

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

<b>KING LINCOLN BRONZEVILLE</b>	:	<b>Case No. C2 06 745</b>
<b>NEIGHBORHOOD ASSOCIATION, et al.,</b>	:	
	:	<b>JUDGE ALGENON L. MARBLEY</b>
<b>Plaintiffs,</b>	:	
	:	<b>MAGISTRATE JUDGE KEMP</b>
<b>v.</b>	:	
	:	
<b>J. KENNETH BLACKWELL, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**ANSWER OF DEFENDANT J. KENNETH BLACKWELL,  
SECRETARY OF THE STATE OF OHIO,  
TO PLAINTIFFS' AMENDED COMPLAINT**

Now comes, Defendant J. Kenneth Blackwell, Secretary of the State of Ohio, (hereinafter referred to as "Defendant Blackwell"), by and through counsel, and for his Answer to Plaintiffs' Amended Complaint states as follows:

1. Defendant Blackwell does not answer Paragraph 1 of Plaintiffs' Amended Complaint as it contains no factual allegations against him, but only attempts to state a conclusion of law which does not require an answer.
2. Defendant Blackwell denies the allegations contained in Paragraph 2 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.
3. Defendant Blackwell denies the allegations contained in Paragraph 3(A) through (H) of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.
4. Defendant Blackwell denies the allegations contained in Paragraph 4 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

5. Defendant Blackwell denies the allegations contained in Paragraph 5 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

6. Defendant Blackwell denies the allegations contained the Paragraph 6 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

7. Defendant Blackwell denies the allegations contained in Paragraph 7 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

8. Defendant Blackwell admits the allegations contained in Paragraph 8 of Plaintiffs' Amended Complaint.

9. Defendant Blackwell denies the allegations contained in Paragraph 9 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

#### **JURISDICTION**

10. Defendant Blackwell does not answer Paragraph 10 of Plaintiffs' Amended Complaint as it contains no factual allegations against him, but only attempts to state a conclusion of law which does not require an answer.

11. Defendant Blackwell does not answer Paragraph 11 of Plaintiffs' Amended Complaint as it contains no factual allegations against him, but only attempts to state a conclusion of law which does not require an answer.

12. Defendant Blackwell does not answer Paragraph 12 of Plaintiffs' Amended Complaint as it contains no factual allegations against him, but only attempts to state a conclusion of law which does not require an answer.

#### **VENUE**

13. Defendant Blackwell does not answer Paragraph 13 of Plaintiffs' Amended Complaint

as it contains no factual allegations against him, but only attempts to state a conclusion of law which does not require an answer.

**PARTIES**

14. Defendant Blackwell admits that he is the Secretary of State of the State of Ohio, is responsible for overseeing elections in Ohio pursuant to statutory duties and is a current gubernatorial candidate. He further admits that he served as co-chair of the Bush-Cheney Ohio Campaign for President. Defendant denies the remainder of the allegations contained in Paragraph 14 of Plaintiffs' Amended Complaint, as stated by Plaintiffs.

15. Defendant Blackwell does not answer the allegations contained in Paragraph 15 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

16. Defendant Blackwell does not answer the allegations contained in Paragraph 16 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

17. Defendant Blackwell does not answer the allegations contained in Paragraph 17 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

18. Defendant Blackwell does not answer the allegations contained in Paragraph 18 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

19. Defendant Blackwell does not answer the allegations contained in Paragraph 19 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

20. Defendant Blackwell does not answer the allegations contained in Paragraph 20 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

21. Defendant Blackwell does not answer the allegations contained in Paragraph 21 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

22. Defendant Blackwell does not answer the allegations contained in Paragraph 22 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

23. Defendant Blackwell does not answer the allegations contained in Paragraph 23 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

24. Defendant Blackwell does not answer the allegations contained in Paragraph 24 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

25. Defendant Blackwell does not answer the allegations contained in Paragraph 25 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

26. Defendant Blackwell does not answer the allegations contained in Paragraph 26 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

27. Defendant Blackwell does not answer the allegations contained in Paragraph 27 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

**ORGANIZATIONAL PLAINTIFFS**

28. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 28 (A) through (B) of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response. Defendant denies the allegations contained in Paragraph 28 © through (E) as untrue and contrary to both law and fact.

29. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 29 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

30. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 30 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate

a response, but denies engaging in any wrongful conduct or “voter suppression.”

31. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 30 of Plaintiffs’ Amended Complaint as he is without sufficient knowledge to formulate a response, but denies engaging in any wrongful conduct or “voter suppression.”

32. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 32 of Plaintiffs’ Amended Complaint as he is without sufficient knowledge to formulate a response.

33. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 33 of Plaintiffs’ Amended Complaint as he is without sufficient knowledge to formulate a response.

34. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 34 of Plaintiffs’ Amended Complaint as he is without sufficient knowledge to formulate a response.

35. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 35 of Plaintiffs’ Amended Complaint as he is without sufficient knowledge to formulate a response. By way of further response, Plaintiffs have no standing to bring claims on behalf of citizens who are not registered to vote.

36. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 36 of Plaintiffs’ Amended Complaint as he is without sufficient knowledge to formulate a response.

**INDIVIDUAL PLAINTIFFS**

37. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 37 of Plaintiffs’ Amended Complaint as he is without sufficient knowledge to formulate

a response.

38. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 38 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

39. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 39 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

40. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 40 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

41. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 41 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

42. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 42 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

43. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 43 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

44. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 44 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

**FED. R. CIV. P. 23 CLASS CERTIFICATION STATEMENT**

45. Defendant Blackwell denies the allegations contained in Paragraph 45 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

46. Defendant Blackwell denies the allegations contained in Paragraph 46 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**FACTUAL ALLEGATIONS**

47. Defendant Blackwell denies the allegations contained in Paragraph 47 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

48. Defendant Blackwell does not answer Paragraph 48 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

**ELECTION FRAUD**

49. Defendant Blackwell denies the allegations contained in Paragraph 49 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

50. Defendant Blackwell denies the allegations contained in Paragraph 50 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**VOTE DILUTION**

51. Defendant Blackwell denies the allegations contained in Paragraph 51 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

52. Defendant Blackwell denies the allegations contained in Paragraph 52 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

53. Defendant Blackwell denies the allegations contained in Paragraph 53 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**VOTE SUPPRESSION**

54. Defendant Blackwell denies the allegations contained in Paragraph 54 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

55. Defendant Blackwell denies the allegations contained in Paragraph 55 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

56. Defendant Blackwell denies the allegations contained in Paragraph 56 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

57. Defendant Blackwell denies the allegations contained in Paragraph 57 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

58. Defendant Blackwell neither admits nor denies that John Kerry received fewer votes than the losing Democratic Party candidate for Chief Justice of the Ohio Supreme Court and many other losing Democratic Party candidates as he is without sufficient knowledge to formulate a response. Defendant denies the remainder of the allegations contained in Paragraph 58 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

59. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 59 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

60. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 60 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

61. Defendant Blackwell denies the allegations contained in Paragraph 61 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.



62. Defendant Blackwell denies the allegations contained in Paragraph 62 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

63. Defendant Blackwell denies the allegations contained in Paragraph 63 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

64. Defendant Blackwell denies the allegations contained in Paragraph 64 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

65. Defendant Blackwell denies the allegations contained in Paragraph 65 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

66. Defendant Blackwell denies that he designed and implemented a vote suppression strategy in Lucas County. Defendant neither admits nor denies the remainder of the allegations contained in Paragraph 66 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

67. Defendant Blackwell denies the allegations contained in Paragraph 67 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

68. Defendant Blackwell denies the allegations contained in Paragraph 68 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

69. Defendant Blackwell denies the allegations contained in Paragraph 69 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

70. Defendant Blackwell denies the allegations contained in Paragraph 70 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

71. Defendant Blackwell denies the allegations contained in Paragraph 71 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

72. Defendant Blackwell denies the allegations contained in Paragraph 72 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

73. Defendant Blackwell denies the allegations contained in Paragraph 73 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

74. Defendant Blackwell denies the allegations contained in Paragraph 74 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

75. Defendant Blackwell admits that he initially imposed such a requirement based upon the requirements of the United States Postal Service.

