

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel.	:	
CHRISTOPHER R. HICKS	:	Case No.
444 Woodwick Court	:	
Cincinnati, Ohio 45255	:	Original Action in Mandamus
	:	
	:	
Relator,	:	
	:	
	:	
vs.	:	<u>COMPLAINT FOR</u>
	:	
	:	<u>WRIT OF MANDAMUS</u>
FRANK LAROSE	:	
OHIO SECRETARY OF STATE	:	
22 North Fourth Street, 16 th Floor	:	
Columbus, Ohio 43215	:	
	:	
	:	
Respondent.	:	

VERIFIED COMPLAINT FOR WRIT OF MANDAMUS

Counsel for Relator Christopher R. Hicks:

NICHOLAS R. OWENS (0089574)
The Law Office of Nicholas R. Owens
88 Station Drive
Georgetown, Ohio 45121
Phone: (513) 706-2634
Fax: (513) 586-0619
Email: nick@nickowenslaw.com

Comes now the STATE OF OHIO, by and on relation to Christopher R. Hicks (“Relator Hicks”), and, in support of its claim for the issuance of a writ of mandamus alleges as follows:

1. This is a complaint for a writ of mandamus to compel Ohio Secretary of State Frank LaRose (“Respondent LaRose”) to comply and act in accordance with his clear legal duty, pursuant to Revised Code (R.C.) 3.02(B), to prescribe a certificate of appointment form as it relates to the appointment of a member of a county central committee.

2. This Court possesses subject matter jurisdiction over this original action pursuant to Article IV, Section 2 of the Ohio Constitution and R.C. 2731.02.

3. Relator Hicks is a person and resident of Clermont County, Ohio. Additionally, Relator Hicks is an elected member of the Clermont County Republican Central Committee (“CCRCC”). Further, Hicks serves on the Executive Committee of the CCRCC.

4. Respondent LaRose is the Ohio Secretary of State.

5. Respondent LaRose as Ohio Secretary of State has all powers and duties conferred upon him pursuant to Chapter 111 of the Revised Code.

Request for Certificates of Appointment

6. On November 9, 2021, Relator Hicks made an electronic public records request to the Clermont County Board of Elections (“CCBE”) for all copies of the certificates of election *and* appointment as it related to all members of the CCRCC.

7. As a result of Relator Hicks’ request, Stephanie Haight, CCBE Executive Director, provided to Relator Hicks all certificates of election as it related to the election of CCRCC Members in the May 2018 primary election.

8. Pursuant to the mandate of R.C. 3517.02, the CCRCC is required to file with Respondent LaRose, “a list of members of its controlling committees and other party officials

within thirty days of their election or appointment.” Additionally, R.C. 3517.06 requires the CCRCC shall promptly report to the CCBE *and* Respondent LaRose all changes occurring in their membership.

9. On November 10, 2021, Gloria Martin, Secretary of the CCRCC, provided Executive Director Haight an updated and changed list of names and addresses for the CCRCC. Executive Director Haight responded to Relator Hicks on the same day stating she would “create the certificates appointment” **[See Exhibit A]** for the appropriate members of the CCRCC using Respondent LaRose’s prescribed form, 155-B – “Certificate of Appointment.” **[See Exhibit B].**

10. However, on December 14, 2021, Relator Hicks was forwarded an email by CCRCC Member John Lipps from Clermont County Assistant Prosecuting Attorney Brian C. Shrive stating that the CCBE “cannot issue such a certificate until the Secretary of State prescribes a form.” **[See Exhibit C].**

11. Assistant Prosecuting Attorney Shrive also stated to CCRCC Member Lipps, “To the extent you are requesting that the Board create such a certificate, we have spoken to the Secretary of State’s office and confirmed that the Secretary of State has not prescribed a form to certify the appointment to a county central committee.” **[See again Exhibit C].**

Public Records Request to the Ohio Secretary of State’s Office

12. On December 30, 2021, Relator Hicks made an electronic public records request to Respondent LaRose’s Office “for a copy of the ‘prescribed’ form to be used, in accordance with ORC 3.02, for an appointed member of a County Party Central Committee.” **[See Exhibit D].**

13. On January 10, 2021, D. Michael Grodhaus, Chief Legal Counsel to Respondent LaRose responded to Relator Hicks public records request stating, “Please be advised that the

Secretary of State's Office has no public documents responsive to your request. There is no such prescribed form.” **[See Exhibit E].**

Writ of Mandamus is Appropriate

14. Relator Hicks incorporates the preceding paragraphs of his Complaint as if fully restated here.

15. To be entitled to a writ of mandamus, Relator Hicks must establish by clear and convincing evidence that (1) he has a clear legal right to the requested relief, (2) Respondent LaRose has a clear legal duty to provide it, and (3) Relator Hicks does not have an adequate remedy in the ordinary course of law. *State ex rel. Linnabary v. Husted*, 138 Ohio St.3d 535, 2014-Ohio-1417, 8 N.E.3d 940, ¶ 13.

