

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

**THE OHIO ORGANIZING
COLLABORATIVE, *et al.*,**

Plaintiffs,

v.

JON HUSTED, *et al.*,

Defendants.

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: Case No. 2:15-CV-1802
:
: JUDGE WATSON
:
: MAGISTRATE JUDGE KING
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:

**ANSWER AND AFFIRMATIVE DEFENSES
OF DEFENDANTS SECRETARY OF STATE JON HUSTED AND
ATTORNEY GENERAL MIKE DeWINE**

For their Answer and Affirmative Defenses to Plaintiffs' Complaint (Doc. No. 1), Defendants Ohio Secretary of State Jon Husted and Ohio Attorney General Mike DeWine state:

ANSWER

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. Defendants specifically deny that Plaintiffs are entitled to any relief.
2. Paragraph 2 of the Complaint consists of legal conclusions and no response is required. To the extent further response is required, any allegations in Paragraph 2 are denied.
3. As to Paragraph 3 of the Complaint, S.B. 238 speaks for itself, and no response to allegations regarding its content is required. Defendants admit that S.B. 238 was signed by the Governor on February 21, 2014. Defendants deny any and all remaining allegations in Paragraph 3. In response to footnote 1, the Ohio Revised Code speaks for

itself. To the extent further response related to the Ohio Revised Code is required, any allegations in footnote 1 are denied.

4. As to Paragraph 4 of the Complaint, the Secretary of State issued Directives numbered 2014-06, 2014-17, and 2014-30. Directives 2014-06, 2014-17, and 2014-30 speak for themselves, and no response to allegations regarding their content is required. To the extent further response related to the Directives is required, any allegations are denied. Defendants deny the remaining allegations in Paragraph 4.
5. As to Paragraph 5 of the Complaint, the Settlement Agreement referred to in this Paragraph speaks for itself, and no response to allegations regarding its content is required in this Answer. To the extent further response related to the Settlement Agreement is required, any allegations are denied. Defendants deny the remaining allegations in Paragraph 5. To the extent a response is required to footnote 2, any allegations are denied.
6. As to Paragraph 6 of the Complaint, Ohio Rev. Code § 3501.10(C) speaks for itself, and no response to allegations regarding its content is required in this Answer. To the extent further response is required regarding Ohio Rev. Code § 3501.10(C), any allegations are denied. The City of Columbus and the main campus of The Ohio State University are located in Franklin County. Defendants deny the remaining allegations in Paragraph 6.
7. As to Paragraph 7 of the Complaint, S.B. 200 speaks for itself, and no response to allegations regarding its content is required in this Answer. To the extent further response is required regarding S.B. 200, any allegations are denied. Defendants admit that S.B. 200 was signed by the Governor on December 19, 2013. Defendants deny the remaining allegations in Paragraph 7.

8. As to Paragraph 8 of the Complaint, S.B. 200 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 regarding S.B. 200, any allegations are denied. To the extent there are other allegations in Paragraph 8, those are denied.
9. As to Paragraph 9 of the Complaint, the Secretary of State issued a Directive numbered 2014-26. Directive 2014-26 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 regarding Directive 2014-26, any allegations are denied. Defendants deny the remaining allegations in Paragraph 9.
10. As to Paragraph 10 of the Complaint, S.B. 205 and S.B. 216 speak for themselves, and no response to allegations regarding their content is required in this Answer. To the extent further response is required regarding S.B. 205 and S.B. 216, any allegations are denied. Defendants deny the remaining allegations in Paragraph 10.
11. As to Paragraph 11 of the Complaint, S.B. 205 and Directive 2014-15 speak for themselves, and no response to allegations regarding their content or effect is required in this Answer. To the extent further response is required regarding S.B. 205 and Directive 2014-15, any allegations are denied. Defendants deny the remaining allegations in Paragraph 11.
12. As to Paragraph 12 of the Complaint, S.B. 216 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 regarding S.B. 216, any allegations are denied. Defendants deny the remaining allegations in Paragraph 12. To the extent there are legal conclusions in Paragraph 12, they do not require a response and are deemed denied.