76. Defendant Blackwell denies the allegations contained in Paragraph 76 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

77. Defendant Blackwell denies the allegations contained in Paragraph 77 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

78. Defendant Blackwell denies the allegations contained in Paragraph 78 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

79. Defendant Blackwell denies the allegations contained in Paragraph 79 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**RECOUNT FRAUD**

80. Defendant Blackwell denies the allegations contained in Paragraph 80 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

81. Defendant Blackwell denies the allegations contained in Paragraph 81 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

82. Defendant Blackwell denies the allegations contained in Paragraph 82 of Plaintiffs'

Amended Complaint as untrue and contrary to both law and fact.

83. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 83 as he is without sufficient knowledge to formulate a response.

84. Defendant Blackwell denies the allegations contained in Paragraph 84 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

### **VIOLATIONS OF OHIO LAWS**

85. Defendant Blackwell denies the allegations contained in Paragraph 85 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

86. Defendant Blackwell denies the allegations contained in Paragraph 86 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

87. Defendant Blackwell denies the allegations contained in Paragraph 87 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

### **HISTORY OF HB. 3**

88. Defendant Blackwell does not answer Paragraph 88 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

89. Defendant Blackwell does not answer Paragraph 89 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

90. Defendant Blackwell does not answer Paragraph 90 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

91. Defendant Blackwell does not answer Paragraph 91 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

92. Defendant Blackwell does not answer Paragraph 92 of Plaintiffs' Amended Complaint

as it contains no factual allegations against him.

93. Defendant Blackwell does not answer Paragraph 93 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

94. Defendant Blackwell does not answer Paragraph 94 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

95. Defendant Blackwell does not answer Paragraph 95 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

96. Defendant Blackwell does not answer Paragraph 96 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

97. Defendant Blackwell does not answer Paragraph 97 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

98. Defendant Blackwell does not answer Paragraph 98 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

99. Defendant Blackwell does not answer Paragraph 99 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

100. Defendant Blackwell does not answer Paragraph 100 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

101. Defendant Blackwell does not answer Paragraph 101 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

102. Defendant Blackwell admits the allegations contained in Paragraph 102 of Plaintiffs' Amended Complaint.

103. Defendant Blackwell neither admits nor denies the Plaintiffs' characterization of the

language of O.R.C. § 3599.11. Defendant denies the remainder of the allegations contained in Paragraph 103 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

104. Defendant Blackwell does not answer Paragraph 104 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

105. Defendant Blackwell does not answer Paragraph 105 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

106. Defendant Blackwell does not answer Paragraph 106 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

**VOTER IDENTIFICATION STATUTES OHIO R.C. §§ 3501.01 et seq.**

107. Defendant Blackwell does not answer Paragraph 107 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

108. Defendant Blackwell does not answer Paragraph 108 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

109. Defendant Blackwell does not answer Paragraph 109 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

110. Defendant Blackwell does not answer Paragraph 110 of Plaintiffs' Amended

Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

111. Defendant Blackwell does not answer Paragraph 111 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

112. Defendant Blackwell denies the allegations contained in Paragraph 112 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

113. Defendant Blackwell does not answer Paragraph 113 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

114. Defendant Blackwell does not answer Paragraph 114 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

115. Defendant Blackwell does not answer Paragraph 115 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

116. Defendant Blackwell does not answer Paragraph 116 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

117. Defendant Blackwell does not answer Paragraph 117 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

118. Defendant Blackwell denies the allegations contained in Paragraph 118 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

119. Defendant Blackwell, denies the allegations contained in Paragraph 119 of Plaintiffs' Amended Complaint as untrue as stated.

