

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

OHIO A. PHILIP RANDOLPH INSTITUTE,)
LEAGUE OF WOMEN VOTERS OF OHIO,)
THE OHIO STATE UNIVERSITY COLLEGE)
DEMOCRATS, NORTHEAST OHIO YOUNG)
BLACK DEMOCRATS, HAMILTON COUNTY)
YOUNG DEMOCRATS, LINDA GOLDENHAR,)
DOUGLAS BURKS, SARAH INSKEEP,)
CYNTHIA LIBSTER, KATHRYN DEITSCH,)
LUANN BOOTHE, MARK JOHN GRIFFITHS,)
LAWRENCE NADLER, CHITRA WALKER,)
TRISTAN RADER, RIA MEGNIN,)
ANDREW HARRIS, AARON DAGRES,)
ELIZABETH MYER, BETH HUTTON,)
TERESA THOBABEN,)
and CONSTANCE RUBIN,)

Plaintiffs,)

v.)

RYAN SMITH, Speaker of the Ohio House)
of Representatives, LARRY OBHOF,)
President of the Ohio Senate, and)
JON HUSTED, Secretary of State of Ohio,)
in their official capacities,)

Defendants.)
_____)

No. 1:18-cv-00357-TSB

Judge Timothy S. Black
Judge Karen Nelson Moore
Judge Michael H. Watson
Magistrate Judge Karen L. Litkovitz

ANSWER

Defendants Ryan Smith, Speaker of the Ohio House, Larry Obhof, President of the Ohio Senate (together the “Legislative Defendants”), and Jon Husted, Secretary of State of Ohio, sued in their official capacities (collectively “Defendants”) answer plaintiffs’ second amended complaint as stated below.

FIRST DEFENSE

Plaintiffs' claims are non-justiciable and therefore fail to state claims upon which relief can be granted and should be dismissed.

SECOND DEFENSE

Plaintiffs lack standing to pursue these claims.

THIRD DEFENSE

Plaintiffs' unreasonable delay in bringing these claims has worked to the detriment of defendants, the State of Ohio, and the voters of Ohio. Plaintiffs' second amended complaint should be dismissed on the grounds of estoppel and laches.

FOURTH DEFENSE

Plaintiffs The Ohio A. Philip Randolph Institute, League of Women Voters of Ohio, The Ohio State University College Democrats, Northeast Ohio Young Black Democrats, and Hamilton County Young Democrats (collectively, "the Organizational Plaintiffs") lack standing to bring this case on behalf of themselves or their members.

FIFTH DEFENSE

Before any Organizational Plaintiff can be allowed to bring this case on behalf of their members, they should be compelled to produce their membership list or define what it means to be a member. If the Organizational Plaintiffs are found to have standing to represent their members, any judgment entered in this case should also be binding on their members.

SIXTH DEFENSE

Equitable considerations, including but not limited to the State's interest in enforcing its laws, voter confidence and confusion, administrative burden, and the number of elections under the current congressional districts, preclude any injunction or other remedy. Federalism bars plaintiffs' claims.

SEVENTH DEFENSE

Plaintiffs fail to state a claim upon which relief may be granted.

EIGHTH DEFENSE

Defendants reserve the right to add additional defenses as they become known or as the case progresses.

NINTH DEFENSE

Defendants answer the specific allegations of plaintiffs' second amended complaint as follows:

“INTRODUCTION”

1. Defendants admit that plaintiffs' allegations in their amended complaint speak for themselves. In all other respects, defendants deny the allegations of paragraph 1.

2. The allegations of paragraph 2 are legal arguments and conclusions to which no response is required. In all other respects, defendants deny the allegations of paragraph 2.

3. Defendants deny the allegations of paragraph 3.

4. Defendants deny the allegations of paragraph 4.

5. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 5.

6. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 6.

7. The allegations of paragraph 7 are legal arguments and conclusions to which no response is required. In all other respects, defendants deny the allegations of paragraph 7.