13. As to Paragraph 13 of the Complaint, S.B. 216 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 regarding S.B. 216, any allegations are denied. The legal conclusions in Paragraph 13 do not require a response and are deemed denied. Defendants deny the remaining allegations in Paragraph 13.
14. Paragraph 14 of the Complaint consists of legal conclusions, and no response is required. To the extent further response is required, any allegations are denied.
15. Paragraph 15 of the Complaint is denied.
16. Paragraph 16 of the Complaint is denied.
17. Paragraph 17 of the Complaint consists of legal conclusions, and no response is required. To the extent further response is required, any allegations are denied.
18. Paragraph 18 of the Complaint consists of legal conclusions, and no response is required. To the extent further response is required, any allegations are denied.
19. Paragraph 19 of the Complaint consists of legal conclusions, and no response is required. To the extent further response is required, any allegations are denied.
20. Defendants admit that the Court has authority to issue declarative relief when authorized by law. Defendants deny that Plaintiffs are entitled to any such relief.
21. Defendants admit the allegations in Paragraph 21 of the Complaint.
22. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22 of the Complaint; and therefore, those allegations are denied.
23. Defendants deny the allegations in Paragraph 23 of the Complaint.

24. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 of the Complaint; and therefore, those allegations are denied. To the extent there are legal conclusions in Paragraph 24, no response is required, and the allegations are deemed denied.
25. Defendants deny the allegations in Paragraph 25 of the Complaint.
26. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26 of the Complaint; and therefore, those allegations are denied. To the extent there are legal conclusions in Paragraph 26, no response is required, and the allegations are deemed denied.
27. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27 of the Complaint; and therefore, those allegations are denied. To the extent there are legal conclusions in Paragraph 27, no response is required, and the allegations are deemed denied. The characterizations and other allegations in the last sentence of Paragraph 27 are denied.
28. Jon Husted is the Secretary of State of Ohio. The remaining allegations in Paragraph 28 of the Complaint are legal conclusions, and are therefore deemed denied. To the extent any allegations remain, they are denied.
29. Mike DeWine is the Attorney General of Ohio. The remaining allegations in Paragraph 29 of the Complaint are legal conclusions, and are therefore deemed denied. To the extent any allegations remain, they are denied.
30. Defendants deny the allegations in Paragraph 30.

31. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31 of the Complaint; and therefore, those allegations are denied. To the extent any allegations remain, they are denied.
32. The allegations in Paragraph 32 of the Complaint are denied.
33. The allegations in Paragraph 33 of the Complaint are denied.
34. The Ohio Constitution, prior versions of the Ohio Constitution, and amendments and proposed amendments are documents and laws that speak for themselves. To the extent any allegations in Paragraph 34 remain, they are denied.
35. Past laws speak for themselves, and the allegations about past laws are therefore denied. To the extent Paragraph 35 contains conclusions of law, no response is necessary, and the legal conclusions are deemed denied. To the extent any allegations remain, they are denied.
36. Past laws speak for themselves, and the allegations about past laws are therefore denied. To the extent Paragraph 36 contains conclusions of law, no response is necessary, and the legal conclusions are deemed denied. To the extent any allegations remain, they are denied.
37. Paragraph 37 of the Complaint consists of legal conclusions, and no response is required. To the extent further response is required, any allegations are denied.
38. Paragraph 38 of the Complaint consists of legal conclusions, and no response is required. To the extent further response is required, any allegations are denied.
39. Defendants deny any fact allegations in Paragraph 39 of the Complaint.
40. Defendants deny the allegations in Paragraph 40 of the Complaint.
41. Defendants deny the allegations in Paragraph 41 of the Complaint.

