

IN THE SUPREME COURT OF OHIO

Meryl Neiman, et al.,

Petitioners,

v.

Secretary of State Frank LaRose, et al.,

Respondents.

Case No. 2022-0298

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

**ANSWER AND AFFIRMATIVE DEFENSES OF
RESPONDENTS HUFFMAN AND CUPP**

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Counsel for Respondents Huffman and Cupp

By and through counsel, Respondents Senate President Matt Huffman and Speaker Robert R. Cupp (“Respondents”) answer Petitioners’ Complaint as follows:

“INTRODUCTION”

1. As to Paragraph 1, Respondents admit that *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89, speaks for itself. The remaining allegations in Paragraph 1 are legal conclusions to which no response is required. Further answering, Article XIX of the Ohio Constitution speaks for itself.

2. Paragraph 2 contains legal conclusions to which no response is required. In all other respects, Respondents deny the allegations in Paragraph 2.

3. Respondents deny the allegations of Paragraph 3.

4. Respondents deny the allegations of Paragraph 4.

5. Paragraph 5 contains legal conclusions to which no response is required. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 5.

6. Respondents deny the allegations of Paragraph 6.

7. Respondents deny the allegations of Paragraph 7.

“NATURE OF THE ACTION AND JURISDICTION”

8. Paragraph 8 contains legal conclusions to which no response is required. Respondents admit that Articles IV and XIX of the Ohio Constitution speak for themselves. In all other respects, Respondents deny the allegations in Paragraph 8.

9. Respondents admit that Petitioners seek to invalidate the 2021 Congressional Plan. In all other respects, Respondents deny the allegations of Paragraph 9.

10. Respondents admit that Petitioners seek to stay election-related deadlines and move the May 3 primary for Ohio's congressional offices. In all other respects, Respondents deny the allegations of Paragraph 10.

11. Respondents admit that the primary election for Ohio's United States House of Representatives offices will take place on May 3, 2022. In all other respects, Respondents deny the allegations of Paragraph 11. Respondents specifically deny that S.Ct.Prac.R. 12.08 applies in this matter.

12. Respondents deny the allegations of Paragraph 12.

"PARTIES"

13. Paragraph 13 contains legal conclusions to which no response is required. In all other respects, Respondents deny the allegations of Paragraph 13.

14. Respondents admit that Respondent Frank LaRose is the Ohio Secretary of State and is sued in his official capacity. In all other respects, Respondents deny the allegations of Paragraph 14.

15. Respondents admit that Respondent Bob Cupp is the Speaker of the House of Ohio and was sued in his official capacity. Further admitted that the General Assembly has primary authority for drawing Ohio's congressional districts and passed the November 20 plan. In all other respects, Respondents deny the allegations in paragraph 15.

16. Respondents admit that Respondent Matt Huffman is the President of the Ohio State Senate and was sued in his official capacity. Further admitted that the General Assembly has primary authority for drawing Ohio's congressional districts and passed the November 20 plan. In all other respects, Respondents deny the allegations in paragraph 16.

17. Respondents admit that the Ohio Redistricting Commission is sued in its official capacity. Further admitted that the Commission has secondary authority for drawing Ohio's congressional districts and voted to approve the March 2 Plan. In all other respects, Respondents deny the allegations of Paragraph 17.

18. Respondents deny the allegations in Paragraph 18.

19. Respondents are without knowledge or information sufficient to form a belief as to Paragraph 19.

20. Respondents are without knowledge or information sufficient to form a belief as to Paragraph 20.

21. Respondents are without knowledge or information sufficient to form a belief as to Paragraph 21.

22. Respondents are without knowledge or information sufficient to form a belief as to Paragraph 22.

23. Respondents are without knowledge or information sufficient to form a belief as to Paragraph 23.

24. Respondents are without knowledge or information sufficient to form a belief as to Paragraph 24.

25. Respondents are without knowledge or information sufficient to form a belief as to Paragraph 25

26. Respondents are without knowledge or information sufficient to form a belief as to Paragraph 26.

27. Respondents are without knowledge or information sufficient to form a belief as to Paragraph 27.

28. Respondents are without knowledge or information sufficient to form a belief as to Paragraph 28.

29. Respondents are without knowledge or information sufficient to form a belief as to Paragraph 29.

30. Respondents are without knowledge or information sufficient to form a belief as to Paragraph 30.

“LEGAL BACKGROUND”

21. Paragraph 31 contains legal conclusions to which no response is required. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 31.

