

**IN THE SUPREME COURT OF OHIO**

**Jennifer Giroux, et al.,**

*Relators,*

vs.

**Committee Representing the Petitioners  
With Respect to the Initiative Petition  
Proposing an Amendment to the Ohio  
Constitution Entitled the Right to  
Reproductive Freedom with Protections for  
Health and Safety, et al.,**

*Respondents.*

Case No. 2023-0946

Original Action Filed Pursuant to Ohio  
Constitution, Article II, Section 1g

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**ANSWER OF RESPONDENT COMMITTEE REPRESENTING PETITIONERS AND  
ITS MEMBERS**

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*Counsel for Respondent Ohio Secretary of  
State Frank LaRose*

For their Answer to Relators' Complaint, Respondent Committee Representing Petitioners and its members thereof (Nancy Kramer, Aziza Wahby, David Hackney, Jennifer McNally, and Ebony Speakes-Hall) state:

**ANSWER**

1. Paragraph 1 purports to quote Article II, Section 1g of the Ohio Constitution, which speaks for itself. Paragraph 1 otherwise states the jurisdiction of the Court, to which no response is required.

2. Paragraph 2 characterizes the relief Relators seek, to which no response is required.

3. Paragraph 3 purports to quote from R.C. 3519.01(A), which speaks for itself. As to Paragraph 3's factual allegations, Respondents admit that the Initiative Petition proposes an amendment to the Ohio Constitution entitled "*The Right to Reproductive Freedom with Protections for Health and Safety*." Respondents otherwise deny the remaining allegations in Paragraph 3.

4. Paragraph 4 states a legal conclusion to which no response is required. To the extent a response is required, Respondents admit that *The Right to Reproductive Freedom with Protections for Health and Safety* ("Initiative Petition") does not include the text of any statutory provisions, and deny any remaining allegations within Paragraph 4.

5. Respondents lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5, and on that basis deny them.

6. Respondents lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6, and on that basis deny them.

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 that Frank LaRose is the Ohio Secretary of State, serves as the Chief Elections Official of the State of Ohio, and has delineated statutory responsibilities related to statewide initiative petitions. The remaining allegations in Paragraph 13 are legal characterizations to which no response is required. To the extent a response is required, Respondents deny the remaining allegations in Paragraph 13.
14. Paragraph 14 purports to characterize Article II, Section 1 and 1a of the Ohio Constitution, which speak for themselves. To the extent a response is required, Respondents deny the allegations in Paragraph 14.
15. Paragraph 15 purports to characterize R.C. 3519.01(A), which speaks for itself. To the extent a response is required, Respondents deny the allegations in Paragraph 15.
16. Paragraph 16 contains legal characterizations to which no response is required. To the extent a response is required, Respondents deny the allegations in Paragraph 16.
17. Paragraph 17 contains legal characterizations to which no response is required. To the extent a response is required, Respondents deny the allegations in Paragraph 17.
18. Paragraph 18 purports to characterize R.C. 3519.062(A), which speaks for itself. To the extent a response is required, Respondents deny the allegations in Paragraph 18.
19. Paragraph 19 purports to characterize R.C. 3519.062(A), which speaks for itself. To the extent a response is required, Respondents deny the allegations in Paragraph 19.

20. Paragraph 20 contains legal characterizations to which no response is required. To the extent a response is required, Respondents deny the allegations in Paragraph 20.

21. Paragraph 21 contains legal characterizations to which no response is required. To the extent a response is required, Respondents deny the allegations in Paragraph 21.

22. Paragraph 22 contains legal characterizations to which no response is required. To the extent a response is required, Respondents deny the allegations in Paragraph 22.

