

In The  
Ohio Supreme Court

REGINA C. ADAMS, et al.,

*Relators,*

v.

GOVERNOR MIKE DEWINE, et al.,

*Respondents.*

:  
:  
: **Case No. 2021-1428**  
:  
: **Original Action Pursuant to**  
: **Ohio Const., Art. XIX, § 3(A)**  
:  
: **Redistricting Case**  
:

---

ANSWER OF THE OHIO SECRETARY OF STATE FRANK LAROSE

---

DAVE YOST  
OHIO ATTORNEY GENERAL

Donald J. McTigue\* (0022849)  
Derek S. Clinger (0092075)  
MCTIGUE & COLOMBO LLC  
545 East Town Street  
Columbus, OH 43215  
dmctigue@electionlawgroup.com  
dclinger@electionlawgroup.com  
Tel: 614-263-7000 | Fax: 614-368-6961

Abha Khanna (Pro Hac Vice Pending)  
Ben Stafford (Pro Hac Vice Pending)  
ELIAS LAW GROUP  
1700 Seventh Ave, Suite 2100  
Seattle, WA 98101  
Tel: 206-656-0176 | Fax: 206-656-0180  
akhanna@elias.law  
bstafford@elias.law

Aria C. Branch (Pro Hac Vice Pending)  
Jyoti Jasrasaria (Pro Hac Vice Pending)  
Spencer W. Klein (Pro Hac Vice Pending)

BRIDGET C. COONTZ (0072919)\*  
MICHAEL A. WALTON (0092201)  
*\*Counsel of Record*  
JULIE M. PFEIFFER (0069762)  
Assistant Attorneys General  
Constitutional Offices Section  
30 E. Broad Street, 16th Floor  
Columbus, Ohio 43215  
Tel: 614-466-2872 | Fax: 614-728-7592  
Bridget.Coontz@OhioAGO.gov  
Julie.Pfeiffer@OhioAGO.gov  
Michael.Walton@OhioAGO.gov

*Counsel for Respondent*  
*Ohio Secretary of State LaRose*

Phillip J. Strach (PHV-25444)  
Alyssa M. Riggins (PHV-25441)  
Thomas A. Farr (PHV-25461)  
John E. Branch (PHV-25460)  
NELSON MULLINS RILEY &

Harleen K. Gambhir (Pro Hac Vice Pending)  
ELIAS LAW GROUP  
10 G St NE, Suite 600  
Washington, DC 20002  
Tel: 202- 968-4490 | Fax: 202-968-4498  
abranh@elias.law  
jjasrasaria@elias.law  
sklein@elias.law  
hgambhir@elias.law

*Counsel for Relators*

SCARBOROUGH LLP  
4140 Parklake Ave., Suite 200  
Raleigh, North Carolina 27612  
Tel: 919-329-3812  
phil.strach@nelsonmullins.com  
alyssa.riggins@nelsonmullins.com  
tom.farr@nelsonmullins.com  
john.branch@nelsonmullins.com

*Counsel for Respondents Huffman and Cupp*

In the  
Supreme Court of Ohio

REGINA C. ADAMS, et al.,	:
	:
<i>Relators,</i>	: Case No. 2021-1428
	:
v.	: Original Action Pursuant to
	: Ohio Const., Art. XIX, § 3(A)
GOVERNOR MIKE DEWINE, et al.,	:
	: Redistricting Case
<i>Respondents.</i>	:

---

**ANSWER OF THE OHIO SECRETARY OF STATE FRANK LAROSE**

---

By and through counsel, the Ohio Secretary of State Frank LaRose<sup>1</sup> answers the Relators’ Complaint as follows:

1. As to Paragraph 1, the Secretary of State admits that the 2021 Congressional District Plan created by the passage of Sub. S.B. 258 was passed without bipartisan support as permitted by Art. XIX, Sec. 1(C)(3) of the Ohio Constitution. The remaining allegations are legal conclusions to which no response is required. Further answering, Article XIX of the Ohio Constitution speaks for itself.
2. Paragraph 2 contains legal conclusions to which no response is required. Further answering, Article XIX, Section 1(C)(3) of the Ohio Constitution and Exhibit 41 speak for themselves. The Secretary of State denies the remaining allegations due to lack of knowledge because the General Assembly, not the Secretary, created and passed the 2021 Congressional Plan.