8. The allegations of paragraph 8 are legal arguments and conclusions to which no response is required. In all other respects, defendants deny the allegations of paragraph 8.

9. The allegations of paragraph 9 are legal arguments and conclusions to which no response is required. In all other respects, defendants deny the allegations of paragraph 9.

10. The allegations of paragraph 10 are legal arguments and conclusions to which no response is required. In all other respects, defendants deny the allegations of paragraph 10.

11. The allegations of paragraph 11 are legal arguments and conclusions to which no response is required. In all other respects, defendants deny the allegations of paragraph 11.

12. Defendants admit that plaintiffs' second amended complaint speaks for itself. In all other respects, defendants deny the allegations of paragraph 12.

“JURISDICTION AND VENUE”

13. Defendants deny that plaintiffs' claims are justiciable or that plaintiffs have standing to maintain this action. In all other respects, defendants admit the allegations of paragraph 13.

14. Defendants deny that plaintiffs' claims are justiciable or that plaintiffs have standing to maintain this action. In all other respects, defendants admit the allegations of paragraph 14.

15. Defendants deny that plaintiffs' claims are justiciable or that plaintiffs have standing to maintain this action. In all other respects, defendants admit the allegations of paragraph 15.

16. Defendants deny that plaintiffs' claims are justiciable or that plaintiffs have standing to maintain this action. With respect to plaintiffs' claim that six plaintiffs live in the Southern District of Ohio, defendants are without knowledge or information sufficient to form a belief as to the truth of those allegations; and therefore, the allegations are denied. In all other respects, defendants deny the allegations of paragraph 16.

“PARTIES

Plaintiffs”

17. Defendants deny that Plaintiff Ohio A. Philip Randolph Institute (“APRI”) has standing to maintain this action either on its own behalf or on behalf of its members. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 17.

18. Defendants deny that Plaintiff League of Women Voters of Ohio (“LWVO”) has standing to maintain this action either on its own behalf or on behalf of its members. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 18.

19. Defendants deny that Plaintiff College Democrats at the Ohio State University (“OSU College Democrats”) has standing to maintain this action either on its own behalf or on behalf of its members. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 19.

20. Defendants deny that Plaintiff Northeast Ohio Young Black Democrats (“NEOYBD”) has standing to maintain this action either on its own behalf or on behalf of its members. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 20.

21. Defendants deny that Plaintiff Hamilton County Young Democrats (“HCYD”) has standing to maintain this action either on its own behalf or on behalf of its members. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 21.

22. Defendants deny that Democratic voters are “cracked” by Ohio’s 1st Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 22.

23. Defendants deny that Democratic voters are “cracked” by Ohio’s 2nd Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 23.

24. Defendants deny that Democratic voters are “packed” by Ohio’s 3rd Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 24.

25. Defendants deny that Democratic voters are “cracked” by Ohio’s 4th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 25.

26. Defendants deny that Democratic voters are “cracked” by Ohio’s 5th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 26.

27. Defendants deny that Democratic voters are “cracked” by Ohio’s 6th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 27.

28. Defendants deny that Democratic voters are “cracked” by Ohio’s 7th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 28.

29. Defendants deny that Democratic voters are “cracked” by Ohio’s 8th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 29.

30. Defendants deny that Democratic voters are “packed” by Ohio’s 9th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 30.

31. Defendants deny that Democratic voters are “packed” by Ohio’s 9th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 31.

32. Defendants deny that Democratic voters are “cracked” by Ohio’s 10th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 32.

33. Defendants deny that Democratic voters are “packed” by Ohio’s 11th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 33.

34. Defendants deny that Democratic voters are “cracked” by Ohio’s 12th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 34.

35. Defendants deny that Democratic voters are “packed” by Ohio’s 13th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 35.

36. Defendants deny that Democratic voters are “cracked” by Ohio’s 14th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 36.

37. Defendants deny that Democratic voters are “cracked” by Ohio’s 15th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 37.

