

**In The
Ohio Supreme Court**

MERYL NEIMAN, et al.,

:

Relators,

: **Case No. 2022-0298**

:

v.

: Original Action Filed Pursuant to
Ohio Constitution, Article XIX,
Section 3(A) and Article IV

OHIO REDISTRICTING COMMISSION, et al.,

: Section 2(B)(1)(f)

Respondents.

:

: Expedited Election Matter Under
S.Ct.Prac.R. 12.08

**OHIO SECRETARY OF STATE FRANK LAROSE'S RESPONSE TO
PETITIONER'S MOTION FOR SCHEDULING ORDER**

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**OHIO SECRETARY OF STATE FRANK LAROSE’S RESPONSE TO
PETITIONER’S MOTION FOR SCHEDULING ORDER**

Ohio Secretary of State Frank LaRose objects to Petitioners’ proposed schedule. Petitioners seek to unnecessarily expedite this case so as to invalidate the March 2, 2022 Congressional district plan and prevent it from being implemented in the May 3, 2022 primary election. They are too late. It is already being implemented. In just a few days, Uniformed and Overseas Citizen Absentee Voting Act (“UOCAVA”) ballots will be mailed, and, on April 5, 2022, early in-person voting will begin for the May 3, 2022 primary election. Both will use the March 2, 2022 Congressional district map. Changing course at this late stage will cause further chaos for Ohio’s boards of elections, voters, and candidates.

Said differently, Petitioners ask this Court to expedite this case so that it can do what courts have been resoundingly unwilling to do and have cautioned against: change an election procedure when the election is imminent. *See, e.g., Ohioans for Raising the Wage, et al. v. LaRose*, Franklin C.P. No. 20 CV 2381 at 9 (Apr. 28, 2020), citing *Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006) (*per curiam*) (denying preliminary injunction because, although plaintiffs had established third parties would not be unjustifiably harmed by an injunction, “the Court must be mindful that court orders

impacting elections may result in voter confusion [,] and the closer an election draws, the more that risk will increase”); *see also Thompson v. DeWine*, 959 F.3d 804, 813 (6th Cir. 2020) (citing *Purcell* in staying district court’s preliminary injunction); *SEIU Local 1 v. Husted*, 698 F.3d 341, 345 (6th Cir. 2012), citing *Purcell* at 4-5 (“As a general rule, last-minute injunctions changing election procedures are strongly disfavored.”); *Estill v. Cool*, 295 F. App’x 25, 27 (6th Cir. 2008) (upholding denial of preliminary injunction where ballot printing and distribution was scheduled to begin the day after the Sixth Circuit issued its opinion, 19 days after the preliminary injunction motion was denied). “Court orders affecting elections, especially conflicting court orders, can themselves result in voter confusion and consequent incentive to remain away from the polls. As an election draws closer, that risk will increase.” *Purcell* at 4-5; *see also Thompson* at 813.

Because it is too late to change the election processes for the May 3, 2022 primary, there is no reason to expedite this case. There is no relief that this Court can grant that can be timely implemented. This Court should resist Petitioners’ invitation to throw more wrenches into the 2022 primary election and should set this matter on a standard, rather than an expedited, schedule.

Respectfully submitted,

OHIO ATTORNEY GENERAL

/s/ Bridget C. Coontz

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Ohio Secretary Of State Frank Larose's Response To Petitioner's Motion For Scheduling Order* was sent via email this the 22nd day of March, 2022 to the following:

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