

**RESPONDENT SECRETARY OF STATE JON HUSTED'S RESPONSE TO
RELATORS' MOTION FOR RECONSIDERATION**

On October 12, 2011, the Secretary of State rejected Relators' summary referendum petition. Two days later, this Court issued the writ of mandamus and directed the Secretary to accept Relators' petition. See *Ohioans for Fair Districts*, slip op., 2011-Ohio-5333, ¶ 1. At Relators' request, the Secretary opened his office on Saturday, October 15 to accept the filing.

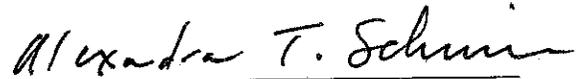
Consistent with R.C. 3519.01(B), the Secretary and the Attorney General certified Relators' petition on October 21, 2011—seven business days after October 12, 2011 (the date that Relators originally attempted to file their petition with the Secretary of State).

In their Motion for Reconsideration, Relators challenge the portion of this Court's decision indicating that, unless a referendum petition is filed, Sections 1 and 2 of "H.B. 319 will become effective 90 days from the September 26, 2011 date the bill was filed by the governor in the office of the secretary of state." *Ohioans for Fair Districts*, 2011-Ohio-5333, at ¶ 1. They urge the Court to toll the effective date of those sections for 90 days, starting from October 14, 2011—the date of the Court's decision.

The Intervenor-Respondents—the Ohio General Assembly, Speaker William Batchelder, and President Thomas Niehaus—have a particular interest in whether or not H.B. 319's effective date is further stayed, and they have filed an Opposition discussing their position. For that reason, the Secretary of State does not present any further argument on Relators' motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

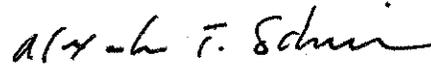
I certify that a copy of the foregoing Response was served by electronic mail on this 26th day of October, 2011, upon the following counsel:

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