---

<sup>1</sup> The Secretary of State answers Relators’ Complaint in his official capacity as Secretary. The Secretary of State in his official capacity as a Member of the Ohio Redistricting Commission has filed a Motion to Dismiss the claims against him under Civ.R. 12(B)(1) and (6).

3. As to Paragraph 3, the Secretary of State admits that Ohioans voted to amend the Ohio Constitution in 2018. The Secretary of State denies the remaining allegations contained therein. Further answering, Exhibits 1 and 2 speak for themselves.

4. As to Paragraph 4, the Secretary of State denies the allegations contained therein. *See Wilson v. Kasich*, 134 Ohio St.3d 221, 2012-Ohio-5367, 981 N.E.2d 814. Further answering, Exhibit 3 speaks for itself.

5. Paragraph 5 contains legal conclusions to which no response is required. The Secretary of State denies the remaining allegation contained therein due to lack of knowledge of the motivations of Ohioans in voting for or against Article XIX of the Ohio Constitution. Further answering, Article XIX of the Ohio Constitution speaks for itself.

6. Paragraph 6 contains legal conclusions to which no response is required. Further answering, Article XIX of the Ohio Constitution speaks for itself.

7. As to Paragraph 7, the Secretary of State denies for lack of knowledge the allegation that the 2021 Congressional Plan passed by the General Assembly is a “rank partisan gerrymander.” Whether the 2021 Congressional Plan violates the Ohio Constitution as alleged in Paragraph 7 is a legal conclusion to which no response is required. To the extent a response is required, the Secretary of State denies same.

8. As to Paragraph 8, the Secretary of States denies for lack of knowledge the allegations contained therein because the General Assembly, not the Secretary, created and passed the 2021 Congressional Plan. Further answering, whether Article XIX requires a bipartisan map by the end of September 2021 is a legal conclusion to which no response is required.

9. As to Paragraph 9, the Secretary of State admits that the Ohio Redistricting Commission met on October 28, 2021. The Secretary denies for lack of knowledge whether Ohio Redistricting

Commission Co-Chair Cupp ignored Co-Chair Sykes' "entreaties to schedule Commission meetings." The Secretary further denies that the Commission "laid dormant" in October. The remaining allegations are legal conclusions to which no response is required.

10. As to Paragraphs 10 through 12, the Secretary of State denies for lack of knowledge the allegations contained therein because the General Assembly, not the Secretary, created and passed the 2021 Congressional Plan. Further answering, the exhibits referenced speak for themselves.

11. As to Paragraphs 13 and 14, whether the 2021 Congressional Plan violates Article XIX, or "unduly favors Republicans," or "unduly splits governmental units" are legal conclusions to which no response is required. To the extent a response is required, the Secretary of State denies same. The Secretary of State denies the remaining allegations contained therein for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Plan. Further answering, the Secretary of State denies for lack of knowledge the substance and basis of the report of Relators' witness Dr. Rodden.

12. As to Paragraph 15, the Secretary of State admits that Governor DeWine signed the General Assembly's bill approving the 2021 Congressional Plan. The Secretary of State denies for lack of knowledge the remaining allegations contained therein.

13. As to Paragraph 16, the Secretary of State denies the allegation contained therein due to lack of knowledge of the motivations of Ohioans in voting for or against Article XIX of the Ohio Constitution in 2018. The Secretary of State denies for lack of knowledge the remaining allegations contained therein. The Secretary of State denies that the Relators are entitled to any relief. The Secretary of State denies the remaining allegations contained therein.

### **NATURE OF THE ACTION AND JURISDICTION**

14. The Secretary of State admits the allegations contained in Paragraph 17.

15. As to Paragraph 18, the Secretary of State admits that Relators seek to invalidate the 2021 Congressional Plan. Further answering, whether the 2021 Congressional Plan violates Article XIX of the Ohio Constitution is a legal conclusion to which no response is required. To the extent a response is required, the Secretary of State denies same.