38. Defendants deny that Democratic voters are “cracked” by Ohio’s 16th Congressional District. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 38.

“Defendants”

39. Defendants admit the allegations of paragraph 39.

40. Defendants admit the allegations of paragraph 40.

41. Defendants admit the allegations of paragraph 41.

“Statement of Facts”

42. The cited provisions of the Ohio Constitution and Ohio Revised Code in paragraph 42 and footnote 1 thereto speak for themselves. Defendants deny that the Task Force is tasked with “advising” the General Assembly and admit that a constitutional amendment was approved May 8, 2018. In all other respects, defendants deny the allegations of paragraph 42.

43. Defendants admit the allegations of paragraph 43.

“Genesis of the Ohio Map”

44. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 44.

45. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 45.

46. Defendants admit that as a result of the 2010 elections the Republican Party won control of the Ohio House of Representatives, maintained control of the Ohio Senate, and a Republican Governor was elected. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 46.

47. Defendants admit that the letter from Chris Jankowski speaks for itself. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 47.

48. Defendants admit that the letter from Chris Jankowski speaks for itself. In all other respects, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 48.

49. Legislative Defendants admit that Mike Lenzo attended a training in May 2010 with John Morgan. In all other respects, defendants deny the allegations of paragraph 49.

50. Defendants admit the allegations of paragraph 50.

51. Defendants deny the allegations of paragraph 51.

52. Legislative Defendants admit that Ray DiRossi and Heather Mann were engaged as consultants to assist with drawing the congressional map. In all other respects, defendants deny the allegations of paragraph 52.

53. Legislative Defendants admit that DiRossi and Mann received RNC redistricting training materials. In all other respects, defendants deny the allegations of paragraph 53.

54. Defendants deny the allegations of paragraph 54.

55. Defendants admit that John Boehner was then-Speaker of the U.S. House of Representatives. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 55.

56. Legislative Defendants admit that DiRossi and Mann would email Whatman about changes to the map and Whatman would indicate his opinion. In all other respects, defendants deny the allegations of paragraph 56.

57. Legislative Defendants admit that the DoubleTree Hotel room was referred to as the bunker. Defendants admit that Governor Kasich and members of his staff attended meetings regarding congressional map drawing. In all other respects, defendants deny the allegations of paragraph 57.

58. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 58.

59. Legislative Defendants admit that election results were taken into consideration in the drawing of congressional districts along with many other factors. In all other respects, defendants deny the allegations of paragraph 59.

60. Defendants deny the allegations of paragraph 60.

61. Legislative Defendants admit that a so-called 13-3 map was drafted but it is unknown and unknowable how many Republican or Democratic candidates would have been elected under such a map. In all other respects, defendants deny the allegations of paragraph 61.

“Development of the Initial Map, HB 319”

62. Legislative Defendants admit that the drafting of the HB 319 map primarily occurred in July and August 2011. In all other respects, defendants deny the allegations of paragraph 62.

63. Legislative Defendants admit that a “road show” occurred to obtain public input. In all other respects, defendants deny the allegations of paragraph 63.

64. Defendants deny the allegations of paragraph 64.

65. Defendants admit that HB 319 was enacted in 2011 and that the legislative record speaks for itself. In all other respects, defendants deny the allegations of paragraph 65.

66. Defendants admit that HB 319 was approved in the House on a 56-36 vote and that the legislative record speaks for itself. In all other respects, defendants deny the allegations of paragraph 66.

67. Defendants admit that HB 319 was approved in the Senate on a 24-7 vote and that the legislative record speaks for itself. In all other respects, defendants deny the allegations of paragraph 67.

68. Defendants admit the allegations of paragraph 68.

69. Defendants admit that Governor Kasich signed HB 319 into law and otherwise lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 69.

“Rejection of Any Alternative Maps”

70. Defendants deny the allegations of paragraph 70.

71. Defendants admit that additional maps were submitted to the General Assembly but in all other respects deny the allegations of paragraph 71.

