

ORIGINAL

IN THE SUPREME COURT OF OHIO

Charles E. Wilson, et al.,	:	
	:	
Relators,	:	Original Action filed
	:	pursuant to Ohio Constitution,
	:	Art. XI, §13
v.	:	
	:	CASE NO.: 2012-0019
Governor John Kasich, et al.,	:	
	:	
Respondents.	:	

RELATORS' MOTION
FOR LEAVE TO FILE AMENDED COMPLAINT

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I. INTRODUCTION

Relators move for leave to file an Amended Complaint pursuant to Ohio Civil Rule 15(A). As Relators have explained in their supplemental briefs, and as Respondents agree, the Court has jurisdiction over this case regardless of whether it grants this motion to amend. Nonetheless, to assuage any doubt the Court may have as to its jurisdiction, Relators' proposed amended complaint (attached as Exhibit A¹) adds as a Relator Representative Armond Budish, the only member of the Apportionment Board not named in the original complaint. Accepting this Amended Complaint would align the parties as in *Voinovich v. Ferguson*, 62 Ohio St.3d 1209 (1991), when some members of the Apportionment Board were Relators and others were Respondents (the amended complaint also eliminates the now dismissed Open Meeting Act claim). Relators continue to believe—and Respondents agree—that the Apportionment Board itself need not be a party to this case, but if the Court disagrees, Relators would ask that the Court join the Board as a Respondent under Civil Rule 21, which provides: “Parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just.”

II. BACKGROUND

On March 2, the Court ordered Relators and Respondents to submit briefs addressing four questions. The Court's first question asked whether it had jurisdiction over this case “when only four of the five members of the apportionment board have been named as respondents and the board has not been named as a party?” As both Relators and Respondents have explained, the answer to that question is “yes” for several reasons, all of which are explained in the supplemental briefing. Nevertheless, out of an abundance of caution, Relators submit this motion for leave to file an amended complaint to add Representative Budish as a Relator.

¹ Because Relators' proposed amended complaint alleges no new facts, Relators intend to rely on the affidavit filed with their original complaint. If the Court believes that a new affidavit is required, however, Relators will provide one immediately.

III. ARGUMENT

A. Legal Standard.

“The spirit of the Civil Rules is the resolution of cases upon their merits, not upon pleading deficiencies.” *Peterson v. Teodosio*, 34 Ohio St.2d 161, 175 (1973). Thus, Ohio Civil Rule 15(A) provides that leave to amend a pleading “shall be freely given when justice so requires.” Ohio Civ. R. 15(A). “[T]he language of Civ. R. 15(A) favors a liberal amendment policy and a motion for leave to amend should be granted absent a finding of bad faith, undue delay or undue prejudice to the opposing party.” *Hoover v. Sumlin*, 12 Ohio St.3d 1, 6 (1984). Consistent with that liberal amendment policy, this Court routinely grants leave to amend in its original-jurisdiction cases, including cases (like this one) arising under Article XI, § 13 of the Ohio Constitution. *See, e.g., State ex rel. Am. Civil Liberties Union of Ohio, Inc. v. Cuyahoga Cty. Bd. of Comm’rs*, 126 Ohio St.3d 1541, 1541 (2010); *State ex rel. Hackworth v. Hughes*, 97 Ohio St.3d 110, 113-14 (2002); *Voinovich v. Ferguson*, 62 Ohio St.3d 1209, 1209 (1991).

B. The Court should permit Relators to file the amended complaint to eliminate any doubt as to the Court’s jurisdiction.

As explained in detail in Relators’ and Respondents’ Supplemental Briefs, the fact that Relators’ original complaint names only four of the five members of the Apportionment Board and does not name the Apportionment Board itself has no effect on the Court’s original and exclusive jurisdiction over this apportionment matter. *See* Ohio Const. art. XI, § 13.

Even if the Court concludes otherwise or has any doubts on that score, however, dismissal is not the appropriate remedy. At most, the omission of Representative Budish and the Apportionment Board would amount to an easily corrected pleading deficiency. That is not an appropriate ground on which to resolve a case of this significance. *See, e.g., Peterson*, 34 Ohio St.2d at 175 (“The spirit of the Civil Rules is the resolution of cases upon their merits, not upon pleading deficiencies.”); *see also State ex rel. Colvin v. Brunner*, 120 Ohio St.3d 110, 115-16 (2008) (“[T]he fundamental tenet of judicial review in Ohio is that courts should decide cases on their merits.”) (internal quotation marks and citation omitted).

