

**IN THE
SUPREME COURT OF OHIO**

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*,

Petitioners,

v.

SECRETARY OF STATE FRANK LAROSE, *et al.*,

Respondents.

Case No. 2022-0303

Original Action Pursuant to Ohio Const.,
Art. XIX, Section 3(A)

**RESPONDENT THE OHIO REDISTRICTING COMMISSION'S ANSWER TO
PETITIONERS' FIRST AMENDED COMPLAINT**

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Counsel for Respondents Huffman and Cupp

Now comes Respondent The Ohio Redistricting Commission (“Commission”), by and through the undersigned counsel, to answer Petitioners’ First Amended Complaint and states as follows:

1. In response to Paragraph 1 of the Amended Complaint, the Commission admits that SB 258 and the public record speak for themselves.

2. In response to Paragraph 2 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution and this Court’s decision in *Adams v. DeWine*, 2022-Ohio-89 speak for themselves. The Commission denies the remaining allegations in Paragraph 2.

3. In response to Paragraph 3 of the Amended Complaint, the Commission admits that a second congressional district plan was approved by the Commission on March 2, 2022. The Commission denies the remaining allegations in Paragraph 3, and further denies that the March 2, 2022 plan is “constitutionally deficient.”

4. In response to Paragraph 4 of the Amended Complaint, the Commission admits that Petitioners bring this action to remedy Congressional Districts 1 and 15. The Commission denies the remaining allegations in Paragraph 4.

5. Paragraph 5 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Petitioners seek relief as it relates to the 2024 election cycle. The Commission denies the remaining allegations in Paragraph 5.

6. Paragraph 6 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that

Petitioners seek relief as it relates to the 2024 election cycle. The Commission denies the remaining allegations in Paragraph 6.

7. The Commission denies the allegations in Paragraph 7 of the First Amended Complaint.

8. In response to Paragraph 8 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 8.

9. In response to Paragraph 9 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 9.

10. In response to Paragraph 10 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 10.

11. Paragraph 11 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies that Petitioners are entitled to any relief. Further answering, Article XIX of the Ohio Constitution and this Court's decision in *Adams* speak for themselves. The Commission denies the remaining allegations in Paragraph 11.

12. Paragraph 12 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 12 of the Complaint.

13. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 13 of the Amended Complaint, and therefore denies same.

14. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 14 of the Amended Complaint, and therefore denies same.

15. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 15 of the Amended Complaint, and therefore denies same.

16. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 16 of the Amended Complaint, and therefore denies same.

17. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 17 of the Amended Complaint, and therefore denies same.

18. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 18 of the Amended Complaint, and therefore denies same.

19. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 19 of the Amended Complaint, and therefore denies same.

20. In response to Paragraph 20 of the Complaint, the Commission admits that *LWVO* is suing on its own behalf and in its representative capacity. The Commission denies the remaining allegations in Paragraph 20.

21. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 21 of the Amended Complaint, and therefore denies same.

22. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 22 of the Amended Complaint, and therefore denies same.

23. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 23 of the Amended Complaint, and therefore denies same.

24. The Commission lacks information sufficient to form a belief as to the allegations in Paragraph 24 of the Amended Complaint, and therefore denies same.

25. The Commission lacks information sufficient to form a belief as to the allegations in Paragraph 25 of the Amended Complaint, and therefore denies same.

26. The Commission lacks information sufficient to form a belief as to the allegations in Paragraph 26 of the Amended Complaint, and therefore denies same.

27. The Commission lacks information sufficient to form a belief as to the allegations in Paragraph 27 of the Amended Complaint, and therefore denies same.

28. The Commission lacks information sufficient to form a belief as to the allegations in Paragraph 28 of the Amended Complaint, and therefore denies same.

29. Paragraph 29 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 29.

30. Paragraph 30 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 30.

31. The Commission admits the allegations in Paragraph 31 of the Amended Complaint.

32. The Commission admits the allegations in Paragraph 32 of the Amended Complaint.

33. The Commission admits the allegations in Paragraph 33 of the Amended Complaint.

34. In response to Paragraph 34 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 34.

35. In response to Paragraph 35 of the Amended Complaint, the Commission admits that the Commission adopted the March 2, 2022 plan. The Commission denies the remaining allegations in Paragraph 35.