16. Paragraph 19 contains legal conclusions to which no response is required. Further answering, the Secretary of State denies that Relators are entitled to any relief.

17. As to Paragraph 20, the Secretary of State denies the allegations contained therein for lack of knowledge.

### **PARTIES**

18. Paragraph 21 contains legal conclusions to which no response is required. To the extent a response is required, the Secretary of State denies same.

19. The Secretary of State admits the allegations contained in Paragraph 22. Further answering, the Secretary of State denies that Governor DeWine is a proper party either in his official capacity as Governor or as a Member of the Ohio Redistricting Commission.

20. The Secretary of State admits the allegations contained in Paragraph 23. Further answering, the Secretary of State denies that he is a proper party in his official capacity as a Member of the Ohio Redistricting Commission.

21. The Secretary of State admits the allegations contained in Paragraph 24. Further answering, the Secretary of State denies that Speaker Cupp is a proper party in his official capacity as a Member of the Ohio Redistricting Commission. The remaining allegations are legal conclusions to which no response is required.

22. The Secretary of State admits the allegations contained in Paragraph 25. Further answering, the Secretary of State denies that President Huffman is a proper party in his official capacity as a Member of the Ohio Redistricting Commission. The remaining allegations are legal conclusions to which no response is required.

23. As to Paragraph 26, the Secretary of State admits that the Relators correctly identified the seven members of the Ohio Redistricting Commission. Further answering, the Secretary of State denies that the Commission Members are proper parties. The remaining allegations are legal conclusions to which no response is required.

24. As to Paragraphs 27 through 39, the Secretary of State denies the allegations contained therein for lack of knowledge.

#### **LEGAL BACKGROUND**

25. Paragraphs 40 through 52 contain legal conclusions to which no response is required. Further answering, Article XIX of the Ohio Constitution speaks for itself.

#### **FACTS**

26. The Secretary of State denies the allegations contained in sub-heading “A” of Relators’ Complaint.

27. Paragraph 53 contains legal conclusions to which no response is required. Further answering, the Ohio Constitution speaks for itself.

28. As to Paragraphs 54 through 61, the Secretary of State denies for lack of knowledge the allegations contained therein because the General Assembly, not the Secretary of State, passed the 2011 Congressional Map. Further answering, the 2011 Congressional Map and the results of subsequent elections speak for themselves and are matters of public record.

29. Paragraph 62 contains legal conclusions to which no response is required. Further answering, the court decisions as referenced speak for themselves.

30. As to sub-heading “B” and Paragraph 63, the Secretary of State admits that Ohioans enacted Article XIX of the Ohio Constitution. The Secretary of State denies for lack of knowledge the motivations behind Ohioans’ votes for or against Article XIX.
31. The Secretary of State admits the allegations contained in Paragraph 64. Further answering, S.J.R. 5, Exhibit 12, and Exhibit 13 speak for themselves.
32. As to Paragraphs 65 through 68, the Secretary of State denies for lack of knowledge the allegations contained therein. Further answering, the exhibits referenced speak for themselves.
33. Paragraphs 69 and 70 contain legal conclusions to which no response is required. Further answering, the referenced sections of the Ohio Constitution speak for themselves.
34. Paragraphs 71 and 72 contain legal conclusions to which no response is required. As to the allegations regarding Issue 1, the Secretary of State denies same for lack of knowledge. Further answering, Exhibits 16 and 17 speak for themselves.
35. The Secretary of State admits the allegations contained in Paragraph 73. Further answering, Exhibit 18 speaks for itself.
36. The Secretary of State admits the allegation in Paragraph 74 that the voters approved what is now Article XIX of the Ohio Constitution in 2018. As to the remaining allegations in Paragraph 74, the Secretary of State denies same for lack of knowledge
37. Sub-heading C of Relators’ Complaint contains legal conclusions to which no response is required. To the extent an answer is required, the Secretary of State denies same for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Plan.
38. The Secretary of State denies the allegations contained in Sub-heading (C)(1) of Relators’ Complaint.



