

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

OHIO COUNCIL 8 AMERICAN :
FEDERATION OF STATE, :
COUNTY AND MUNICIPAL :
EMPLOYEES, AFL-CIO, et al :

Plaintiffs, :

v. :

SECRETARY OF STATE :
JENNIFER BRUNNER, et al :

Defendant. :

Case No. 1:10-cv-504

Judge Susan J. Dlott

ANSWER OF INTERVENOR-DEFENDANT
OHIO REPUBLICAN PARTY

Now comes Intervenor, the Ohio Republican Party, and gives the following answer to the Plaintiffs' complaint:

1. With respect to the allegations contained in Paragraph 1 of the Complaint, Intervening Defendant admits that Ohio judges are elected by the voters, that judges do appear on the primary election ballot with the party affiliation noted and that judges run on a non-partisan ballot in the general election. The Intervening Defendant denies the remaining allegations contained in Paragraph 1 of the Complaint for lack of knowledge.
2. Intervening Defendant denies the allegations contained in Paragraph 2 of the Complaint for lack of knowledge. Intervening Defendant further states that the Ohio Code of Judicial Conduct and the Sixth Circuit Opinion in *Carey v. Wolnitzek* speak for themselves.

3. Intervening Defendant denies the allegations contained in Paragraph 3 of the Complaint for lack of knowledge and further states that the Sixth Circuit Opinion in *Carey v. Wolnitzek* speaks for itself.
4. Intervening Defendant states that the allegations contained in Paragraph 4 of the Complaint state a legal conclusion and no further response is required.
5. Intervening Defendant states that the allegations contained in Paragraph 5 of the Complaint state a legal conclusion and no further response is required.
6. Intervening Defendant denies the allegations contained in Paragraph 6 of the Complaint for lack of knowledge.
7. Intervening Defendant admits that Plaintiff Allen is a candidate for election in Hamilton County and denies the remaining allegations contained in Paragraph 7 of the Complaint.
8. Intervening Defendant admits that Plaintiff Corrigan is a candidate for election in Cuyahoga County and denies the remaining allegations contained in Paragraph 8 of the Complaint.
9. Intervening Defendant admits that Plaintiff Good is a candidate for election in Cuyahoga County and denies the remaining allegations contained in Paragraph 9 of the Complaint.
10. Intervening Defendant admits that the Ohio Democratic Party is a political party in Ohio, but denies for lack of knowledge the remaining allegations contained in Paragraph 10 of the Complaint.
11. Admits the allegations contained in Paragraph 11 of the Complaint.
12. Admits the allegations contained in Paragraph 12 of the Complaint.
13. Admits the allegations contained in Paragraph 13 of the Complaint.

14. Admits the allegations contained in Paragraph 14 of the Complaint.
15. Admits the allegations contained in Paragraph 15 of the Complaint.
16. Admits the allegations contained in Paragraph 16 of the Complaint.
17. Admits the allegations contained in Paragraph 17 of the Complaint.
18. Admits the allegations contained in Paragraph 18 of the Complaint.
19. Admits the allegations contained in Paragraph 19 of the Complaint.
20. Admit the allegations contained in Paragraph 20 of the Complaint.
21. Intervening Defendant admits that judicial candidates may present themselves for election through the primary system but denies that this is the exclusive manner or first opportunity in all instances.
22. Denies the allegations contained in Paragraph 22 of the Complaint.
23. Intervening Defendant admits that judicial candidates may present themselves for election through the general election system, but denies that this is the next opportunity in all instances.
24. States that the allegations contained in Paragraph 24 contain a legal conclusion and that O.R.C. 3505.03 speaks for itself.
25. States that the allegations contained in Paragraph 25 contain a legal conclusion and no further response is required.
26. States that the allegations contained in Paragraph 26 contain a legal conclusion and no further response is required.
27. States that the allegations contained in Paragraph 27 contain a legal conclusion and no further response is required.
28. intervening Defendant denies the allegations contained in Paragraph 28 of the Complaint for lack of knowledge.