23. Respondents admit that according to the Ohio Attorney General's website, on March 2, 2023, Attorney General David Yost certified as a fair and truthful statement the summary contained in the Initiative Petition submitted to him, writing among other things that his responsibility under R.C. 3519.01(A) was to "determin[e] whether the wording of the summary properly advises potential petition signers of the measure's material components" and that, exercising this responsibility, he concluded the summary did so. Respondents deny that the title of the proposed constitutional amendment is "*The Right to Reproductive Freedom with Protections for Health and Safety Amendment.*"

24. Paragraph 24 purports to characterize Exhibit A, which speaks for itself. Respondents admit that Exhibit A is a true and accurate copy of the Initiative Petition found on the website of the Ohio Attorney General. Respondents otherwise lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 24, and on that basis deny them.

25. Respondents admit the allegations in Paragraph 25.

26. Paragraph 26 purports to characterize Exhibit B, which speaks for itself. Respondents admit Exhibit B is a true and accurate copy of a letter dated March 2, 2023 issued by Ohio Attorney General David Yost, and that AG Yost determined and certified on March 2, 2023

that the summary for the proposed constitutional amendment is fair and truthful. Respondents otherwise lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 26, and on that basis deny them.

27. Respondents admit that according to the website of the Ohio Secretary of State, the Ohio Ballot Board held a meeting on March 13, 2023.

28. Paragraph 28 purports to summarize the cited case law, which speaks for itself. Respondents admit that on March 13, 2023, the Ohio Ballot Board determined that the Initiative Petition contained only one proposed amendment, and the Ohio Supreme Court subsequently upheld that determination.

29. Respondents admit the allegations in Paragraph 29.

30. Paragraph 30 purports to characterize Exhibit C, which speaks for itself. Respondents admit that Exhibit C is a true and accurate copy of the Ohio Ballot Board's certification letter to the Ohio Attorney General, dated March 13, 2023. Respondents otherwise lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 30, and on that basis deny them.

31. Respondents admit the allegations in Paragraph 31.

32. Paragraph 32 purports to characterize Exhibit D, which speaks for itself. Respondents admit that Exhibit D is a Part-Petition submitted to the Office of the Secretary of State. Respondents otherwise lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 32, and on that basis deny them.

33. Respondents deny the allegations in Paragraph 33.

34. Respondents admit the allegations in Paragraph 34.

35. Respondents admit the allegations in Paragraph 35.

36. Paragraph 36 purports to characterize Exhibit E, which speaks for itself. Respondents admit that Exhibit E is a true and accurate copy of the letter referenced in Paragraph 36. Respondents otherwise lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 36, and on that basis deny them.

37. Respondents admit the allegations in Paragraph 37.

38. Paragraph 38 purports to characterize Article II, Section 1 of the Ohio Constitution, which speaks for itself. Respondents deny the remainder of the allegations in Paragraph 38.

39. Paragraph 39 purports to quote and characterize R.C. 3519.01(A), which speaks for itself. To the extent a response is required, Respondents deny the allegations in Paragraph 39.

40. Respondents admit that the Initiative Petition does not identify or contain the text of any existing statute, but otherwise deny the remaining allegations in Paragraph 40.

41. Paragraph 41 states a legal conclusion to which no response is required. To the extent a response is required, Respondents deny the allegations in Paragraph 41.

42. Paragraph 42 purports to quote the cited case law, which speaks for itself.

43. Respondents deny the allegations in Paragraph 43.

44. Respondents deny the allegations in Paragraph 44.

45. Respondents deny the allegations in Paragraph 45.

46. Respondents deny the allegations in Paragraph 46.

47. Respondents admit the allegations in Paragraph 47.

48. Respondents lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48, and on that basis deny them.

49. Paragraph 49 purports to characterize Exhibit F, which speaks for itself. Respondents admit that Exhibit F is a true and accurate copy of *The Human Rights and Heartbeat*

*Protection Act* and accompanying certification from the Secretary of State. Respondents otherwise lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 49, and on that basis deny them.

50. Paragraph 50 purports to characterize Exhibit G, which speaks for itself. Respondents admit that Exhibit G is a true and accurate copy of Final Analysis from the Ohio Legislative Service Commission of *The Human Rights and Heartbeat Protection Act*. Respondents otherwise lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 50, and on that basis deny them.