39. The Secretary of State admits the allegations contained in Paragraph 75.
40. Paragraph 76 contains legal conclusions to which no response is required. To the extent a response is required, the Secretary of State denies the same. Further answering, Article XIX also gives the General Assembly the authority to pass a congressional map by a simple majority.
41. As to Paragraphs 77 through 79, the Secretary of State denies for lack of knowledge the allegations contained therein.
42. As to Paragraph 80, the Secretary of State admits that the Ohio Redistricting Commission did not adopt a 2021 Congressional plan and further admits that during the state legislative redistricting proceedings he made the statement as quoted therein. The Secretary of State denies that the Commission “simply did nothing at all.” All remaining allegations are denied due to lack of knowledge. Further answering, Exhibits 5 and 21 speak for themselves.
43. As to Paragraph 81, the Secretary of State admits that the Ohio Redistricting Commission held a hearing on October 28, 2021, that the Commission did not approve a congressional map, and that the Article XIX process advanced back to the General Assembly in accordance with Section 1(F)(1). Further answering, Exhibits 5 and 22 speak for themselves. The Secretary denies the remaining allegations for lack of knowledge.
44. As to sub-heading (C)(2) of Relators’ Complaint, the Secretary of State denies the allegations contained therein for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Map.
45. As to Paragraph 82, the Secretary of State admits that the General Assembly passed Sub. S.B. 258 creating the 2021 Congressional Map by a simple majority. The remaining allegation in Paragraph 82 are legal conclusions to which no response is required.

46. As to Paragraphs 83 through 89 and sub-heading (C)(3), the Secretary of State denies the allegations contained therein for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Map. Further answering, the exhibits referenced in those paragraphs speak for themselves.

47. Paragraph 90 contains a legal conclusion to which no response is required. Further answering, Article XIX, Section 1(G) of the Ohio Constitution speaks for itself.

48. As to Paragraphs 91 through 112 and sub-heading (C)(4), the Secretary of State denies for lack of knowledge the allegations contained therein because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Map. Further answering, the exhibits referenced in those paragraphs speak for themselves.

49. As to sub-heading (C)(5), the Secretary of State denies for lack of knowledge the allegations contained therein because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Plan.

50. Paragraphs 113 through 130, and sub-headings (C)(5)(a) and (b), contain legal conclusions to which no response is required. To the extent an answer is required, the Secretary of State denies same. The Secretary of State denies the remaining allegations contained therein for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Plan. Further answering, the Secretary of State denies for lack of knowledge the substance and basis for the report by Relators' witness Dr. Rodden.

**FIRST CAUSE OF ACTION – Violation Of Article Xix, Section 1(C)(3)(a) Of The Ohio Constitution**

51. To the extent that Paragraph 131 reincorporates other paragraphs of the Complaint, all defenses and averments are specifically incorporated by reference.

52. As to Paragraph 132, the Secretary of State admits that the General Assembly passed the 2021 Congressional Plan by a simple majority. The remaining allegations are legal conclusions to which no response is required.

53. Paragraph 133 contains legal conclusions to which no response is required.

54. As to Paragraph 134, whether the 2021 Congressional Plan “unduly favors the Republican Party” is a legal conclusion to which no response is required. To the extent an answer is required, the Secretary of State denies same. The Secretary of State denies the remaining allegations for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Plan.

55. As to Paragraphs 135 and 136, the Secretary of State denies the allegations contained therein for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Plan.

56. As to Paragraph 137, whether the 2021 Congressional Plan “unduly favors the Republican Party” is a legal conclusion to which no response is required. To the extent an answer is required, the Secretary of State denies same. The Secretary of State denies the remaining allegations for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Plan.

57. Paragraph 138 contains legal conclusions to which no response is required. To the extent an answer is required, the Secretary of State denies that Realtors’ constitutional rights have been violated or that they will be irreparably harmed.

