

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

|   |   |                                 |
|---|---|---------------------------------|
| <b>OHIO A. PHILIP RANDOLPH INSTITUTE, <i>et al.</i></b> | : |                                 |
|   | : |                                 |
| <b>Plaintiffs,</b>                                      | : | <b>Case No. 2:16-cv-00303</b>   |
|   | : |                                 |
| <b>v.</b>   | : | <b>JUDGE GEORGE C. SMITH</b>    |
|   | : |                                 |
| <b>SECRETARY OF STATE, JON HUSTED</b>                   | : | <b>Magistrate Judge Deavers</b> |
|   | : |                                 |
| <b>Defendant.</b>                                       | : |                                 |

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**DEFENDANT SECRETARY OF STATE JON HUSTED’S ANSWER**

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Now come Defendant Secretary of State Jon Husted, and, for his answer to Plaintiffs’ Complaint, state as follows:

1. Paragraph 1 of the Complaint consists of legal conclusions and no response is required. To the extent further response is required, any allegations in Paragraph 1 are denied.
2. The portion of the statute cited in Paragraph 2 speaks for itself and no response to allegations regarding its content or effect is required in this Answer. To the extent further response is required, denied.
3. The portion of the statute cited in Paragraph 3 speaks for itself and no response to allegations regarding its content or effect is required in this Answer. No response is required to the legal conclusions in this Paragraph related to the intent and requirements of the NVRA. To the extent further response is required, denied.
4. The portion of the statute cited in Paragraph 4 speaks for itself and no response to allegations regarding its content or effect is required in this Answer. No response is required to the legal conclusions in this Paragraph related to the intent and requirements of the NVRA. To the extent further response is required, denied.

5. The Supplemental Process in Ohio is a process that speaks for itself and no response is required. Plaintiffs' fact allegations in this Paragraph are denied. No response is required to the legal allegations in this Paragraph and they are deemed denied.

6. The Supplemental Process in Ohio has been in place for over 20 years. The allegations and characterizations in this Paragraph are denied. To the extent there are legal conclusions in this Paragraph, no response is required.

7. Paragraph 7 consists of legal conclusions and no response is required. To the extent a response is required, denied.

8. Paragraph 8 consists of legal conclusions and no response is required. To the extent a response is required, denied.

9. Paragraph 9 consists of legal conclusions and no response is required. To the extent a response is required, denied.

10. Paragraph 10 consists of legal conclusions and no response is required. To the extent a response is required, denied.

11. Paragraph 11 consists of legal conclusions and no response is required. To the extent a response is required, denied.

12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12; and therefore, those allegations are denied.

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13; and therefore, those allegations are denied.

14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 related to APRI's actions; and therefore, those allegations are denied. To the extent further response is required, denied.

15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15; and therefore, those allegations are denied.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 related to NEOCH's actions; and therefore, those allegations are denied. To the extent further response is required, denied.

17. Defendant denies the allegations in Paragraph 17. To the extent the allegations consist of legal conclusions, no response is required, and the allegations are deemed denied.

18. Paragraph 18 consists of legal conclusions and no response is required. To the extent a response is required, denied.

19. Jon Husted is the Secretary of State of Ohio. The remaining allegations in Paragraph 19 are legal conclusions, and therefore no response is required. To the extent further response is required, denied.

20. Paragraph 20 consists of legal conclusions and no response is required. To the extent a response is required, denied.

21. Paragraph 21 consists of legal conclusions and no response is required. To the extent a response is required, denied.

22. The NCOA Process and the Supplemental Process are voter list maintenance procedures that speak for themselves, and no response to Plaintiffs' characterizations is required. To the extent further response is required, denied.

23. SOS Form 10-S speaks for itself, and no response is required. To the extent further response is required, denied.

24. The NCOA Process and the Supplemental Process are voter list maintenance procedures that speak for themselves, and no response to Plaintiffs' characterizations is required. To the extent further response is required, denied.

25. The NCOA Process and the Supplemental Process are voter list maintenance procedures that speak for themselves, and no response to Plaintiffs' characterizations is required. To the extent further response is required, denied.

26. Paragraph 26 consists of legal conclusions and no response is required. To the extent a response is required, denied.

27. Because the number of confirmation notices that Ohio sends pursuant to the Supplemental Process differs each year, Defendant denies the allegation in Paragraph 27 about the number of confirmation notices that are sent by Ohio. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations related to Cuyahoga and Franklin County, and those allegations are denied. To the extent further response is required, denied.

28. Defendant denies the allegations in Paragraph 28. To the extent the allegations consist of legal conclusions, no response is required, and the allegations are deemed denied.

29. The NCOA Process and the Supplemental Process are voter list maintenance procedures that speak for themselves, and no response to Plaintiffs' characterizations is required. To the extent further response is required, denied.

30. Paragraph 30 consists of legal conclusions and no response is required. To the extent a response is required, denied.

31. Paragraph 31 consists of legal conclusions and no response is required. To the extent a response is required, denied.

32. The confirmation notice that Ohio uses in its voter list maintenance process speaks for itself, and no response to Plaintiffs' characterization is required. To the extent further response is required, denied.

33. Paragraph 33 consists of legal conclusions and no response is required. To the extent a response is required, denied.

34. The confirmation notice that Ohio uses in its voter list maintenance process speaks for itself, and no response to Plaintiffs' characterization is required. To the extent further response is required, denied.

