

IN THE SUPREME COURT OF OHIO

REGINA C. ADAMS, et al.,
Relators,
v.
GOVERNOR MIKE DEWINE, et al.,
Respondents.

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:
: Case No. 2021-1428
:
: Original Action Pursuant to
: Ohio Const., Art. XIX, § 3(A)
:
: Apportionment Case
:
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LEAGUE OF WOMEN VOTERS OF OHIO, et al.,
Relators,
v.
GOVERNOR MICHAEL DEWINE, et al.,
Respondents.

:
: Case No. 2021-1449
:
: Original Action Pursuant to
: Ohio Const., art. XIX
:
: Apportionment Case
:
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BRIEF OF SECRETARY OF STATE FRANK LAROSE

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BRIEF OF SECRETARY OF STATE FRANK LAROSE

Neither the *Adams* Relators nor the *LWV* Relators claim that the Secretary of State was involved in the creation or adoption of the 2021 Congressional Plan. They are both correct; he was not. Rather, Secretary of State Frank LaRose is named in these cases because he is the chief elections officer and is responsible for “enforcing” the congressional map through the holding of elections at which congressional candidates will be nominated and elected. It is in that official capacity that he remains a Respondent. *See Judgment Entry* of December 3, 2021. So, while it is true that Secretary LaRose will ultimately have the responsibility to enforce Ohio’s 2021 Congressional Plan, he had no role in crafting or drawing the Plan that was adopted. That responsibility—and decision—was with the Ohio General Assembly.

The General Assembly adopted the 2021 Congressional Plan through Sub. S.B. 258 as provided for by Ohio Const., Art. XIX, Sec. 1(C)(3). Adams Compl., ¶¶103, 105; LWV First Am. Compl., ¶ 1. This was after the Ohio Redistricting Commission did not pass a congressional plan under Ohio Const., Art. XIX, Sec. 1(B) by October 31, 2021. Thereafter, pursuant to Ohio Const., Art. XIX, Section 1(C)(1), in November 2021, the General Assembly took up the task of creating a congressional district plan via a bill. Substitute S.B. 258 was passed by the General Assembly on November 18, 2021 and signed into law by Governor DeWine on November 20, 2021. While recognizing that laws passed by the General Assembly are entitled to a strong presumption of constitutionality, *City of Toledo v. State*, 154 Ohio St. 3d 41, 2018-Ohio-2358, ¶18, the Secretary of State cannot personally attest to the 2021 Congressional Plan's constitutionality because he had no involvement in its creation or adoption. Rather, the Secretary will perform all the duties necessary to hold primary elections for party congressional candidates, as well as all other races, on May 3, 2022, per R.C. 3501.01(E)(1).

Again, time is of the essence. Neither the Secretary of State nor any other public official can cause the May 3, 2022 primary election to be conducted other than on the date specified in R.C. 3501.01(E)(1). *See* R.C. 3501.40. Now that the Court has scheduled oral argument for December 28, 2021, these cases will no longer be decisional as of December 20, 2021 but will be decisional at some future date. *See Entry* dated December 17, 2021. Thus, for the reasons set forth in *Secretary of State Frank LaRose's Response to Relators' Motion for Scheduling Order* and *Secretary of State Frank LaRose's Response to Relators' Motion for Oral Argument*, the Secretary submits that because of the fast approaching elections deadlines, the congressional candidates in all fifteen districts and the eighty-eight county boards of elections who must conduct

the May 3, 2022 primary election need an expedient resolution of Relators' challenges to the 2021 Congressional Plan.

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2021, the foregoing *Brief of Respondent Secretary of State Frank LaRose* was filed electronically. I further certify that a copy of the foregoing has been served via the electronic mail upon the following counsel for Relators.

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