22. Paragraph 32 contains legal conclusions to which no response is required. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 32.

23. Paragraph 33 contains legal conclusions to which no response is required. Respondents admit that Articles XI and XIX of the Ohio Constitution speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 33.

24. Paragraph 34 contains legal conclusions to which no response is required. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 34.

25. Paragraph 35 contains legal conclusions to which no response is required. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 35.

26. Paragraph 36 contains legal conclusions to which no response is required. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 36.

27. Paragraph 37 contains legal conclusions to which no response is required. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 37.

28. Paragraph 38 contains legal conclusions to which no response is required. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 38.

29. Paragraph 39 contains legal conclusions to which no response is required. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 39.

30. Paragraph 40 contains legal conclusions to which no response is required. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 40.

31. Paragraph 41 contains legal conclusions to which no response is required. In all other respects, Respondents deny the allegations of Paragraph 41.

32. Paragraph 42 contains legal conclusions to which no response is required. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 42.

33. As to Paragraph 43, Respondents admit that *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89, speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 43.

44A.¹ Paragraph 44A contains legal conclusions to which no response is required. Respondents admit that *League of Women Voters of Ohio v. Ohio Redistricting Comm., 2022-Ohio-65*, speaks for itself. Further admitted that Article IV of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 44.

“FACTS”

“A. Before 2018, Ohio’s Congressional Redistricting process lacked transparency and frequently produced gerrymandered congressional maps.”

Respondents deny the allegations contained in section “A” of Petitioners’ Complaint.

34. The allegations of Paragraph 44 contain legal conclusions to which no response is required. Respondents admit that the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 44.

35. Respondents deny the allegations in paragraph 45.

36. Respondents deny the allegations in paragraph 46.

37. Respondents deny the allegations in paragraph 47.

38. Respondents deny the allegations in paragraph 48.

39. Respondents deny the allegations in paragraph 49.

40. Respondents deny the allegations in paragraph 50.

41. Respondents deny the allegations of Paragraph 51.

42. Respondents deny the allegations of Paragraph 52.

43. Paragraph 53 contains legal conclusions to which no response is required. Respondents admit that the referenced court decisions speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 53.

¹ Petitioners’ Complaint contains two Paragraph 44s. For clarity, the first Paragraph 44 will be referred to as “44A” and the second will be referred to as “44.”

“B. Ohioans enacted Article XIX to end congressional partisan gerrymandering.”

Respondents deny the allegations contained in section “B” of Petitioners’ Complaint.

44. Respondents deny the allegations of Paragraph 54.

45. Respondents admit that S.J.R. 5, Exhibit 12, and Exhibit 13 speak for themselves.

In all other respects, Respondents deny the allegations of Paragraph 55.

46. Respondents deny the allegations of Paragraph 56.

47. Respondents admit that the Ohio Constitution and Exhibit 15 speak for themselves.

In all other respects, Respondents deny the allegations of Paragraph 57.

48. Respondents admit that the Ohio Constitution and Exhibit 12 speak for themselves.

In all other respects, Respondents deny the allegations of Paragraph 58.

49. Respondents admit that the Ohio Constitution and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 59.

50. Paragraph 60 contains legal conclusions to which no response is required. Further answering, the referenced sections of the Ohio Constitution speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 60.

51. Paragraph 61 contains legal conclusions to which no response is required. Further answering, the referenced sections of the Ohio Constitution speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 61.

52. Paragraph 62 contains legal conclusions to which no response is required. Respondents admit that Exhibit 16 speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 62.

53. Paragraph 63 contains legal conclusions to which no response is required. Respondents admit that Exhibit 17 speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 63.