16. A writ of mandamus is a command directing the “performance of an act which the law specially enjoins as a duty resulting from an office, trust, or station.” R.C. 2731.01.

17. A writ cannot compel the exercise of a permissive act. *State ex rel. Hedges v. Taft*, 64 Ohio St.3d 1, 4, 591 N.E.2d 1186 (1992). Nor can it “issue to control an officer’s exercise of discretion, but it can be issued to compel him to exercise it when he has a clear legal duty to do so.” *Id.*

18. R.C. 3.02(B) states “When an elective office becomes vacant and is filled by appointment, the appointing authority shall, immediately but no later than seven days after making the appointment, certify it to the board of elections and to the secretary of state. The board of elections or, in the case of an appointment to a statewide office, the secretary of state shall issue a certificate of appointment to the appointee. Certificates of appointment shall be in such form as the secretary of state **shall** prescribe.” (Bold emphasis added).

19. A basic rule of statutory interpretation is that the word “shall” is “construed as mandatory unless there appears a clear and unequivocal legislative intent” otherwise. *Dorrian v. Scioto Conservancy Dist.*, 27 Ohio St.2d 102, 271 N.E.2d 834 (1971), paragraph one of the syllabus; R.C. 1.42 (“[w]ords and phrases shall be read in context and construed according to the rules of grammar and common usage”).

20. As it relates to the *election* of county central committee members, R.C. 3517.03 states that “All the members of such committees shall be members of the party and shall be elected for terms of either two or four years, as determined by party rules, by direct vote at the primary held in an even-numbered year.”

21. In Clermont County (and likely throughout the remainder of the state), members *elected* to a county central committee receive upon their election a “Certificate of Election”. This “Certificate of Election” is form number 166 as prescribed by Respondent LaRose. [See **Exhibit F – as it pertains specifically to Relator Hicks**].

22. Currently, Respondent LaRose has prescribed form number 155-B as it relates to the appointments of vacancies in elective offices pursuant to R.C. 3.02(B). It is the only such form prescribed and seems to be intended as a universal form, stating on its face that it is the prescribed for “R.C. 3.02.” However, Chief Legal Counsel Grodhaus, acting on Respondent LaRose’s behalf, states such form *does not* apply to the appointment of county central committee members. [See **again Exhibit E**].

23. Ohio law requires that a county central committee member must be a qualified elector of the election precinct, or political subdivision, he or she represents. See Ohio Constitution, Article XV, Section 4 and R.C. 3517.02.

24. Additionally, this Court long ago held that “Section 305.02, Revised Code, has constituted the members of a county central committee of a political party public officers.” *State ex rel. Hayes v. Jennings*, 173 Ohio St. 370, 373, 182 N.E.2d 546 (1962).

25. Currently, the CCRC includes a significant number of members who were appointed to represent precincts in which they are not qualified electors, in direct violation of Ohio law.

26. On December 29, 2021, Relator Hicks became further concerned about the unlawfulness of the CCRCC practice of having non-qualified electors as members, when a temporary restraining order was issued in the Hamilton County Court of Common Pleas prohibiting Hamilton County Democratic Party central committee members, who did not reside in the precincts they represent, from casting votes in a meeting of the central committee. *Platt vs. Hamilton County Democratic Party, et al.*, Hamilton C.P. No. A2104441 (December 29, 2021).

[See Exhibit G].

27. Relator Hicks, as an Executive of the CCRCC, overseeing Union Township, seeks Respondent LaRose to comply with his clear legal duty to prescribe an appropriate form or at the minimum confirm that form 155-B is, in fact, the prescribed form to be used by county boards of election for appointed members to a county central committee. Further, as an Executive of the CCRCC, Relator Hicks seeks confirmation of the legality of all appointments to the CCRCC.

