

IN THE SUPREME COURT OF OHIO

STATE EX REL. OHIO DEMOCRATIC
PARTY, et al.

Relators,

-v-

FRANK LAROSE.

Respondent.

CASE NO. 2020-0388

ORIGINAL ACTION IN
PROHIBITION

ALTERNATIVE AND
PEREMPTORY WRITS
REQUESTED

Expedited Election Matter
Under S.Ct.Prac.R. 12.08

RELATORS' APPLICATION FOR DISMISSAL OF CASE

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Pursuant to S.Ct.Prac.R. 4.05, Relators Ohio Democratic Party and Kiara Diane Sanders respectfully request that the Court dismiss their action for a writ of prohibition without prejudice.

Relators no longer desire to advance this particular legal action in light of emergency legislation passed yesterday by the Ohio General Assembly that provides Relators with the primary relief sought in their Complaint. To quickly summarize, Relators' Complaint sought an order (1) to require Respondent Secretary of State to rescind Directive 2020-06, which purported to reset or extend Ohio's 2020 presidential primary election, and (2) to provide voters with an adequate alternative means of voting given the suspension of voting at the polls for the March 17th primary. But, on March 25, 2020, while the parties were briefing the instant action, the Ohio General Assembly unanimously passed Am. Sub. H.B. 197 to "void" Directive 2020-06 and establish a nearly identical alternative means of voting as that requested by Relators in their Complaint.¹ Following the passage of Am. Sub. H.B. 197, Governor DeWine promptly announced his intention to sign it into law,² and Respondent Secretary subsequently rescinded Directive 2020-06.³ Accordingly, Am. Sub. H.B. 197 provides Relators with the relief they sought in the instant action.

Respectfully submitted,

¹ See Am. Sub. H.B. No. 197 of the 133rd General Assembly, Section 32(A) available at http://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_133/bills/hb197/EN/06?format=pdf

("Secretary of State Directive 2020-06, issued on March 16, 2020, is void.").

² Governor Mike DeWine, *Governor DeWine Statement on Passage of House Bill 197*, March 25, 2020 available <https://governor.ohio.gov/wps/portal/gov/governor/media/news-and-media/statement-on-passage-of-hb-197> ("I applaud the collaborative work on this bill and look forward to signing it soon.").

³ See Ohio Secretary of State, *Directives, Advisories, Memos & Ties*, <https://www.sos.state.oh.us/elections/elections-officials/rules/> (listing Directive 2020-06 as having been "rescinded").

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Application for Dismissal was sent via email this the 26th day of March, 2020 to the following:

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