42. Defendants deny the allegations in Paragraph 42 of the Complaint.
43. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 of the Complaint; and therefore, those allegations are denied. To the extent any allegations remain, they are denied.
44. Defendants deny the allegations in Paragraph 44 of the Complaint. Footnote 3 of the Complaint speaks for itself and does not require a response. To the extent further response is required, any allegations are denied.
45. Defendants deny the allegations in Paragraph 45 of the Complaint.
46. Regarding the statistics in Paragraph 46 that are quoted without source citations, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations; and therefore, the allegations are denied. The remainder of the allegations in Paragraph 46 are denied.
47. Defendants are without knowledge or information sufficient to form a belief as to the truth of the statistics that are not accompanied by citations in Paragraph 47, and therefore, deny them. Defendants deny the remaining allegations in Paragraph 47.
48. Defendants are without knowledge or information sufficient to form a belief as to the truth of the statistics that are not accompanied by citations in Paragraph 48, and therefore, deny them. Defendants deny the remaining allegations in Paragraph 48.
49. Defendants are without knowledge or information sufficient to form a belief as to the truth of the statistics that are not accompanied by citations in Paragraph 49, and therefore, deny them.

50. Defendants are without knowledge or information sufficient to form a belief as to the truth of the statistics that are not accompanied by citations in Paragraph 50, and therefore, deny them. Defendants deny the remaining allegations in Paragraph 50.
51. Defendants are without knowledge or information sufficient to form a belief as to the truth of the statistics that are not accompanied by citations in Paragraph 51, and therefore, deny them. Defendants deny the remaining allegations in Paragraph 51.
52. Defendants deny the allegations in Paragraph 52 of the Complaint.
53. Defendants are without knowledge or information sufficient to form a belief as to the truth of the statistics that are not accompanied by citations in Paragraph 53, and therefore, deny them. Defendants deny the remaining allegations in Paragraph 53.
54. Regarding the statistics in Paragraph 54 that are quoted without source citations, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations; and therefore, the allegations are denied. The remainder of the allegations in Paragraph 54 are denied.
55. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55, and therefore, deny them.
56. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations regarding statistical numbers in Paragraph 56, and therefore, deny them. Defendants deny the remaining allegations in Paragraph 56.
57. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57, and therefore, deny them.
58. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58, and therefore, deny them.

59. Regarding the statistics in Paragraph 59 that are quoted without source citations, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations; and therefore, the allegations are denied. The remainder of the allegations in Paragraph 59 are denied.
60. Defendants deny the allegations in Paragraph 60 of the Complaint.
61. Josh Mandel was elected Treasurer of State in the 2010 general election. His opponent in the general election was Kevin Boyce. With regard to all of the other allegations in Paragraph 61 of the Complaint, Defendants are without knowledge or information sufficient to form a belief as to their truth; and therefore, the allegations are denied.
62. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62, and therefore, deny them.
63. Defendants deny the allegations in Paragraph 63 of the Complaint.
64. The case and settlement agreement referenced in Paragraph 64 of the Complaint speak for themselves. To the extent further response is required, any allegations are denied. To the extent there are fact allegations in Paragraph 64, those allegations are denied.
65. Paragraph 65 of the Complaint appears to refer to one or more statutes, which speak for themselves. Defendants deny Plaintiffs' characterizations of the statutes. Defendants deny the allegations in this Paragraph. As to footnote 4, the prior code provisions referenced speaks for itself. To the extent further response is required for Paragraph 65 or footnote 4, those allegations are denied.
66. The allegation in Paragraph 66 is vague and uncertain; and therefore, it is denied.
67. As to Paragraph 67, the City of Columbus is located in Franklin County and the City of Cleveland is located in Cuyahoga County. Defendants are without knowledge or

information sufficient to form a belief as to the truth of the statistics that are not accompanied by citations in Paragraph 67, and therefore, deny them. Defendants deny the remaining allegations in Paragraph 67.