120. Defendant Blackwell denies the allegations contained in Paragraph 120 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

121. Defendant Blackwell denies the allegations contained in Paragraph 121 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

122. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 122 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

123. Defendant Blackwell denies the allegations contained in Paragraph 123 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

124. Defendant Blackwell does not answer Paragraph 124 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

125. Defendant Blackwell does not answer Paragraph 125 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

126. Defendant Blackwell does not answer Paragraph 126 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

127. Defendant Blackwell does not answer Paragraph 127 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

128. Defendant Blackwell does not answer Paragraph 128 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

129. Defendant Blackwell does not answer Paragraph 129 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

130. Defendant Blackwell does not answer Paragraph 130 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

131. Defendant Blackwell denies the allegations contained in Paragraph 131 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

132. Defendant Blackwell does not answer Paragraph 132 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

133. Defendant Blackwell denies the allegations contained in Paragraph 133 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

134. Defendant Blackwell does not answer Paragraph 134 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.



135. Defendant Blackwell denies the allegations contained in Paragraph 135 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

136. Defendant Blackwell denies the allegations contained in Paragraph 136 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

137. Defendant Blackwell denies the allegations contained in Paragraph 137 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

138. Defendant Blackwell denies the allegations contained in Paragraph 138 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

139. Defendant Blackwell does not answer Paragraph 139 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

140. Defendant Blackwell does not answer Paragraph 140 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

141. Defendant Blackwell denies the allegations contained in Paragraph 141 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

142. Defendant Blackwell does not answer Paragraph 142 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

143. Defendant Blackwell does not answer Paragraph 143 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

144. Defendant Blackwell does not answer Paragraph 144 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

145. Defendant Blackwell does not answer Paragraph 145 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

146. Defendant Blackwell does not answer Paragraph 146 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

147. Defendant Blackwell does not answer Paragraph 147 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

148. Defendant Blackwell does not answer Paragraph 148 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

149. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 149 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

150. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 150 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

151. Defendant Blackwell neither admits nor denies the allegations contained in

Paragraph 151 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

152. Defendant Blackwell does not answer Paragraph 152 of Plaintiffs' Amended Complaint as it contains no factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

153. Defendant Blackwell does not answer Paragraph 153 of Plaintiffs' Amended Complaint as it contains no factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

154. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 154 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

155. Defendant Blackwell does not answer Paragraph 155 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

156. Defendant Blackwell does not answer Paragraph 156 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

157. Defendant Blackwell does not answer Paragraph 157 of Plaintiffs' Amended Complaint as it does not contain any factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

158. Defendant Blackwell denies the allegations contained in Paragraph 158 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

159. Defendant Blackwell denies the allegations contained in Paragraph 159 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

160. Defendant Blackwell denies the allegations contained in Paragraph 160 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

161. Defendant Blackwell denies the allegations contained in Paragraph 161 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

162. Defendant Blackwell denies the allegations contained in Paragraph 162 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

163. Defendant Blackwell denies the allegations contained in Paragraph 163 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

164. Defendant Blackwell denies the allegations contained in Paragraph 164 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

165. Defendant Blackwell does not answer Paragraph 165 of Plaintiffs' Amended Complaint as it contains no factual allegations against him, but only attempts to state a conclusion of law which does not require a response.

166. Defendant Blackwell denies the allegations contained in Paragraph 166 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

167. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 167 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate a response.

168. Defendant Blackwell neither admits nor denies the allegations contained in Paragraph 168 of Plaintiffs' Amended Complaint as he is without sufficient knowledge to formulate

a response.