Moreover, because the Court has dismissed Relators' claims to the extent they addressed the 2012 election, allowing Relators to make minor revisions to their complaint now could not possibly prejudice Respondents or the public. And Relators have not acted in bad faith or unduly delayed in seeking leave to file an amended complaint. To the contrary, Relators filed this motion with ample time to ensure that this Court, consistent with the "fundamental tenet of judicial review in Ohio," has an opportunity to reach the merits of this important dispute.

For these reasons, the Court should grant Relators' motion and accept the amended complaint to erase any doubt the Court may have about its jurisdiction. *See* Ohio Civ. R. 15(A); *see also Hughes*, 97 Ohio St.3d at 113-14 ("Given the policy favoring liberal amendment of pleadings . . . , the lack of prejudice to respondents or the electorate, and the preference to resolve cases on their merits, we grant Hackworth's motion for leave to amend his complaint."). Accepting the proposed amended complaint should assure the Court of its jurisdiction, as the party alignment here would then be virtually identical to the alignment in *Voinovich*, 62 Ohio St.3d 1209, when some members of the Apportionment Board were Relators and the others were Respondents.

If the Court concludes, however, that the Apportionment Board itself must also be named as a party (a requirement not met in the Court's prior Article XI cases, *see id.*; *State ex rel. Herbert v. Bricker*, 139 Ohio St. 499 (1942)), Relators ask that the Court join the Board as a Respondent under Rule 21. Rule 21 allows the Court to add a party "on motion of any party or of its own initiative at any stage of the action." That provides a simple mechanism for the Court to correct any jurisdictional defects it perceives, and would be a far more appropriate resolution than dismissal if the Court concludes that the Board must be named. *See, e.g., Peterson*, 34 Ohio St.2d at 175 ("The spirit of the Civil Rules is the resolution of cases upon their merits, not upon pleading deficiencies."); *Colvin*, 120 Ohio St.3d at 115-16 ("[T]he fundamental tenet of judicial review in Ohio is that courts should decide cases on their merits.") (internal quotation marks and citation omitted).

IV. CONCLUSION

For the foregoing reasons, Relators respectfully request leave to file the attached proposed amended complaint.

Respectfully submitted,


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CERTIFICATE OF SERVICE

A copy of the foregoing conditional motion was served via e-mail this 9th day of April,

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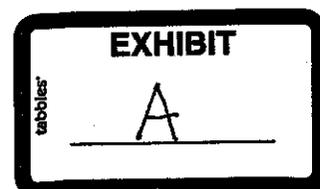
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Relators

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INTRODUCTION

1. Relators bring this action to enforce Article XI of the Ohio Constitution, which provides the process and rules for reapportionment of Ohio's General Assembly.
2. "Prior to the Constitution of 1851, the apportionments of legislative districts had been made by the General Assembly with the result that oftentimes political advantage was sought to be gained by the party in power. Accordingly Article XI was incorporated in the Constitution for the purpose of correcting the evils of former days." *State ex rel. Herbert v. Bricker*, 139 Ohio St. 499, 508, 41 N.E.2d 377 (Ohio 1942). "The objective sought by the constitutional provisions was the prevention of gerrymandering." *Id.* at 509. Article XI aimed to prevent gerrymandering by imposing detailed, neutral requirements on Ohio's redistricting process and transferring that process from the General Assembly to the Ohio Apportionment Board.
3. Unfortunately, in conducting the 2011 reapportionment, the Apportionment Board's Republican majority flouted Article XI's requirements in an effort to achieve partisan gain. Relators bring this action to ensure that the fair, neutral, and constitutionally-mandated requirements of Article XI control the 2011 reapportionment process.

JURISDICTION

4. This Court has original jurisdiction of this matter under Article XI, Section 13 of the Ohio Constitution. Pursuant to Article XI, Relators seek a determination that the apportionment plan adopted by the Apportionment Board is invalid.

PARTIES

5. Respondents are the members of the Ohio Apportionment Board (the "Apportionment Board") who voted to approve the Board's 2011 reapportionment plan, attached as Exhibit C to the affidavit of Michael McDonald.

