

**In The  
Supreme Court Of Ohio**

STATE EX REL. MARGARET DeBLASE, <i>et al.</i> ,	:	
	:	
<i>Relators,</i>	:	
	:	Case No. 2023-0388
v.	:	
	:	Writ of Mandamus
OHIO BALLOT BOARD, <i>et al.</i> ,	:	
	:	
<i>Respondents.</i>	:	

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**ANSWER OF RESPONDENTS  
OHIO BALLOT BOARD AND ITS MEMBERS**

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

*Counsel for Relators*

DAVE YOST (0056290)  
Ohio Attorney General

JULIE M. PFEIFFER (0069762)\*  
*\*Counsel of Record*  
ANN YACKSHAW (0090623)  
MICHAEL A. WALTON (0092201)  
Assistant Attorneys General  
Constitutional Offices Section  
30 E. Broad Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
Tel: 614-466-2872 | Fax: 614-728-7592  
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)  
McTigue & Colombo, LLC  
545 East Town Street  
Columbus, Ohio 43215  
Tel: 614-263-7000  
dmetigue@electionlawgroup.com

FREDA J. LEVENSON (0045916)  
B. JESSIE HILL (0074770)  
ACLU of Ohio Foundation

4506 Chester Avenue  
Cleveland, Ohio 44103  
Tel: 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  
Tel: 614-586-1972  
czhangdsouza@acluohio.org

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

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By and through counsel, Respondents Ohio Ballot Board and its members, Respondents Frank LaRose, Theresa Gavarone, Paula Hicks-Hudson, William N. Morgan and Elliot Forhan (collectively, “the Ballot Board”) respond and answer the Complaint as follows:

1. The Ballot Board admits the allegations contained in Paragraph 1 of the Complaint.
2. The Ballot Board admits the allegations contained in Paragraph 2 of the Complaint.
3. The Ballot Board admits the allegations contained in Paragraph 3 of the Complaint.
4. The Ballot Board admits the allegations contained in Paragraph 4 of the Complaint.
5. The Ballot Board admits the allegations contained in Paragraph 5 of the Complaint.
6. The Ballot Board admits the allegations contained in Paragraph 6 of the Complaint.
7. The Ballot Board admits the allegations contained in Paragraph 7 of the Complaint.
8. The Ballot Board admits the allegations contained in Paragraph 8 of the Complaint. Further answering, the correct spelling of Respondent’s name is Elliot Forhan.
9. As to Paragraph 9, the Ballot Board admits that Respondent Nancy Cramer is one of the five members of the Committee to Represent the Petitioners designated on the preliminary

initiative petition at issue. Respondents lack knowledge or information sufficient to form a belief as to the remaining allegations contained therein.

10. As to Paragraph 10, the Ballot Board admits that Respondent Aziza Wahby is one of the five members of the Committee to Represent the Petitioners designated on the preliminary initiative petition at issue. Respondents lack knowledge or information sufficient to form a belief as to the remaining allegations contained therein.

11. As to Paragraph 11, the Ballot Board admits that Respondent David Hackney is one of the five members of the Committee to Represent the Petitioners designated on the preliminary initiative petition at issue. Respondents lack knowledge or information sufficient to form a belief as to the remaining allegations contained therein.

12. As to Paragraph 12, the Ballot Board admits that Respondent Jennifer McNally is one of the five members of the Committee to Represent the Petitioners designated on the preliminary initiative petition at issue. Respondents lack knowledge or information sufficient to form a belief as to the remaining allegations contained therein.

13. As to Paragraph 13, the Ballot Board admits that Respondent Ebony Speakes-Hall is one of the five members of the Committee to Represent the Petitioners designated on the preliminary initiative petition at issue. Respondents lack knowledge or information sufficient to form a belief as to the remaining allegations contained therein.

14. The Ballot Board admits the allegations contained in Paragraph 14 of the Complaint.

15. Paragraph 15 contains legal conclusions to which no response is required. Further answering, Article II, Sections 1 and 1a of the Ohio Constitution speak for themselves.

