

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>THE OHIO DEMOCRATIC PARTY</b>	<b>:</b>	<b>CASE NO. C204-1055</b>
<b>PLAINTIFF,</b>	<b>:</b>	<b>JUDGE MARBLEY</b>
<b>V.</b>	<b>:</b>	
<b>J. KENNETH BLACKWELL, ET AL.,</b>	<b>:</b>	
<b>DEFENDANTS.</b>	<b>:</b>	

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**ANSWER OF DEFENDANT J. KENNETH BLACKWELL**

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The Defendant, J. Kenneth Blackwell, Ohio Secretary of State, hereby answers as follows:

**FIRST DEFENSE**

1. Defendant denies the allegations in Paragraph 1 of Defendant's Complaint.
2. Defendant denies the allegations in Paragraph 2 of Defendant's Complaint based on insufficient information.
3. Defendant admits the allegations in Paragraph 3 of Defendant's Complaint in part, deny and part ; Defendant admits the Franklin County and Knox County Boards of Elections administer voting in Franklin and Knox Counties. Defendant denies the remainder of the allegations in the paragraph.
4. Defendant admits the allegations in Paragraph 4 of Defendant's Complaint.
5. Defendant denies the allegations in Paragraph 5 of Defendant's Complaint.
6. Defendant denies the allegations in Paragraph 6 of Defendant's Complaint for lack of knowledge.
7. Defendant denies the allegations in Paragraph 7 of Defendant's Complaint.

8. Defendant denies the allegations in Paragraph 8 of Defendant's Complaint for lack of knowledge.
9. Defendant denies the allegations in Paragraphs 9 through Paragraphs 13 of Defendant's Complaint.
10. Defendant denies the Plaintiff's "causes of action" in Paragraphs 1 through 4 of Defendant's Complaint.

#### **SECOND DEFENSE**

11. The Complaint fails to state a claim upon which relief may be granted against Secretary of State Blackwell.

#### **THIRD DEFENSE**

12. Secretary of State Blackwell is not a proper defendant or a real party in interest.

#### **FOURTH DEFENSE**

13. At all times referred to in Plaintiff's Complaint, Secretary of State Blackwell acted properly, in good faith, and in accordance with his duties under the law.

#### **FIFTH DEFENSE**

14. This Plaintiff is not entitled to any equitable relief.

#### **SIXTH DEFENSE**

15. Plaintiff has failed to satisfy the applicable statutes of limitations and their claims are therefore barred.

#### **SEVENTH DEFENSE**

16. Plaintiff's claims are barred, in whole or in part, because they are not ripe.

#### **EIGHTH DEFENSE**

17. Plaintiff's claims are barred, in whole or in part, because they are moot.

**NINTH DEFENSE**

18. Plaintiff's claims are barred, in whole or in part, by laches.

**TENTH DEFENSE**

19. Plaintiff has failed to join all necessary parties.

**ELEVENTH DEFENSE**

20. Plaintiff's proposed remedies are impossible, illegal and/or unreasonable and run the risk of jeopardizing the outcome of the November 2004 the election.

**TWELFTH DEFENSE**

21. This Court does not have subject matter jurisdiction.

**THIRTEENTH DEFENSE**

22. Plaintiff is barred by the Eleventh Amendment to bring this claim.

23. Secretary of State Blackwell reserves the right to add additional defenses, including affirmative defenses, as discovery proceeds.

WHEREFORE, having fully answered the allegations contained in Plaintiff's Complaint, Secretary of State Blackwell prays that he be dismissed and recover the costs of suit expended herein.

Respectfully submitted,

**JIM PETRO**  
**Ohio Attorney General**

*/s/ Richard N. Coglianesse* \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 2, 2004, a copy of foregoing *Answer of Defendant, J. Kenneth Blackwell, Ohio Secretary of State*, was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Richard N. Coglianesse  
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