

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

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

**THE SECRETARY OF STATE’S RESPONSE TO PLAINTIFFS’ STATEMENT OF
PURPORTEDLY UNDISPUTED MATERIAL FACTS**

The Secretary of State (the “Secretary”) responds to Plaintiffs’ Statement as follows:

1. The Secretary objects to Plaintiffs’ pleading (the “Statement”) based on Plaintiffs’ characterization. The Secretary disputes most of the allegations in the Statement. Therefore, Plaintiffs’ characterization of the allegations as “undisputed” is incorrect. In addition, most of Plaintiffs’ allegations are not relevant to the issue before the Court.

2. The parties filed a Joint Stipulation of Facts and Stipulations of Authenticity (the “Joint Statement”). Doc. 41. The Joint Statement contains all of the facts and statements to which the parties have jointly agreed, as well as various objections that the parties have preserved.

3. The Secretary also objects to Plaintiffs’ Statement because it corresponds to Plaintiffs’ summary judgment motion, which violates the scheduling order. Given that this

matter involves primarily legal issues, the parties agreed and the Court established a merits briefing schedule.

4. Unless a Paragraph is specifically admitted herein, the Secretary denies the allegations in each of the Paragraphs of the Statement.

5. The Secretary denies all of the allegations in the header, sub-headers, and title of the Statement.

Subject to the foregoing and incorporating the foregoing statements into every response, the Secretary provides the following additional responses to Plaintiffs' allegations:

Responses to Individual Paragraphs

1. The allegations in Paragraph 1 purport to describe Ohio's voter maintenance processes. The Ohio NCOA Process and the Ohio Supplemental Process are explained and set forth in Paragraphs 1-16 of the Joint Statement. Doc. 41, PAGEID #: 1505-09. To the extent that the allegations in Paragraph 1 differ from the Joint Statement, they are denied.

2. The allegations in Paragraph 2 purport to describe Ohio's voter maintenance processes. The Ohio NCOA Process and the Ohio Supplemental Process are explained and set forth in Paragraphs 1-16 of the Joint Statement. Doc. 41, PAGEID #: 1505-09. To the extent that the allegations in Paragraph 2 differ from the Joint Statement, they are denied.

3. The allegations in Paragraph 3 purport to describe Ohio's voter maintenance processes. The Ohio NCOA Process and the Ohio Supplemental Process are explained and set forth in Paragraphs 1-16 of the Joint Statement. Doc. 41, PAGEID #: 1505-09. To the extent that the allegations in Paragraph 3 differ from the Joint Statement, they are denied.

4. Paragraph 4 incorrectly describes the Ohio Supplemental Process and is denied.

5. Paragraph 5 sets forth conclusions of law and is denied. To the extent the Paragraph states fact allegations, the allegations are denied.

6. The allegations in Paragraph 6 purport to describe Ohio's voter maintenance processes. The Ohio NCOA Process and the Ohio Supplemental Process are explained and set forth in Paragraphs 1-16 of the Joint Statement. Doc. 41, PAGEID #: 1505-09. To the extent that the allegations in Paragraph 6 differ from the Joint Statement, they are denied.

7. The allegations in Paragraph 7 purport to describe Ohio's voter maintenance processes. The Ohio NCOA Process and the Ohio Supplemental Process are explained and set forth in Paragraphs 1-16 of the Joint Statement. Doc. 41, PAGEID #: 1505-09. To the extent that the allegations in Paragraph 7 differ from the Joint Statement, they are denied.

8. The allegations in Paragraph 8 purport to describe Ohio's voter maintenance processes. The Ohio NCOA Process and the Ohio Supplemental Process are explained and set forth in Paragraphs 1-16 of the Joint Statement. Doc. 41, PAGEID #: 1505-09. To the extent that the allegations in Paragraph 8 differ from the Joint Statement, they are denied.

