

IN THE SUPREME COURT OF OHIO

STATE ex rel. VOTERS FIRST, et al.,	:	
	:	Case No. 2012-1443
Relators,	:	
	:	
v.	:	Original Action in Mandamus
	:	
OHIO BALLOT BOARD, et al.,	:	
	:	
Respondents.	:	
	:	

**ANSWER OF RESPONDENTS OHIO BALLOT BOARD AND
OHIO SECRETARY OF STATE JON HUSTED**

Now come the Ohio Ballot Board and Ohio Secretary of State Jon Husted and for their answer to the Relators' Petition for Writ of Mandamus ("Complaint") state as follows:

1. The allegations contained in Paragraph 1 of the Complaint contain a legal conclusion and no further response is required. Respondents further state that Section 1, Art. XVI of the Ohio Constitution speaks for itself. To the extent a further response is required, the allegations are denied.
2. With respect to the allegations contained in Paragraph 2 of the Complaint, Respondents admit that this Court possesses jurisdiction over the subject matter of this action and over Respondents. Further answering, Respondents state that this Court has original jurisdiction pursuant to Section 1, Article XVI, Article IV, Section 2, and Section 1g, Article II of the Ohio Constitution and R.C. 2731.02.
3. Respondents admit the allegations contained in Paragraph 3 of the Complaint.
4. With respect to the allegations contained in Paragraph 4 of the Complaint, Respondents state that the language adopted by the Ballot Board and certified by the Ohio Secretary of State properly describes the state ballot issue proposing amendments to the Ohio Constitution on legislative redistricting. To the extent a

further response is required, the allegations contained in Paragraph 4 of the Complaint are denied.

5. Respondents deny the allegations contained in Paragraph 5 of the Complaint.
6. Respondents state that the allegations contained in Paragraph 6 of the Complaint contain a legal conclusion and no further response is required. To the extent a response is required, the allegations are denied.
7. Respondent's deny for lack of knowledge the allegations contained in Paragraph 7 of the Complaint.
8. With respect to the allegations contained in Paragraph 8 of the Complaint, Respondents admit that Relators Ann Henekener, Samuel Gresham, Jr., Ellis Jacobs, Richard Gunther, and Dan Tokaji are members of the committee designated to represent the petitions of the Proposed Amendment. Respondents deny for lack of knowledge the remaining allegations contained in Paragraph 8 of the Complaint.
9. Respondents admit the allegations contained in Paragraph 9 of the Complaint.
10. Respondents admit the allegations contained in Paragraph 10 of the Complaint.
11. Respondents admit the allegations contained in Paragraph 11 of the Complaint.
12. With respect to the allegations contained in Paragraph 12 of the Complaint, Respondents state that Section 1g, Art. II of the Ohio Constitution speaks for itself and no further response is required.
13. With respect to the allegations contained in Paragraph 13 of the Complaint, Respondents state that Section 1, Art. XVI of the Ohio Constitution speaks for itself and no further response is required.

14. With respect to the allegations contained in Paragraph 14 of the Complaint, Respondents state that R.C. 3505.062(B) speaks for itself and no further response is required.
15. Respondents admit the allegations contained in Paragraph 15 of the Complaint.
16. Respondents admit the allegations contained in Paragraph 16 of the Complaint.
17. With respect to the allegations contained in Paragraph 17 of the Complaint, Respondents admit that Relator's counsel appeared before the Ballot Board and offered proposed language on behalf of the petitions. Respondents further admit that Relator's counsel provided the Ballot Board with a memorandum of law. Further answering, Respondents state that the memorandum of law provided by Relator's counsel speaks for itself. To the extent a further response is required, the remaining allegations contained in Paragraph 17 of the Complaint are denied.
18. With respect to the allegations in Paragraph 18, Respondents admit that Protect Your Vote opposes the proposed redistricting amendment and that counsel for Protect Your Vote spoke at the Ballot Board hearing. Respondents deny the remaining allegations contained in Paragraph 18 of the Complaint.
19. With respect to the allegations contained in Paragraph 19 of the Complaint, Respondents admit that the Ballot Board considered the language offered by the petitioners, the committee opposing the Proposed Amendment, and language prepared by staff. Respondents deny the remaining allegations contained in Paragraph 19 of the Complaint.
20. Respondents deny the allegations contained in Paragraph 20 of the Complaint.