36. The Commission admits the allegations in Paragraph 36 of the Amended Complaint.

37. In response to Paragraph 37 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 37.

38. In response to Paragraph 38 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 38.

39. In response to Paragraph 39 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 39.

40. In response to Paragraph 40 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 40.

41. In response to Paragraph 41 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 41.

42. In response to Paragraph 42 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 42.

43. Paragraph 43 of the Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 43.

44. In response to Paragraph 44 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 44.

45. In response to Paragraph 45 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 45.

46. In response to Paragraph 46 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 46.

47. In response to Paragraph 47 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 47.

48. In response to Paragraph 48 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 48.

49. In response to Paragraph 49 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 49.

50. In response to Paragraph 50 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 50.

51. In response to Paragraph 51 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 51.

52. In response to Section “A” of the Amended Complaint, the Commission denies the allegations in section “A.” Further answering, the 2011 Congressional Plan and election results speak for themselves.

53. In response to Paragraph 52 of the Amended Complaint, the Commission admits that the 2011 Congressional Plan and election results speak for themselves. The Commission denies the remaining allegations in Paragraph 52.

54. In response to Paragraph 53 of the Amended Complaint, the Commission admits that the 2011 Congressional Plan and election results speak for themselves. The Commission denies the remaining allegations in Paragraph 53.

55. 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.

56. In response to Paragraph 55 of the Amended Complaint, the Commission admits that Ohio voters enacted Article XIX of the Ohio Constitution. The Commission denies the remaining allegations in Paragraph 55.

57. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 56 of the Amended Complaint and therefore denies the same.

Further answering, the cited materials speak for themselves. The Commission denies the remaining allegations in Paragraph 56.

58. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 57 of the Amended Complaint and therefore denies the same.

Further answering, S.J.R. 5 and the public record speak for themselves. The Commission denies the remaining allegations in Paragraph 57.

59. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 58 of the Amended Complaint and therefore denies the same.

Further answering, the cited materials and public record speak for themselves. The Commission denies the remaining allegations in Paragraph 58.

60. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 59 of the Amended Complaint and therefore denies the same.

Further answering, the cited materials and public record speak for themselves. The Commission denies the remaining allegations in Paragraph 59.

61. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 60 of the Amended Complaint and therefore denies the same.

Further answering, the cited materials and public record speak for themselves. The Commission denies the remaining allegations in Paragraph 60.

62. In response to Paragraph 61 of the Amended Complaint, the Commission admits that the public record speaks for itself. The Commission denies the remaining allegations in Paragraph 61.

63. In response to Paragraph 62 of the Amended Complaint, the Commission admits that the public record speaks for itself. The Commission denies the remaining allegations in Paragraph 62.

64. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 63 of the Amended Complaint and therefore denies the same. Further answering, the cited materials and public record speak for themselves. The Commission denies the remaining allegations in Paragraph 63.

65. In response to Paragraph 64 of the Amended Complaint, the Commission admits that it did not approve a congressional plan by October 31, 2021. Further answering, Exhibits 6 and 7 speak for themselves. The Commission denies the remaining allegations in Paragraph 64.

66. In response to Paragraph 65 of the Amended Complaint, the Commission admits that it did not approve a congressional plan by October 31, 2021. Further answering, the cited article speaks for itself. The Commission denies the remaining allegations in Paragraph 65.

67. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 66 of the Amended Complaint, and therefore denies the same. Further answering, H.B. 479, SB. 258, and the public record speak for themselves.

68. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 67 of the Amended Complaint, and therefore denies the same. Further answering, Exhibit 8 and the public record speak for themselves.

69. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 68 of the Amended Complaint, and therefore denies the same. Further answering, Exhibit 9 and the public record speaks for themselves.

70. The Commission lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 69 of the Amended Complaint, and therefore denies the same. Further answering, the public record speaks for itself.

71. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 70 of the Amended Complaint, and therefore denies the same. Further answering, the public record speaks for itself.