9. The allegations in Paragraph 9 purport to describe Ohio's voter maintenance processes. The Ohio NCOA Process and the Ohio Supplemental Process are explained and set forth in Paragraphs 1-16 of the Joint Statement. Doc. 41, PAGEID #: 1505-09. To the extent that the allegations in Paragraph 9 differ from the Joint Statement, they are denied.

10. Denied. The Ohio NCOA Process and the Ohio Supplemental Process are explained and set forth in Paragraphs 1-16 of the Joint Statement. Doc. 41, PAGEID #: 1505-09. The Secretary also objects to the mischaracterizations in Paragraph 10. In addition, Paragraph 10 is irrelevant, raises arguments that are not set forth in any of Plaintiffs' NVRA demand letters,

and would not form the basis for a claim under the NVRA in any event. *See* 52 U.S.C. § 20510(b).

11. Denied. The Ohio NCOA Process and the Ohio Supplemental Process are explained and set forth in Paragraphs 1-16 of the Joint Statement. Doc. 41, PAGEID #: 1505-09. The Secretary also objects to the mischaracterizations in Paragraph 11. In addition, Paragraph 11 is irrelevant, raises arguments that are not set forth in any of Plaintiffs' NVRA demand letters, and would not form the basis for a claim under the NVRA in any event. *See* 52 U.S.C. § 20510(b).

12. Denied. The Ohio NCOA Process and the Ohio Supplemental Process are explained and set forth in Paragraphs 1-16 of the Joint Statement. Doc. 41, PAGEID #: 1505-09. The Secretary also objects to the mischaracterizations in Paragraph 12. In addition, Paragraph 12 is irrelevant, raises arguments that are not set forth in any of Plaintiffs' NVRA demand letters, and would not form the basis for a claim under the NVRA in any event. *See* 52 U.S.C. § 20510(b).

13. Denied. The Ohio NCOA Process and the Ohio Supplemental Process are explained and set forth in Paragraphs 1-16 of the Joint Statement. Doc. 41, PAGEID #: 1505-09. The Secretary also objects to the mischaracterizations in Paragraph 13. In addition, Paragraph 13 is irrelevant, raises arguments that are not set forth in any of Plaintiffs' NVRA demand letters, and would not form the basis for a claim under the NVRA in any event. *See* 52 U.S.C. § 20510(b).

14. Denied. The Ohio NCOA Process and the Ohio Supplemental Process are explained and set forth in Paragraphs 1-16 of the Joint Statement. Doc. 41, PAGEID #: 1505-09. The Secretary also objects to the mischaracterizations in Paragraph 14. In addition,

Paragraph 14 is irrelevant, raises arguments that are not set forth in any of Plaintiffs' NVRA demand letters, and would not form the basis for a claim under the NVRA in any event. *See* 52 U.S.C. § 20510(b).

15. Denied. The Ohio NCOA Process and the Ohio Supplemental Process are explained and in Paragraphs 1-16 of the Joint Statement. Doc. 41, PAGEID #: 1505-09. The Secretary also objects to the mischaracterizations set forth in Paragraph 15. In addition, Paragraph 15 is irrelevant, raises arguments that are not set forth in any of Plaintiffs' NVRA demand letters, and would not form the basis for a claim under the NVRA in any event. *See* 52 U.S.C. § 20510(b).

16. Denied. The allegations in Paragraph 16 are irrelevant, raise arguments that are not set forth in any of Plaintiffs' NVRA demand letters, and would not form the basis for a claim under the NVRA in any event. *See* 52 U.S.C. § 20510(b). The allegations also involve entities not party to this litigation.

17. Denied. The allegations in Paragraph 17 are irrelevant, raise arguments that are not set forth in any of Plaintiffs' NVRA demand letters, and would not form the basis for a claim under the NVRA in any event. *See* 52 U.S.C. § 20510(b). The allegations also involve entities not party to this litigation.