169. Defendant Blackwell denies the allegations contained in Paragraph 169 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

170. Defendant Blackwell denies the allegations contained in Paragraph 170 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

171. Defendant Blackwell denies the allegations contained in Paragraph 171 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

172. Defendant Blackwell denies the allegations contained in Paragraph 172 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

#### **LEGAL ALLEGATIONS**

173. Defendant Blackwell denies the allegations contained in Paragraph 173 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

174. Defendant Blackwell denies the allegations contained in Paragraph 174 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

175. Defendant Blackwell denies the allegations contained in Paragraph 175 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

176. Defendant Blackwell denies the allegations contained in Paragraph 176 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

177. Defendant Blackwell admits the allegations contained in Paragraph 177 of Plaintiffs' Amended Complaint.

178. Defendant Blackwell denies the allegations contained in Paragraph 178 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

179. Defendant Blackwell denies the allegations contained in Paragraph 179 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

180. Defendant Blackwell denies the allegations contained in Paragraph 180 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**FIRST CLAIM**  
**VIOLATION OF EQUAL PROTECTION CLAUSE, FOURTEENTH**  
**AMENDMENT TO THE UNITED STATES CONSTITUTION**

181. Defendant Blackwell does not answer Paragraph 181 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

182. Defendant Blackwell denies the allegations contained in Paragraph 182 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

183. Defendant Blackwell denies the allegations contained in Paragraph 183 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

184. Defendant Blackwell denies the allegations contained in Paragraph 184 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

185. Defendant Blackwell denies the allegations contained in Paragraph 185 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

186. Defendant Blackwell denies the allegations contained in Paragraph 186 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

187. Defendant Blackwell denies the allegations contained in Paragraph 187 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**SECOND CLAIM**  
**VIOLATION OF DUE PROCESS CLAUSE, FOURTEENTH**  
**AMENDMENT TO THE UNITED STATES CONSTITUTION**

188. Defendant Blackwell does not answer Paragraph 188 of Plaintiffs' Amended

Complaint as it contains no factual allegations against him.

189. Defendant Blackwell denies the allegations contained in Paragraph 189 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**THIRD CLAIM**  
**COMMON LAW CONSPIRACY CLAIM PURSUANT TO 42 U.S.C. § 1988(a)**

190. Defendant Blackwell does not answer Paragraph 190 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

191. Defendant Blackwell denies the allegations contained in Paragraph 191 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**FOURTH CLAIM**  
**ACTIONS TAKEN PURSUANT TO INVIDIOUS RACIAL ANIMUS IN VIOLATION OF THE THIRTEENTH AMENDMENT AND 42 U.S.C. § 1985(3)**

192. Defendant Blackwell does not answer Paragraph 192 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

193. Defendant Blackwell does not answer Paragraph 193 of Plaintiffs' Amended Complaint as it contains no factual allegations against him but merely attempts to state a conclusion of law which does not require a response.

194. Defendant Blackwell denies the allegations contained in Paragraph 194 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**FIFTH CLAIM**  
**VIOLATION OF DUE PROCESS CLAUSE, FOURTEENTH AMENDMENT AND THE FIRST AMENDMENT**

195. Defendant Blackwell does not answer Paragraph 195 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

196. Defendant Blackwell denies the allegations contained in Paragraph 196 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**SIXTH CLAIM**  
**VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE**  
**FOURTEENTH AMENDMENT AND THE TWENTY-SIX AMENDMENT**

197. Defendant Blackwell does not answer Paragraph 197 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

198. Defendant Blackwell denies the allegations contained in Paragraph 198 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**SEVENTH CLAIM**  
**VIOLATION OF 42 U.S.C. § 1971(a)(2)(A)**

199. Defendant Blackwell does not answer Paragraph 199 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

200. Defendant Blackwell denies the allegations contained in Paragraph 200 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**EIGHTH CLAIM**  
**VIOLATION OF 42 U.S.C. § 1971(a)(2)(B)**

201. Defendant Blackwell does not answer Paragraph 201 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

202. Defendant Blackwell denies the allegations contained in Paragraph 202 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**NINTH CLAIM**  
**VIOLATION OF 42 U.S.C. § 1971(a)(2)©**

203. Defendant Blackwell does not answer Paragraph 203 of Plaintiffs' Amended



Complaint as it contains no factual allegations against him.