16. Paragraph 16 contains legal conclusions to which no response is required. Further answering, R.C. 3519.01 speaks for itself.

17. Paragraph 17 contains legal conclusions to which no response is required.
18. Paragraph 18 contains legal conclusions to which no response is required. Further answering, R.C. 3505.062 speaks for itself.
19. Paragraph 19 contains legal conclusions to which no response is required. Further answering, R.C. 3505.062 speaks for itself.
20. Paragraph 20 contains legal conclusions to which no response is required. Further answering, R.C. 3505.062 speaks for itself.
21. Paragraph 21 contains legal conclusions to which no response is required. Further answering, R.C. 3505.062 speaks for itself.
22. Paragraph 22 contains legal conclusions to which no response is required. Further answering, R.C. 3519.01 speaks for itself.
23. The Ballot Board admits the allegations contained in Paragraph 23 of the Complaint.
24. The Ballot Board admits the allegations contained in Paragraph 24 of the Complaint.
25. The Ballot Board admits the allegations contained in Paragraph 25 of the Complaint.
26. The Ballot Board admits the allegations contained in Paragraph 26 of the Complaint.
27. The Ballot Board admits the allegations contained in Paragraph 27 of the Complaint.
28. The Ballot Board admits the allegations contained in Paragraph 28 of the Complaint.
29. The Ballot Board admits the allegations contained in Paragraph 29 of the Complaint.
30. The Ballot Board lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 30 of the Complaint.
31. The Ballot Board admits the allegations contained in Paragraph 31 of the Complaint.
32. As to Paragraph 32, the Ballot Board admits that four members of the Ballot Board did not offer comment during the March 13, 2023 meeting. Further answering, R.C. 3505.062

requires the Ballot Board to determine whether a preliminary initiative petition contains only one proposed constitutional amendment, which the Ballot Board did at the March 13, 2023 meeting.

33. As to Paragraph 33, Respondent Gavarone's statements speak for themselves.

34. As to Paragraph 34, the Ballot Board admits that they complied with their statutory requirement to determine if the preliminary initiative petition contained only one proposed constitutional amendment.

35. The Ballot Board admits the allegations contained in Paragraph 35 of the Complaint.

36. The Ballot Board admits the allegations contained in Paragraph 36 of the Complaint.

37. The Ballot Board admits the allegations contained in Paragraph 37 of the Complaint.

38. Paragraph 38 contains legal conclusions to which no response is required. Further answering, the cited case law speaks for itself.

39. The Ballot Board denies the allegations contained in Paragraph 39 of the Complaint.

40. Paragraph 40 contains legal conclusions to which no response is required. Further answering, *State ex rel. Ohio Liberty Council v. Brunner*, 25 Ohio St. 3d 315, 928 N.E.2d 410, 2010-Ohio-1845, speaks for itself.

41. Paragraph 41 contains legal conclusions to which no response is required. Further answering, the cited case law speaks for itself.

42. As to Paragraph 42, Exhibit A speaks for itself.

43. The Ballot Board denies the allegations contained in Paragraph 43 of the Complaint.

44. Paragraph 44 contains legal conclusions to which no response is required. Further answering, the cited case law speaks for itself.

45. Paragraph 45 contains legal conclusions to which no response is required.

46. Paragraph 46 contains legal conclusions to which no response is required. Further answering, Exhibit A speaks for itself.
47. Paragraph 47 contains legal conclusions to which no response is required. Further answering, Exhibit A speaks for itself.
48. Paragraph 48 contains legal conclusions to which no response is required. Further answering, Exhibit A speaks for itself.
49. Paragraph 49 contains legal conclusions to which no response is required. Further answering, Exhibit A speaks for itself.
50. As to Paragraph 50, the cited brief filed in *Preterm-Cleveland v. David Yost*, Ohio Supreme Court Case No. 2023-004, speaks for itself.
51. The Ballot Board denies the allegations contained in Paragraph 51 of the Complaint.
52. Paragraph 52 contains legal conclusions to which no response is required.
53. As to Paragraph 53, *Roe v. Wade*, 410 U.S. 113 (1973), speaks for itself.
54. Paragraph 54 contains legal conclusions to which no response is required. To the extent a response is required, the Ballot Board denies same.
55. Paragraph 55 contains legal conclusions to which no response is required. Further answering, *Dobbs v. Jackson Women's Health Org.*, 597 U.S. \_\_\_, \_\_\_, 142 S. Ct. 2228 (2022), speaks for itself.
56. The Ballot Board denies the allegations contained in Paragraph 56 of the Complaint.
57. The Ballot Board denies the allegations contained in Paragraph 57 of the Complaint.
58. Paragraph 58 contains legal conclusions to which no response is required. Further answering, the cited case law speaks for itself.
59. The Ballot Board denies the allegations contained in Paragraph 59 of the Complaint.