18. Denied. The allegations in Paragraph 18 are irrelevant, raise arguments that are not set forth in any of Plaintiffs' NVRA demand letters, and would not form the basis for a claim under the NVRA in any event. *See* 52 U.S.C. § 20510(b). The allegations also involve entities not party to this litigation.

19. Denied. The allegations in Paragraph 19 are irrelevant, raise arguments that are not set forth in any of Plaintiffs' NVRA demand letters, and would not form the basis for a claim

under the NVRA in any event. *See* 52 U.S.C. § 20510(b). The allegations also involve entities not party to this litigation.

20. Denied. The allegations in Paragraph 20 are irrelevant, raise arguments that are not set forth in any of Plaintiffs' NVRA demand letters, and would not form the basis for a claim under the NVRA in any event. *See* 52 U.S.C. § 20510(b). The allegations also involve entities not party to this litigation. The Secretary also objects to the mischaracterizations in Paragraph 20.

21. Admitted only that the Secretary issued Directive 2011-15 on or about April 18, 2011. The contents of the Directive speak for itself and therefore the allegations in Paragraph 21 are denied.

22. Denied. The contents of Directive 2011-15 speak for itself.

23. Denied. The contents of Directive 2011-15 speak for itself.

24. The parties stipulated in Paragraph 23 of the Joint Statement that 5,773,777 voters cast ballots in Ohio in the November 2008 general election. The remainder of the Paragraph is vague because it is not clear whether Plaintiffs are referring to raw numbers or proportions of the population. The allegations in this Paragraph are also not relevant to the issue before the Court.

25. Denied. The Secretary also objects to the allegations in Paragraph 25 because the allegations are hearsay. In addition, the allegations are not relevant to the issue before the Court. The document cited in this Paragraph was not produced during discovery and it lacks foundation. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

26. Denied. In addition, the allegations in this Paragraph include mischaracterizations and speculation. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

27. Denied. The contents of Directive 2011-15 speak for itself.

28. The allegations in Paragraph 28 and the sub-parts of Paragraph 28 are denied to the extent Plaintiffs' efforts at paraphrasing differ from the actual testimony of Mr. Damschroder. In addition, the Paragraph includes mischaracterizations and contains allegations that are not relevant to the issue before the Court.

29. Denied. The Secretary also objects to the allegations in Paragraph 29 because the allegations are inflammatory, prejudicial, baseless, and without foundation.

30. Denied. The Secretary also objects to the allegations in Paragraph 30 as speculation, a statement of opinion, and lacking any foundation.

31. Denied. The Secretary objects to the mischaracterizations in Paragraph 31. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court. The issue before the Court is whether the Ohio Supplemental Process comports with the NVRA and HAVA.

32. Denied. Plaintiffs improperly make broad generalizations based on two declarations. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

33. Denied. Plaintiffs improperly make broad generalizations based on two declarations. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

34. Denied. The Secretary objects to the characterizations and speculation set forth in Paragraph 34. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

35. Denied. The Secretary objects to the characterizations and speculation set forth in Paragraph 35. The Secretary also objects because the broad generalizations in this Paragraph are based on only two declarations. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court. The Secretary renews the objection made to Paragraph 11 of the Harmon Declaration based on hearsay. The Secretary initially preserved this objection in the Joint Statement, document 6 of Plaintiffs' Documents and Declarations.

36. In Response to Paragraph 36, the Secretary objects because the Paragraph and its sub-parts are not legally relevant. The issue before the Court is whether the Ohio Supplemental Process comports with the NVRA and HAVA. Whether some individuals marked the same address on a provisional ballot and on a registration form is not relevant to the issue before the Court. In addition, the Secretary disputes the numbers listed in Paragraph 36 and its sub-parts. Plaintiffs have not presented any evidence that the tallies represent individuals who have lived at the same address consistently for six years. For example, some of the individuals may have moved elsewhere temporarily, gone to college, or moved in with a relative and then later returned to their prior address. Plaintiffs have also not presented evidence with which to compare the numbers set forth in Paragraph 36, specifically the number of individuals who were removed from the registration list and who relocated or passed away. Without a number to compare the purported tallies in Paragraph 36, the tallies are misleading, even assuming they have any legal relevance, which they do not.

