



4. Denies for lack of knowledge the first sentence of Paragraph 3 of the Supplemental Complaint. The remaining allegations in Paragraph 3 state legal conclusions that do not require a response. To the extent a response is required, the Secretary denies those allegations.
5. Denies for lack of knowledge the first sentence of Paragraph 4 of the Supplemental Complaint. The remaining allegations in Paragraph 4 state legal conclusions that do not require a response. To the extent a response is required, the Secretary denies those allegations.
6. Denies for lack of knowledge the allegations in Paragraph 5 of the Supplemental Complaint.
7. Denies for lack of knowledge the allegations in Paragraphs 6-30 of the Supplemental Complaint.
8. With respect to the allegations in Paragraph 31 of the Supplemental Complaint, the Secretary admits that Plaintiff SEIU has alleged claims in the Supplemental Complaint, but denies that any of the Plaintiffs have stated a cognizable claim for relief under any legal theory.
9. With respect to the allegations in Paragraph 32 of the Supplemental Complaint, the Secretary admits that Plaintiffs Wangler, Wise, NEOCH, and CCH have alleged claims in the Supplemental Complaint, but denies that any of the Plaintiffs have stated a cognizable claim for relief under any legal theory.
10. Denies for lack of knowledge the allegations in Paragraph 33 of the Supplemental Complaint.
11. Denies for lack of knowledge the allegations in Paragraph 34 of the Supplemental Complaint that Ohio's 88 boards of elections did not apply the provisions ballot laws

equally in the November 2006 Election. The Secretary denies the remaining allegations in Paragraph 34 with respect to the November 2008 Election.

12. Denies the allegations in Paragraph 35 of the Supplemental Complaint.
13. Denies for lack of knowledge the allegations in Paragraph 36 of the Supplemental Complaint.
14. Denies the allegations in Paragraph 37 of the Supplemental Complaint.
15. Denies the allegations in Paragraph 38 of the Supplemental Complaint.
16. Denies the allegations in Paragraphs 39 and 39(a)-(c) of the Supplemental Complaint and denies that Plaintiffs are entitled to the relief stated therein.
17. Denies for lack of knowledge the allegations in Paragraph 40 of the Supplemental Complaint.
18. Admits the allegations in Paragraph 41 of the Supplemental Complaint.
19. Admits the allegations in Paragraph 42 of the Supplemental Complaint.
20. Denies for lack of knowledge the allegations in Paragraph 43 of the Supplemental Complaint.
21. Denies for lack of knowledge the allegations in Paragraph 44 of the Supplemental Complaint.
22. Denies the allegations in Paragraph 45 of the Supplemental Complaint.
23. Denies for lack of knowledge the allegations in Paragraph 46 of the Supplemental Complaint.
24. Denies for lack of knowledge the allegations in Paragraph 47 of the Supplemental Complaint.

25. Denies for lack of knowledge the allegations in Paragraphs 48(a)-(d) of the Supplemental Complaint. The Secretary furthermore denies the remaining allegation in Paragraph 48 that the purported variation in the number of provisional ballots rejected by the boards of elections demonstrates that some boards applied stricter standards than others.
26. Denies for lack of knowledge the allegations in Paragraph 49 of the Supplemental Complaint.
27. Denies the allegations in Paragraph 50 of the Supplemental Complaint.
28. Denies for lack of knowledge the allegations in Paragraphs 51-71 of the Supplemental Complaint.
29. Denies for lack of knowledge the allegations in Paragraph 72 of the Supplemental Complaint.
30. Denies for lack of knowledge the allegations in Paragraphs 73 and 73(a)-(c) of the Supplemental Complaint.
31. Denies the allegations in Paragraph 74 of the Supplemental Complaint.
32. With respect to the allegations in Paragraph 75, the Secretary admits that Ohio law sets forth certain requirements for voter registration and identification. To the extent that Plaintiffs have attempted to paraphrase Ohio law, the Secretary states that the applicable statutes speak for themselves and that the allegations in Paragraph 75 set forth legal conclusions that do not require a response. To the extent a response is required, the Secretary denies the allegations therein.
33. With respect to the allegations in Paragraph 76, the Secretary admits that Ohio law sets forth certain requirements for voter registration and identification. To the extent that Plaintiffs have attempted to paraphrase Ohio law, the Secretary states that the applicable

statutes speak for themselves and that the allegations in Paragraph 76 set forth legal conclusions that do not require a response. To the extent a response is required, the Secretary denies the allegations therein.