68. Paragraph 68 of the Complaint contains conclusions of law to which no response is required. To the extent further response is required, any allegations are denied. Defendants are without knowledge or information sufficient to form a belief as to the truth of the statistics that are not accompanied by citations in this Paragraph and any remaining allegations; and therefore, the allegations are denied.
69. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations about the report and poll that are not accompanied by citations in this Paragraph; and therefore, the allegations are denied. To the extent further response is required, the allegations in Paragraph 69 are denied.
70. H.B. 194, S.B. 205, and S.B. 216 referenced in Paragraph 70 of the Complaint speak for themselves, and no response to allegations regarding their content is required. Defendants deny the remaining allegations in Paragraph 70.
71. H.B. 194 referenced in Paragraph 71 of the Complaint speaks for itself, and no response to allegations regarding its content is required. To the extent further response is required, the allegations are denied.
72. Defendants deny the allegations in Paragraph 72.
73. Regarding the statistics in Paragraph 73 that are quoted without source citations, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations; and therefore, the allegations are denied. The remainder of the allegations in Paragraph 73 are denied.

74. Defendants deny the allegations in Paragraph 74.
75. Regarding the statistics in Paragraph 75 that are quoted without source citations, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations; and therefore, the allegations are denied. The remainder of the allegations in Paragraph 75 are denied.
76. As to Paragraph 76 of the Complaint, S.B. 238 and its legislative history speak for themselves, and no response to allegations regarding its content and history is required in this Answer. Any other allegations contained in Paragraph 76 are denied.
77. Defendants deny the allegations in Paragraph 77 of the Complaint.
78. Defendants deny the allegations in Paragraph 78 of the Complaint.
79. Paragraph 79 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied.
80. Paragraph 80 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied.
81. Paragraph 81 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied. To the extent there are fact allegations in Paragraph 81, those allegations are denied.
82. Paragraph 82 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied.
83. Defendants deny the allegations in Paragraph 83 of the Complaint.
84. Defendants deny the allegations in Paragraph 84 of the Complaint.
85. Defendants deny the allegations in Paragraph 85 of the Complaint.
86. Defendants deny the allegations in Paragraph 86 of the Complaint.

87. Defendants deny the allegations in Paragraph 87 of the Complaint.
88. Defendants deny the allegations in Paragraph 88 of the Complaint.
89. Defendants deny the allegations in Paragraph 89 of the Complaint.
90. The directives cited in Paragraph 90 of the Complaint speak for themselves, and no response to allegations regarding their content is required. To the extent further response is required, any allegations are denied. Defendants deny the remaining allegations in Paragraph 90. The directives cited in footnote 5 speak for themselves, and no response to allegations regarding their content is required. To the extent further response is required for Paragraph 90 or footnote 5, those allegations are denied.
91. Defendants are without knowledge or information sufficient to form a belief as to the truth of the statistics that are not accompanied by citations in Paragraph 91, and therefore, deny them. Defendants deny the remaining allegations in Paragraph 91.
92. Paragraph 92 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied. To the extent there are fact allegations in Paragraph 92, those allegations are denied.
93. Paragraph 93 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied. To the extent there are fact allegations in Paragraph 93, those allegations are denied.
94. Defendants deny the allegations in Paragraph 94 of the Complaint.
95. Defendants deny the allegations in Paragraph 95 of the Complaint.
96. Defendants deny the allegations in Paragraph 96 of the Complaint.
97. Defendants deny the allegations in Paragraph 97 of the Complaint.
98. Defendants deny the allegations in Paragraph 98 of the Complaint.

99. Defendants deny the allegations in Paragraph 99 of the Complaint.
100. As to Paragraph 100 of the Complaint, S.B. 200 speaks for itself, and no response to allegations regarding its content is required. To the extent further response is required, any allegations are denied.
101. As to Paragraph 101 of the Complaint, S.B. 200 and Ohio Rev. Code § 3503.15(A)(2)(a) and (A)(3)(a) speak for themselves, and no response to allegations regarding their content is required. To the extent further response is required, any allegations are denied.
102. The statutes referenced in Paragraph 102 of the Complaint speak for themselves, and no response to allegations regarding their content is required. To the extent further response is required, any allegations are denied.
103. As to Paragraph 103 of the Complaint, Ohio Rev. Code § 3503.21(D) and Directive 2014-14 speak for themselves, and no response to allegations regarding their content is required. To the extent further response is required, any allegations are denied.
104. As to Paragraph 104 of the Complaint, Directive 2014-14 and S.B. 200 speak for themselves, and no response to allegations regarding their content is required. Pursuant to federal and state law, confirmation notices were mailed by county boards of elections in 2011, 2013, and 2014. Defendants deny the remaining allegations in Paragraph 104.
105. As to Paragraph 105 of the Complaint, S.B. 200 speaks for itself, and no response to allegations regarding its content is required. Defendants deny the remaining allegations in Paragraph 105.
106. Defendants deny the allegations in Paragraph 106 of the Complaint.
107. Defendants are without information sufficient to form a belief as to the truth of the allegations in Paragraph 108, and therefore, deny them.