28. Relator Hicks, as an Executive of the CCRCC and on behalf of CCRCC Member Lipps, who is an appointed member of the CCRCC, sought properly issued certificates from the CCBE confirming the validity of Lipps and others appointments. Specifically, Lipps is appointed to represent a precinct in which he is not a qualified elector. Given the recent temporary restraining

order issued against the Hamilton County Democratic Party, Relator Hicks and Lipps are concerned that Lipps (and likely others) appointment to the CCRCC may be invalid.

29. R.C. 3.02(B) states “Certificates of appointment shall be in such form as the secretary of state shall prescribe.” Relator Hicks believes the plain language of the statute creates a clear legal duty upon Respondent LaRose to prescribe a form.

30. Relator Hicks believes there is no legitimate legal basis as to why Respondent LaRose’s already prescribed form 155-B is not the universally proscribed form for *all* elective office appointments.

31. Relator Hicks believes there is no legitimate legal basis as to why certificate of appointments would not be issued to appointed county central committee members similar to elected county central members receiving a certificate of election.

32. However, the CCBE will not issue certificates of appointment to appointed members of the CCRC until Respondent LaRose prescribes the appropriate form as mandated by R.C. 3.02(B) or Respondent LaRose’s Office confirms that the appropriate document to be used is the already prescribed form 155-B.

33. Relator Hicks believes the qualifications for elective offices under the Ohio Constitution and Revised Code are clear. A county central committee member must be a qualified elector and resident of the precinct, or other similarly situated political subdivision, to which they are elected or appointed to represent. See R.C. 3.15(A)(3).

34. Relator Hicks and CCRCC Member Lipps became concerned when last year they conducted a comprehensive analysis of Republican county central committees throughout all of Ohio’s 88 counties. Of the approximately 5,000 Republican county central committee members

validated to the overall statewide elector database, Relator Hicks and Lipps found that *only two* counties (Clermont and Montgomery) seemed to systematically have members who are non-qualified electors of the precincts they represent serving on their Republican county central committees.

35. As such, Relator Hicks, and by extension CCRCC Member Lipps, continue to seek certificates of appointment as approved by the CCBE to confirm whether, or not, all appointed members of the CCRC are duly qualified. Both are concerned, as well, that unqualified members dilute the votes of properly qualified members.

36. Relator Hicks is hopeful that Respondent LaRose will make his request for a writ of mandamus moot by: 1.) prescribing an applicable certificate of appointment form; *and* 2.) directing the CCBE to issue certificates of appointment consistent with the Ohio Constitution and Revised Code.

WHEREFORE, the STATE OF OHIO, by and on relation to Relator Hicks, seek the issuance of a Peremptory Writ of Mandamus or, in the alternative, an Alternative Writ of Mandamus, commanding Respondent LaRose to comply with his clear legal duty, pursuant to R.C. 3.02(B), to prescribe a certificate of appointment form as it relates to the appointment of a member of a county central committee, together with an award of court costs, as well as all other relief to which Relator may be entitled in law or in equity.

Respectfully submitted,

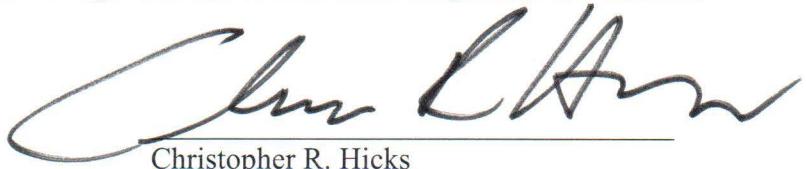
s/ Nicholas R. Owens
Nicholas R. Owens
The Law Office of Nicholas R. Owens
88 Station Drive
Georgetown, Ohio 45121
Phone: (513) 706-2634
Email: nick@nickowenslaw.com

Counsel for Relator Christopher R. Hicks

VERIFICATION

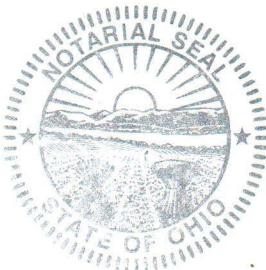
State of Ohio, County of Clermont ss:

Comes now, Christopher R. Hicks, having been duly cautioned and sworn and declares that he has personal knowledge of the factual allegations above and such allegations are true and accurate.



Christopher R. Hicks

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, on this 19th day of January 2022.