72. Defendants admit that OCAR held a competition but in all other respects deny the allegations of paragraph 72.

73. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 73.

74. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 74.

75. Defendants lack knowledge or information sufficient to form a belief about the truth of what Representative Lundy allegedly advocated. In all other respects, defendants deny the allegations of paragraph 75.

76. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 76.

77. Defendants admit that the legislative record speaks for itself. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 77.

“The Referendum Attempt and the Final Map, HB 369”

78. Defendants admit the allegations of paragraph 78.

79. Defendants admit that HB 369 was introduced by a House Republican and that the legislative record speaks for itself. In all other respects, defendants deny the allegations of paragraph 79.

80. Defendants admit that HB 369 established one primary election date in 2012 instead of two elections set to take place under prior law. In all other respects, defendants deny the allegations of paragraph 80.

81. Defendants deny the allegations of paragraph 81.

82. Defendants admit that the Ohio House voted on the final map on December 14, 2011 and that the legislative record speaks for itself. In all other respects, defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 82.

83. Defendants admit that the legislative record speaks for itself. In all other respects, defendants deny the allegations of paragraph 83.

84. Defendants admit that HB 369 was enacted on December 14, 2011 and signed into law by Governor Kasich on December 15, 2011. In all other respects, defendants deny the allegations of paragraph 84.

“The 2011 Redistricting Map”

85. Defendants deny the allegations of paragraph 85.

86. Defendants admit that Republican candidates have won 12 of 16 congressional races in elections held under the 2011 congressional plan. In all other respects, defendants deny the allegations of paragraph 86.

87. Defendants admit the allegations of paragraph 87.

88. Defendants deny the allegations of paragraph 88.

89. Defendants admit that the percentage of votes received by each Congressional candidate is a matter of public record that speaks for itself. In all other respects, defendants deny the allegations of paragraph 89.

90. Defendants deny the allegations of paragraph 90.

91. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 91.

92. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 92.

93. Defendants admit that the 2011 congressional plan speaks for itself. Defendants lack knowledge or information sufficient to form a belief about the residences of plaintiffs Walker and Rader. In all other respects, defendants deny the allegations of paragraph 93.

94. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 94.

95. Defendants admit that the 2011 congressional plan speaks for itself. Defendants lack knowledge or information sufficient to form a belief about the residence of plaintiff Harris. In all other respects, defendants deny the allegations of paragraph 95.

96. Defendants admit that the 2011 congressional plan speaks for itself. Defendants lack knowledge or information sufficient to form a belief about the residence of plaintiff Myer. In all other respects, defendants deny the allegations of paragraph 96.

97. Defendants admit that the percentage of votes for Democratic candidates in elections from 2012 through 2016 is a matter of public record that speaks for itself. In all other respects, defendants deny the allegations of paragraph 97.

98. Defendants admit that the percentage of votes for Democratic candidates in elections from 2012 through 2016 is a matter of public record that speaks for itself. In all other respects, defendants deny the allegations of paragraph 98.

99. Defendants deny the allegations of paragraph 99.

100. Defendants admit that the 2011 congressional plan speaks for itself. Defendants lack knowledge or information sufficient to form a belief about the residence of plaintiff Goldenhar. In all other respects, defendants deny the allegations of paragraph 100.

101. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 101.

102. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 102.

103. Defendants admit that the 2011 congressional plan speaks for itself. Defendants lack knowledge or information sufficient to form a belief about the residence of plaintiff Libster. In all other respects, defendants deny the allegations of paragraph 103.

104. Defendants admit that the 2011 congressional plan speaks for itself. Defendants lack knowledge or information sufficient to form a belief about the separate residences of plaintiffs Boothe and Thobaben. In all other respects, defendants deny the allegations of paragraph 104.

105. Defendants admit that the 2011 congressional plan speaks for itself and that the percentage of votes for Democrats and Republican candidates is a matter of public record. In all other respects, defendants deny the allegations of paragraph 105.