6. Relators are Representative Armond Budish, the only member of the Apportionment Board who voted against the Board's 2011 reapportionment plan, as well as Ohio voters who live in districts that were drawn in violation of Article XI.
7. Relator Kathleen E. Hoke lives at 646 South Roys Avenue, Columbus, OH 43204, which is in Ohio House District 17 in the 2011 Apportionment Board plan.
8. Relator Charles F. Loutzenhiser II lives at 235 Buttles Avenue, Columbus, OH 43215-1303, which is in Ohio House District 18 in the 2011 Apportionment Board plan.
9. Relator Landrum Roy Landreth lives at 4983 Meadway Drive, New Albany, OH 43054, which is in Ohio House District 19 in the 2011 Apportionment Board plan.
10. Relator Alex Gene Maggard lives at 600 Link Road, Whitehall, OH 43213-2539, which is in Ohio House District 20 in the 2011 Apportionment Board plan.
11. Relator Charles E. Wilson lives at 1116 Baumock Burn Drive, Columbus, OH 43235, which is in Ohio House District 21 in the 2011 Apportionment Board plan.
12. Relator Sarah Snyder lives at 97 Brighton Road, Columbus, OH 43202, which is in Ohio House District 22 in the 2011 Apportionment Board plan.
13. Relator James E. Lester lives at 2821 Homecomer Drive, Grove City, OH 43123, which is in Ohio House District 23 in the 2011 Apportionment Board plan.
14. Relator Sue Foley lives at 4898 Sharon Avenue, Columbus, OH 43214, which is in Ohio House District 24 in the 2011 Apportionment Board plan.
15. Relator Maxwell Douglas Kinman lives at 8717 Harper Pt. Drive, Apt B, Cincinnati, OH 45249, which is in Ohio House District 27 in the 2011 Apportionment Board plan.
16. Relator Margaret Morris lives at 9779 Troon Court, Cincinnati, OH 45241, which is in Ohio House District 28 in the 2011 Apportionment Board plan.

17. Relator Brigid E. Kelly lives at 2211 Monroe Avenue, Norwood, OH 45212, which is in Ohio House District 31 in the 2011 Apportionment Board plan.
18. Relator Tamela Lee lives at 995 Courtland Avenue, Akron, OH 44320, which is in Ohio House District 34 in the 2011 Apportionment Board plan.
19. Relator Barbara Williams lives at 1616 Osage Avenue, Akron, OH 44305, which is in Ohio House District 35 in the 2011 Apportionment Board plan.
20. Relator Steve Dyer lives at 4362 Ridge View Drive, Uniontown, OH 44685, which is in Ohio House District 36 in the 2011 Apportionment Board plan.
21. Relator Denise Woods lives at 1590 Shade Road, Akron, OH 44333, which is in Ohio House District 38 in the 2011 Apportionment Board plan.
22. Relator Dave Richards lives at 5019 Key West Drive, Huber Heights, OH 45424, which is in Ohio House District 40 in the 2011 Apportionment Board plan.
23. Relator Debbie Owens lives at 3927 Saddleridge Circle, Dayton, OH 45424, which is in Ohio House District 40 in the 2011 Apportionment Board plan.
24. Relator Michael Bock lives at 3808 Lefevre Drive, Kettering, OH 45429, which is in Ohio House District 41 in the 2011 Apportionment Board plan.
25. Relator Donna Gales lives at 5207 Weddington Drive, Trotwood, OH 45426-1951, which is in Ohio House District 43 in the 2011 Apportionment Board plan.
26. Relator Elizabeth I. R. Ujvagi lives at 2145 Consaul Street, Toledo, OH 43605-1467, which is in Ohio House District 45 in the 2011 Apportionment Board plan.
27. Relator Dwan C. Gordon-St. John lives at 2625 Daffodil Street NE, Canton, OH 44705, which is in Ohio House District 48 in the 2011 Apportionment Board plan.

28. Relator Nancy Cregan lives at 10331 Shetler Avenue SW, Navarre, OH 44662-9254, which is in Ohio House District 49 in the 2011 Apportionment Board plan.
29. Relator Kreig Brusnahan lives at 5297 Berkshire Drive, Sheffield Village, OH 44054-3903, which is in Ohio House District 55 in the 2011 Apportionment Board plan.
30. Relator Rick Winrod lives at 32627 Englewood Court, North Ridgeville, OH 44039-2370, which is in Ohio House District 57 in the 2011 Apportionment Board plan.
31. Relator John Vivo lives at 724 E. Boston Avenue, Youngstown, OH 44502, which is in Ohio House District 58 in the 2011 Apportionment Board plan.
32. Relator Ken Carano lives at 1906 Countryside Drive, Austintown, OH 44515, which is in Ohio House District 59 in the 2011 Apportionment Board plan.
33. Relator Constance Mismas lives at 208 St. Lawrence Boulevard, Eastlake, OH 44095, which is in Ohio House District 60 in the 2011 Apportionment Board plan.
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36. Relator Paula D. Watson lives at 407 Keen Avenue, Ashland, OH 44805, which is in Ohio House District 70 in the 2011 Apportionment Board plan.
37. Relator Gerald A. McLaughlin lives at 1533 Welsh Hills Rd, Granville, OH 43023-9324, which is in Ohio House District 71 in the 2011 Apportionment Board plan.
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39. Relator Cheryl Davis lives at 528 N. Cherry Street, Celina, OH 45822, which is in Ohio House District 84 in the 2011 Apportionment Board plan.

