

**In The United States District Court
For The Southern District of Ohio
Eastern Division**

Brian Moore, *et al.*,

Plaintiffs,

vs.

Case No. 2:08-cv-224

Jennifer Brunner

Judge Frost

Answer

Now comes Ohio Secretary of State Jennifer Brunner and provides the following answer to the Plaintiffs' Complaint.

1. Denies each and every allegation not specifically admitted to.
2. States that the first five unnumbered paragraphs of the Complaint are introductory paragraphs that do not need a response. To the extent a response is needed, the Defendant denies the allegations.
3. Denies for lack of knowledge the allegations contained in Paragraph 1 of the Complaint.
4. Denies for lack of knowledge the allegations contained in Paragraph 2 of the Complaint.
5. Denies for lack of knowledge the allegations contained in Paragraph 3 of the Complaint.
6. Admits the allegations contained in Paragraph 4 of the Complaint.
7. With respect to the allegations contained in Paragraph 5 of the Complaint, admits that the Plaintiff has attempted to bring a claim under the statutes cited therein but

denies that the Plaintiff has stated a cause of action under those statutes or under any theory.

8. Admits the allegations contained in Paragraph 6 of the Complaint.
9. Admits the allegations contained in Paragraph 7 of the Complaint.
10. With respect to the allegations contained in Paragraph 8 of the Complaint, admits that an independent joint candidate for President must submit properly authenticated and verified signatures of registered voters in Ohio.
11. Admit the allegations contained in Paragraph 9 of the Complaint.
12. Denies the allegations contained in Paragraph 10 of the Complaint.
13. Admits the allegations contained in Paragraph 11 of the Complaint.
14. Admits the allegations contained in Paragraph 12 of the Complaint.
15. Denies for lack of knowledge the allegations contained in Paragraph 13 of the Complaint.
16. Denies for lack of knowledge the allegations contained in Paragraph 14 of the Complaint.
17. Denies for lack of knowledge the allegations contained in Paragraph 15 of the Complaint.
18. Denies for lack of knowledge the allegations contained in Paragraph 16 of the Complaint.
19. Denies for lack of knowledge the allegations contained in Paragraph 17 of the Complaint.
20. Denies for lack of knowledge the allegations contained in Paragraph 18 of the Complaint.

21. Denies for lack of knowledge the allegations contained in Paragraph 19 of the Complaint.
22. Admits the allegations contained in Paragraph 20 of the Complaint.
23. Admits the allegations contained in Paragraph 21 of the Complaint.
24. Denies for lack of knowledge the allegations contained in Paragraph 22 of the Complaint.
25. Denies for lack of knowledge the allegations contained in Paragraph 23 of the Complaint.
26. Admits the allegations contained in Paragraph 24 of the Complaint.
27. Denies the allegations contained in Paragraph 25 of the Complaint.
28. Admits the allegations contained in Paragraph 26 of the Complaint.
29. Admits the allegations contained in Paragraph 27 of the Complaint.
30. Admits the allegations contained in Paragraph 28 of the Complaint.
31. Denies the allegations contained in Paragraph 29 of the Complaint.
32. Denies the allegations contained in Paragraph 30 of the Complaint.
33. With respect to the allegations contained in Paragraph 31 of the Complaint, restates the previous answers given to Paragraphs 1-30 of the Complaint.
34. Denies the allegations contained in Paragraph 32 of the Complaint.
35. Denies the allegations contained in Paragraph 33 of the Complaint.
36. With respect to the allegations contained in Paragraph 34 of the Complaint, restates the previous answers given to Paragraphs 1-33 of the Complaint.
37. Denies the allegations contained in Paragraph 35 of the Complaint.
38. Denies the allegations contained in Paragraph 36 of the Complaint.

39. With respect to the allegations contained in Paragraph 37 of the Complaint, restates the previous answers given to Paragraphs 1-36 of the Complaint.
40. Denies the allegations contained in Paragraph 38 of the Complaint.
41. Denies the allegations contained in Paragraph 39 of the Complaint.
42. With respect to the allegations contained in Paragraph 40 of the Complaint, restates the previous answers given to Paragraphs 1-39 of the Complaint.
43. Denies the allegations contained in Paragraph 41 of the Complaint.
44. Denies the allegations contained in Paragraph 42 of the Complaint.
45. Denies the allegations contained in Paragraph 43 of the Complaint.
46. With respect to the relief Plaintiffs have requested in Paragraphs 44-48 of the Complaint, denies that the Plaintiffs are entitled to any of the relief sought or to any relief whatsoever.

WHEREFORE, having answered the Plaintiffs' Complaint, the Defendant raises the following defenses, including affirmative defenses.

First Defense

47. The Plaintiffs have failed to state a claim upon which relief can be granted.

Second Defense

48. The Plaintiffs have not properly stated a facial challenge to RC 3503.06(A).

Third Defense

49. Ohio's statutory requirement that petition circulators be registered voters in the State of Ohio is constitutional

Fourth Defense

50. Ohio's statutory requirement that petition circulators be residents of the State of Ohio is constitutional.

Fifth Defense

51. The Secretary reserves the right to amend her answer to include additional defenses, including additional affirmative defenses, as discovery continues.

Respectfully submitted,

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Certificate of Service

This is to certify a copy of the foregoing was served upon all counsel of record by means of the Court's electronic filing system on this 6th day of May, 2008.

/s Richard N. Coglianesse