BOBBY K PATEL
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES AUGUST 05, 2023



Notary Public

From: Stephanie Haight shaight@vote.clermontcountyohio.gov

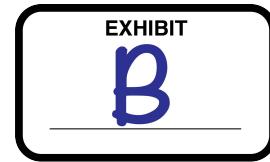
Sent: Wednesday, November 10, 2021 4:09 PM

To: chris@hickspub.com

Subject: RE: Clermont Republican Central Committee - Certificate for appointee - All certificates from 2018

Now that we received the most current list of the appointments from Miss Martin we will create the certificates of appointment and send them to the appointees once the Board members have signed them.

Stephanie



Form No. 155-B Prescribed by the Secretary of State (09-17)

**Certificate of Appointment
To Fill Vacancy in Elective Office
R.C. 3.02**

THE STATE OF OHIO, COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, DO HEREBY CERTIFY THAT

WAS DULY APPOINTED TO FILL THE VACANCY IN THE OFFICE OF

for the term ending _____ under the provisions of Section 3.02 of the Revised Code of Ohio.

In Witness Whereof, we have hereunto subscribed our names and caused our official

seal to be affixed at _____, Ohio, this _____
day of _____, _____

Chair

Attest: _____ Director _____ Board of Elections _____

From: "Shrive, Brian" <bshrive@clermontcountyohio.gov>
To: "John Lipps" <johnlipps@zoomtown.com>
Cc: "Haight, Stephanie" <shaight@vote.clermontcountyohio.gov>, "Dennison, Chris" <cdennison@vote.clermontcountyohio.gov>, "Rudd, Rebecca" <rrudd@vote.clermontcountyohio.gov>
Sent: Tuesday, December 14, 2021 8:58:38 AM
Subject: RE: <<EXTERNAL>>: RE: <<EXTERNAL>>: RE: RECORD REQUEST - 4 CERTIFICATES OF APPOINTMENT

Mr. Lipps,

To the extent your request is a records request, the Board does not have a certificate of your appointment to the Clermont County Republican Party.

To the extent you are requesting that the Board create such a certificate, we have spoken to the Secretary of State's office and confirmed that the Secretary of State has not prescribed a form to certify the appointment to a county central committee. Thus, to the extent the Board of Elections would be authorized or required to issue such a certificate, the Board cannot issue such a certificate until the Secretary of State prescribes a form. See R.C. 3.02(B).

Best,

From: chris@hickspub.com <chris@hickspub.com>
Sent: Thursday, December 30, 2021 9:36 AM
To: 'Eippert, Nicholas' <neippert@OhioSOS.Gov>; Wartman, Scott <swartman@cincinnagannett.com>; rlembke@fuse.net
Cc: 'Henning, Kenneth' <khenning@ohiosos.gov>; 'Ward, Dave' <dward@OhioSOS.Gov>; 'Warren, Sally' <SWarren@OhioSOS.Gov>; 'Katz, Brian' <bkatz@OhioSOS.Gov>; 'Ferguson, Amanda' <AFerguson@OhioSOS.Gov>; John Lipps <johnlipps@zoomtown.com>; pamsilhouette@cinci.rr.com; 'Jude DeWitt' <jude.dewitt@gmail.com>; 'Tekulve, Mark' <mjtekulve@clermontcountyohio.gov>; grantgop@yahoo.com; 'Rick Combs' <rick.combs5@aol.com>; shaight@vote.clermontcountyohio.gov; 'Dennison, Chris' <cdennison@vote.clermontcountyohio.gov>; 'Rebecca Rudd' <rrudd@vote.clermontcountyohio.gov>; 'Shrive, Brian' <bshrive@clermontcountyohio.gov>
Subject: Central Committee Appointment Certificate - RECORD REQUEST - after Hamilton County restraining order.

Mr. Eippert (et al):

This is a records request for a copy of the “prescribed” form to be used, in accordance with ORC 3.02, for an appointed member of a County Party Central Committee. I request it in electronic format. Nw. Stop the stonewalling.

This matter has taken on significant importance as election integrity issues relating to seating of party central committees have entered the courts (see attached) and your office has stonewalled the issue for months.

I have included some of the notes below that demonstrate that stonewall in collaboration with Stephanie Haight and Chris Dennison, form the Clermont County Board of elections, and Brian Shrive of the Clermont County Prosecutor’s office.

