

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

<b>THE NORTHEAST OHIO COALITION :</b>	:	
<b>FORE THE HOMELSS, et al.,</b>	:	
<b>Plaintiffs,</b>	:	
	:	
v.	:	<b>Case No. 06-CV-00896</b>
	:	
<b>J. KENNETH BLACKWELL,</b>	:	<b>JUDGE FROST</b>
	:	
	:	
<b>Defendant.</b>	:	

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**DEFENDANT J. KENNETH BLACKWELL’S ANSWER TO PLAINTIFFS’  
COMPLAINT FOR A TEMPORARY RESTRAINING ORDER, PRELIMINARY- AND  
PERMANENT-INJUNCTIVE RELIEF AND DECLARATORY RELIEF**

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Defendant, Ohio Secretary of State J. Kenneth Blackwell, hereby answers Plaintiffs’ Complaint for a Temporary Restraining Order, Preliminary- and Permanent-Injunctive Relief and Declaratory Relief (“Complaint”) as follows:

**First Defense**

1. Defendant Blackwell denies all averments not expressly admitted to in this answer.

2. As to the allegations contained in Paragraph 1 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity as to why Plaintiffs have filed this case; avers that the House Bill 3 and the cited laws speak for themselves; and denies all other allegations.

3. As to Paragraph 2 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity as to why Plaintiffs have filed this case; avers that the House Bill 3 and the cited laws speak for themselves; and denies all other allegations.

4. As to Paragraph 3 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity as to why Plaintiffs have filed this case; avers that the House Bill 3 and the cited laws speak for themselves; and denies all other allegations.

5. As to Paragraph 4 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity as to why Plaintiffs have filed this case or what they seek as a result of filing this case; avers that the House Bill 3 and the cited laws speak for themselves; and denies all other allegations.

6. As to Paragraph 5 of the Complaint, the Defendant admits the allegations.

7. As to Paragraph 6 of the Complaint, the Defendant admits the allegations.

8. As to the allegations contained in Paragraph 7 of the Complaint, the Defendant denies that Plaintiff NEOCH has standing to assert the rights asserted in the Complaint on behalf of itself or its members and denies all other allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

9. As to the allegations contained in Paragraph 8 of the Complaint, the Defendant denies that Plaintiff SEIU has standing to assert the rights asserted in the Complaint on behalf of itself or its members and denies all other allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

10. As to Paragraph 9 of the Complaint, Defendant admits that he is the Secretary of State of Ohio. The statutes referenced in Paragraph 9 speak for themselves and to the extent that the all of the remaining averments in Paragraph 9 of Plaintiffs' Complaint comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

11. By way of answer to Paragraph 10 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-9 of the Complaint.

12. The Defendant admits the allegations contained in Paragraph 11 of the Complaint.

13. As to Paragraphs 12-16 of the Complaint, House Bill 3 and Ohio's voter identification statutes speak for themselves and to the extent that the remaining averments in Paragraph 12 of Complaint comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

14. By way of answer to Paragraph 17 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-16 of the Complaint.

15. Defendant denies the allegations contained in Paragraph 18 of the Complaint.

16. As to Paragraph 19 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

17. As to Paragraphs 20-22 of the Complaint, Ohio's elections statutes speak for themselves and to the extent that the averments in Paragraphs 20-22 of Complaint comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

18. As to Paragraphs 23-26 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

19. As to Paragraphs 27-30 of the Complaint, Ohio's elections statutes speak for themselves and to the extent that the averments in Paragraphs 27-30 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

20. As to Paragraphs 31-34 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

21. As to Paragraph 35 of the Complaint, Ohio Revised Code § 3509.03 speaks for itself and to the extent that the averments in Paragraph 35 comport with the language of the statute, they are admitted. To the extent that they do not comport with the language of the statute, they are denied. All other allegations are denied.

22. Defendant denies the allegations contained in Paragraphs 36-37 of the Complaint.

23. As to Paragraphs 38-41 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

24. As to Paragraph 42 of the Complaint, Ohio Revised Code § 3505.18 speaks for itself and to the extent that the averments in Paragraph 42 comport with the language of the statute, they are admitted. To the extent that they do not comport with the language of the statute, they are denied. All other allegations are denied.

25. As to Paragraph 43 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

26. The Defendant denies the allegations set forth in Paragraph 44 of the Complaint.

27. As to Paragraphs 45-48 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

28. As to Paragraphs 49-52 of the Complaint, Ohio Revised Code statutes cited speak for themselves and to the extent that the averments in Paragraphs 49-52 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statute, they are denied. All other allegations are denied.

29. As to Paragraphs 53-56 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

30. As to Paragraphs 57-58 of the Complaint, the Ohio Revised Code statutes cited speak for themselves and to the extent that the averments in Paragraphs 57-58 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statute, they are denied. Additionally, the Identification Envelope Statement speaks for itself and to the extent that the averments in Paragraphs 49-52 comport with the language on the Identification Envelope Statement, they are admitted. To the extent that they do not comport with the language, they are denied. All other allegations are denied.

