

IN THE SUPREME COURT OF OHIO

STATE OF OHIO EX REL.)
MARGARET DeBLASE and) Case No. 2023-0388
JOHN GIROUX)
)
Relators,)
)
vs.)
)
OHIO BALLOT BOARD, *et al.*)
)
Respondents.)

ANSWER OF RESPONDENTS NANCY KRAMER, AZIZA WAHBY, DAVID
HACKNEY, JENNIFER McNALLY, AND EBONY SPEAKES-HALL TO
VERIFIED COMPLAINT FOR WRIT OF MANDAMUS

Curt C. Hartman (0064242)
The Law Firm of Curt C. Hartman 7394
Ridgepoint Drive, Suite 8
Cincinnati, Ohio 45230
(513) 379-2923
hartmanlawfirm@fuse.net

Counsel for Relators

David Yost (0056290)
Ohio Attorney General

Julie Pfeiffer (0069762)

*Counsel of Record

Ann Yackshaw (0090623)

Michael Walton (0092201)

Assistant Attorneys General
Constitutional Offices Section
30 E. Broad Street, 16th Floor
Columbus, OH 43215
(614) 466-2872

julie.pfeiffer@OhioAGO.gov

ann.yackshaw@OhioAGO.gov

michael.walton@OhioAGO.gov

*Counsel for Respondents Ohio Ballot Board
and its Members*

Donald J. McTigue (0022849)

*Counsel of Record

J. Corey Colombo (0072398)

Katie I. Street (0102134)

McTigue & Colombo, LLC

545 East Town Street

Columbus, OH 43215

(614) 263-7000

dmctigue@electionlawgroup.com

ccolombo@electionlawgroup.com

kstreet@electionlawgroup.com

Freda J. Levenson (0045916)

B. Jessie Hill (0074770)

ACLU of Ohio Foundation

4506 Chester Avenue

Cleveland, Ohio 44103

(614) 586-1972

flevenson@acluohio.org

bjh11@case.edu

Carlen Zhang-D'Souza (0093079)

ACLU of Ohio Foundation

1108 City Park Avenue

Suite 203

Columbus, Ohio 43206

(614) 586-1972

czhangdsouza@acluohio.org

Counsel for Respondents Nancy Kramer, Aziza Wahby, David Hackney, Jennifer McNally, and Ebony Speakes-Hall

ANSWER

Now come Respondents, Members of the Committee to Represent Petitioners including Nancy Kramer, Aziza Wahby, David Hackney, Jennifer McNally, and Ebony Speakes-Hall, through counsel, and for their Answer to Relators' Complaint, submit the following:

The unnumbered introduction at the beginning of the Complaint constitutes argument and does not warrant a response.

1. Respondents are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1, and therefore, the allegation is denied.

2. Respondents are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2, and therefore, the allegation is denied.

3. Respondents admit the allegations in Paragraph 3.

4. Respondents admit the allegations in Paragraph 4.

5. Respondents admit the allegations in Paragraph 5.

6. Respondents admit the allegations in Paragraph 6.

7. Respondents admit the allegations in Paragraph 7.

8. Respondents admit the allegations in Paragraph 8.

9. Respondents admit the allegations in Paragraph 9.

10. Respondents admit the allegations in Paragraph 10.

11. Respondents admit the allegations in Paragraph 11.

12. Respondents admit the allegations in Paragraph 12.

13. Respondents admit the allegations in Paragraph 13.

14. Paragraph 14 is a legal conclusion to which no response is required. To the extent a

response is required, Respondents deny the allegations in Paragraph 14.

15. Respondents admit the allegations in Paragraph 15.

16. The statute cited in Paragraph 16 speaks for itself, and no response is required.

17. The statement in Paragraph 17 relates to the statute cited in Paragraph 16, which speaks for itself, and no response is required.

18. The statute cited in Paragraph 18 speaks for itself, and no response is required.

19. The statute cited in Paragraph 19 speaks for itself, and no response is required.

20. The statute cited in Paragraph 20 speaks for itself, and no response is required.

21. The statute cited in Paragraph 21 speaks for itself, and no response is required.

22. The statute cited in Paragraph 22 speaks for itself, and no response is required.

Factual Events

23. The Ohio Attorney General's website and the proposed constitutional amendment referenced in Paragraph 23 speak for themselves, and no response is required.

