

ORIGINAL

In the  
Supreme Court of Ohio

STATE OF OHIO, ex rel. OHIOANS FOR FAIR DISTRICTS, et al.,	:	Case No. 2011-1646
	:	
	:	
Relators,	:	Original Action in Mandamus
	:	
v.	:	
	:	
JON HUSTED, SECRETARY OF STATE, et al.,	:	
	:	
Respondent.	:	

**ANSWER OF RESPONDENT SECRETARY OF STATE JON HUSTED**

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 Ohio Secretary of State Jon Husted

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 SUPREME COURT OF OHIO

## **ANSWER OF RESPONDENT SECRETARY OF STATE JON HUSTED**

Respondent, Secretary of State Jon Husted, answers Relators' Complaint as follows:

1. The allegations contained Paragraph 1 of the Complaint state a legal conclusion and therefore no further response is required.
2. The allegations in Paragraph 2 of the Complaint state a legal conclusion and therefore no further response is required.
3. The Secretary of State denies for lack of knowledge the allegations in Paragraph 3 of the Complaint.
4. The Secretary of State denies for lack of knowledge the allegations in Paragraph 4 of the Complaint.
5. The Secretary of State admits the allegations in Paragraph 5 of the Complaint.
6. The Secretary of State answers that the allegations in Paragraph 6 of the Complaint state a legal conclusion. The Secretary of State further avers that he has the legal duty to compile and publish the laws of the State of Ohio as those laws are passed by the General Assembly.
7. The Secretary of State answers that the allegations in Paragraph 7 of the Complaint state a legal conclusion and therefore no further response is required.
8. The Secretary of State states that the allegations in Paragraph 8 of the Complaint state a legal conclusion and therefore no further response is required.
9. The Secretary of State admits the allegations in Paragraph 9 of the Complaint.
10. The Secretary of State admits the allegations in Paragraph 10 of the Complaint.
11. The Secretary of State admits the allegations in Paragraph 11 of the Complaint.
12. The Secretary of State admits the allegations in Paragraph 12 of the Complaint.

13. The Secretary of State admits the allegations in Paragraph 13 of the Complaint.
14. The Secretary of State admits the allegations in Paragraph 14 of the Complaint.
15. The Secretary of State admits the allegations in Paragraph 15 of the Complaint.
16. The Secretary of State admits the allegations in Paragraph 16 of the Complaint.
17. The Secretary of State denies the allegations in Paragraph 17 of the Complaint.
18. The Secretary of State answers that the allegations in Paragraph 18 state a legal conclusion and further states that Sub. H.B. 319 speaks for itself. No further response to the allegations in Paragraph 18 is required.
19. With respect to the allegations contained in Paragraph 19 of the Complaint, the Secretary of State answers that Section 4 of Sub. H.B. 319 speaks for itself and therefore no further response is required.
20. With respect to the allegations in Paragraph 20 of the Complaint, the Secretary of State answers that Section 6 of Sub. H.B. 319 speaks for itself and therefore no further response is required.
21. With respect to the allegations in Paragraph 21 of the Complaint, the Secretary of State answers that Section 7 of Sub. H.B. 319 speaks for itself and therefore no further response is required.
22. The Secretary of State denies for lack of knowledge the allegations in Paragraph 22 of the Complaint.
23. With respect to the allegations in Paragraph 23 of the Complaint, the Secretary of State avers that Ohioans for Fair Districts has filed a designation of Treasurer form. The Secretary denies for lack of knowledge the remaining allegations in Paragraph 23 of the Complaint.

24. With respect to the allegations in Paragraph 24 of the Complaint, the Secretary of State restates and incorporates by reference the responses to Paragraphs 1-23 of the Complaint.
25. With respect to the allegations in Paragraph 25 of the Complaint, the Secretary of State answers that Article II Section 1c of the Ohio Constitution speaks for itself and therefore no further response is required.
26. With respect to the allegations in Paragraph 26 of the Complaint, the Secretary of State answers that Article II Section 1d of the Ohio Constitution speaks for itself and therefore no further response is required.
27. The Secretary of State answers that the allegations in Paragraph 27 of the Complaint state a legal conclusion and therefore no further response is required.
28. The Secretary of State denies the allegations in Paragraph 28 of the Complaint.
29. The Secretary of State denies the allegations in Paragraph 29 of the Complaint.
30. The Secretary of State denies the allegations in Paragraph 30 of the Complaint.
31. The Secretary of State answers that the allegations in Paragraph 31 of the Complaint state a legal conclusion and therefore no further response is required.
32. With respect to the "WHEREFORE" clause and subclauses of the Complaint, the Secretary of State denies that the Relators are entitled to the stated relief or any relief.
33. The Secretary of State denies every allegation in the Complaint not otherwise specifically admitted to in this Answer.
34. Having answered the Complaint, the Secretary of State raises the following defenses, including affirmative defenses.

#### **First Defense**

35. The Relators have failed to state a claim upon which relief can be granted.

**Second Defense**

36. The Relators do not have a clear legal right to the relief requested.

**Third Defense**

37. The Respondent does not owe the Relators a clear legal duty.

**Fourth Defense**

38. The Relators have an adequate remedy at law.

**Fifth Defense**

39. Under Article II Section 1d of the Ohio Constitution, Sub. H.B. 319 is not subject to a referendum.

**Sixth Defense**

40. The Relators are not entitled to additional time to mount a referendum effort as they have failed to follow the requirements of R.C. 3519.01.

**Seventh Defense**

41. The Relators' claims are not ripe.

**Eighth Defense**

42. This case is controlled by this Court's opinion in the case of *State ex rel. Taft v. Franklin County Court of Common Pleas* (1998), 81 Ohio St.3d 480.

**Ninth Defense**

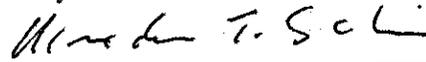
43. The Relators are not entitled to a referendum or a stay of the effective date of Sub. H.B. 319.

**Tenth Defense**

44. The Secretary of State reserves the right to add additional defenses, including affirmative defenses, as this case proceeds.
45. Having answered the Relators' Complaint, the Secretary of State prays that this Court dismiss the Complaint. In the alternative, the Secretary of State prays that this Court issue an alternative writ with an expedited briefing schedule.

Respectfully submitted,

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Attorney General of Ohio



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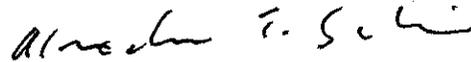
Ohio Secretary of State Jon Husted

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Answer was served by U.S. Mail this 6th day of October, 2011, upon the following counsel:

Donald McTigue  
545 East Town Street  
Columbus, Ohio 43215

Counsel for Relators



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Alexandra T. Schimmer  
Solicitor General