37. In Response to Paragraph 37, the Secretary objects because the Paragraph and its sub-parts are not legally relevant. The issue before the Court is whether the Ohio Supplemental Process comports with the NVRA and HAVA. Whether some individuals marked the same address on a provisional ballot and on a registration form is not relevant to the issue before the

Court. In addition, the Secretary disputes the numbers listed in Paragraph 37 and its sub-parts. Plaintiffs have not presented any evidence that the tallies represent individuals who have lived at the same address consistently for six years. For example, some of the individuals may have moved elsewhere temporarily, gone to college, or moved in with a relative and then later returned to their prior address. Plaintiffs have also not presented evidence with which to compare the numbers set forth in Paragraph 37, specifically the number of individuals who were removed from the registration list and who relocated or passed away. Without a number to compare the purported tallies in Paragraph 37, the tallies are misleading, even assuming they have any legal relevance, which they do not.

38. Denied. The allegations in Paragraph 38 are based on speculation and facts that are not in evidence, including the assumption that particular voters continued to reside at the same address. The Paragraph also contains mischaracterizations and unfairly prejudicial statements. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

39. Denied. The allegations in Paragraph 39 are irrelevant, based on speculation, lack foundation, and raise arguments that are not set forth in any of Plaintiffs' NVRA demand letters, and would not form the basis for a claim under the NVRA in any event. 52 U.S.C. § 20510(b). The allegations also involve entities not party to this litigation.

40. The format of form 10-S, including any past versions, speaks for itself and therefore this Paragraph is denied. In addition, any past formats of the 10-S form are not relevant to Plaintiffs' Count II. Also, as explained in the Secretary's First Merits Brief, much of Plaintiffs' Count II is moot.

41. The format of form 10-S, including any past versions, speaks for itself and therefore this Paragraph is denied. In addition, any past formats of the 10-S form are not relevant to Plaintiffs' Count II. Also, as explained in the Secretary's First Merits Brief, much of Plaintiffs' Count II is moot.

42. The format of form 10-S, including any past versions, speaks for itself and therefore this Paragraph is denied. In addition, any past formats of the 10-S form are not relevant to Plaintiffs' Count II. Also, as explained in the Secretary's First Merits Brief, much of Plaintiffs' Count II is moot.

43. The format of form 10-S, including any past versions, speaks for itself and therefore this Paragraph is denied. In addition, any past formats of the 10-S form are not relevant to Plaintiffs' Count II. Also, as explained in the Secretary's First Merits Brief, much of Plaintiffs' Count II is moot.

44. The format of form 10-S, including any past versions, speaks for itself and therefore this Paragraph is denied. In addition, any past formats of the 10-S form are not relevant to Plaintiffs' Count II. Also, as explained in the Secretary's First Merits Brief, much of Plaintiffs' Count II is moot.

45. Denied. Plaintiffs are relying on a past version of form 10-S in their arguments and have not acknowledged the change in the form. The Secretary disputes the characterizations, legal conclusions, and unfairly prejudicial statements made in Paragraph 45 to describe filling out a form.

46. Denied. The Secretary disputes the characterizations, legal conclusions, and unfairly prejudicial statements made in Paragraph 46.

47. Denied. The Secretary also objects to Paragraph 47 as not legally relevant to the issue before the Court. In addition, the Secretary objects because Plaintiffs have not sent a demand notice under the NVRA related to Ohio's online registration update option. In fact, a person is currently able to input his or her same address on the Secretary's web-site and confirm that address. In addition to the foregoing, because a postage prepaid notice is used during Ohio's list maintenance procedure, the additional option of using the Secretary's web-site in lieu of the card is duplicative and does not need to exist for Ohio's procedures to comply with the NVRA.