51. Paragraph 51 and its subparts (a) and (b) state legal conclusions to which no response is required by purporting to summarize and characterize R.C. 2919.195(A)–(B), which speaks for itself. Paragraph 51 and its subpart (c) state legal conclusions to which no response is required by purporting to summarize and characterize R.C. 2919.193, which speaks for itself. To the extent a response is required, Respondents deny the allegations in Paragraph 51.

52. Paragraph 52 purports to characterize Exhibit H, which speaks for itself.

53. Respondents deny the allegations in Paragraph 53.

54. Respondents admit that the Initiative Petition does not contain the text of any provisions of *The Human Rights and Heartbeat Protection Act*. Respondents otherwise deny the allegations in Paragraph 54.

55. Paragraph 55 states legal conclusions to which no response is required by purporting to characterize R.C. 2912.12 and other statutes referenced in Paragraph 55, which all speak for themselves. To the extent a response is required, Respondents deny the allegations in Paragraph 55.

56. Respondents admit the allegations in Paragraph 56.

57. Paragraph 57 purports to characterize Exhibit I, which speaks for itself.

58. Paragraph 58 state legal conclusions to which no response is required by purporting to characterize R.C. 2912.12(B), which speaks for itself. To the extent a response is required, Respondents deny the allegations in Paragraph 58.

59. Respondents deny the allegations in Paragraph 59.

60. Respondents admit that the Initiative Petition does not contain the text of R.C. 2919.12. Respondents otherwise deny the allegations in Paragraph 60.

61. Paragraph 61 states legal conclusions to which no response is required by purporting to characterize R.C. 2912.10 and other state statutes referenced in Paragraph 61, which speak for themselves. To the extent a response is required, Respondents deny the allegations in Paragraph 61.

62. Respondents admit the allegations in Paragraph 62.

63. Paragraph 63 purports to characterize Exhibit J, which speaks for itself. Respondents admit that Exhibit J is a true and accurate copy of H.B. 214 and accompanying certification from the Secretary of State. Respondents otherwise lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 63, and on that basis deny them.

64. Paragraph 64 purports to characterize Exhibit K, which speaks for itself.

65. Respondents deny the allegations in Paragraph 65.

66. Respondents admit that the Initiative Petition does not contain the text of R.C. 2919.10. Respondents otherwise deny the allegations in Paragraph 66.

67. Respondents deny that the Initiative Petition failed to comply with all requirements established by law. Paragraph 67 otherwise purports to quote and characterize R.C. 3519.01(A),



which speaks for itself. To the extent a response is required, Respondents deny the remaining allegations in Paragraph 67.

68. Respondents deny that the Initiative Petition is invalid. Paragraph 68 otherwise purports to quote and characterize R.C. 3519.01(A), which speaks for itself. To the extent a response is required, Respondents deny the remaining allegations in Paragraph 68.

69. Respondents deny the allegations in Paragraph 69.

70. Respondents deny any allegations within Relators' prayer for relief and expressly deny that Relators are entitled to relief.

71. Respondents deny each and every allegation in the Complaint not expressly admitted in this Answer. Further, none of the foregoing responses that the documents, Revised Code sections, or case law speak for themselves are admissions as to the admissibility or relevancy of such items.

### **AFFIRMATIVE DEFENSES**

Having answered Relators' Complaint, Respondents raise the following defenses:

1. Relators have not stated a claim upon which relief can be granted.
2. Relators do not have a clear legal right to their requested relief.
3. Equitable defenses, including laches, bar Relators' request for relief.
4. The requirements of R.C. 3519.01(A) violate Article II, Section 1g of the Ohio Constitution.
5. Respondents reserve the right to add additional defenses including affirmative defenses that become apparent during the course of the proceedings.

Respectfully submitted,

/s/ Donald J. McTigue

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Forthcoming

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## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served upon the following counsel for the parties herein on July 31, 2023:

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