31. As to Paragraphs 59-62 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

32. By way of answer to Paragraph 63 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-62 of the Complaint.

33. As to Paragraphs 64-65 to the Complaint, Defendant denies the allegations contained therein.

34. As to Paragraphs 66-70 of the Complaint, Defendant admits that he issued Advisory 2006-05. Advisory 2006-05 speaks for itself and to the extent that the averments in Paragraph 66 comport with the language of the Advisory, they are admitted. To the extent that they do not comport with the language of the Advisory, they are denied. All other allegations are denied.

35. As to Paragraphs 71-73 of the Complaint, the August 2, 2006 memorandum and Ohio Revised Code §§ 3501.18 and 3501.19 speak for themselves and to the extent that the averments in Paragraphs 71-73 comport with their language, they are admitted. To the extent that they do not comport with their language, they are denied. All other allegations are denied.

36. As to Paragraphs 74-78 to the Complaint, Defendant denies the allegations contained therein.

37. By way of answer to Paragraph 79 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-78 of the Complaint.

38. As to Paragraphs 79-83 of the Complaint, Defendant denies the allegations contained therein.

39. By way of answer to Paragraph 84 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-83 of the Complaint.

40. As to Paragraphs 85 to 88, the Ohio Revised Code statutes Plaintiffs cite speak for themselves and to the extent that the averments in Paragraphs 85-88 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statute, they are denied. All other allegations are denied.

41. As to Paragraphs 89-91 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

42. By way of answer to Paragraph 92 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-91 of the Complaint.

43. As to Paragraphs 93-98, the Ohio Revised Code statutes Plaintiffs cite speak for themselves and to the extent that the averments in Paragraphs 93-98 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

44. By way of answer to Paragraph 99 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-98 of the Complaint.

45. As to Paragraphs 100-112, the Ohio Revised Code statutes Plaintiffs cite speak for themselves and to the extent that the averments in Paragraphs 100-112 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

46. As to Paragraphs 113-114, Defendant denies the allegations contained therein.

47. As to Paragraphs 115-117 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

48. By way of answer to Paragraph 118 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-117 of the Complaint.

49. As to Paragraphs 119-124, the Ohio Revised Code statutes Plaintiffs cite speak for themselves and to the extent that the averments in Paragraphs 119-124 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

50. Defendant denies the allegations contained in Paragraph 125 of the Complaint.

51. By way of answer to Paragraph 126 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-125 of the Complaint.

52. As to Paragraphs 127-128, the Ohio Revised Code statutes Plaintiffs cite speak for themselves and to the extent that the averments in Paragraphs 127-128 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

53. Defendant denies the allegations contained in Paragraphs 129-130 of the Complaint.

54. By way of answer to Paragraph 131 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-130 of the Complaint.

55. As to Paragraphs 132-133, the Ohio Revised Code statutes Plaintiffs cite speak for themselves and to the extent that the averments in Paragraphs 132-133 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

56. Defendant denies the allegations contained in Paragraph 134 of the Complaint.

57. As to Paragraphs 135-136, the Ohio Revised Code statutes Plaintiffs cite speak for themselves and to the extent that the averments in Paragraphs 135-136 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

58. Defendant denies the allegations contained in Paragraph 137 of the Complaint.

59. As to Paragraph 138 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.



60. By way of answer to Paragraph 139 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-138 of the Complaint.

61. As to Paragraphs 140-145, the Ohio Revised Code statutes Plaintiffs cite speak for themselves and to the extent that the averments in Paragraphs 140-145 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

62. Defendant denies the allegations contained in Paragraph 146 of the Complaint.

63. As to Paragraph 147 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

64. By way of answer to Paragraph 148 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-147 of the Complaint.

65. As to Paragraphs 149-154, the Ohio Revised Code statutes Plaintiffs cite speak for themselves and to the extent that the averments in Paragraphs 149-154 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

66. Defendant denies the allegations contained in Paragraph 155 of the Complaint.

67. As to Paragraph 156 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

68. By way of answer to Paragraph 157 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-156 of the Complaint.

69. As to Paragraphs 158-163, the Ohio Revised Code statutes Plaintiffs cite speak for themselves and to the extent that the averments in Paragraphs 158-163 comport with the

language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

70. Defendant denies the allegations contained in Paragraph 164 of the Complaint.

71. As to Paragraphs 165-66, the Ohio Revised Code statutes Plaintiffs cite speak for themselves and to the extent that the averments in Paragraphs 165-166 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

72. By way of answer to Paragraph 167 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-166 of the Complaint.

73. As to Paragraphs 168-170, the Ohio Revised Code statutes Plaintiffs cite speak for themselves and to the extent that the averments in Paragraphs 168-170 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

74. Defendant denies the allegations contained in Paragraph 171 of the Complaint.

75. As to Paragraphs 172-173, the Ohio Revised Code statutes Plaintiffs cite speak for themselves and to the extent that the averments in Paragraphs 172-173 comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