204. Defendant Blackwell denies the allegations contained in Paragraph 204 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**TENTH CLAIM**  
**VIOLATION OF 42 U.S.C. § 1971(b)**

205. Defendant Blackwell does not answer Paragraph 205 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

206. Defendant Blackwell denies the allegations contained in Paragraph 206 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**ELEVENTH CLAIM**  
**VIOLATION OF SECTION 2 OF THE VOTING RIGHTS ACT OF 1965**

207. Defendant Blackwell does not answer Paragraph 207 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

208. Defendant Blackwell denies the allegations contained in Paragraph 208 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**TWELFTH CLAIM**  
**VIOLATION OF THE THIRTEENTH AMENDED TO THE**  
**UNITED STATE CONSTITUTION**

209. Defendant Blackwell does not answer Paragraph 209 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

210. Defendant Blackwell denies the allegations contained in Paragraph 210 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**THIRTEENTH CLAIM**  
**VIOLATION OF FOURTEENTH AND TWENTY-FOURTH**  
**AMENDMENTS TO THE UNITED STATES CONSTITUTION**

211. Defendant Blackwell does not answer Paragraph 211 of Plaintiffs' Amended

Complaint as it contains no factual allegations against him.

212. Defendant Blackwell denies the allegations contained in Paragraph 212 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

213. Defendant Blackwell denies the allegations contained in Paragraph 213 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**FOURTEENTH CLAIM**  
**VIOLATION OF FOURTEENTH AND FIRST**  
**AMENDMENTS TO THE UNITED STATES CONSTITUTION**

214. Defendant Blackwell does not answer Paragraph 214 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

215. Defendant Blackwell denies the allegations contained in Paragraph 215 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

216. Defendant Blackwell denies the allegations contained in Paragraph 216 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**FIFTEENTH CLAIM**  
**VIOLATION OF THE FOURTEENTH AND FOURTH**  
**AMENDMENTS TO THE UNITED STATES CONSTITUTION**

217. Defendant Blackwell does not answer Paragraph 217 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

218. Defendant Blackwell denies the allegations contained in Paragraph 218 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

219. Defendant Blackwell denies the allegations contained in Paragraph 219 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**SIXTEENTH CLAIM**  
**VIOLATION OF THE FOURTEENTH AND THE NINETEENTH**  
**AMENDMENTS TO THE UNITED STATES CONSTITUTION**

220. Defendant Blackwell does not answer Paragraph 220 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

221. Defendant Blackwell denies the allegations contained in Paragraph 221 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

222. Defendant Blackwell denies the allegations contained in Paragraph 222 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**SEVENTEENTH CLAIM**  
**VIOLATION OF 42 U.S.C. § 2000d**

223. Defendant Blackwell does not answer Paragraph 223 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

224. Defendant Blackwell denies the allegations contained in Paragraph 224 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

225. Defendant Blackwell admits the allegations contained in Paragraph 225 of Plaintiffs' Amended Complaint.

**EIGHTEENTH CLAIM**  
**VIOLATIONS OF ARTICLE V, THE OHIO CONSTITUTION**  
**AND STATE LAWS**

226. Defendant Blackwell does not answer Paragraph 226 of Plaintiffs' Amended Complaint as it contains no factual allegations against him.

227. Defendant Blackwell denies the allegations contained in Paragraph 227 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

228. Defendant Blackwell denies the allegations contained in Paragraph 228 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

229. Defendant Blackwell denies the allegations contained in Paragraph 229 of Plaintiffs' Amended Complaint as untrue and contrary to both law and fact.

**PRAYER FOR RELIEF**

230. Defendant Blackwell requests this Honorable Court to deny Plaintiffs' request for relief as there is no factual or legal basis for such request. By way of further response, Defendant Blackwell denies any factual allegations contained in Paragraph 230 of this request for relief.

231. Defendant Blackwell requests this Honorable Court to deny Plaintiffs' request for relief as there is no factual or legal basis for such request. By way of further response, Defendant Blackwell denies any factual allegations contained in Paragraph 231 of this request for relief.