106. Defendants deny the allegations of paragraph 106.

107. Defendants admit that the 2011 congressional plan speaks for itself and that the percentage of votes for Democratic or Republican candidates is a matter of public record. In all other respects, defendants deny the allegations of paragraph 107.

108. Defendants deny the allegations of paragraph 108.

109. Defendants admit that the 2011 congressional plan speaks for itself. Defendants lack knowledge or information sufficient to form a belief about the residence of plaintiff Rubin. In all other respects, defendants deny the allegations of paragraph 109.

110. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 110.

111. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 111.

112. Defendants admit that the percentage of votes for Democratic or Republican candidates in Cuyahoga County is a matter of public record. In all other respects, defendants deny the allegations of paragraph 112.

113. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 113.

114. Defendants admit that the percentage of votes for Democratic or Republican candidates in Cuyahoga or Summit County is a matter of public record. In all other respects, defendants deny the allegations of paragraph 114.

115. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 115.

116. Defendants admit that the percentage of votes for Democratic or Republican candidates in Stark County is a matter of public record. In all other respects, defendants deny the allegations of paragraph 116.

117. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 117.

118. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 118.

119. Defendants admit that the 2011 congressional plan speaks for itself. In all other respects, defendants deny the allegations of paragraph 119.

120. Defendants deny the allegations of paragraph 120.

“Metrics for Measuring Partisan Asymmetry in the Congressional Redistricting Plan”

121. The allegations of paragraph 121 are legal arguments and conclusions to which no response is required. Defendants admit that the vacated district court opinions in *Whitford* and *Rucho* and Justice Kagan’s concurring opinion in *Whitford* speak for themselves. In all other respects, defendants deny the allegations of paragraph 121.

122. The allegations of paragraph 122 are legal arguments and conclusions to which no response is required. In all other respects, defendants deny the allegations of paragraph 122.

123. The allegations of paragraph 123 are legal arguments and conclusions to which no response is required. In all other respects, defendants deny the allegations of paragraph 123.

124. The allegations of paragraph 124 are legal arguments and conclusions to which no response is required. In all other respects, defendants deny the allegations of paragraph 124.

125. Defendants lack knowledge or information sufficient to form a belief regarding the truth of studies by the Brennan Center for Justice (“Brennan Center”) or PlanScore. In all other respects, defendants deny the allegations of paragraph 125.

126. Defendants deny the allegations of paragraph 126.

127. Defendants deny the allegations of paragraph 127.

128. Defendants admit that the vacated decision in *Rucho* speaks for itself. In all other respects, defendants deny the allegations of paragraph 128.

129. Defendants lack knowledge or information sufficient to form a belief regarding any report by PlanScore. In all other respects, defendants deny the allegations of paragraph 129.

130. Defendants deny the allegations of paragraph 130.

“Ballot Issue 1”

131. Defendants admit that Ballot Issue 1 was approved by voters on May 8, 2018, and that the percentage of voters who favored Ballot Issue 1 is a matter of public record. In all other respects, defendants deny the allegations of paragraph 131.

132. Defendants admit that Issue 1 was the result of negotiations among Republicans and Democrats in the General Assembly, much like the 2011 congressional plan, and implemented requirements for drawing congressional redistricting plans. In all other respects, defendants deny the allegations of paragraph 132.

133. Defendants admit that Issue 1 speaks for itself. In all other respects, defendants deny the allegations of paragraph 133.

134. Defendants deny the allegations of paragraph 134.

135. Defendants admit the allegations of paragraph 135.

“CLAIMS FOR RELIEF”

“Count I: First Amendment

**(Violation of First Amendment Right to Freedom of
Speech and Association Pursuant to 42 U.S.C. § 1983)”**

136. Defendants incorporate their responses to “paragraphs 1-136” of the second amended complaint.

137. The allegations of paragraph 137 are legal arguments and conclusions to which no response is required. Defendants admit that the cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 137.