108. Defendants deny the allegations in Paragraph 108 of the Complaint.

109. As to Paragraph 109 of the Complaint, S.B. 200 and Ohio Rev. Code § 3506.22(B)(1) speak for themselves, and no response to allegations regarding their content is required. To the extent further response is required, any allegations are denied. Defendants deny the remaining allegations in Paragraph 109.

110. As to Paragraph 110 of the Complaint, S.B. 205 and S.B. 238 speak for themselves, and no response to allegations regarding their content is required. To the extent further response is required, any allegations are denied. Defendants deny the remaining allegations in Paragraph 110.

111. As to Paragraph 111 of the Complaint, S.B. 200 and Directive 2014-26 speak for themselves, and no response to allegations regarding their content is required. To the extent further response is required, any allegations are denied.

112. Defendants deny the allegations in Paragraph 112 of the Complaint.

113. Defendants deny the allegations in Paragraph 113 of the Complaint.

114. Defendants deny the allegations in Paragraph 114 of the Complaint.

115. Defendants deny the allegations in Paragraph 115 of the Complaint.

116. Defendants deny the allegations in Paragraph 116 of the Complaint.

117. Defendants deny the allegations in Paragraph 117 of the Complaint.

118. Defendants deny the allegations in Paragraph 118 of the Complaint.

119. Defendants deny the allegations in Paragraph 119 of the Complaint.

120. Defendants deny the allegations in Paragraph 120 of the Complaint.

121. Defendants deny the allegations in Paragraph 121 of the Complaint.

122. S.B. 205 speaks for itself, and no response to allegations in Paragraph 122 regarding its content is required. To the extent further response is required, any allegations are denied. Defendants admit that S.B. 205 was signed by the Governor on February 21, 2014.
123. The bill, code provisions, and laws referenced in Paragraph 123 of the Complaint speak for themselves, and no response to allegations regarding their content is required. Secretary Husted mailed unsolicited absentee ballot applications statewide for the November 2012 president general election. Defendants deny the remaining allegations in Paragraph 123.
124. The bill, directive, code provisions, and laws referenced in Paragraph 124 and footnote 6 of the Complaint speak for themselves, and no response to allegations regarding their content is required. To the extent further response is required, any allegations are denied. Defendants deny the remaining allegations in Paragraph 124.
125. Ohio Rev. Code § 3509.03 referenced in Paragraph 125 speaks for itself, and no response to allegations regarding its content is required. To the extent further response is required, any allegations are denied. Defendants deny the remaining allegations in Paragraph 125.
126. As to Paragraph 126 of the Complaint, S.B. 205 and Ohio Rev. Code § 3511.05 speak for themselves, and no response to allegations regarding their content is required. To the extent further response is required, any allegations are denied. Defendants deny the remaining allegations in Paragraph 126.
127. S.B. 205 referenced in Paragraph 127 speaks for itself, and no response to allegations regarding its content is required. To the extent further response is required, any allegations are denied. Defendants deny the remaining allegations in Paragraph 127.