34. Admits the allegations in Paragraph 77 of the Supplemental Complaint.
35. Denies for lack of knowledge the allegations in Paragraph 78 of the Supplemental Complaint.
36. With respect to the allegations in Paragraph 79, the Secretary admits that Ohio law sets forth certain requirements for voter registration and identification. To the extent that Plaintiffs have attempted to paraphrase Ohio law, the Secretary states that the applicable statutes speak for themselves and that the allegations in Paragraph 79 set forth legal conclusions that do not require a response. To the extent a response is required, the Secretary denies the allegations therein.
37. With respect to the allegations in Paragraph 80, the Secretary admits that Ohio law sets forth certain requirements for voter registration and identification. To the extent that Plaintiffs have attempted to paraphrase Ohio law, the Secretary states that the applicable statutes speak for themselves and that the allegations in Paragraph 80 set forth legal conclusions that do not require a response. To the extent a response is required, the Secretary denies the allegations therein.
38. Denies for lack of knowledge the allegations in Paragraph 81 of the Supplemental Complaint.
39. With respect to the allegations in Paragraph 82, the Secretary admits that Ohio law sets forth certain requirements for voter registration and identification. To the extent that Plaintiffs have attempted to paraphrase Ohio law, the Secretary states that the applicable

statutes speak for themselves and that the allegations in Paragraph 82 set forth legal conclusions that do not require a response. To the extent a response is required, the Secretary denies the allegations therein.

40. Denies for lack of knowledge the allegations in Paragraph 83 of the Supplemental Complaint.
41. Denies for lack of knowledge the allegations in Paragraph 84 of the Supplemental Complaint.
42. With respect to the allegations in Paragraph 85, the Secretary admits that Ohio law sets forth certain requirements for voter registration, identification, and absentee voting. To the extent that Plaintiffs have attempted to paraphrase Ohio law, the Secretary states that the applicable statutes speak for themselves and that the allegations in Paragraph 85 set forth legal conclusions that do not require a response. To the extent a response is required, the Secretary denies the allegations therein.
43. With respect to the allegations in Paragraph 86, the Secretary admits that Ohio law sets forth certain requirements for voter registration, identification, and absentee voting. To the extent that Plaintiffs have attempted to paraphrase Ohio law, the Secretary states that the applicable statutes speak for themselves and that the allegations in Paragraph 86 set forth legal conclusions that do not require a response. To the extent a response is required, the Secretary denies the allegations therein.
44. Denies the allegations in Paragraph 87 of the Supplemental Complaint.
45. Denies for lack of knowledge the allegation in Paragraph 88 of the Supplemental Complaint that absentee voting by mail is difficult for many homeless voters.

46. With respect to the allegations in Paragraph 88(a), the Secretary admits that Ohio law sets forth certain requirements for absentee ballot applications and voting. To the extent that Plaintiffs have attempted to paraphrase Ohio law, the Secretary states that the applicable statutes speak for themselves and that the allegations in Paragraph 88(a) set forth legal conclusions that do not require a response. To the extent a response is required, the Secretary denies the allegations therein.
47. Denies for lack of knowledge the remaining allegations in Paragraphs 88(b), (c) and (d) of the Supplemental Complaint.
48. Denies for lack of knowledge the allegations in Paragraphs 89 and 89(a)-(c) of the Supplemental Complaint.
49. Denies for lack of knowledge the allegations in Paragraph 90 of the Supplemental Complaint.
50. Denies for lack of knowledge the allegation in Paragraph 91 of the Supplemental Complaint that the Plaintiffs must purchase State ID cards to vote by regular ballot on Election Day. The Secretary denies the remaining allegations in Paragraph 91.
51. Denies for lack of knowledge the allegations in Paragraph 92 of the Supplemental Complaint with respect to the State of Indiana's voter identification laws. The Secretary admits that the State of Ohio does not provide free identification cards to registered voters.
52. Denies for lack of knowledge the allegations in Paragraph 93 of the Supplemental Complaint.
53. Denies for lack of knowledge the allegations in Paragraph 94 of the Supplemental Complaint.