138. The allegations of paragraph 138 are legal arguments and conclusions to which no response is required. Defendants admit that the case cited by plaintiffs speaks for itself. In all other respects, defendants deny the allegations of paragraph 138.

139. The allegations of paragraph 139 are legal arguments and conclusions to which no response is required. Defendants admit that the cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 139.

140. Defendants deny the allegations of paragraph 140.

141. The allegations of paragraph 141 are legal arguments and conclusions to which no response is required. Defendants admit that the cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 141.

142. The allegations of paragraph 142 are legal arguments and conclusions to which no response is required. Defendants admit that the case cited by plaintiffs speaks for itself. In all other respects, defendants deny the allegations of paragraph 142.

143. The allegations of paragraph 143 are legal arguments and conclusions to which no response is required. Defendants admit that the cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 143.

144. Defendants deny the allegations of paragraph 144.

145. Defendants deny the allegations of paragraph 145.

146. Defendants deny the allegations of paragraph 146.

147. Defendants deny the allegations of paragraph 147.

148. Defendants deny the allegations of paragraph 148.

“Count II: Right to Vote

**(Denial of the Right to Vote under the Fourteenth Amendment Pursuant to
42 U.S.C. § 1983)”**

149. Defendants incorporate their responses to “paragraphs 1-136” of the second amended complaint.

150. The allegations of paragraph 150 are legal arguments and conclusions to which no response is required. Defendants admit that the cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 150.

151. The allegations of paragraph 151 are legal arguments and conclusions to which no response is required. Defendants admit that the cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 151.

152. The allegations of paragraph 152 are legal arguments and conclusions to which no response is required. Defendants admit that the cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 152.

153. The allegations of paragraph 153 are legal arguments and conclusions to which no response is required. Defendants admit that the case cited by plaintiffs speaks for itself. In all other respects, defendants deny the allegations of paragraph 153.

154. The allegations of paragraph 154 are legal arguments and conclusions to which no response is required. Defendants admit that the cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 154.

155. Defendants deny the allegations of paragraph 155.

“Count III: Equal Protection

(Denial of Equal Protection under the Fourteenth Amendment Pursuant to 42 U.S.C. § 1983)”

156. Defendants incorporate their responses to “paragraphs 1-136” of the second amended complaint.

157. The allegations of paragraph 157 are legal arguments and conclusions to which no response is required. Defendants admit that the cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 157.

158. The allegations of paragraph 158 are legal arguments and conclusions to which no response is required. Defendants admit that the case cited by plaintiffs speaks for itself. In all other respects, defendants deny the allegations of paragraph 158.

159. The allegations of paragraph 159 are legal arguments and conclusions to which no response is required. Defendants admit that the cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 159.

160. Defendants deny the allegations of paragraph 160.

161. The allegations of paragraph 161 are legal arguments and conclusions to which no response is required. Defendants admit that the cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 161.

162. The allegations of paragraph 162 are legal arguments and conclusions to which no response is required. Defendants admit that the cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 162.

163. Defendants deny the allegations of paragraph 163.

164. Defendants deny the allegations of paragraph 164.

“Count IV: Article I

**(Violation of Article I, Section II and Article I, Section IV
of the Constitution Pursuant to 42 U.S.C. § 1983)”**

165. Defendants incorporate their responses to “paragraphs 1-136” of the second amended complaint.

166. The allegations of paragraph 166 are legal arguments and conclusions to which no response is required. Defendants admit that the cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 166.

167. The allegations of paragraph 167 are legal arguments and conclusions to which no response is required. Defendants admit that the United States Constitution and cases cited by plaintiffs speak for themselves. In all other respects, defendants deny the allegations of paragraph 167.

168. Defendants deny the allegations of paragraph 168.

169. Defendants deny the allegations of paragraph 169.

170. All footnotes, headers, section titles, and any other statement or allegation in the second amended complaint not otherwise addressed is denied.