54. Respondents admit that Exhibit 18 speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 64.

55. Respondents admit the allegation in Paragraph 65 that the voters approved what is now Article XIX of the Ohio Constitution in 2018, which speaks for itself. Respondents admit that the General Assembly and the Redistricting Commission are required to comply with certain provisions of the Ohio Constitution. In all other respects, Respondents deny the allegations of Paragraph 65.

“C. The 2021 congressional redistricting process ignored the new reforms, lacked transparency, and produced gerrymandered congressional maps.”

“1. The General Assembly and Commission sat on their hands for two months as Ohioans waited for proposed congressional maps.”

Respondents deny the allegations in section “C” and subsection “C.1” of Petitioners’ Complaint.

56. Respondents admit that the 2020 census revealed that Ohio would be entitled to 15 congressional districts instead of 16. In all other respects, Respondents deny the allegations of Paragraph 66.

57. Paragraph 67 contains legal conclusions to which no response is required. In all other respects, Respondents deny the allegations of Paragraph 67.

58. Respondents deny the allegations of Paragraph 68.

59. Respondents admit that the public record speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 69.

60. Respondents admit the public record speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 70.

61. Respondents admit that the public record speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 71.

62. Respondents admit that the Ohio Redistricting Commission held a hearing on October 28, 2021, that the Commission did not approve a congressional map, and that the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 72.

“2. The House and Senate Republican caucuses introduced egregiously gerrymandered maps with no notice to the public, in an inaccessible format, and with no meaningful opportunity for the public to comment.”

Respondents deny the allegations of subsection “C.2” of Petitioners’ Complaint.

63. Respondents deny the allegations of Paragraph 73.

64. Respondents admit that Exhibits 6, 7, 8, and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 74.

65. Respondents admit that Exhibits 6, 7, 8, and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 75.

66. Respondents admit that Exhibit 7 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 76.

67. Respondents admit that Exhibits 7, 23, and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 77.

68. Respondents admit that Exhibits 8, 23, and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 78.

69. Respondents admit that Exhibit 7 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 79.

70. Respondents admit that Exhibits 24, 25, 26, and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 80.

“3. The General Assembly convened a Joint Committee that saw near-uniform public opposition to the proposed Republican plans.”

Respondents deny the allegations of subsection “C.3” of Petitioners’ Complaint.

71. Respondents admit that Article XIX, Section 1(G) of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 81.

72. Respondents admit that the public record speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 82.

73. Respondents admit that Exhibit 27 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 83.

74. Respondents admit that Exhibit 28 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 84.

75. Respondents admit that Exhibit 28 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 85.

76. Respondents admit that Exhibit 29 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 86.

77. Respondents admit that Exhibit 29 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 87.

“4. The General Assembly adopted a congressional map that was even more gerrymandered than the 2011 map.”

Respondents deny the allegations of subsection “C.4” of Petitioners’ Complaint.

78. Respondents admit that Exhibits 30, 31, 32, and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 88.

79. Respondents deny the allegations of Paragraph 89.

80. Respondents deny the allegations of Paragraph 90.

81. Respondents deny the allegations of Paragraph 91.

82. Respondents admit that Exhibit 31 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 92.

83. Respondents admit that Article XIX of the Ohio Constitution and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 93.

84. Respondents admit that Exhibit 33 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 94.

85. Respondents admit that Exhibit 34 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 95.

86. Respondents admit that Exhibits 35, 36, and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 96.

87. Respondents admit that the public record, including the enrolled version of Sub. S.B. 258, and Exhibit 32 speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 97.

“D. This Court invalidated the November 20 Plan as an unconstitutional gerrymander.”

Respondents deny the allegations of section “D” of Petitioners’ Complaint.

88. Paragraph 98 contains legal conclusions to which no response is required. Further answering, Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 98.

89. Respondents admit that on November 22, 2021, Petitioners sued Respondents regarding the November 20 Plan. In all other respects, Respondents deny the allegations of Paragraph 99.

90. Respondents admit that this Court's decision in *Adams* speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 100.

91. Respondents admit that this Court's decision in *Adams* speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 101.