128. The statute referenced in Paragraph 128 speaks for itself, and no response to allegations regarding its content is required. To the extent further response is required, any allegations are denied. No response is required as to the legal conclusions in this Paragraph. To the extent further response is required, any allegations in Paragraph 128 are denied.
129. Defendants deny the allegations in Paragraph 129 of the Complaint.
130. Deny the allegations in Paragraph 130 of the Complaint.
131. Paragraph 131 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied. To the extent there are fact allegations in Paragraph 131, those allegations are denied.
132. Defendants deny the allegations in Paragraph 132 of the Complaint.
133. Defendants deny the allegations in Paragraph 133 of the Complaint.
134. Defendants deny the allegations in Paragraph 134 of the Complaint.
135. As to Paragraph 135 of the Complaint, Secretary Husted mailed approximately 6.58 million unsolicited absentee ballot applications for the November 2014 gubernatorial general election. Defendants deny the remaining allegations in Paragraph 135.
136. Directive 2014-15 referenced in Paragraph 136 speaks for itself, and no response to allegations regarding its content is required. Secretary Husted mailed the absentee ballot applications in accordance with Directive 2014-15. Defendants deny the remaining allegations in Paragraph 136.
137. Defendants deny the allegations in Paragraph 137 of the Complaint.
138. Defendants deny the allegations in Paragraph 138 of the Complaint.

139. Defendants deny the first sentence of Paragraph 139 because it is unclear as to what code provision, directive, or law is being referenced.
140. Paragraph 140 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied.
141. Defendants deny the allegations in Paragraph 141 of the Complaint.
142. Defendant deny the allegations in Paragraph 142 of the Complaint.
143. Defendants deny the allegations in Paragraph 143 of the Complaint.
144. Defendants deny the allegations in Paragraph 144 of the Complaint.
145. Defendants deny the allegations in Paragraph 145 of the Complaint.
146. Defendants deny for want of knowledge sufficient to form a belief the allegations in Paragraph 146 of the Complaint.
147. Defendants are without knowledge or information sufficient to form a belief as to the truth of the statistics and other information that is not accompanied by citations in Paragraph 147, and therefore, deny them. Defendants deny the remaining allegations in Paragraph 147.
148. S.B. 216 and Ohio Rev. Code § 3505.183(e) referenced in Paragraph 148 and footnote 7 of the Complaint speak for themselves, and no response to allegations regarding their content is required. To the extent further response is required, any allegations are denied. The Governor signed S.B. 216 on February 28, 2014. Defendants deny the remaining allegations in Paragraph 148 and footnote 7.
149. S.B. 216 and any prior code provision, directive, or laws in existence prior to the effective date of S.B. 216 speak for themselves, and no response to allegations regarding

their content is required. To the extent further response is required, any allegations are denied.

150. S.B. 216 referenced in Paragraph 150 of the Complaint speaks for itself, and no response to allegations regarding its content is required. To the extent further response is required, any allegations are denied. To the extent there are other allegations in Paragraph 150, they are denied.

151. S.B. 216 and Ohio Rev. Code §§ 3505.183, 3505.20 referenced in Paragraph 151 of the Complaint speak for themselves, and no response to allegations regarding their content is required. To the extent further response is required, any allegations are denied.

152. S.B. 216 and Ohio Rev. Code §§ 3505.183, 3505.20 referenced in Paragraph 152 of the Complaint speak for themselves, and no response to allegations regarding their content is required. To the extent further response is required, any allegations are denied.

153. S.B. 216 referenced in Paragraph 153 of the Complaint speaks for itself, and no response to allegations regarding its content is required. The remainder of the Paragraph consists of conclusions of law that do not require a response. To the extent further response is required, any allegations are denied. To the extent there are fact allegations in Paragraph 153, the allegations are denied.