I, an Executive Committee Member of the Clermont County Republican Party, and several other members have asked for certificates to demonstrate either that we are legitimate committee members or to know who is legitimate. We have been disregarded in a coordinated way by Secretary of State LaRose’s office and our local Board of Elections who seem to want there to protect an illegal and unconstitutional practice (Central Committee members who do not meet the qualifications of office per the statute and Constitution).

We see form 155-B that is clearly the prescribed universal form for appointments and says so on its face (for ORC 3.02). Nonsensically, though, we are told it is not the prescribed form for Central Committee Appointments. But, regardless, it is your statutory duty to have a form. This is a records request for that form.

Ms. Haight (et al):

I want certificates for all appointed members of the Union Township Committee. The information was already provided to you by Party Secretary Martin, and you already said you would issue. Our next meeting is January 10 and, given the litigation attached, I want confirmation of the legitimacy of appointments. Enough with the corrupt run around. Aren’t you better than this? If the SoS does not have a form for this, the already prescribed form (155-B) should be used immediately. There is no issue with that at all and you know it. The issue is that appointed members, who do not meet the qualifications of office, are invalid and you are covering it up. Election integrity?

Mr. Lembke (and board members):

I presented this issue to you on November 19 (<https://youtu.be/F29BeYCJHmw>). Perhaps you should care about following the law and instructing Ms. Haight to follow the law (vs. some “code” to ignore the law). You are an attorney and can grasp the law. I assume you know Tim Burke in Hamilton County and he can help you with the law.

Scott:

Probably 4-5 months ago, there was analysis of about 5,000 members of Republican County Central Committee members across all 88 counties. It showed that two counties were systematically appointing people to their republican Central Committees that did not meet the qualifications of office per statute and the Constitution. The two? Clermont and Montgomery. We engaged the office of the SoS throughout (for months). They stonewalled the issue and are still stonewalling in collaboration with our Board of Elections and Prosecutor’s office. They are doing it to protect Republican insiders in Clermont County who are not legitimate members of the Republican Central Committee.

Last night was fascinating as the exact issue surfaced in court in Hamilton County re. the Democratic party. We did not analyze the Democrat committees.

Bottom line: The issue of invalid central Committee members has been known to the SoS for months and covered up. It is another reason why so many Republicans are uncomfortable with Frank LaRose. He seems unwilling to follow basic integrity laws (like qualifications of office).

Apart from me, several “members” of the Clermont County Republican Central Committee have asked for their certificates and been given a run around. What happened last night was a known issue. It was completely foreseeable and the SoS is violating ORC 3.02 that requires appointee certificates. BTW, elected Central Committee members already receive certificates (form 166). The issue is appointees and a few counties in which the SoS turns a blind eye to illegally seated members.

The SoS is evading it because they know then members are illegal so if they issued certificates to people who do not live in their precincts, they would be violating the Constitution. So, they play dumb and allow an illegal situation to persist to protect insiders who game the system.

You should request the for too. The form is what would be evidence a person was validly seated.

If you want to know more, I can put you in touch with some elections officials in counties where they follow the law (and are surprised at the seeming coverup).

Chris Hicks
chris@hickspub.com
O: 513-201-7902
M: 513-289-4341

These are only some of the recent emails on this issue.

From: "Shrive, Brian" <bshrive@clermontcountyohio.gov>
To: "John Lipps" <johnlipps@zoomtown.com>
Cc: "Haight, Stephanie" <shaight@vote.clermontcountyohio.gov>, "Dennison, Chris" <cdennison@vote.clermontcountyohio.gov>, "Rudd, Rebecca" <rrudd@vote.clermontcountyohio.gov>

Sent: Tuesday, December 14, 2021 8:58:38 AM

Subject: RE: <>EXTERNAL>>: RE: <>EXTERNAL>>: RE: RECORD REQUEST - 4 CERTIFICATES OF APPOINTMENT

Mr. Lipps,

To the extent your request is a records request, the Board does not have a certificate of your appointment to the Clermont County Republican Party.

To the extent you are requesting that the Board create such a certificate, we have spoken to the Secretary of State's office and confirmed that the Secretary of State has not prescribed a form to certify the appointment to a county central committee. Thus, to the extent the Board of Elections would be authorized or required to issue such a certificate, the Board cannot issue such a certificate until the Secretary of State prescribes a form. See R.C. 3.02(B).