48. Denied. The allegations in Paragraph 48 include speculation. The Secretary also objects to Paragraph 48 as not legally relevant to the issue before the Court. In addition, the Secretary objects because Plaintiffs have not sent a demand notice under the NVRA related to Ohio's online registration update option. In fact, a person is currently able to input his or her same address on the Secretary's web-site and confirm that address. In addition to the foregoing, because a postage prepaid notice is used during Ohio's list maintenance procedure, the additional option of using the Secretary's web-site in lieu of the card is duplicative and does not need to exist for Ohio's procedures to comply with the NVRA.

49. The Secretary is unable to admit or deny Paragraph 49 because the Secretary does not have personal knowledge about the purported organizational structure of APRI set forth in the Paragraph.

50. The Secretary is unable to admit or deny Paragraph 50 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

51. The Secretary is unable to admit or deny Paragraph 51 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

52. The Secretary is unable to admit or deny Paragraph 52 because the Secretary does not have personal knowledge about the purported organizational structure of APRI set forth in the Paragraph.

53. The Secretary is unable to admit or deny Paragraph 53 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

54. The Secretary is unable to admit or deny Paragraph 54 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

55. The Secretary is unable to admit or deny Paragraph 55 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The Secretary does object to the allegations in Paragraph 55 as not relevant to the issue before the Court.

56. The Secretary objects to the allegations in Paragraph 56 as speculation. In the Joint Statement, the Secretary preserved objections to Paragraph 24 of the Freeman Declaration based on the Best Evidence Rule and foundation. Those Objections appear in response to document number 4 in Plaintiffs' Documents and Declarations. The Secretary renews those objections.

57. The Secretary is unable to admit or deny Paragraph 57 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

58. The Secretary is unable to admit or deny Paragraph 58 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

59. The Secretary is unable to admit or deny Paragraph 59 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

60. The Secretary is unable to admit or deny Paragraph 60 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

61. The Secretary objects to the allegations in Paragraph 61 as speculation and not relevant.

62. The Secretary is unable to admit or deny Paragraph 62 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

63. The Secretary is unable to admit or deny Paragraph 63 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

64. The Secretary is unable to admit or deny Paragraph 64 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

65. Denied.

66. Denied.

67. The Secretary is unable to admit or deny Paragraph 67 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

68. The Secretary is unable to admit or deny Paragraph 68 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

69. The Secretary is unable to admit or deny Paragraph 69 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

70. The Secretary is unable to admit or deny Paragraph 70 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

71. The Secretary is unable to admit or deny Paragraph 71 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

72. The Secretary is unable to admit or deny Paragraph 72 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

73. The Secretary is unable to admit or deny Paragraph 73 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

74. The Secretary is unable to admit or deny Paragraph 74 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The Secretary objects to the speculation in the allegations of this Paragraph.

75. The Secretary is unable to admit or deny Paragraph 75 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

76. The Secretary is unable to admit or deny Paragraph 76 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

77. The Secretary is unable to admit or deny Paragraph 77 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

78. The Secretary is unable to admit or deny Paragraph 78 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

79. The Secretary is unable to admit or deny Paragraph 79 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The Secretary objects to Plaintiffs' characterization of the Ohio Supplemental Process.

80. The Secretary objects to Plaintiffs' characterization of the Ohio Supplemental Process in Paragraph 80. The Secretary is unable to admit or deny Paragraph 80 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

81. Denied. The Secretary objects to the allegations in Paragraph 81 as containing speculation. Furthermore, the allegations in Paragraph 81 are not relevant to the issues before the Court.

82. The Secretary is unable to admit or deny Paragraph 82 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

83. The Secretary is unable to admit or deny Paragraph 83 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

84. Denied. The Secretary objects to the allegations in Paragraph 84 as containing speculation. Furthermore, the allegations in Paragraph 84 are not relevant to the issues before the Court.