40. Relator Ray Pryor lives at 263 Rozelle Creek Road, Chillicothe, OH 45601, which is in Ohio House District 91 in the 2011 Apportionment Board plan.

41. Relator Nancy Remus Bain lives at 110 Columbia Avenue, Athens, OH 45701-1307, which is in Ohio House District 94 in the 2011 Apportionment Board plan.

42. Relator John R. Debonis lives at 50481 Cindy Drive, St. Clairsville, OH 43950-9162, which is in Ohio House District 95 in the 2011 Apportionment Board plan.

LEGAL BACKGROUND

A. Article XI

43. The Ohio Apportionment Board is responsible for redistricting the State's House and Senate Districts in compliance with Article XI of the Ohio Constitution.

44. Article XI imposes detailed requirements on reapportionment, with the purpose of providing objective, efficient, and politically-neutral criteria for the reapportionment process.

45. Article XI, Section 2 first requires that the "population of the state, as determined by the federal decennial census," shall be divided by 99 to determine the ideal population (or "ratio of representation") for a House district, and by 33 to determine the ideal population for a Senate district.

46. Once this ideal population is determined, Article XI, Section 3 requires that the population of each House district "shall be substantially equal to the" ideal population, "as provided in Section 2 of this Article, and in no event shall any house of representatives district contain a population of less than ninety-five per cent nor more than one hundred five per cent of

the” ideal population, “except in those instances where reasonable effort is made to avoid dividing a county in accordance with Section 9 of this Article.”

47. As to the actual drawing of House districts, Article XI, Section 7(A) specifies that: “Every house of representatives district shall be compact and composed of contiguous territory. . . . To the extent consistent with the requirements of Section 3 of this Article, the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties.” Thus, the Apportionment Board is not to divide counties unless doing so is necessary to achieve equal population requirements.

48. Article XI, Section 7(B) then provides: “Where the requirements of Section 3 of this Article cannot feasibly be attained by forming a district from a whole county or counties, such district shall be formed by combining the areas of governmental units giving preference in the order named to counties, townships, municipalities, and city wards.” Thus, if the Apportionment Board has to split a county to achieve equal population requirements, it is to do so by combining whole political subdivisions, choosing the first from this list in the order named that will accomplish the task.

49. Article XI, Section 7(C) further specifies: “Where the requirements of Section 3 of this Article cannot feasibly be attained by combining the areas of governmental units as prescribed in division (B) of this Section, only one such unit may be divided between two districts, giving preference in the selection of a unit for division to a township, a city ward, a city, and a village in the order named.” Thus, if the Board must split a governmental unit between two districts, it may only split one, and must select the first subdivision from this list that will achieve equal population requirements.

50. Finally, in creating House districts, Article XI, Section 7(D) requires that: “In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of Section 3 of this Article.” Thus, House district boundaries should not be changed from the prior apportionment unless leaving them unchanged would violate equal population requirements or otherwise violate Article XI.

FACTS

51. On September 30, 2011, the Apportionment Board adopted reapportionment plans for the State’s House and Senate districts.

52. In violation of Article XI, the reapportionment plans adopted by the Apportionment Board unnecessarily divide counties, cities, and other political subdivisions, and unnecessarily deviate from the prior apportionment. These violations are detailed in the causes of action below.

53. These violations of Article XI were not necessary to achieve equal population requirements or other compelling state interests, but rather were adopted to advance the partisan aims of the Apportionment Board’s Republican majority.

54. For months before the Apportionment Board officially met, and throughout its deliberations, the Apportionment Board’s Joint Secretaries, Heather Mann and Ray DiRossi (the “Joint Secretaries”) worked in secret with Republican members of the Apportionment Board, their agents, and Republican political operatives to ensure that the plan adopted by the Apportionment Board would best achieve Republican political interests, even if doing so violated Article XI.

55. For example, on September 18, 2011, shortly before the Joint Secretaries “presented” the plan to the Apportionment Board, Board Secretary Heather Mann provided a “helpful analysis” of the new House and Senate districts showing the “Political Indexes” for each district under the 2001 apportionment plan and under the apportionment plan the Apportionment Board’s Republican majority had already secretly developed and would soon publicly propose. Ms. Mann trumpeted that the new legislative plan would substantially favor Republican interests, saying: “We are now have [sic] a majority of seats that lean Republican (50% or better) on 2008 Presidential numbers,” and: “Previously, to retain a 50+ seat majority under 2008 Presidential year conditions, we had to win all seats above a 49.14%; now we only have to hold 50 or more seats that are 50.94% or better.”