“PRAYER FOR RELIEF”

WHEREFORE, Defendants respectfully request that the Court:

1. Dismiss with prejudice all of the plaintiffs’ claims;
2. If the Court finds that the Organizational Defendants have standing to represent their members, enter a judgment stating that it is binding on all members of the organizational plaintiffs;
3. Award Defendants their costs and attorneys’ fees; and
4. Grant Defendants any other relief that is just and equitable.

This the 29th day of August, 2018.

MICHAEL DEWINE
Ohio Attorney General

By: /s/Phillip J. Strach

PHILLIP J. STRACH*
N.C. State Bar No. 29456
**Lead and Trial Counsel*

MICHAEL MCKNIGHT
N.C. State Bar No. 36932
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
4208 Six Forks Road, Suite 1100
Raleigh, NC 27609
Tel.: 919-787-9700 | Fax: 919-783-9412
phil.strach@ogletree.com
michael.mcknight@ogletree.com
Counsel for Legislative Defendants

/s/Steven T. Voigt

STEVEN T. VOIGT (0092879)
Principal Assistant Attorney General
NICOLE M. KOPPITCH (0082129)
Associate Assistant Attorney General
Constitutional Offices Section
30 E. Broad Street, 16th Floor
Columbus, OH 43215
Tel: 614- 466-2872 | Fax: 614-728-7592
steven.voigt@ohioattorneygeneral.gov
nicole.koppitch@ohioattorneygeneral.gov
Counsel for Defendants

CERTIFICATE OF SERVICE

I, Phillip J. Strach, hereby certify that I have this day served the foregoing **Answer** upon the following persons via electronic mail:

T. Alora Thomas-Lundborg
Dale E. Ho
Theresa J. Lee
Emily Rong Zhang
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel.: (212) 549-2500
athomas@aclu.org
dho@aclu.org
tlee@aclu.org
erzhang@aclu.org

Freda J. Levenson (0045916)
American Civil Liberties Union of Ohio Fdn.
4506 Chester Avenue
Cleveland, OH 44103
Tel.: (216) 472-2220
Facsimile: (216) 472-2210
flevenson@acluohio.org

Paul Moke (0014099)
Cooperating Attorney for ACLU of Ohio
Wilmington College*
1252 Pyle Center
Wilmington, OH 45177
Tel.: 937-725-7501
paul.moke@gmail.com
* Institutional affiliation for the purpose of
identification only

Robert Fram
Nitin Subhedar
Jeremy Goldstein
Covington & Burling LLP
One Front Street
San Francisco, CA 94111
Tel.: (415) 591-6000
rfram@cov.com
nsubhedar@cov.com
jgoldstein@cov.com

Michael Baker
Perrin Cooke
Peter Rechter
Isaac Wood
Covington & Burling LLP
850 Tenth Street, NW
Washington, DC 20001
Tel.: (202) 662-6000
mbaker@cov.com
pcooke@cov.com
prechter@cov.com
iwood@cov.com

Attorneys for Plaintiffs

Respectfully submitted, this the
29th day of August, 2018.

MIKE DEWINE
Ohio Attorney General

By: */s/Phillip J. Strach*
PHILLIP J. STRACH*
N.C. State Bar No. 29456
Lead and Trial Counsel
MICHAEL McKNIGHT
N.C. State Bar No. 36932
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
4208 Six Forks Road, Suite 1100
Raleigh, NC 27609
Tel: 919-787-9700 | Fax: 919-783-9412
phil.strach@ogletreedeakins.com
michael.mcknight@ogletreedeakins.com

Counsel for Legislative Defendants

STEVEN T VOIGT (0092879)
NICOLE M. KOPPITCH (0082129)
Assistant Attorneys General
Ohio Attorney General's Office
Constitutional Offices Section
30 E. Broad St., 16th Floor
Columbus, OH 43215
Tel: 614-466-2872 | Fax: 614-728-7592
steven.voigt@ohioattorneygeneral.gov
nicole.koppitch@ohioattorneygeneral.gov

Counsel for Defendants