35. The confirmation notice that Ohio uses in its voter list maintenance process speaks for itself, and no response to Plaintiffs' characterization is required. To the extent further response is required, denied.

36. The confirmation notice that Ohio uses in its voter list maintenance process speaks for itself, and no response to Plaintiffs' characterization is required. To the extent further response is required, denied.

37. It is admitted only that the Secretary issued Directive 2011-15 in the year 2011. The Directive speaks for itself, and Plaintiffs' allegations about it are denied. To the extent further response is required, denied.

38. Directive 2011-15 speaks for itself, and Plaintiffs' allegations about it are denied. To the extent further response is required, denied.

39. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39; and therefore, those allegations are denied.

40. The NCOA Process and the Supplemental Process are voter list maintenance procedures that speak for themselves, and no response to Plaintiffs' characterizations is required. To the extent further response is required, denied.

41. The allegations in Paragraph 41 are denied. To the extent there are legal conclusions in Paragraph 41, no response is required and the allegations are deemed denied.

42. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42; and therefore, those allegations are denied. To the extent further response is required, denied.

43. The allegations in Paragraph 43 are denied.

44. It is admitted only that APRI sent a letter to Defendant on or about December 17, 2015 and NEOCH sent a letter to Defendant on or about February 23, 2016. The content of those letters speak for themselves and no response is required. To extent further response is required to the allegations in this Paragraph, denied.

45. It is admitted only that APRI sent a letter to Defendant on or about December 17, 2015 and NEOCH sent a letter to Defendant on or about February 23, 2016. The content of those letters speak for themselves and no response is required. To extent further response is required to the allegations in this Paragraph, denied.

46. Ohio uses a Supplemental Process to maintain its voter rolls. The remainder of the allegations in this Paragraph are denied.

47. Defendant restates the responses set forth in this Answer.

48. Paragraph 48 consists of legal conclusions to which no response is required. To the extent a response is required, denied.

49. Paragraph 49 consists of legal conclusions to which no response is required. To the extent a response is required, denied.

50. Paragraph 50 consists of legal conclusions to which no response is required. To the extent a response is required, denied.

51. Defendant restates the responses set forth in this Answer.

52. Paragraph 52 consists of legal conclusions to which no response is required. To the extent a response is required, denied.

53. Paragraph 53 consists of legal conclusions to which no response is required. To the extent a response is required, denied.

54. Paragraph 54 consists of legal conclusions to which no response is required. To the extent a response is required, denied.

55. Defendant denies all allegations that appear in footnotes and headers in the Complaint.

56. Defendant denies that Plaintiffs are entitled to any relief in this matter.

57. Defendant denies each and every allegation not specifically admitted to be true or explicitly designated as not disputed in the paragraphs above.

58. Defendant denies all allegations in Plaintiffs' "Request for Relief".

WHEREFORE, having answered Plaintiffs' Complaint, Defendant Secretary of State Jon Husted raises the following defenses, including affirmative defenses.

**FIRST DEFENSE**

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

**SECOND DEFENSE**

2. Plaintiffs lack standing to bring this action.

**THIRD DEFENSE**

3. Laches and the statute of limitations bar Plaintiffs' claims.

**FOURTH DEFENSE**

4. Ohio's laws do not violate the National Voter Registration Act of 1993.

**FIFTH DEFENSE**

5. Ohio's laws do not violate The Help America Vote Act of 2002.

**SIXTH DEFENSE**

6. Ohio's laws do not violate any federal law.

**SEVENTH DEFENSE**

7. The principle of federalism bars Plaintiffs' claims.

**EIGHTH DEFENSE**

8. Plaintiffs cannot establish any injury-in-fact; their claims are based on speculation.

**NINTH DEFENSE**

9. The doctrine of *Purcell v. Gonzalez*, 549 U.S. 1 (2006) bars Plaintiffs' claims.

**TENTH DEFENSE**

10. Plaintiffs are not entitled to facial relief because Plaintiffs cannot prove the required showing for this relief.

**ELEVENTH DEFENSE**

11. The doctrine of judicial restraint precludes Plaintiffs' claims.

**TWELFTH DEFENSE**

12. The principle of constitutional avoidance bars Plaintiffs' claims.

**THIRTEENTH DEFENSE**

13. Plaintiffs are not entitled to attorneys' fees, litigation expenses, and costs.

Wherefore, for the foregoing reasons, the Secretary of State requests that Plaintiffs' claims be dismissed in their entirety with prejudice, and that Plaintiffs be awarded no relief, no costs, and no fees.

Respectfully submitted,

MIKE DEWINE  
Ohio Attorney General

*s/ Steven T. Voigt*

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STEVEN T. VOIGT (0092879)  
Principal Assistant Attorney General  
JORDAN S. BERMAN (0093075)  
KEVIN C. HULICK (0093921)  
Assistant Attorney General  
Constitutional Offices Section  
30 East Broad Street, 16th Floor  
Columbus, Ohio 43215  
Tel: (614) 466-2872; Fax: (614) 728-7592  
steven.voigt@ohioattorneygeneral.gov  
jordan.berman@ohioattorneygeneral.gov  
kevin.hulick@ohioattorneygeneral.gov

*Counsel for Defendant  
Secretary of State Jon Husted*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 28, 2016, the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing has been served by e-mail or facsimile upon all parties for whom counsel has not yet entered an appearance and upon all counsel who have not entered their appearance via the electronic system.

*/s/ Steven T. Voigt*

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STEVEN T. VOIGT (0092879)  
Senior Assistant Attorney General