21. Respondents state that the allegations contained in Paragraph 21 of the Complaint contain legal conclusions and no further response is required. Respondents further state that the cases cited in Paragraph 21 of the Complaint speak for themselves. To the extent a response is required, the allegations are denied.
22. Respondents deny the allegations contained in Paragraph 22 of the Complaint. Further answering, Respondents state that the ballot language speaks for itself.
23. Respondents deny the allegations contained in Paragraph 23 of the Complaint. Respondents further state that the ballot language and text of the Proposed Amendment speak for themselves.
24. Respondents state that the allegations contained in Paragraph 24 of the Complaint contain legal conclusions and no further response is required. Further answering, Respondents state that the cases cited in Paragraph 24 of the Complaint speak for themselves. To the extent a response is required, the allegations are denied.
25. Respondents deny the allegations contained in Paragraph 25 of the Complaint. Respondents further state that the ballot language and text of the Proposed Amendment speak for themselves.
26. Respondents deny the allegations contained in Paragraph 26 of the Complaint. Respondents further state that the ballot language and text of the Proposed Amendment speak for themselves.
27. Respondents deny the allegations contained in Paragraph 27 of the Complaint. Respondents further state that the ballot language and text of the Proposed Amendment speak for themselves.

28. Respondents deny the allegations contained in Paragraph 28 of the Complaint. Respondents further state that the ballot language and text of the Proposed Amendment speak for themselves.
29. Respondents deny the allegations contained in Paragraph 29 of the Complaint. Respondents further state that text of the Proposed Amendment speaks for itself.
30. Respondents deny the allegations contained in Paragraph 30 of the Complaint. Respondents further state that the ballot language and text of the Proposed Amendment speak for themselves.
31. Respondents deny the allegations contained in Paragraph 31 of the Complaint. Respondents further state that the ballot language and text of the Proposed Amendment speak for themselves.
32. Respondents deny the allegations contained in Paragraph 32 of the Complaint.
33. Respondents deny the allegations contained in Paragraph 33 of the Complaint.
34. Respondents state that the allegations contained in Paragraph 34 of the Complaint contain legal conclusions and no further response is required. Further answering, Respondents state that the ballot language is consistent with the Ohio Constitution and standards established by this Court.
35. Respondents state that the allegations contained in Paragraph 35 of the Complaint contain legal conclusions and no further response is required. Further answering, Respondents state that the ballot language complies with the Ohio Constitution and standards established by this Court.

36. Respondents state that the allegations contained in Paragraph 36 of the Complaint contain legal conclusions and no further response is required. To the extent a response is required, the allegations are denied.
37. Respondents deny that the Relators are entitled to any relief listed in the WHEREFORE Paragraph and subparagraphs or to any relief whatsoever.
38. Respondents deny each and every allegation contained in the Complaint not specifically admitted to in this answer.
39. WHEREFORE, having answered the Relators' Complaint, Respondents Ohio Ballot Board and Ohio Secretary of State Jon Husted raise the following defenses, including affirmative defenses.

FIRST DEFENSE

40. Secretary of State Jon Husted has not failed to exercise any clear legal duty.

SECOND DEFENSE

41. The Ohio Ballot Board has not failed to exercise any clear legal duty.

THIRD DEFENSE

42. The Relators have no clear legal right to the relief they seek from Secretary of State Jon Husted.

FOURT DEFENSE

43. The Relators have no clear legal right to the relief they seek from the Ohio Ballot Board.

FIFTH DEFENSE

44. The Relators have an adequate remedy at law.

SIXTH DEFENSE

45. This action is barred by the doctrine of laches.

SEVENTH DEFENSE

46. The Ohio Ballot Board and Ohio Secretary of State Jon Husted reserve the right to supplement their answer with additional defenses, including affirmative defenses, as litigation in this matter proceeds.

Respectfully submitted,

MIKE DeWINE
Ohio Attorney General



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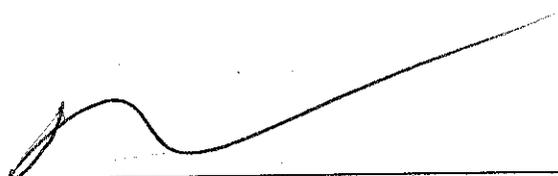
*Attorneys for Respondents Ohio Ballot Board
And Ohio Secretary of State Jon Husted*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Answer Of Respondents Ohio Ballot Board And Ohio Secretary of State Jon Husted* was served on this 24th day of August 2012, by electronic mail and U.S. mail, postage prepaid, to:

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