58. As to Paragraph 139, the Secretary of State denies for lack of knowledge the allegations contained therein.

**Second Cause Of Action – Violation Of Article XIX, Section 1(C)(3)(b) Of The Ohio Constitution**

59. To the extent that Paragraph 140 reincorporates other paragraphs of the Complaint, all defenses and averments are specifically incorporated by reference.

60. As to Paragraph 141, the Secretary of State admits that the 2021 Congressional Plan was passed by a simple majority in the General Assembly. The remaining allegation is a legal conclusion to which no response is required.

61. Paragraph 142 contains legal conclusions to which no response is required.

62. As to Paragraph 143, whether the 2021 Congressional Plan “unduly” splits governmental units is a legal conclusion to which no response is required. To the extent an answer is required, the Secretary of State denies same. The remaining allegation contained therein are denied for lack of knowledge because the General Assembly, not the Secretary of State, created and passed the 2021 Congressional Plan.

63. Paragraph 144 contains legal conclusions to which no response is required. To the extent an answer is required, the Secretary of State denies that the Relators’ constitutional rights have been violated or that they will be irreparably harmed.

64. Paragraph 145 contains a legal conclusion to which no response is required. To the extent an answer is required, the Secretary of State denies the same.

**PRAYER FOR RELIEF**

65. The Secretary of State denies that Relators are entitled to any relief as prayed for in the Complaint.

66. The Secretary of State denies all allegations set forth in the Prayer for Relief and specifically denies that Relators are entitled to any relief.

67. Any allegations contained in any titles or section headers are denied.

68. The Secretary of State denies each allegation in the Complaint not expressly admitted or denied herein.

**FIRST DEFENSE**

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

**SECOND DEFENSE**

2. The 2021 Congressional Plan in Sub. S.B. 258 is constitutional.

**THIRD DEFENSE**

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

**RESERVATION OF ADDITIONAL DEFENSES**

4. The Secretary of State 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/Julie M. Pfeiffer*

JULIE M. PFEIFFER (0069762)

BRIDGET C. COONTZ\* (0072919)

\*Counsel of Record

MICHAEL A. WALTON (0092201)

Assistant Attorneys General

30 East Broad Street, 16th Floor

Columbus, Ohio 43215-3431

Tel: 614-466-2872 | Fax: 614-728-7592

Julie.Pfeiffer@OhioAGO.gov

Bridget.Coontz@OhioAGO.gov

Michael.Walton@OhioAGO.gov

*Counsel for The Secretary of State  
in his official capacity as the Secretary of State.*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 29, 2021, the foregoing *Answer Of The Ohio Secretary Of State Frank LaRose* was filed electronically. I further certify that a copy of the foregoing has been served via the electronic mail upon the following counsel for Relators.

Donald J. McTigue\* (0022849)  
\**Counsel of Record*  
Derek S. Clinger (0092075)  
MCTIGUE & COLOMBO LLC  
dmctigue@electionlawgroup.com  
dclinger@electionlawgroup.com

Abha Khanna (Pro Hac Vice Pending)  
Ben Stafford (Pro Hac Vice Pending)  
ELIAS LAW GROUP  
akhanna@elias.law  
bstafford@elias.law

Aria C. Branch (Pro Hac Vice Pending)  
Jyoti Jasrasaria (Pro Hac Vice Pending)  
Spencer W. Klein (Pro Hac Vice Pending)  
Harleen K. Gambhir (Pro Hac Vice Pending)  
ELIAS LAW GROUP  
abbranch@elias.law  
jjasrasaria@elias.law  
sklein@elias.law  
hgambhir@elias.law

*Counsel for Relators*

Phillip J. Strach (PHV-25444)  
Alyssa M. Riggins (PHV-25441)  
Thomas A. Farr (PHV-25461)  
John E. Branch, III (PHV-25460)  
NELSON MULLINS RILEY &  
SCARBOROUGH LLP  
phil.strach@nelsonmullins.com  
alyssa.riggins@nelsonmullins.com  
tom.farr@nelsonmullins.com  
john.branch@nelsonmullins.com

*Counsel for Respondents Huffman and Cupp*

/s/ Julie M. Pfeiffer

JULIE M. PFEIFFER (0069762)  
Assistant Attorney General