in Sub-heading F(1) of the First Amended Complaint.

56. As to Paragraphs 96 through 102, Secretary LaRose denies the allegations contained therein for lack of knowledge. Further answering, the cited decision speaks for itself.

57. Secretary LaRose admits the allegations contained in Sub-heading F(2) of the First Amended Complaint.

58. Secretary LaRose admits the allegations contained in Paragraph 103 through 104 of the Complaint. Further answering, the cited exhibits and Article XIX speak for themselves.

59. In response to Paragraph 105, Secretary LaRose admits that the Ohio Redistricting Commission convened on March 1, 2022. Any remaining allegations are denied. Further answering, Exhibit 11 speaks for itself.

60. In response to Paragraph 106, Secretary LaRose admits that the Ohio Redistricting Commission passed a congressional district map on March 2, 2022. Any remaining allegations are denied. Further answering, the cited exhibits speak for themselves.

61. As to Paragraph 107, Secretary LaRose admits that the Commission enacted the Revised Plan on March 2, 2022. The remaining allegations contained therein are legal conclusions. To the extent a response is required, Secretary LaRose denies same.

62. Paragraphs 108 through 119 and Sub-heading G contain legal conclusions to which no response is required. To the extent a response is required, Secretary LaRose denies same. Further answering, the cited exhibits speak for themselves.

63. Secretary LaRose denies the allegations contained in Sub-heading F(4) of the First Amended Complaint.

64. In response to Paragraph 120, Secretary LaRose admits that a congressional district plan crafted by Dr. Imai was submitted to the Ohio Redistricting Commission. The remaining allegations are legal conclusions to which no response is required. To the extent a response is required, Secretary LaRose denies same.

65. Paragraph 121 contains legal conclusions to which no response is required. To the extent a response is required, Secretary LaRose denies same. Further answering, Secretary LaRose admits that Exhibit 18 speaks for itself.

66. Paragraphs 122 and 123 contain legal conclusions to which no response is required. To the extent a response is required, Secretary LaRose denies same. Further answering, the cited exhibits speak for themselves.

#### **FIRST CAUSE OF ACTION**

67. To the extent that Paragraph 124 reincorporates other paragraphs of the First Amended Complaint, all defenses and averments are specifically incorporated by reference.

68. Paragraph 125 contains legal conclusions to which no response is required. Further answering, Article XIX of the Ohio Constitution speaks for itself.

69. In response to Paragraph 126, Secretary LaRose admits that this Court's January 14, 2022, opinion speaks for itself.

70. Paragraph 127 contains legal conclusions to which no response is required. Further answering, Article XIX of the Ohio Constitution speaks for itself.

71. Paragraphs 128 through 129 contain legal conclusions to which no response is required. To the extent an answer is required, Secretary LaRose denies the same.

72. In response to Paragraph 130, Secretary LaRose denies any “failure to abide by Article XIX” and further denies that his actions were “in bad faith.”

73. Secretary LaRose denies the allegations contained in Paragraph 131 and further denies that Petitioners are entitled to any relief.

### **SECOND CAUSE OF ACTION**

74. To the extent that Paragraph 132 reincorporates other paragraphs of the First Amended Complaint, all defenses and averments are specifically incorporated by reference.

75. Paragraph 133 contains legal conclusions to which no response is required. Further answering, Article XIX of the Ohio Constitution speaks for itself.

76. In response to Paragraph 134, Secretary LaRose admits that this Court’s January 14, 2022, opinion speaks for itself.

77. Paragraph 135 contains legal conclusions to which no response is required. Further answering, Article XIX of the Ohio Constitution speaks for itself.

78. Paragraphs 136 through 137 contain legal conclusions to which no response is required. To the extent an answer is required, Secretary LaRose denies the same.

79. In response to Paragraph 138, Secretary LaRose denies any “failure to abide by Article XIX” and further denies that his actions were “in bad faith.”

80. Secretary LaRose denies the allegations contained in Paragraph 139 and further denies that Petitioners are entitled to any relief.

### **PRAYER FOR RELIEF**

1. Secretary LaRose denies that Petitioners are entitled to any relief as prayed for in the Complaint.

2. Secretary LaRose denies all allegations set forth in the Prayer for Relief and specifically denies that Petitioners are entitled to any relief.
3. Secretary LaRose denies each allegation contained in any titles or section headers not expressly admitted or denied herein.
4. Secretary LaRose denies each allegation in the Complaint not expressly admitted or denied herein.

**AFFIRMATIVE DEFENSES**

**FIRST DEFENSE**

1. Petitioners failed to state a claim upon which relief can be granted.

**SECOND DEFENSE**

2. The March 2 Congressional Plan is constitutional.

**THIRD DEFENSE**

3. Petitioners fail to state a legal claim against Secretary LaRose in his official capacity as Secretary of State. Secretary LaRose is a proper party for remedial purposes only.

**RESERVATION OF ADDITIONAL DEFENSES**

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

Respectfully submitted,

OHIO ATTORNEY GENERAL

*/s/ Julie M. Pfeiffer*

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## CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Ohio Secretary Of State Frank LaRose's Answer To Petitioners' First Amended Complaint* was sent via email this the 15th day of April, 2022 to the following:

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