Best,

From: Stephanie Haight shaight@vote.clermontcountyohio.gov

Sent: Wednesday, November 10, 2021 4:09 PM

To: chris@hickspub.com

Subject: RE: Clermont Republican Central Committee - Certificate for appointee - All certificates from 2018

Now that we received the most current list of the appointments from Miss Martin we will create the certificates of appointment and send them to the appointees once the Board members have signed them.

Stephanie

From: Stephanie Haight shaight@vote.clermontcountyohio.gov

Sent: Wednesday, December 22, 2021 9:59 AM

To: chris@hickspub.com

Cc: Shrive, Brian bshrive@clermontcountyohio.gov; Chris Dennison cdennison@vote.clermontcountyohio.gov

Subject: RE: Your Certificate - Stephanie Haight

Mr. Hicks,

We do not have certificates of appointment for Central Committee.

Best,

Steph Haight

From: chris@hickspub.com <chris@hickspub.com>
Sent: Tuesday, December 21, 2021 8:46 AM
To: Stephanie Haight <shaight@vote.clermontcountyohio.gov>
Cc: Shrive, Brian <bshrive@clermontcountyohio.gov>; Chris Dennison <cdennison@vote.clermontcountyohio.gov>
Subject: Your Certificate - Stephanie Haight

Ms. Haight:

I believe you are an appointed member of the Clermont County Republican Central Committee. As an elected member, and a member of the Executive Committee, can you share with me a certificate of appointment to confirm your appointment was legal and Constitutional?

Mr. Shrive has said, in writing that ORC 3.02(D) requires a certificate. He has said the only obstacle (at least now) is that he cannot find a form for the certificate that has been prescribed by the Secretary of State. But you did (when you committed to issue certificates and got the info from Gloria Martin to do so). It is form 155-B. It says it is the prescribed form right on the form.

It will add an interesting dimension that the Director of the Board of Elections is an appointed committee member who is not a qualified elector for the precinct she represents (per the roster provided by Ms. Martin). Also, that one of Mr. Shrive's staff (Julia Carney) is also representing a precinct in which she is not a qualified elector. While we are at it, can you provide a certificate for Ms. Carney too, so we know she is a valid member of the Central Committee in the eyes of the Board of Elections?

THANKS.

Chris Hicks
chris@hickspub.com
O: 513-201-7902
M: 513-289-4341

From: Grodhaus, Michael <mgrodhaus@OhioSOS.Gov>

Sent: Monday, January 10, 2022 1:14 PM

To: chris@hickspub.com

Cc: Ferguson, Amanda <AFerguson@OhioSOS.Gov>; Eippert, Nicholas <neippert@OhioSOS.Gov>; Henning, Kenneth <KHenning@OhioSOS.Gov>; Ward, Dave <dward@OhioSOS.Gov>; Warren, Sally <SWarren@OhioSOS.Gov>; bshrive@clermontcountyohio.gov

Subject: Response to Public Records Request

Mr. Hicks,

This email is in response to your emailed public records request to Nick Eippert of our office dated December 30, 2021, in which you requested:

"a copy of the 'prescribed' form to be used, in accordance with ORC 3.02, for an appointed member of a County Party Central Committee."

Please be advised that the Secretary of State's Office has no public documents responsive to your request. There is no such prescribed form.

Under Ohio's Public Records Act, informing you we have no public documents responsive to your request is a complete response to your request. As a courtesy, however, I will go further and explain why we have no such form.

Ohio law is clear that political parties are voluntary associations of persons who act together principally for party and community purposes. *State ex rel. Cain v. Kay*, 38 Ohio St. 2d 15, 18, 309 N.E.2d 860, 863 (1974), *accord State ex rel. McCurdy v. DeMaioribus*, 9 Ohio App. 2d 280, 281, 224 N.E.2d 353, 354 (Ohio Ct. App. 1967). Thus, political parties are not governmental entities. 2002 Op. Att'y Gen. No. 2002-028 at 2-186 to 2-187; 2022 Op. Att'y Gen. No. 2022-01 at 4. And as such, a meeting of a county political party central committee for the purpose of conducting purely internal party affairs is not subject to the Ohio Open Meetings Act, R.C. 121.22. 1980 Op. Att'y Gen. No. 1980-083; *see also Jones v. Geauga Cty. Republican Party Cent. Comm.*, 2017-Ohio-2930, 82 N.E.3d 16 (Ohio Ct. App. 2017) (a county party central committee meeting to amend the central committee's by-laws and to appoint new members to vacant central committee seats is not subject to R.C. 121.22). Only for the very limited purpose of making an appointment to a vacant county office per R.C. 305.02 do county political party central committee members *temporarily* become public officials and their meeting to make the appointment must be public *Id.*; *see also Banchy v. Republican Party of Hamilton Cty.*, 898 F.2d 1192, 1194-1195 (6th Cir.1990).