232. Defendant Blackwell requests this Honorable Court to deny Plaintiffs' request for relief as there is no factual or legal basis for such request. By way of further response, Defendant Blackwell denies any factual allegations contained in Paragraph 232 of this request for relief.

233. Defendant Blackwell requests this Honorable Court to deny Plaintiffs' request for relief as there is no factual or legal basis for such request. By way of further response, Defendant Blackwell denies any factual allegations contained in Paragraph 233 of this request for relief.

234. Defendant Blackwell requests this Honorable Court to deny Plaintiffs' request for relief as there is no factual or legal basis for such request. By way of further response, Defendant Blackwell denies any factual allegations contained in Paragraph 234 of this request for relief.

235. Defendant Blackwell requests this Honorable Court to deny Plaintiffs' request for relief as there is no factual or legal basis for such request. By way of further response, Defendant

Blackwell denies any factual allegations contained in Paragraph 235 of this request for relief.

236. Defendant Blackwell requests this Honorable Court to deny Plaintiffs' request for relief as there is no factual or legal basis for such request. By way of further response, Defendant Blackwell denies any factual allegations contained in Paragraph 236 of this request for relief.

237. Defendant Blackwell requests this Honorable Court to deny Plaintiffs' request for relief as there is no factual or legal basis for such request. By way of further response, Defendant Blackwell denies any factual allegations contained in Paragraph 237 of this request for relief.

238. Defendant Blackwell requests this Honorable Court to deny Plaintiffs' request for relief as there is no factual or legal basis for such request. By way of further response, Defendant Blackwell denies any factual allegations contained in Paragraph 238 of this request for relief.

239. Defendant Blackwell requests this Honorable Court to deny Plaintiffs' request for relief as there is no factual or legal basis for such request. By way of further response, Defendant Blackwell denies any factual allegations contained in Paragraph 239 of this request for relief.

240. Defendant Blackwell requests this Honorable Court to deny Plaintiffs' request for relief as there is no factual or legal basis for such request. By way of further response, Defendant Blackwell denies any factual allegations contained in Paragraph 240 of this request for relief.

**WHEREFORE**, Defendant J. Kenneth Blackwell, Secretary of the State of Ohio, respectfully requests this Honorable Court to dismiss Plaintiffs' cause of action, with prejudice, and award costs and attorneys' fees so wrongfully incurred.

**FIRST DEFENSE:**

241. Plaintiffs' Amended Complaint fails to state a claim upon which relief may be granted.

**SECOND DEFENSE:**

242. Plaintiffs have failed to name the real party in interest.

**THIRD DEFENSE:**

243. Some or all of the Plaintiffs lack standing to bring these claims.

**FOURTH DEFENSE:**

245. Some or all of Plaintiffs' claims are barred by estoppel and/or laches.

**FIFTH DEFENSE:**

246. Plaintiffs have failed to join all necessary and/or indispensable parties.

**SIXTH DEFENSE:**

247. Defendant, J. Kenneth Blackwell, is entitled to absolute immunity for some or all of Plaintiffs' claims.

**SEVENTH DEFENSE:**

248. Defendant, J. Kenneth Blackwell, is entitled to qualified immunity for some or all of Plaintiffs' claims.

**EIGHTH DEFENSE:**

249. This Court lacks jurisdiction to hear this case.

**NINTH DEFENSE:**

250. Defendant, J. Kenneth Blackwell, specifically reserves the right to add additional affirmative defenses as may become necessary through the course of discovery.

**WHEREFORE**, Defendant J. Kenneth Blackwell, Secretary of the State of Ohio, respectfully requests this Honorable Court to dismiss Plaintiffs' cause of action, with prejudice, and award costs and attorneys' fees so wrongfully incurred.

Respectfully submitted,

**JIM PETRO (0022096)**  
**ATTORNEY GENERAL OF OHIO**

/S/ Larry H. James

**Larry H. James (0021773)**

**Christina L. Corl (0067869)**

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served upon all counsel of record via the Court's electronic filing system on October 25, 2006.

/S/ Larry H. James

**Larry H. James**