60. As to Paragraph 60, all defenses and averments of lack of knowledge or information are specifically incorporated by reference.
61. Paragraph 61 contains legal conclusions to which no response is required. Further answering, *State ex rel. Holwadel v. Hamilton Cty. Bd. of Elec.*, 144 Ohio St. 3d 579, 45 N.E.3d 994, 2015-Ohio-5306, speaks for itself.
62. The Ballot Board denies the allegations contained in Paragraph 62 of the Complaint.
63. The Ballot Board denies the allegations contained in Paragraph 63 of the Complaint. Further answering, R.C. 3505.062 speaks for itself.
64. Paragraph 64 contains legal conclusions to which no response is required. Further answering, R.C. 3505.062 speaks for itself.
65. As to Paragraph 65, the Ballot Board denies that they abused their discretion and/or acted in clear disregard of applicable legal provisions. Any further allegations are legal conclusions to which no response is required.

**The Ballot Board's Response to Relator's Prayer for Relief**

1. The Ballot Board denies all allegations set forth in the request for relief and specifically denies that the Relators are entitled to any relief.
2. In response to the prayer for relief, the Ballot Board asks for judgment in their favor and denies that the Relators are entitled to any relief.
3. Any allegations contained in any titles or section headers are denied.
4. The Ballot Board denies any and all allegations of the Complaint not expressly admitted herein.



**AFFIRMATIVE DEFENSES**

**First Defense**

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

**Second Defense**

Relators do not have a clear legal right to the relief sought.

**Third Defense**

The Ballot Board does not have a clear legal duty to provide the Relators with the relief sought.

**RESERVATION OF ADDITIONAL DEFENSES**

The Ballot Board reserves the right to supplement its Answer with additional defenses, including affirmative defenses, as litigation in this matter proceeds.

Thus, having fully answered Relators' Complaint, the Ballot Board requests that this Court dismiss Relators' claims, with prejudice, and that Relators be awarded no relief, no costs, and no fees.

Respectfully submitted,

DAVE YOST (0056290)  
Ohio Attorney General

*/s/ Julie M. Pfeiffer*

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JULIE M. PFEIFFER (0069762)\*

\* *Counsel of Record*

ANN YACKSHAW (0090623)  
MICHAEL A. WALTON (0092201)

Assistant Attorneys General  
Constitutional Offices Section  
30 E. Broad Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
Tel: 614-466-2872 | Fax: 614-728-7592  
Julie.Pfeiffer@OhioAGO.gov  
Ann.Yackshaw@OhioAGO.gov  
Michael.Walton@OhioAGO.gov

*Counsel for Respondents  
Ohio Ballot Board and its Members*

## CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2023, the foregoing was filed electronically using the Court's e-filing system. I further certify that the foregoing was served by electronic mail upon the following:

Curt C. Hartman  
The Law Firm of Curt C. Hartman  
hartmanlawfirm@fuse.net

*Counsel for Relators*

Donald J. McTigue  
McTigue & Colombo, LLC  
dmctigue@electionlawgroup.com

Freda J. Levenson  
B. Jessie Hill  
Carlen Zhang-D'Souza  
ACLU of Ohio Foundation  
flevenson@acluohio.org  
bjh11@case.edu  
czhangdsouza@acluohio.org

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

*/s/ Julie M. Pfeiffer*

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JULIE M. PFEIFFER (0069762)  
Assistant Attorney General