

IN THE SUPREME COURT OF OHIO

STATE EX REL.)	
MARK H. CURTIS)	CASE No. 2015-1426
)	
Relator,)	
)	
v.)	
)	ORIGINAL ACTION IN
)	MANDAMUS – Expedited Election
)	Case Under S.Ct. Prac. R. 12.08
SUMMIT COUNTY BOARD OF)	
ELECTIONS)	
)	
)	
Respondent.)	

**ANSWER OF RESPONDENT TO COMPLAINT IN
ORIGINAL ACTION IN MANDAMUS**

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Attorney for Respondent

Now comes the Respondent, Summit County Board of Elections, through undersigned counsel, and for its Answer to Relator's Complaint states as follows:

1. Respondent ADMITS paragraphs 1 and 2.
2. Respondent ADMITS the Board of Elections consists of four members appointed by the Ohio Secretary of State under R.C. §3501.06 as stated in paragraph 3 and DENIES that all members serve four year terms.
3. Respondent ADMITS paragraph 4.

FACTUAL ALLEGATIONS

4. Respondent ADMITS the allegations in paragraph 5, except for the date the Relator began circulating petitions which it DENIES for want of knowledge sufficient to form a belief as to the truth of the allegation.
5. Respondent DENIES for lack of knowledge sufficient to form a belief as to the truth of the allegations in paragraphs 6 and 7.
6. Respondent ADMITS paragraphs 8, 9, 10, 11, and 12.
7. Respondent ADMITS it informed Relator he could speak at the Board of Elections meeting on August 28, 2015, and DENIES the remaining allegations in paragraph 13.
8. Respondent ADMITS paragraph 14.
9. Respondent ADMITS Relator filed his complaint on August 31, 2015, and the remainder of paragraph 15 does not require a response.

**CLAIM FOR RELIEF:
REQUEST FOR THE ISSUANCE OF A WRIT OF MANDAMUS**

10. The answers in paragraphs 1 through 15 are incorporated as if fully rewritten in response to paragraph 16.
11. Respondent ADMITS paragraph 17 is a correct statement of law.
12. Respondent ADMITS it is required to comply with R.C. §3501.39(A) and DENIES the remaining allegations in paragraph 18.
13. Respondent ADMITS paragraph 19.
14. Respondent DENIES paragraph 20.
15. Respondent ADMITS paragraph 21.
16. Respondent DENIES paragraphs 22 and 23.
17. Respondent DENIES that Relator is entitled a remedy at law, and ADMITS the election is November 3, 2015, as stated in paragraph 24.
18. Respondent DENIES paragraph 25.

FIRST AFFIRMATIVE DEFENSE

The circulator statement did not comply with statutory petition requirements as stated in R.C. §3501.38(E)(1).

SECOND AFFIRMATIVE DEFENSE

Relator has no clear legal right to the requested relief.

THIRD AFFIRMATIVE DEFENSE

Respondent has no clear legal duty to provide the requested relief.

FOURTH AFFIRMATIVE DEFENSE

Respondent acted appropriately and with regard for and in accordance with Ohio Law in denying Relator's petition and certification to the ballot.

FIFTH AFFIRMATIVE DEFENSE

Any damages or delay suffered by Relator are the direct result of Relator's own actions and have not been occasioned by the conduct of the Respondent.

Respectfully submitted,

SHERRI BEVAN WALSH
Prosecuting Attorney

/s/ Colleen Sims
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PROOF OF SERVICE

I hereby certify that on September 8, 2015 a copy of the foregoing instrument was filed electronically. Notice of this filing will be sent to all parties by email, specifically to attorney for Relator at dandrews@dayketterer.com

/s/ Colleen Sims

COLLEEN SIMS (0069790)
Assistant Prosecuting Attorney
Attorney for Respondent