56. Similarly, in a September 16, 2011, email, Board Secretary Ray DiRossi expressed his satisfaction that the “significant improvements” the Joint Secretaries had made to the House districts—i.e., redrawing existing House districts to make them less politically competitive—would “sav[e] millions” of dollars in campaign expenses that Republicans would otherwise have to spend to win particular House districts.

57. By a party line vote of 4-1, the reapportionment plan was approved by the Apportionment Board within days of being unveiled.

58. The reapportionment plans adopted by the Apportionment Board deprive Relators and all similarly situated individuals of rights guaranteed to them under Article XI of the Ohio Constitution.

FIRST CAUSE OF ACTION—Violation of Article XI

59. Relators restate and incorporate by reference the allegations of paragraphs 1 through 58 above as though fully set forth in this Paragraph.

60. House District 17 in the Apportionment Board plan divides Columbus City and Wards 31, 50, and 79 of Columbus City; Franklin Township and Precinct D of Franklin Township; and Hamilton Township, including Precincts A and B of Hamilton Township.

61. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

62. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

63. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

SECOND CAUSE OF ACTION—Violation of Article XI

64. Relators restate and incorporate by reference the allegations of paragraphs 1 through 63 above as though fully set forth in this Paragraph.

65. House District 18 in the Apportionment Board plan divides Clinton Township and Precinct C of Clinton Township as well as Columbus City and Ward 31 of Columbus City.

66. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

67. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

68. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

THIRD CAUSE OF ACTION—Violation of Article XI

69. Relators restate and incorporate by reference the allegations of paragraphs 1 through 68 above as though fully set forth in this Paragraph.

70. House District 19 in the Apportionment Board plan divides Blendon Township and Precinct C of Blendon Township; Columbus City and Ward 81 of Columbus City; Jefferson Township and Precinct A of Jefferson Township; Milton Township and Precinct A of Milton Township; and Sharon Township and Precinct A of Sharon Township.

71. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

72. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

73. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

FOURTH CAUSE OF ACTION—Violation of Article XI

74. Relators restate and incorporate by reference the allegations of paragraphs 1 through 73 above as though fully set forth in this Paragraph.

75. House District 20 in the Apportionment Board plan divides Columbus City and Ward 45 of Columbus City; Hamilton Township and Precincts A and B of Hamilton Township; Jefferson Township and Precinct A of Jefferson Township; Madison Township and Precinct C of Madison Township; and Truro Township and Precinct A of Truro Township.

76. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

77. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

78. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

FIFTH CAUSE OF ACTION—Violation of Article XI

79. Relators restate and incorporate by reference the allegations of paragraphs 1 through 78 above as though fully set forth in this Paragraph.

80. House District 21 in the Apportionment Board plan divides Norwich Township and Precinct C of Norwich Township; Perry Township and Precinct C of Perry Township; Sharon Township and Precincts A and B of Sharon Township; and Washington Township and Precinct A of Washington Township.

81. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

82. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

83. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

SIXTH CAUSE OF ACTION—Violation of Article XI

84. Relators restate and incorporate by reference the allegations of paragraphs 1 through 83 above as though fully set forth in this Paragraph.

85. House District 22 in the Apportionment Board plan divides Blendon Township and Precinct C of Blendon Township; Clinton Township and Precincts A and C of Clinton Township; Columbus City and Wards 22 and 59 of Columbus City; Perry Township and Precinct C of Perry Township; and Sharon Township and Precinct A of Sharon Township.

86. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

87. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

88. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

SEVENTH CAUSE OF ACTION—Violation of Article XI

89. Relators restate and incorporate by reference the allegations of paragraphs 1 through 88 above as though fully set forth in this Paragraph.

90. House District 23 in the Apportionment Board plan divides Columbus City, Ward 79 of Columbus City, and Precinct D within Ward 79; Franklin Township and Precinct D of Franklin Township; Hilliard City and Ward 4 of Hilliard City; Norwich Township and Precinct A of Norwich Township; and Prairie Township and Precincts B, C, and K of Prairie Township.

91. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

92. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

93. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

EIGHTH CAUSE OF ACTION—Violation of Article XI

94. Relators restate and incorporate by reference the allegations of paragraphs 1 through 93 above as though fully set forth in this Paragraph.

95. House District 24 in the Apportionment Board plan divides Columbus City and Ward 22 of Columbus City; Franklin Township and Precinct C of Franklin Township; Hilliard City and Ward 4 of Hilliard City; Norwich Township and Precincts A and C of Norwich Township; Perry Township and Precinct C of Perry Township; Prairie Township and Precincts B, C, and K of

Prairie Township; Sharon Township and Precinct B of Sharon Township; and Washington Township and Precinct A of Washington Township.

96. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

97. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

98. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

NINTH CAUSE OF ACTION—Violation of Article XI

99. Relators restate and incorporate by reference the allegations of paragraphs 1 through 98 above as though fully set forth in this Paragraph.

100. House District 27 in the Apportionment Board plan divides Cincinnati City and Columbia Township.

101. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

102. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

103. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

TENTH CAUSE OF ACTION—Violation of Article XI

104. Relators restate and incorporate by reference the allegations of paragraphs 1 through 103 above as though fully set forth in this Paragraph.

105. House District 28 in the Apportionment Board plan divides Springfield Township and Sycamore Township.

106. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

107. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

108. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

ELEVENTH CAUSE OF ACTION—Violation of Article XI

109. Relators restate and incorporate by reference the allegations of paragraphs 1 through 108 above as though fully set forth in this Paragraph.

110. House District 31 in the Apportionment Board plan divides Cincinnati City and Columbia Township.

111. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

112. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

113. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

TWELFTH CAUSE OF ACTION—Violation of Article XI

114. Relators restate and incorporate by reference the allegations of paragraphs 1 through 113 above as though fully set forth in this Paragraph.

115. House District 34 in the Apportionment Board plan divides Akron City and Ward 2 of Akron City; Bath Township and Precincts H and K of Bath Township; and Cuyahoga Falls, including Ward 8 and Precinct B of Cuyahoga Falls.

116. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

117. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

118. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

THIRTEENTH CAUSE OF ACTION—Violation of Article XI

119. Relators restate and incorporate by reference the allegations of paragraphs 1 through 118 above as though fully set forth in this Paragraph.

120. House District 35 in the Apportionment Board plan divides Akron City and Ward 2 of Akron City; Coventry Township and Precincts A, F, G, and H of Coventry Township; and Springfield Township and Precinct A of Springfield Township.

121. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

122. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

123. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

FOURTEENTH CAUSE OF ACTION—Violation of Article XI

124. Relators restate and incorporate by reference the allegations of paragraphs 1 through 123 above as though fully set forth in this Paragraph.

125. House District 36 in the Apportionment Board plan divides Coventry Township and Precincts A, F, G, and H of Coventry Township; Cuyahoga Falls, including Ward 8 and Precinct B of Cuyahoga Falls; and Springfield Township, including Precinct A of Springfield Township.

126. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

127. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

128. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

FIFTEENTH CAUSE OF ACTION—Violation of Article XI

129. Relators restate and incorporate by reference the allegations of paragraphs 1 through 128 above as though fully set forth in this Paragraph.

130. House District 38 in the Apportionment Board plan divides Summit County and Stark County, violating Section 7(A)'s directive that "the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

131. House District 38 also violates Section 7(A)'s requirement that "[e]very house of representatives district shall be compact," as it is a narrow strip of land that divides the full length of two counties.

132. House District 38 also divides Massillon City, Tuscarawas Township, and Bath Township, as well as Precincts H and K within Bath Township.

133. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

134. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

135. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

SIXTEENTH CAUSE OF ACTION—Violation of Article XI

136. Relators restate and incorporate by reference the allegations of paragraphs 1 through 135 above as though fully set forth in this Paragraph.

137. House District 40 in the Apportionment Board plan divides Clayton City and Ward 1 of Clayton City, Clay Township, Dayton City and Ward 3 of Dayton City, Harrison Township, and Riverside City.

138. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

139. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

140. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

SEVENTEENTH CAUSE OF ACTION—Violation of Article XI

141. Relators restate and incorporate by reference the allegations of paragraphs 1 through 140 above as though fully set forth in this Paragraph.

142. House District 41 in the Apportionment Board plan divides Dayton City and Riverside City.

143. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

144. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

145. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

EIGHTEENTH CAUSE OF ACTION—Violation of Article XI

146. Relators restate and incorporate by reference the allegations of paragraphs 1 through 145 above as though fully set forth in this Paragraph.

147. House District 43 in the Apportionment Board plan divides Clayton City, Ward 1 of Clayton City, and Precinct B within Ward 1; Dayton City, Ward 3 of Dayton City, and Precinct

B within Ward 3; Harrison Township and Precinct C of Harrison Township; and Trotwood City, Ward 4 of Trotwood City, and Precincts B and C within Ward 4.

148. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

149. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

150. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

NINETEENTH CAUSE OF ACTION—Violation of Article XI

151. Relators restate and incorporate by reference the allegations of paragraphs 1 through 150 above as though fully set forth in this Paragraph.

152. House District 45 in the Apportionment Board plan divides Toledo City and Sylvania Township.

153. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

154. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

155. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

TWENTIETH CAUSE OF ACTION—Violation of Article XI

156. Relators restate and incorporate by reference the allegations of paragraphs 1 through 155 above as though fully set forth in this Paragraph.