154. Defendants deny the allegations in Paragraph 154 of the Complaint.

155. Defendants deny the allegations in Paragraph 155 of the Complaint.

156. Defendants deny the allegations in Paragraph 156 of the Complaint.

157. Defendants deny the allegations in Paragraph 157 of the Complaint.

158. Defendants deny the allegations in Paragraph 158 of the Complaint.

159. Paragraph 159 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied. To the extent there are fact allegations in Paragraph 159, those allegations are denied.
160. Defendants deny the allegations in Paragraph 160 of the Complaint.
161. Defendant denies the S.B. 216 disproportionately burdens any voters and denies for want of knowledge sufficient to form a belief the remaining allegations in Paragraph 161 of the Complaint.
162. Defendants deny the allegations in Paragraph 162 of the Complaint.
163. Defendants deny the allegations in Paragraph 163 of the Complaint.
164. S.B. 216 referenced in Paragraph 164 of the Complaint speaks for itself, and no response to allegations regarding its content is required. To the extent further response is required, any allegations are denied.
165. Paragraph 165 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied. Defendants deny the remaining allegations in Paragraph 165.
166. Paragraph 166 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied. To the extent there are fact allegations in Paragraph 166, those allegations are denied.
167. Defendants deny the allegations in Paragraph 167 of the Complaint.
168. Paragraph 168 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied. To the extent there are fact allegations in Paragraph 168, those allegations are denied.
169. Defendants deny the allegations in Paragraph 169 of the Complaint.

170. Defendants deny the allegations in Paragraph 170 of the Complaint.

171. Defendants deny the allegations in Paragraph 171 of the Complaint.

172. Defendants restate their responses to the preceding paragraphs of the Complaint.

173. Paragraph 173 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied.

174. Defendants deny the allegations in Paragraph 174 of the Complaint.

175. Defendants deny the allegations in Paragraph 175 of the Complaint.

176. Defendants deny the allegations in Paragraph 176 of the Complaint.

177. Defendants restate their responses to the preceding paragraphs of the Complaint.

178. Paragraph 178 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied.

179. Paragraph 179 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied.

180. Defendants deny the allegations in Paragraph 180 of the Complaint.

181. Defendants deny the allegations in Paragraph 181 of the Complaint.

182. Defendants deny the allegations in Paragraph 182 of the Complaint.

183. Defendants restate their responses to the preceding paragraphs of the Complaint.

184. Paragraph 184 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied.

185. Defendants deny the allegations in Paragraph 185 of the Complaint.

186. Defendants deny the allegations in Paragraph 186 of the Complaint.

187. Defendants deny the allegations in Paragraph 187 of the Complaint.

188. Defendants restate their responses to the preceding paragraphs of the Complaint.

189. In response to Paragraph 189 of the Complaint, Defendants assert that the Voting Rights Act, 52 U.S.C. § 10301 speaks for itself.
190. Defendants deny the allegations in Paragraph 190 of the Complaint.
191. Defendants deny the allegations in Paragraph 191 of the Complaint.
192. Paragraph 192 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied.
193. Defendants deny the allegations in Paragraph 193 of the Complaint.
194. Defendants deny the allegation in Paragraph 194 of the Complaint.
195. Defendants restate their responses to the preceding paragraphs of the Complaint.
196. Because Plaintiffs admit in footnote 8 of the Complaint that there is no private right of action under 52 U.S.C. § 10101(a)(2)(B), as a matter of law, this count should be dismissed. To the extent further response is necessary, Defendants assert that 52 U.S.C.A. § 10101(a)(2)(B) speaks for itself.
197. Defendants admit, as Plaintiffs have in footnote 8 of the Complaint, that there is no private right of action under 52 U.S.C. § 10101(a)(2)(B), and as a matter of law, Count V should be dismissed. Defendants deny the remaining allegations in Paragraph 197.
198. Defendants admit, as Plaintiffs have in footnote 8 of the Complaint, that there is no private right of action under 52 U.S.C. § 10101(a)(2)(B), and as a matter of law, Count V should be dismissed. Defendants deny the remaining allegations in Paragraph 198.
199. Defendants restate their responses to the preceding paragraphs of the Complaint.
200. Defendants deny the allegations in Paragraph 200 of the Complaint.
201. Paragraph 201 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied.