72. In response to Paragraph 71 of the Amended Complaint, the Commission admits that Article XIX of the Ohio Constitution and public record speak for themselves.

73. The Commission denies the allegations contained in Section “D” of the Amended Complaint.

74. In response to Paragraphs 72 of the Amended Complaint, the Commission admits that *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, No. 2021-1449, speaks for itself. The Commission denies the remaining allegations in Paragraph 72.

75. The Commission denies the allegations contained in subsection “D.1” of the Amended Complaint.

76. In response to Paragraph 73 of the Amended Complaint, the Commission admits that Exhibit 3 speaks for itself. The Commission denies the remaining allegations in Paragraph 73.

77. The Commission denies the allegations contained in subsection “D.2” of the Amended Complaint.

78. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 74 of the Amended Complaint, and therefore denies the same. Further answering, S.B. 258 speaks for itself.

79. In response to Paragraph 75 of the Amended Complaint, the Commission admits that Exhibit 3 speaks for itself. The Commission denies the remaining allegations in Paragraph 75.

80. In response to Paragraph 76 of the Amended Complaint, the Commission admits that Exhibit 3 speaks for itself. The Commission denies the remaining allegations in Paragraph 76.

81. In response to Paragraph 77 of the Amended Complaint, the Commission admits that Exhibit 3 speaks for itself. The Commission denies the remaining allegations in Paragraph 77.

82. The Commission denies the allegations in subsection “D.3” of the Amended Complaint.

83. In response to Paragraph 78 of the Amended Complaint, the Commission admits that Exhibit 3 speaks for itself. The Commission denies the remaining allegations in Paragraph 78.

84. In response to Paragraph 79 of the Amended Complaint, the Commission admits that Exhibit 3 speaks for itself. The Commission denies the remaining allegations in Paragraph 79.

85. The Commission denies the allegations in subsection “D.4” of the Amended Complaint.

86. The Commission denies the allegations in Paragraph 80 of the Amended Complaint.

87. In response to Paragraph 81 of the Amended Complaint, the Commission admits that Exhibit 2 speaks for itself. The Commission denies the remaining allegations in Paragraph 81.

88. In response to Paragraph 82 of the Amended Complaint, the Commission admits that Exhibit 2 speaks for itself. The Commission denies the remaining allegations in Paragraph 82.

89. In response to Paragraph 83 of the Amended Complaint, the Commission admits that Exhibit 2 speaks for itself. The Commission denies the remaining allegations in Paragraph 83.

90. In response to Paragraph 84 of the Amended Complaint, the Commission admits that Exhibit 2 speaks for itself. The Commission denies the remaining allegations in Paragraph 84.

91. In response to Paragraph 85 of the Amended Complaint, the Commission admits that Exhibit 2 speaks for itself. The Commission denies the remaining allegations in Paragraph 85.

92. In response to Paragraph 86 of the Amended Complaint, the Commission admits that Exhibit 2 speaks for itself. The Commission denies the remaining allegations in Paragraph 86.

93. In response to Paragraph 88 of the Amended Complaint, the Commission admits that Exhibit 2 speaks for itself. The Commission denies the remaining allegations in Paragraph 88.

94. In response to Paragraph 89 of the Amended Complaint, the Commission admits that Exhibit 2 speaks for itself. The Commission denies the remaining allegations in Paragraph 89.

95. In response to Paragraph 90 of the Amended Complaint, the Commission admits that Exhibit 2 speaks for itself. The Commission denies the remaining allegations in Paragraph 90.

96. The Commission denies the allegations in Paragraph 91 of the Amended Complaint.

97. In response to Paragraph 92 of the Amended Complaint, the Commission admits that *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89, and Article XIX of the Ohio Constitution speak for themselves. The Commission denies the remaining allegations in Paragraph 92.

98. In response to Paragraph 93 of the Amended Complaint, the Commission admits that *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89, and Article XIX of the Ohio Constitution speak for themselves. The Commission denies the remaining allegations in Paragraph 93.

99. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 94 of the Amended Complaint concerning the congressional redistricting process carried out by the General Assembly, and therefore denies the same. Further answering, *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89, and Article XIX of the Ohio Constitution speak for themselves.

100. In response to Paragraph 94 of the Amended Complaint, the Commission admits that *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89, and Article XIX of the Ohio

Constitution speak for themselves. The Commission denies the remaining allegations in Paragraph 94.

101. In response to Paragraph 95 of the Amended Complaint, the Commission admits that the Commission was responsible for enacting a new congressional district plan following the General Assembly's February 13, 2022 deadline. Further answering, *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89, and Article XIX of the Ohio Constitution speak for themselves. The Commission denies the remaining allegations in Paragraph 95.

102. The Commission denies the allegations contained in subsection "F.1" of the Amended Complaint.

103. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 96 of the Amended Complaint concerning the congressional redistricting process carried out by the General Assembly, and therefore denies the same. Further answering, S.B. 286 and the public record speak for themselves.

104. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 97 of the Amended Complaint concerning the congressional redistricting process carried out by the General Assembly, and therefore denies the same. Further answering, the cited article speaks for itself.

105. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 98 of the Amended Complaint concerning the congressional redistricting process carried out by the General Assembly, and therefore denies the same. Further answering, the cited article and public record speak for themselves.

106. In response to Paragraph 99 of the Amended Complaint, the Commission admits that this Court’s decision in *League of Women Voters of Ohio v. Ohio Redistricting Commission*, 2022-Ohio-342 speaks for itself.

107. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 100 of the Amended Complaint concerning the congressional redistricting process carried out by the General Assembly, and therefore denies the same. Further answering, the cited articles and public record speak for themselves.

108. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 101 of the Amended Complaint concerning the congressional redistricting process carried out by the General Assembly, and therefore denies the same. Further answering, the cited article speaks for itself.

109. The Commission lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 102 of the Amended Complaint concerning the congressional redistricting process carried out by the General Assembly, and therefore denies the same. Further answering, the cited article speaks for itself.

110. The Commission admits the allegations contained in subsection “F.2” of the Amended Complaint.

111. In response to Paragraph 103 of the Amended Complaint, the Commission admits that Exhibit 10 and Article XIX of the Ohio Constitution speak for themselves. The Commission denies the remaining allegations in Paragraph 103.

112. In response to Paragraph 104 of the Amended Complaint, the Commission admits that the public record speaks for itself. The Commission denies the remaining allegations in Paragraph 104.

113. In response to Paragraph 105 of the Amended Complaint, the Commission admits that Exhibit 11 speaks for itself. The Commission denies the remaining allegations in Paragraph 105.

114. In response to Paragraph 106 of the Amended Complaint, the Commission admits that the cited exhibits speak for themselves. The Commission denies the remaining allegations in Paragraph 106.

115. The Commission denies the allegations in subsection “F.2” of the Amended Complaint.

116. In response to Paragraph 107 of the Amended Complaint, the Commission admits that it approved the Revised Plan on March 2, 2022. Further answering, the public record speaks for itself. The Commission denies the remaining allegations in Paragraph 107.

117. In response to Paragraph 108 of the Amended Complaint, the Commission admits that the cited exhibits and materials speak for themselves. The Commission denies the remaining allegations in Paragraph 108.

118. In response to Paragraph 109 of the Amended Complaint, the Commission admits that Exhibit 16 speaks for itself. The Commission denies the remaining allegations in Paragraph 109.

119. In response to Paragraph 110 of the Amended Complaint, the Commission admits that Exhibit 15 speaks for itself. The Commission denies the remaining allegations in Paragraph 110.

120. In response to Paragraph 111 of the Amended Complaint, the Commission admits that Exhibit 16 speaks for itself. The Commission denies the remaining allegations in Paragraph 111.

121. In response to Paragraph 112 of the Amended Complaint, the Commission admits that Exhibit 16 and 17 speak for themselves. The Commission denies the remaining allegations in Paragraph 112.

122. In response to Paragraph 113 of the Amended Complaint, the Commission admits that Exhibit 16 speaks for itself. The Commission denies the remaining allegations in Paragraph 113.