157. House District 48 in the Apportionment Board plan divides Bethlehem Township; Canton Township; Perry Township and Precincts 3, 4, and 28 within Perry Township; and Plain Township as well as Precincts 5, 7, 13, 28, 29, and 35 within Plain Township.

158. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

159. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

160. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

TWENTY-FIRST CAUSE OF ACTION—Violation of Article XI

161. Relators restate and incorporate by reference the allegations of paragraphs 1 through 160 above as though fully set forth in this Paragraph.

162. House District 49 in the Apportionment Board plan divides Bethlehem Township; Canton Township; Massillon City; Osnaburg Township and Precinct 4 of Osnaburg Township; Perry

Township and Precincts 3, 4, and 28 within Perry Township; Plain Township and Precincts 5, 7, 13, and 29 within Plain Township; and Tuscarawas Township.

163. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

164. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

165. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

TWENTY-SECOND CAUSE OF ACTION—Violation of Article XI

166. Relators restate and incorporate by reference the allegations of paragraphs 1 through 165 above as though fully set forth in this Paragraph.

167. House District 55 in the Apportionment Board plan divides Eaton Township, Grafton Township, and the city of North Ridgeville, and within North Ridgeville, it divides Ward 3.

168. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

169. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

170. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

TWENTY-THIRD CAUSE OF ACTION—Violation of Article XI

171. Relators restate and incorporate by reference the allegations of paragraphs 1 through 170 above as though fully set forth in this Paragraph.

172. House District 57 in the Apportionment Board plan divides Eaton Township, Grafton Township, and the city of North Ridgeville, and within North Ridgeville, it divides Ward 3.

173. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

174. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

175. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

TWENTY-FOURTH CAUSE OF ACTION—Violation of Article XI

176. Relators restate and incorporate by reference the allegations of paragraphs 1 through 175 above as though fully set forth in this Paragraph.

177. House District 58 in the Apportionment Board plan divides Austintown Township, violating Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units."

178. This violation of Article XI was adopted for partisan benefit and was not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

TWENTY-FIFTH CAUSE OF ACTION—Violation of Article XI

179. Relators restate and incorporate by reference the allegations of paragraphs 1 through 178 above as though fully set forth in this Paragraph.

180. House District 59 in the Apportionment Board plan divides Austintown Township, violating Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units."

181. This violation of Article XI was adopted for partisan benefit and was not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

TWENTY-SIXTH CAUSE OF ACTION—Violation of Article XI

182. Relators restate and incorporate by reference the allegations of paragraphs 1 through 181 above as though fully set forth in this Paragraph.

183. House District 60 in the Apportionment Board plan was changed substantially from its shape in the prior apportionment (when the majority of new House District 60 was in House District 62), even though no change was necessary to achieve equal population requirements.

184. This change violates Section 7(D)'s requirement that: "In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of Section 3 of this Article."

185. House District 60 in the Apportionment Board plan also divides Mentor City, Painesville Township, and Precinct D of Painesville Township.

186. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

187. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

188. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

TWENTY-SEVENTH CAUSE OF ACTION—Violation of Article XI

189. Relators restate and incorporate by reference the allegations of paragraphs 1 through 188 above as though fully set forth in this Paragraph.

190. House District 61 in the Apportionment Board plan was changed substantially from its shape in the prior apportionment (when the majority of new House District 61 was in House District 63), even though no change was necessary to achieve equal population requirements.

191. This change violates Section 7(D)'s requirement that: "In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of Section 3 of this Article."

192. House District 61 in the Apportionment Board plan also divides Mentor City, Painesville Township, and Precinct D of Painesville Township.

193. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

194. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

195. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

TWENTY-EIGHTH CAUSE OF ACTION—Violation of Article XI

196. Relators restate and incorporate by reference the allegations of paragraphs 1 through 195 above as though fully set forth in this Paragraph.

197. House District 69 in the Apportionment Board plan divides Brunswick City, Brunswick Hills Township, and York Township.

198. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

199. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

200. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

TWENTY-NINTH CAUSE OF ACTION—Violation of Article XI

201. Relators restate and incorporate by reference the allegations of paragraphs 1 through 200 above as though fully set forth in this Paragraph.

202. House District 70 in the Apportionment Board plan divides two counties, violating Article XI, Section 7(A)'s directive that "the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

203. House District 70 also divides Brunswick City, Brunswick Hills Township, and York Township.

204. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

205. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

206. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

THIRTIETH CAUSE OF ACTION—Violation of Article XI

207. Relators restate and incorporate by reference the allegations of paragraphs 1 through 206 above as though fully set forth in this Paragraph.