92. Respondents admit that this Court's decision in *Adams* speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 102.

93. Respondents admit that this Court's decision in *Adams* speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 103.

94. Respondents admit that this Court's decision in *Adams* speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 104.

“E. The General Assembly took no action following this Court's order.”

Respondents deny the allegations of subsection “E” of Petitioners' Complaint.

95. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 105.

96. Respondents admit that Exhibits 41, 42, 43, 44, and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 106.

97. Respondents admit that the Exhibits 45, 46, 47, 50, and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 107.

98. Respondents admit that this Court's decision in *LWV II* speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 108.

99. Respondents admit that Exhibit 45, 48, 49, 50, and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 109.

100. Respondents admit that Exhibits 51, 52, and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 110.

101. Respondents admit that the public record speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 111.

“F. The Commission adopted a new plan that was drawn without regard to Article XIX, Section 1(C)(3)(a) or 1(C)(3)(b).”

“1. The Commission did not introduce any congressional plans for the first half of its remedial period.”

Respondents deny the allegations of section “F” and subsection “F.1” of Petitioners’ Complaint.

102. Respondents admit that Exhibits 53, 54, and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 112.

103. Respondents admit that Exhibit 55 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 113.

104. Respondents admit that Exhibits 58, 59, 60, and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 114.

“2. President Huffman developed a plan that was not released to Democratic Commissioners or the public until the day before its passage.”

Respondents deny the allegations of subsection “F.2” of Petitioners’ Complaint.

105. Respondents deny the allegations of Paragraph 115

106. Respondents deny the allegations of Paragraph 116.

107. Respondents admit that Exhibit 67 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 117.

108. Respondents admit that Exhibit 67 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 118.

109. Respondents admit that Exhibit 67 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 119.

110. Respondents admit that Exhibit 69 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 120.

111. Respondents admit that Exhibit 69 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 121.

112. Respondents admit that Exhibit 69 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 122.

113. Respondents admit that Exhibit 69 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 123.

114. Respondents admit that Exhibit 69 and the public record speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 124.

115. Respondents admit that Exhibit 73 speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 125.

“G. The March 2 Plan is also a partisan gerrymander and a partisan outlier.”

Respondents deny the allegations of section “G” of Petitioners’ Complaint.

116. Respondents deny the allegations in Paragraph 126.

“1. The March 2 Plan excessively advantages the Republican Party and its incumbents.”

Respondents deny the allegations of subsection “G.1” of Petitioners’ Complaint.

117. Respondents deny the allegations in Paragraph 127.

118. Respondents deny the allegations in Paragraph 128.

119. Respondents deny the allegations in Paragraph 129.

120. Respondents deny the allegations in Paragraph 130.

“2. Neither the technical-line drawing requirements of Article XIX nor Ohio’s political geography explain the extreme Republican skew of the March 2 Plan.”

Respondents deny the allegations of subsection “G.2” of Petitioners’ Complaint.

121. Respondents deny the allegations in Paragraph 131.

122. Respondents deny the allegations in Paragraph 132.

123. Respondents deny the allegations in Paragraph 133.

124. Respondents deny the allegations in Paragraph 134.

125. Respondents deny the allegations in Paragraph 135.

“3. The March 2 Plan’s treatment of Ohio’s urban areas needlessly splits communities and starkly disadvantages Democrats, to the benefit of Republicans.”

Respondents deny the allegations of subsection “G.3” of Petitioners’ Complaint.

126. Respondents deny the allegations in Paragraph 136.

127. Respondents deny the allegations in Paragraph 137.

128. Respondents deny the allegations in Paragraph 138.

129. Respondents deny the allegations in Paragraph 139.

130. Respondents deny the allegations in Paragraph 140.

131. Respondents deny the allegations in Paragraph 141.

132. Respondents deny the allegations in Paragraph 142.

“H. The May 3, 2022 primary election for congressional races is fast approaching.”

Respondents deny the allegations of section “H” of Petitioners’ Complaint.

133. Respondents admit that the Commission approved the March 2 plan approximately two months before Ohio's primary elections for Congressional races. In all other respects, Respondents deny the allegations in paragraph 143.