54. With respect to the allegations in Paragraph 95, the Secretary admits that Ohio law sets forth certain requirements for voter registration and identification. To the extent that Plaintiffs have attempted to paraphrase Ohio law, the Secretary states that the applicable statutes speak for themselves and that the allegations in Paragraph 95 set forth legal conclusions that do not require a response. To the extent a response is required, the Secretary denies the allegations therein.
55. With respect to the allegations in Paragraph 96, the Secretary admits that Ohio law sets forth certain requirements for voter registration and identification. To the extent that Plaintiffs have attempted to paraphrase Ohio law, the Secretary states that the applicable statutes speak for themselves and that the allegations in Paragraph 96 set forth legal conclusions that do not require a response. To the extent a response is required, the Secretary denies the allegations therein.
56. Denies for lack of knowledge the allegations in Paragraphs 97-104 of the Supplemental Complaint.
57. Denies for lack of knowledge the allegations in Paragraphs 105-109 of the Supplemental Complaint.
58. Admits the allegations in Paragraph 110 of the Supplemental Complaint.
59. Denies for lack of knowledge the allegations in Paragraphs 111-112 of the Supplemental Complaint.
60. The Secretary states that the allegations in Paragraph 113 set forth legal conclusions that do not require a response. To the extent a response is required, the Secretary denies the allegations therein.

61. The Secretary states that the allegations in Paragraph 114 set forth legal conclusions that do not require a response. To the extent a response is required, the Secretary denies the allegations therein.
62. The Secretary states that the allegations in Paragraph 115 and 115(a)-(d) set forth legal conclusions that do not require a response. To the extent a response is required, the Secretary denies the allegations therein.
63. Denies for lack of knowledge the allegations in Paragraph 116 of the Supplemental Complaint with respect to the November 2006 Election. The Secretary denies the remaining allegations in Paragraph 116 with respect to the November 2008 Election.
64. Denies the allegations in Paragraph 117 of the Supplemental Complaint.
65. Denies the allegations in Paragraph 118 of the Supplemental Complaint.
66. Denies for lack of knowledge the allegations in Paragraph 119 of the Supplemental Complaint with respect to the November 2006 Election. The Secretary denies the remaining allegations in Paragraph 119 with respect to the November 2008 Election.
67. Denies the allegations in Paragraph 120 of the Supplemental Complaint.
68. Denies the allegations in Paragraph 121 of the Supplemental Complaint.
69. Denies the allegations in Paragraph 122 of the Supplemental Complaint.
70. Denies the allegations in Paragraph 123 of the Supplemental Complaint.
71. Denies the allegations in Paragraph 124 of the Supplemental Complaint.
72. Denies the allegations in Paragraph 125 of the Supplemental Complaint.
73. Denies the allegations in Paragraph 126 of the Supplemental Complaint.
74. Denies the allegations in Paragraph 127 of the Supplemental Complaint.
75. Denies the allegations in Paragraph 128 of the Supplemental Complaint.

76. Admits the allegations in Paragraph 129 of the Supplemental Complaint.
77. Denies the allegations in Paragraph 130 of the Supplemental Complaint.
78. Denies the allegations in Paragraph 131 of the Supplemental Complaint.
79. Admits the allegations in Paragraph 132 of the Supplemental Complaint.
80. Denies the allegations in Paragraph 133 of the Supplemental Complaint.
81. Denies the allegations in Paragraph 134 of the Supplemental Complaint.
82. Deny that Plaintiff are entitled to any relief listed in its prayer for relief, paragraphs (a) to (e), or to any relief whatsoever.

Wherefore, having answered Plaintiffs' Supplemental Complaint, the Secretary raises the following defenses, including affirmative defenses.

**FIRST DEFENSE**

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

**SECOND DEFENSE**

84. The Voter ID laws challenged by Plaintiffs are facially constitutional.

**THIRD DEFENSE**

85. The Voter ID laws challenged by Plaintiffs are constitutional as applied to Plaintiffs.

**FOURTH DEFENSE**

86. The Plaintiffs lack standing to bring these claims.

**FIFTH DEFENSE**

87. The Secretary reserves the right to add defenses, including affirmative defenses, as litigation proceeds.

Respectfully submitted,

NANCY H. ROGERS  
OHIO ATTORNEY GENERAL

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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 19<sup>th</sup> day of November, 2008.

/s Richard N. Coglianes