85. The Secretary is unable to admit or deny Paragraph 85 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

86. Denied. The Secretary objects to the characterization of the Ohio Supplemental Process in Paragraph 86, objects because Paragraph 86 contains speculation, and objects because the allegations in Paragraph 86 are not relevant to the issue before the Court.

87. The Secretary is unable to admit or deny Paragraph 87 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

88. Denied. The Secretary objects to the allegations in Paragraph 88 as containing legal conclusions, unfair characterizations, and speculation. Furthermore, the allegations in Paragraph 88 are not relevant to the issue before the Court.

89. The Secretary is unable to admit or deny Paragraph 89 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

90. The Secretary is unable to admit or deny Paragraph 90 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

91. The Secretary is unable to admit or deny Paragraph 91 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

92. The Secretary is unable to admit or deny Paragraph 92 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

93. The Secretary is unable to admit or deny Paragraph 93 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

94. The Secretary is unable to admit or deny Paragraph 94 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

95. Denied. The Secretary objects to the allegations in Paragraph 95 as containing legal conclusions, unfair characterizations, and speculation. Furthermore, the allegations in Paragraph 95 are not relevant to the issue before the Court.

96. The Secretary is unable to admit or deny Paragraph 96 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The Secretary objects to the allegations in Paragraph 96 as not relevant to the issue before the Court. The Secretary also objects to the description of voting procedures as legal conclusions and unfair characterizations.

97. The Secretary is unable to admit or deny Paragraph 97 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The Secretary objects to the allegations in Paragraph 97 as not relevant to the issue before the Court.

98. The Secretary is unable to admit or deny Paragraph 98 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

99. The Secretary is unable to admit or deny Paragraph 99 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

100. The Secretary is unable to admit or deny Paragraph 100 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The Secretary objects to the allegations in Paragraph 100 as not relevant to the issue before the Court.

101. The Secretary is unable to admit or deny Paragraph 101 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

102. The Secretary is unable to admit or deny Paragraph 102 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

103. The Secretary is unable to admit or deny Paragraph 103 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The Secretary objects to the allegations in Paragraph 103 as not relevant to the issue before the Court.

104. The Secretary is unable to admit or deny Paragraph 104 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

105. The Secretary is unable to admit or deny Paragraph 105 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

106. Denied. The Secretary objects to Plaintiffs' characterization of the Ohio Supplemental Process set forth in Paragraph 106. The remainder of the Paragraph is vague, lacking foundation and reliability, and unsupported because it is not clear who within the NEOCH organization "first learned" of the Supplemental Process or if any member had knowledge of the Supplemental Process before 2015.

107. Denied. The Secretary objects to Plaintiffs' characterization of the Ohio Supplemental Process set forth in Paragraph 107. In addition, the allegations in this Paragraph lack foundation and include mischaracterizations and speculation. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

108. Denied. The Secretary objects to the characterizations and speculation set forth in Paragraph 108. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

109. Denied. The Secretary objects to the allegations in Paragraph 109 as speculation, hearsay, lacking any foundation, assumes facts not in evidence, lack of personal knowledge, unfair characterization, and legal conclusions. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

110. Denied. The Secretary objects to the characterizations and speculation set forth in Paragraph 110. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

111. Denied. The allegations in Paragraph 111 include mischaracterizations and speculation. The Secretary also objects to the allegations in this Paragraph as speculation, a statement of improper lay opinion, and lacking any foundation. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

112. Denied. The Secretary objects to the allegations in Paragraph 112 as containing legal conclusions, unfair characterizations, and speculation. Furthermore, the allegations in Paragraph 112 are not relevant to the issue before the Court.