123. In response to Paragraph 114 of the Amended Complaint, the Commission admits that Exhibit 15 speaks for itself. The Commission denies the remaining allegations in Paragraph 114.

124. In response to Paragraph 115 of the Amended Complaint, the Commission admits that Exhibit 17 speaks for itself. The Commission denies the remaining allegations in Paragraph 115.

125. The Commission denies the allegations in Paragraph 116 of the Amended Complaint.

126. In response to Paragraph 117 of the Amended Complaint, the Commission admits that Exhibit 15 speaks for itself. The Commission denies the remaining allegations in Paragraph 117.

127. In response to Paragraph 118 of the Amended Complaint, the Commission admits that Exhibit 16 speaks for itself. The Commission denies the remaining allegations in Paragraph 118.

128. The Commission denies the allegations in Paragraph 119 of the Amended Complaint.

129. The Commission denies the allegations in subsection “G.4” of the Amended Complaint.

130. In response to Paragraph 120 of the Amended Complaint, the Commission admits that Exhibits 16 and 18 speak for themselves. The Commission denies the remaining allegations in Paragraph 120.

131. In response to Paragraph 121 of the Amended Complaint, the Commission admits that Exhibit 18 speaks for itself. The Commission denies the remaining allegations in Paragraph 121.

132. In response to Paragraph 122 of the Amended Complaint, the Commission admits that Exhibit 16 speaks for itself. The Commission denies the remaining allegations in Paragraph 122.

133. In response to Paragraph 123 of the Amended Complaint, the Commission admits that Exhibit 16 speaks for itself. The Commission denies the remaining allegations in Paragraph 123.

“FIRST CAUSE OF ACTION”

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

135. Paragraph 125 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that the public record and Article XIX of the Ohio Constitution speak for themselves. The Commission denies the remaining allegations in Paragraph 125.

136. In response to Paragraph 126 of the Amended Complaint, the Commission admits that this Court’s January 14, 2022 Opinion speaks for itself. The Commission denies the remaining allegations in Paragraph 126.

137. Paragraph 127 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 127.

138. Paragraph 128 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 128.

139. Paragraph 129 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 129.

140. Paragraph 130 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 130.

141. Paragraph 131 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 131.

“SECOND CAUSE OF ACTION”

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

143. Paragraph 133 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX, Section 3, of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 133.

144. In response to Paragraph 134 of the Amended Complaint, the Commission admits that this Court's January 14, 2022, Opinion speaks for itself. The Commission denies the remaining allegations in Paragraph 134.

145. Paragraph 135 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission admits that Article XIX, Section 1, of the Ohio Constitution speaks for itself. The Commission denies the remaining allegations in Paragraph 135.

146. Paragraph 136 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 136.

147. Paragraph 137 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 137.

148. Paragraph 138 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 138.

149. Paragraph 139 of the Amended Complaint states legal conclusions for which no response is required. To the extent a response is required, the Commission denies the allegations in Paragraph 139.

150. The Commission denies any allegation in the Amended Complaint that is not specifically admitted herein, and further denies that Petitioners are entitled to any relief in this action.

FIRST DEFENSE

1. As its first defense, the Commission states that the Amended Complaint, and each cause of action therein, fails to state a claim upon which relief may be granted.

SECOND DEFENSE

2. As its second defense, the Commission states that the March 2, 2022 Congressional Plan is presumed to be constitutional under applicable law.

THIRD DEFENSE

3. As its third defense, the Commission states that Petitioners cannot establish that the March 2, 2022 Congressional Plan is unconstitutional beyond a reasonable doubt.

FOURTH DEFENSE

4. As its fourth defense, the Commission states that it has, at all times, acted in conformance with applicable law in connection with the allegations set forth in the Amended Complaint.

RESERVATION OF ADDITIONAL DEFENSES

5. The Commission reserves the right to raise additional defenses, including affirmative defenses, as they become known or available.

6.

Date: April 15, 2022

Respectfully submitted,

/s/ Ashley T. Merino
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 15, 2022, a copy of the foregoing
was served by electronic mail upon the following:

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