202. Paragraph 202 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied.
203. Paragraph 203 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied.
204. Defendants deny the allegations in Paragraph 204 of the Complaint.
205. Defendants restate their responses to the preceding paragraphs of the Complaint.
206. Paragraph 206 of the Complaint consists of legal conclusions to which no response is required. To the extent further response is required, any allegations are denied.
207. Defendants deny the allegations in Paragraph 207 of the Complaint.
208. Defendants deny the allegations in Paragraph 208 of the Complaint.
209. Defendants deny the allegations in Paragraph 209 of the Complaint.
210. Defendants deny that Plaintiffs are entitled to any relief in this case.
211. Defendants deny each and every allegation not specifically admitted to be true or explicitly designated as not disputed in the paragraphs above.
212. Defendants deny all allegations in Plaintiffs' "Request for Relief" and in the headers and sub-headers.

AFFIRMATIVE DEFENSES

213. Plaintiffs fail to state a claim upon which relief may be granted.
214. Plaintiffs lack standing to bring this action.
215. Plaintiffs fail to join one or more necessary parties.
216. The statute of limitations or laches bars some or all of Plaintiffs' claims.
217. Estoppel bars some or all of Plaintiffs' claims.
218. Controlling legal precedent bars some or all of Plaintiffs' claims.

219. None of the challenged statutes, bills, laws, or directives violates the First Amendment to the United States Constitution.
220. None of the challenged statutes, bills, laws, or directives violates the Fourteenth Amendment to the United States Constitution.
221. None of the challenged statutes, bills, laws, or directives violates the Fifteenth Amendment to the United States Constitution.
222. None of the challenged statutes, bills, laws, or directives violates 42 U.S.C. § 1983.
223. None of the challenged statutes, bills, laws, or directives violates Section 2 of the Voting Rights Act.
224. None of the challenged statutes, bills, laws, or directives violates Section 1971 of the Civil Rights Act of 1964, 52 U.S.C. § 10101(a)(2)(B).
225. Section 1971 of the Civil Rights Act of 1964, 52 U.S.C. § 10101(a)(2)(B) does not create a private right of action.
226. None of the challenged statutes, bills, laws, or directives discriminates against or has a disparate impact based on race or age.
227. Plaintiffs are unable to prove discriminatory intent.
228. The challenged statutes, bills, codes, laws, and directions are neutral and non-discriminatory.
229. The challenged statutes, bills, codes, laws, and directives are supported by rational, legitimate, or compelling state interests.
230. Plaintiffs are unable to prove a causal connection between the injury they allege and any of the challenged statutes, bills, laws, or directives.

231. Plaintiffs' inability to prove an objective benchmark causes Plaintiffs' Voting Rights Act claim to fail.
232. The principle of constitutional avoidance bars Plaintiffs' claims.
233. All of the challenged statutes, bills, codes, laws, and directives surpass the relevant standard of review.
234. The principle of federalism bars Plaintiffs' claims.
235. The doctrine of separation of powers bars Plaintiffs' claims.
236. Plaintiffs are not entitled to facial relief because Plaintiffs cannot prove the required showing for this relief.
237. Plaintiffs cannot establish any injury-in-fact; their claims are based on speculation.
238. Plaintiffs' claims for relief violate the doctrine of judicial restraint.
239. Plaintiffs ask the Court for relief that is beyond the powers of the judiciary and that the Court is unable to grant.
240. The doctrines of impossibility, impracticability, and *Purcell v. Gonzalez*, 549 U.S. 1 (2006), bar Plaintiffs' claims.
241. Defendants reserve the right to add affirmative defenses as they become apparent in discovery.

WHEREFORE, Defendants respectfully ask that Plaintiffs' claims be dismissed in their entirety, with prejudice, and that Plaintiffs be awarded no relief, no costs, and no fees.

Respectfully submitted,

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Ohio Attorney General

s/ Steven T. Voigt

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed with the U.S. District Court, Southern District of Ohio, on June 10, 2015, and served upon all parties of record via the court's electronic filing system.

/s/ Steven T. Voigt

STEVEN T. VOIGT (0092879)

Assistant Attorney General

General Information

Court	United States District Court for the Southern District of Ohio; United States District Court for the Southern District of Ohio
Federal Nature of Suit	Civil Rights - Voting[441]
Docket Number	2:15-cv-01802