76. By way of answer to Paragraph 174 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-173 of the Complaint.

77. Defendant denies the allegations contained in Paragraphs 175-176 of the Complaint.

78. As to Paragraphs 177-178 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

79. By way of answer to Paragraph 179 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-178 of the Complaint.

80. As to Paragraphs 180-181 of the Complaint, House Bill 3 speaks for itself and to the extent that the averments in Paragraphs 180-181 comport with the language bill, they are admitted. To the extent that they do not comport with the language of the bill, they are denied. Defendant denies all other allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

81. By way of answer to Paragraph 182 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-181 of the Complaint.

82. As to Paragraph 183 of the Complaint, the Defendant denies the allegations for want of knowledge sufficient to form a belief as to their truth or falsity.

83. By way of answer to Paragraph 184 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-183 of the Complaint.

84. As to Paragraph 185, House Bill 3 speaks for itself and to the extent that the averments comport with the language of the bill, they are admitted. To the extent that they do not comport with the language of the bill, they are denied. All other allegations are denied.

85. Defendant denies the allegations in Paragraph 186 of the Complaint.

86. By way of answer to Paragraph 187 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-186 of the Complaint.

87. As to Paragraphs 188-190, the statutes cited speak for themselves and to the extent that the averments comport with the language of the statutes, they are admitted. To the

extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

88. By way of answer to Paragraph 191 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-190 of the Complaint.

89. As to Paragraphs 192-194, House Bill 3 speaks for itself and to the extent that the averments comport with the language of the bill, they are admitted. To the extent that they do not comport with the language of the bill, they are denied. All other allegations are denied.

90. Defendant denies the allegations set forth in Paragraph 195 of the Complaint.

91. By way of answer to Paragraph 196 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-195 of the Complaint.

92. As to Paragraphs 197-199, House Bill 3 speaks for itself and to the extent that the averments comport with the language of the bill, they are admitted. To the extent that they do not comport with the language of the bill, they are denied. All other allegations are denied.

93. Defendant denies the allegations set forth in Paragraph 200 of the Complaint.

94. By way of answer to Paragraph 201 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-200 of the Complaint.

95. As to Paragraphs 202-205, the statutes cited speak for themselves and to the extent that the averments comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

96. By way of answer to Paragraph 206 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-205 of the Complaint.

97. As to Paragraphs 207-208, House Bill 3 speaks for itself and to the extent that the averments comport with the language of the bill, they are admitted. To the extent that they do not comport with the language of the bill, they are denied. All other allegations are denied.

98. Defendant denies the allegations contained in Paragraph 209 of the Complaint.

99. By way of answer to Paragraph 210 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-209 of the Complaint.

100. Defendant denies the allegations contained in Paragraph 211-212 of the Complaint.

101. By way of answer to Paragraph 213 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-212 of the Complaint.

102. As to Paragraphs 214-216, the cited statutes speak for themselves and to the extent that the averments comport with the language of the statutes, they are admitted. To the extent that they do not comport with the language of the statutes, they are denied. All other allegations are denied.

103. By way of answer to Paragraph 217 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-216 of the Complaint.

104. Defendant admits the allegations contained in Paragraph 218.

105. Defendant denies the allegations contained in Paragraph 219.

106. By way of answer to Paragraph 220 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-219 of the Complaint.

107. Defendant denies the allegations contained in Paragraphs 221-224.

108. By way of answer to Paragraph 225 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-224 of the Complaint.

109. Defendant denies the allegations contained in Paragraphs 226-229.

110. By way of answer to Paragraph 230 of the Complaint, the Defendant realleges and incorporates herein his previous answers to Paragraphs 1-229 of the Complaint.

111. Defendant admits the allegations contained in Paragraphs 231-232.

112. Defendant denies the allegations contained in Paragraphs 233-235.

113. Defendant denies that Plaintiffs are entitled to any relief, including the relief sought in the Wherefore section of the Amended Complaint.

**Second Defense**

114. Plaintiffs' claims are barred laches.

**Third Defense**

115. Plaintiffs have failed to join indispensable parties to this litigation.

**Fourth Defense**

116. Plaintiffs have failed to present a claim for which relief can be granted.

**Fifth Defense**

117. Plaintiffs' claims are barred by the Eleventh Amendment.

**Sixth Defense**

118. Plaintiffs lack standing.

**Seventh Defense**

119. Plaintiffs' claims are barred by the doctrine of abstention.

Respectfully submitted,

JIM PETRO  
Attorney General

/s/ Richard N. Coglianese

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 25, 2006, a copy of Defendant's Answer to Plaintiffs' Complaint for a Temporary Restraining Order, Preliminary- and Permanent-Injunctive Relief and Declaratory Relief was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing has been served by regular U.S. mail upon all parties for whom counsel has not yet entered an appearance and upon all counsel who have not entered their appearance via the electronic system.

/s/ Damian W. Sikora  
DAMIAN W. SIKORA