

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO ET
AL.,

v.

SECRETARY OF STATE FRANK LAROSE ET
AL.

Case No. _____

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

PETITIONERS' MOTION FOR SCHEDULING ORDER

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**Applications for Admission Pro Hac Vice
Forthcoming*

This motion is brought in support of the Complaint challenging the recently enacted congressional district maps, as concurrently filed by the League of Women Voters of Ohio, *et al.* (“Petitioners”). Petitioners hereby respectfully move this Court to issue a scheduling order in the above captioned matter.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

Petitioners hereby respectfully move this Court to issue a scheduling order in the above captioned matter. The specifics of Petitioners' proposed schedule are set forth below.

Petitioners' Complaint seeks to effectuate changes in the congressional plan enacted on March 2, 2022 ("the Revised Plan") starting with the 2024 election cycle. While Petitioners note that the Revised Plan will result in the imposition of a constitutionally defective map during the 2022 election cycle, Petitioners are mindful of the calendar and the need to ensure that voting in Ohio can proceed in an orderly manner. This priority is of particular importance to the League of Women Voters of Ohio, given its historic mission to "encourage[] informed and active participation in government, work[] to increase understanding of major public policy issues, and influence[] public policy through education and advocacy." League of Women Voters' of Ohio, *Mission*, <https://www.lwvohio.org/mission> (accessed Mar. 21, 2022).

Petitioners allege serious violations of Article XIX, Section 1(C)(3)(a) and (b) as regards two districts: (1) Congressional District 1; and (2) Congressional District 15. That is the specific focus of Petitioners' Complaint. And by seeking a remedy for elections after 2022, Petitioners do not minimize those concerns. Nonetheless, at some point, an election must be held. The Ohio Constitution sets forth a 60-day process following the invalidation of an enacted plan by this Court. Seeking relief for elections after 2022 respects that timeline.¹

¹ Petitioners note that Article XIX, Section 3 provides that any constitutional defects identified by the Court will be remanded to the map-drawing authorities. In that instance, the General Assembly is afforded 30 days to enact a plan under Article XIX, Section 3(B)(1), and, if they fail to do so, the Redistricting Commission is afforded another 30 days to enact a plan under Article XIX, Section 3(B)(2). Petitioners note that this schedule makes relief for 2022 elections problematic even if the May 3, 2022 primary date is moved.

The schedule set forth below is closely modeled on the Order that this Court entered on December 1, 2021, in connection with the case Petitioners filed on November 30, 2021, challenging the congressional plan that was invalidated under this Court’s January 14, 2022 Order. *See 12/01/2021 Case Announcements #2, 2021-Ohio-4207.* Applying the same milestones that this Court set forth in the December 2, 2021 schedule order, Petitioners respectfully propose the following schedule:

EVENT	DEADLINE
Respondents’ Response to the Complaint	Tuesday, March 29, 2022 by 5:00 p.m.
Petitioners’ Response to a dispositive motion filed in response to the Complaint (if any)	Tuesday, April 5, 2022 by 5:00 p.m.
Submission of Evidence	Tuesday, April 12, 2022
Petitioners’ Merits Brief	Wednesday, April 20, 2022
Respondents’ Merits Brief	Wednesday, April 27, 2022
Petitioners’ Reply Brief	Wednesday, May 4, 2022
Oral Argument	At the discretion of the Court

The deadlines in this proposed schedule permit an orderly yet efficient resolution of the narrow issues targeted in Petitioners’ Complaint. They ensure that this Court has adequate time to consider the matter and, if appropriate, remand the Revised Plan to the map-drawing authorities so that they can remedy any defects within the year. This will provide the voters of Ohio with a clear view of the congressional districts that will be in place until the next census.

This schedule ensures that this Court, which has spent a considerable amount of time with this matter, determines the constitutional validity of the Revised Plan. To defer to a Court in a different year would hardly serve the interests of judicial economy.

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CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on this 22nd day of March 2022, I caused a true and correct copy of the foregoing to be served by email upon the counsel listed below:

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