24. Respondents admit the allegations in Paragraph 24.

25. Respondents admit the allegations in Paragraph 25.

26. Respondents admit the allegations in Paragraph 26.

27. Respondents admit the allegations in Paragraph 27.

28. The contents of the Ohio Ballot Board's March 13, 2023 agenda speaks for itself, and no response is required.

29. Respondents admit the allegations in Paragraph 29.

30. Respondents admit the allegations in Paragraph 30.

31. Respondents admit the allegations in Paragraph 31.

32. Respondents deny the allegations in Paragraph 32.

33. Respondents deny the allegation that the only comment made by any member of the Ohio Ballot Board was by Respondent Theresa Gavarone as found in Paragraph 33. Respondents admit that Theresa Gavarone spoke at the meeting on March 13, 2023. Her comments are on the record and speak for themselves.

34. Respondents deny the allegations in Paragraph 34.

35. Respondents deny the use of the term “Nonetheless” as found in Paragraph 35. Respondents admit the remaining allegations in Paragraph 35.

36. Respondents admit the allegations in Paragraph 36.

37. Respondents admit the allegations in Paragraph 37.

Legal requirements for a single proposed constitutional amendment

38. The cases cited in Paragraph 38 speak for themselves, and no response is required.

39. Respondents deny the allegations in Paragraph 39.

40. The case cited in Paragraph 40 speaks for itself, and no response is required.

41. The case cited in Paragraph 41 speaks for itself, and no response is required.

The text of the Proposed Constitutional Amendment

42. The full text of the Proposed Amendment is set forth in Exhibit A of the Complaint and speaks for itself, and no response is required.

Respondents deny the allegations in the unnumbered subheading at the top of page 12 as they are argumentative and do not warrant a response.

43. Paragraph 43 contains legal conclusions or arguments to which no response is

required. To the extent a further response is required, the Respondents deny the allegations in paragraph 43.

44. The case cited in Paragraph 44 speaks for itself, and no response is required, but Respondents deny the phrase, “as developed below.” Respondents deny the remaining allegation that the effort within the *Proposed Constitutional Amendment* does not and cannot relate to a single general object or purpose as found in Paragraph 44.

45. Paragraph 45 contains legal conclusions or arguments to which no response is required. To the extent a further response is required, the Respondents deny the allegations in paragraph 45.

46. Section A of the *Proposed Constitutional Amendment* speaks for itself, and no response is required. To the extent a response is required, Respondents deny the allegations in Paragraph 46.

As to the footnote at the bottom of page 12, Respondents are without knowledge or information sufficient to form a belief as to the truth of the allegations that the footnote is based on Relators’ information and belief, and therefore, the allegation is denied. Respondents deny the remainder of allegations in the footnote.

47. Paragraph 47 contains legal conclusions or arguments to which no response is required. To the extent a further response is required, the Respondents deny the allegations in paragraph 47.

48. Paragraph 48 contains legal conclusions or arguments to which no response is required. To the extent a further response is required, the Respondents deny the allegations in paragraph 48.

49. Paragraph 49 contains legal conclusions or arguments to which no response is

required. To the extent a further response is required, the Respondents deny the allegations in paragraph 49.

50. The cited quote found in Paragraph 50 speaks for itself, and no response is required. Respondents deny the remainder of the allegations in Paragraph 50.

51. Paragraph 51 contains legal conclusions or arguments to which no response is required. To the extent a further response is required, the Respondents deny the allegations in paragraph 51.

52. Paragraph 52 contains legal conclusions or arguments to which no response is required. To the extent a further response is required, the Respondents deny the allegations in paragraph 52.

53. The case cited in Paragraph 53 speaks for itself, and no response is required.

54. The case cited in Paragraph 54 speaks for itself, and no response is required. Paragraph 54 contains legal conclusions or arguments to which no response is required. To the extent a further response is required, the Respondents deny the allegations in paragraph 54.

55. The case cited in Paragraph 55 speaks for itself, and no response is required. Paragraph 55 contains legal conclusions or arguments to which no response is required. To the extent a further response is required, the Respondents deny the allegations in paragraph 55.

56. Paragraph 56 contains legal conclusions or arguments to which no response is required. To the extent a further response is required, the Respondents deny the allegations in paragraph 56.

57. Paragraph 57 contains legal conclusions or arguments to which no response is required. To the extent a further response is required, the Respondents deny the allegations in paragraph 57.