134. Respondents admit that Exhibit 74 speaks for itself. In all other respects, Respondents deny the allegations of paragraph 144.

135. Respondents admit that Ohio's primary elections for congressional races will be held on May 3, 2022. In all other respects, Respondents deny the allegations of paragraph 145.

136. Respondents admit that Exhibit 61 speaks for itself. In all other respects, Respondents deny the allegations of paragraph 146.

137. Respondents deny the allegations of paragraph 147.

“FIRST CAUSE OF ACTION – Violation of Article XIX, Section 1(C)(3)(a) and Section 3(B)(2) of the Ohio Constitution”

138. To the extent that Paragraph 148 restates and reincorporates other paragraphs of the Complaint, all defenses and averments are specifically incorporated by reference.

139. Paragraph 149 contains legal conclusions to which no response is required. Respondents admit that the public record and Article XIX of the Ohio Constitution speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 149.

140. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 150.

141. Paragraph 151 contains legal conclusions to which no response is required. Respondents deny the allegations of Paragraph 151.

142. Respondents deny the allegations of Paragraph 152.

143. Respondents deny the allegations of Paragraph 153.

144. Respondents deny the allegations of Paragraph 154.

145. Respondents deny the allegations of Paragraph 155.

146. Respondents deny the allegations of Paragraph 156.

147. Respondents deny the allegations of Paragraph 157.

148. Respondents deny the allegations of Paragraph 158.

“SECOND CAUSE OF ACTION – Violation of Article XIX, Section 1(C)(3)(b) and Section 3(B)(2) of the Ohio Constitution”

149. To the extent that Paragraph 159 restates and reincorporates other paragraphs of the Complaint, all defenses and averments are specifically incorporated by reference.

150. Respondents admit that the public record and Article XIX of the Ohio Constitution speak for themselves. In all other respects, Respondents deny the allegations of Paragraph 160.

151. Respondents admit that Article XIX of the Ohio Constitution speaks for itself. In all other respects, Respondents deny the allegations of Paragraph 161.

152. Paragraph 162 contains legal conclusions to which no response is required. Respondents deny the allegations of Paragraph 162.

153. Respondents deny the allegations of Paragraph 163.

154. Respondents deny the allegations of Paragraph 164.

155. Respondents deny the allegations of Paragraph 165.

156. Respondents deny the allegations of Paragraph 166.

FIRST DEFENSE

1. Petitioners Complaint fails to state a claim upon which relief can be granted and should be dismissed pursuant to Ohio Rule of Civil Procedure 12(b)(6).

SECOND DEFENSE

2. The March 2, 2022 Congressional Plan challenged by Petitioners complies with all of the applicable sections and subsections of Article XIX of the Ohio Constitution, and any other requirements of the Ohio Constitution.

THIRD DEFENSE

3. The Ohio Redistricting Commission's consideration of partisan factors did not prevail over the requirements of Article XIX.

FOURTH DEFENSE

4. This Court is obligated to defer to the Ohio Redistricting Commission's reasonable interpretation of Article XIX.

FIFTH DEFENSE

5. Under applicable law, the March 2, 2022 Congressional Plan is presumed to be constitutional.

SIXTH DEFENSE

6. Petitioners cannot prove that the March 2, 2022 Congressional Plan is unconstitutional beyond a reasonable doubt.

SEVENTH DEFENSE

7. The March 2, 2022 Congressional Plan does not unduly favor or disfavor a political party or its incumbents.

EIGHTH DEFENSE

8. The March 2, 2022 Congressional Plan does not unduly split governmental units, and gives preference to keeping whole, in order, counties, then townships and municipal corporations.

PRAYER FOR RELIEF

Respondents move the Court for an order dismissing Petitioners' Complaint and awarding Respondents such other relief as may be just and equitable.

Respectfully submitted this the 13th day of April, 2022.

/s/ Phillip J. Strach

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CERTIFICATE OF SERVICE

I hereby certify that on this the 13th day of April, 2022, I have served the foregoing document by email:

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