208. House District 71 in the Apportionment Board plan divides Etna Township and Precinct B of Etna Township as well as Madison Township and Precinct B of Madison Township.

209. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

210. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

211. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

THIRTY-FIRST CAUSE OF ACTION—Violation of Article XI

212. Relators restate and incorporate by reference the allegations of paragraphs 1 through 211 above as though fully set forth in this Paragraph.

213. House District 78 in the Apportionment Board plan divides four counties, violating Article XI, Section 7(A)'s directive that "the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

214. House District 78 also divides Circleville Township in Pickaway County, violating Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

215. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

THIRTY-SECOND CAUSE OF ACTION—Violation of Article XI

216. Relators restate and incorporate by reference the allegations of paragraphs 1 through 215 above as though fully set forth in this Paragraph.

217. House District 84 in the Apportionment Board plan divides Auglaize County, Darke County, and Shelby County, violating Article XI, Section 7(A)'s directive that "the boundary

lines of districts shall be so drawn as to delineate an area containing one or more whole counties.”

218. House District 84 also divides Duchoquet Township and St. Mary’s Township in Auglaize County.

219. These divisions violate Section 7(B)’s rule that if a county must be divided to achieve population requirements, it should be done by combining whole “governmental units,” and in the order prescribed.

220. These divisions also violate Section 7(C)’s rule that if a political subdivision must be split to achieve population requirements, “only one such unit may be divided between two districts,” and only in the order prescribed.

221. House District 84 in the Apportionment Board plan was changed substantially from its shape in the prior apportionment (when the majority of new House District 84 was in House District 77), even though no change was necessary to achieve equal population requirements.

222. This change violates Section 7(D)’s requirement that: “In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of Section 3 of this Article.”

223. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI’s requirements.

THIRTY-THIRD CAUSE OF ACTION—Violation of Article XI

224. Relators restate and incorporate by reference the allegations of paragraphs 1 through 223 above as though fully set forth in this Paragraph.

225. House District 91 in the Apportionment Board plan was changed substantially from its shape in the prior apportionment (when the majority of new House District 91 was in House District 86), even though no change was necessary to achieve equal population requirements.

226. This change violates Section 7(D)'s requirement that: "In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of Section 3 of this Article."

227. House District 91 in the Apportionment Board plan divides Ross County, violating Section 7(A)'s directive that "the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

228. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

THIRTY-FOURTH CAUSE OF ACTION—Violation of Article XI

229. Relators restate and incorporate by reference the allegations of paragraphs 1 through 228 above as though fully set forth in this Paragraph.

230. House District 94 in the Apportionment Board plan also divides Athens County, Vinton County, and Washington County, violating Section 7(A)'s directive that "the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

231. House District 94 also divides Marietta City, Marietta Township, and Precincts West and East A in Marietta Township.

232. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

233. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

234. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

THIRTY-FIFTH CAUSE OF ACTION—Violation of Article XI

235. Relators restate and incorporate by reference the allegations of paragraphs 1 through 234 above as though fully set forth in this Paragraph.

236. House District 95 in the Apportionment Board plan divides Belmont County and Washington County, violating Section 7(A)'s directive that "the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

237. House District 95 also divides Marietta City, Marietta Township, and Precincts West and East A in Marietta Township.

238. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

239. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

240. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

THIRTY-SIXTH CAUSE OF ACTION—Violation of Article XI

241. Relators restate and incorporate by reference the allegations of paragraphs 1 through 240 above as though fully set forth in this Paragraph.

242. Because the House districts detailed above violate Article XI's requirements, and because Article XI, Section 11 requires that "Senate districts shall be composed of three contiguous House of Representatives districts," the Senate districts made up of these invalid House districts also violate Article XI.

PRAYER FOR RELIEF

Accordingly, Relators respectfully request that this Court:

1. Declare that the apportionment plans adopted by the Apportionment Board are invalid for failure to comply with Article XI of the Ohio Constitution;
2. Issue a permanent injunction and judgment barring Respondents from calling, holding, supervising, administering, or certifying any elections under the apportionment plans adopted by the Apportionment Board, as Relators have no adequate remedy at law and will be irreparably harmed by the continued violation of their constitutional rights;
3. Hold hearings, consider briefing and evidence, and otherwise take actions necessary to adopt apportionment plans for the state of Ohio or to direct the Apportionment Board as to plans to be adopted;
4. Retain jurisdiction of this action to render any and all further orders that the Court may from time to time deem appropriate, including, but not limited to, determining the validity of any new redistricting plans adopted by the Apportionment Board pursuant to the Ohio Constitution; and;

5. Grant such other or further relief the Court deems appropriate, including, but not limited to, an award of Relators' attorneys' fees and reasonable costs.

Respectfully submitted,

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