58. The case cited in Paragraph 58 speaks for itself, and no response is required.

59. Paragraph 59 contains legal conclusions or arguments to which no response is required. To the extent a further response is required, the Respondents deny the allegations in paragraph 59.

CAUSE OF ACTION
Writ of Mandamus

60. In response to Paragraph 60, all prior responses are incorporated as if fully restated herein.

61. Respondents are without knowledge or information sufficient to form a belief as to the truth of the allegation that Relators have standing to ensure compliance with all aspects of election laws, including those dealing with initiative petitions seeking to propose constitutional law as found in Paragraph 61, and therefore, the allegation is denied. The case cited in Paragraph 61 speaks for itself, and no response is required.

62. The case cited in Paragraph 62 speaks for itself, and no response is required. Paragraph 62 contains legal conclusions or arguments to which no response is required. To the extent a further response is required, the Respondents deny the allegations in paragraph 62.

63. Paragraph 63 contains legal conclusions or arguments to which no response is required. To the extent a further response is required, the Respondents deny the allegations in paragraph 63.

64. Paragraph 64 contains legal conclusions or arguments to which no response is required. To the extent a further response is required, the Respondents deny the allegations in paragraph 64.

65. The case cited in Paragraph 65 speaks for itself, and no response is required. Paragraph 65 contains legal conclusions or arguments to which no response is required. To the

extent a further response is required, the Respondents deny the allegations in paragraph 65.

GENERAL DENIAL

Respondents deny every allegation in the Complaint that is not expressly admitted herein.

AFFIRMATIVE DEFENSES

66. Relators lack standing to bring their Complaint.

67. Relators fail to state a claim upon which relief can be granted.

68. This action fails because Relators fail to meet the requirements for mandamus relief.

69. This action is barred by laches.

70. The provisions of the Ohio Revised Code regarding the Ballot Board upon which the complaint is premised are in contravention of the initiative rights of Ohio citizens set forth in Article II of the Ohio Constitution.

71. Respondents reserve the right to supplement this Answer and raise any and all additional affirmative defenses not now known, but which become known through the course of this litigation as this matter proceeds.

WHEREFORE, Respondents respectfully request that this Court dismiss this action with prejudice, and that Relators be awarded no relief, no costs, and no fees.

Respectfully Submitted,

/s/ Donald J. McTigue

Donald J. McTigue* (0022849)

*Counsel of Record

J. Corey Colombo (0072398)

Katie I. Street (0102134)

McTigue & Colombo, LLC
545 East Town Street
Columbus, OH 43215
(614) 263-7000
dmctigue@electionlawgroup.com
ccolombo@electionlawgroup.com
kstreet@electionlawgroup.com

Freda J. Levenson (0045916)

B. Jessie Hill (0074770)

ACLU of Ohio Foundation
4506 Chester Avenue
Cleveland, Ohio 44103
(614) 586-1972
flevenson@acluohio.org
bjh11@case.edu

Carlen Zhang-D'Souza (0093079)

ACLU of Ohio Foundation
1108 City Park Avenue
Suite 203
Columbus, Ohio 43206
(614) 586-1972
czhangdsouza@acluohio.org

*Counsel for Respondents Nancy Kramer,
Aziza Wahby, David Hackney, Jennifer
McNally, and Ebony Speakes-Hall*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the above and that a copy of the foregoing has been served via USPS first class mail, postage pre-paid, e-mail, and/or this Court's electronic notification system to the following on this 24th day of March, 2023:

Curt C. Hartman (0064242)
The Law Firm of Curt C. Hartman
7394 Ridgepoint Drive, Suite 8
Cincinnati, Ohio 45230
(513) 379-2923
hartmanlawfirm@fuse.net

Counsel for Relators

David Yost (0056290)
Ohio Attorney General

Julie Pfeiffer (0069762)
*Counsel of Record

Ann Yackshaw (0090623)
Michael Walton (0092201)
Assistant Attorneys General
Constitutional Offices Section
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Columbus, OH 43215
(614) 466-2872
julie.pfeiffer@OhioAGO.gov
ann.yackshaw@OhioAGO.gov
michael.walton@OhioAGO.gov

*Counsel for Respondents Ohio Ballot Board and
its Members*

Respectfully Submitted,

/s/ Donald J. McTigue
Donald J. McTigue (0022849)

*Counsel for Respondents Nancy Kramer,
Aziza Wahby, David Hackney, Jennifer
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