113. The Secretary is unable to admit or deny Paragraph 113 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

114. The Secretary is unable to admit or deny Paragraph 114 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

115. The Secretary is unable to admit or deny Paragraph 115 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

116. The Secretary is unable to admit or deny Paragraph 116 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

117. Denied. The Secretary objects to the characterizations and speculation set forth in Paragraph 117. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

118. The Secretary has no knowledge of the allegations set forth in Paragraph 118 and therefore is unable to admit or deny the allegations. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

119. The Secretary is unable to admit or deny Paragraph 119 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

120. Denied. The Secretary disputes the characterizations, legal conclusions, and unfairly prejudicial statements made in Paragraph 120. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

121. The Secretary is unable to admit or deny Paragraph 121 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

122. The Secretary is unable to admit or deny Paragraph 122 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

123. The Secretary is unable to admit or deny Paragraph 123 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

124. The Secretary is unable to admit or deny Paragraph 124 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

125. Denied. The Secretary also objects to the allegations in Paragraph 125 because the allegations are hearsay. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

126. The Secretary is unable to admit or deny Paragraph 126 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

127. The Secretary is unable to admit or deny Paragraph 127 because the Secretary does not have personal knowledge about the allegations in the Paragraph.

128. The Secretary is unable to admit or deny Paragraph 128 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

129. The Secretary is unable to admit or deny Paragraph 129 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

130. The Secretary is unable to admit or deny Paragraph 130 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

131. The Secretary is unable to admit or deny Paragraph 131 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

132. The Secretary is unable to admit or deny Paragraph 132 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

133. The Secretary is unable to admit or deny Paragraph 133 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

134. The Secretary is unable to admit or deny Paragraph 134 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

135. Denied. The Secretary objects to the characterizations and speculation set forth in Paragraph 135. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

136. The Secretary is unable to admit or deny Paragraph 136 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

137. The Secretary is unable to admit or deny Paragraph 137 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

138. The Secretary is unable to admit or deny Paragraph 138 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

139. The Secretary is unable to admit or deny Paragraph 139 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

140. The Secretary is unable to admit or deny Paragraph 140 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

141. The Secretary is unable to admit or deny Paragraph 141 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

142. The Secretary is unable to admit or deny Paragraph 142 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

143. Denied. The Secretary also objects to the allegations in Paragraph 143 because the allegations are hearsay and vague. Furthermore, the allegations in this Paragraph are not relevant to the issue before the Court.

144. The Secretary is unable to admit or deny Paragraph 144 because the Secretary does not have personal knowledge about the allegations in the Paragraph. The allegations in this Paragraph are not relevant to the issue before the Court.

145. The allegations in Paragraph 145 purport to describe TRIAD Government Services, Inc. (“TRIAD”). TRIAD is described in Paragraphs 17-20 of the Joint Statement. To the extent that the allegations in Paragraph 145 differ from the Joint Statement, they are denied.

146. The allegations in Paragraph 146 purport to describe TRIAD. TRIAD is described in Paragraphs 17-20 of the Joint Statement. To the extent that the allegations in Paragraph 146 differ from the Joint Statement, they are denied.

147. The allegations in Paragraph 147 purport to describe TRIAD. TRIAD is described in Paragraphs 17-20 of the Joint Statement. To the extent that the allegations in Paragraph 147 differ from the Joint Statement, they are denied.

148. The allegations in Paragraph 148 purport to describe TRIAD. TRIAD is described in Paragraphs 17-20 of the Joint Statement. To the extent that the allegations in Paragraph 148 differ from the Joint Statement, they are denied.

149. Denied. The allegations in this Paragraph are conclusory, vague, an unfair characterization, and not relevant.

Respectfully submitted,

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s/ Steven T. Voigt

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Response to Plaintiffs' Statement of Purportedly Undisputed Material Facts* was filed electronically with the U.S. District Court, Southern District of Ohio, on June 10, 2016, and served upon all parties of record via this Court's electronic filing system.

/s/ Steven T. Voigt

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