These authorities make clear that a county political party central committee appointing new members to vacant central committee seats is a matter of internal party governance. Thus, the Secretary of State's Office does not have a prescribed form for this situation.

As you noted in your email, whether a person who is appointed by a county party central committee to a vacant central committee seat but the person does not actually reside in the precinct or ward that seat represents may participate in a central committee meeting making an appointment to a vacant county office per R.C. 305.02 is currently the subject of litigation in Hamilton County. We look forward to learning the court's ultimate resolution of that issue.

 **D. Michael Grodhaus | Chief Legal Counsel**
Office of the Ohio Secretary of State

OhioSoS.gov

EXHIBIT

F

CERTIFICATE OF ELECTION

R.C. 3501.11; 3513.24; 3517.11

THE STATE OF OHIO, Clermont COUNTY, SS.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the Primary Election held in Union Township

(Precinct or Ward and City or Village or Township)
on Tuesday, the 8th day of May, 2018,

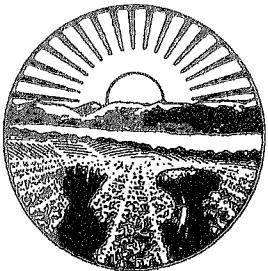
DO HEREBY CERTIFY THAT Chris Hicks WAS DULY ELECTED
Member of the Republican County Central Committee from

Precinct P1P (Precinct or Ward and City or Village or Township), having received the highest number of votes

given for that position at the Primary Election as appears by the returns and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at Batavia, Ohio, this 25th

day of May, 2018.



Attest:

Julia Carney
Director

Paul B. Schell
Bob W. Conroy
David T. Miller
James T. Miller

Board of Elections

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

JOSEPH PLATT,

: Case No.: A2104441

Plaintiff,

:

v.

: Judge Christian A. Jenkins

HAMILTON COUNTY DEMOCRATIC
PARTY, *et al.*,

:

Defendants.

:

: Temporary Restraining Order

:

:



D133776713

Upon the *Verified Complaint* filed by Plaintiff, together with the application for issuance of a temporary restraining order, the parties, by and through counsel, appeared before the Court on December 29, 2021, for consideration of the Plaintiff's request for issuance of a temporary restraining order pursuant to Ohio R. Civ. P. 65.

Following discussions with the parties, both on and off the record, the parties have agreed to the issuance of the following order:

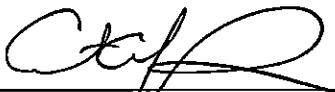
Defendants Hamilton County Democratic Party, together with the Chairwoman and Secretary of the Central Committee of the Hamilton County Democratic Party in their official capacities, are hereby ordered to only allow those members of the Central Committee of the Hamilton County Democratic Party whose residence is located in the particular precinct such members represent on the Central Committee to cast any votes for the purpose of appointing a person to fill the vacancy, pursuant to R.C. 305.02(B), in the office of the Hamilton County Clerk of Court at any meeting or meetings of the Central Committee.

No bond shall be required.

The Court has independently reviewed and addressed the issues raised herein with the parties on the record and finds sufficient and good cause exists for the entry hereof.

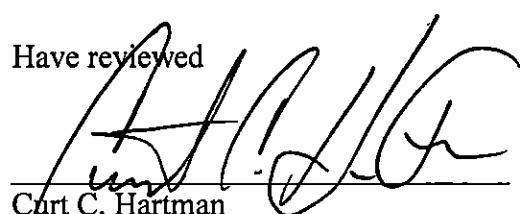
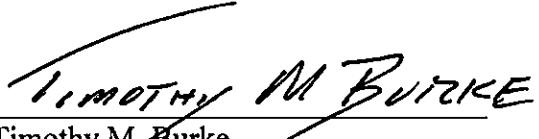
This temporary restraining order shall expire 14 days from entry hereof unless otherwise extended by further order of the Court.

SO ORDERED.



Christian Jenkins, Judge
Hamilton County Common Pleas Court

Have reviewed


Curt C. Hartman
Attorney for Plaintiff
Timothy M. Burke
Attorney for Defendants