29. Admits the allegations contained in Paragraph 29 of the Complaint.
30. States that the allegations contained in Paragraph 30 contain a legal conclusion and that O.R.C. 3505.01 speaks for itself.
31. States that the allegations contained in Paragraph 31 of the Complaint contain legal conclusions and no further response is required.
32. Admits the allegations contained in Paragraph 32 of the Complaint.
33. States that the allegations contained in Paragraph 33 of the Complaint contain legal conclusions and no further response is required.
34. States that the allegations contained in Paragraph 34 of the Complaint contain legal conclusions and no further response is required.
35. States that the allegations contained in Paragraph 35 of the Complaint contain legal conclusions and no further response is required.
36. States that the allegations contained in Paragraph 36 of the Complaint state a legal conclusion and no further response is required.
37. States that the allegations contained in Paragraph 37 of the Complaint state a legal conclusion and no further response is required.
38. States that the allegations contained in Paragraph 38 of the Complaint state a legal conclusion and no further response is required.
39. States that the allegations contained in Paragraph 39 of the Complaint state a legal conclusion and no further response is required.
40. States that the allegations contained in Paragraph 40 of the Complaint state a legal conclusion and no further response is required.
41. States that the allegations contained in Paragraph 41 of the Complaint state a legal conclusion and no further response is required.

42. States that the allegations contained in Paragraph 42 of the Complaint state a legal conclusion and no further response is required.
43. Intervening Defendant denies the allegations contained in Paragraph 43 of the Complaint for lack of knowledge.
44. Intervening Defendant denies the allegations contained in Paragraph 44 of the Complaint for lack of knowledge.
45. Intervening Defendant denies the allegations contained in Paragraph 45 of the Complaint for lack of knowledge.
46. Intervening Defendant denies the allegations contained in Paragraph 46 of the Complaint for lack of knowledge.
47. Intervening Defendant denies the allegations contained in Paragraph 47 of the Complaint for lack of knowledge.
48. Admits that voting in the 2010 general election begins on September 28, 2010, but denies for lack of knowledge the remaining allegations contained in Paragraph 48 of the Complaint.
49. Intervening Defendant denies the allegations contained in Paragraph 49 of the Complaint for lack of knowledge.
50. Intervening Defendant denies the allegations contained in Paragraph 50 of the Complaint for lack of knowledge.
51. Intervening Defendant denies the allegations contained in Paragraph 51 of the Complaint for lack of knowledge.
52. Intervening Defendant denies the allegations contained in Paragraph 52 of the Complaint for lack of knowledge.

53. Intervening Defendant denies the allegations contained in Paragraph 53 of the Complaint for lack of knowledge.
54. Admits that voting in the 2010 general election begins on September 28, 2010, but denies for lack of knowledge the remaining allegations contained in Paragraph 54 of the Complaint.
55. Intervening Defendant denies the allegations contained in Paragraph 55 of the Complaint for lack of knowledge.
56. Intervening Defendant denies the allegations contained in Paragraph 56 of the Complaint for lack of knowledge.
57. Intervening Defendant denies the allegations contained in Paragraph 57 of the Complaint for lack of knowledge.
58. Intervening Defendant denies the allegations contained in Paragraph 58 of the Complaint for lack of knowledge.
59. Intervening Defendant denies the allegations contained in Paragraph 59 of the Complaint for lack of knowledge.
60. Intervening Defendant denies the allegations contained in Paragraph 60 of the Complaint for lack of knowledge.
61. Intervening Defendant denies the allegations contained in Paragraph 61 of the Complaint for lack of knowledge.
62. Intervening Defendant denies the allegations contained in Paragraph 62 of the Complaint for lack of knowledge.
63. Intervening Defendant denies the allegations contained in Paragraph 63 of the Complaint for lack of knowledge.

64. Intervening Defendant denies the allegations contained in Paragraph 64 of the Complaint for lack of knowledge.
65. Admits the allegations contained in Paragraph 65 of the Complaint.
66. States that the allegations contained in Paragraph 66 of the Complaint state a legal conclusion and no further response is required. Notwithstanding, Intervening Defendant denies the allegations contained in Paragraph 66 of the Complaint for lack of knowledge.
67. States that the allegations contained in Paragraph 67 of the Complaint state a legal conclusion and no further response is required. Notwithstanding, Intervening Defendant denies the allegations contained in Paragraph 67 of the Complaint for lack of knowledge.
68. Intervening Defendant denies the allegations contained in Paragraph 68 of the Complaint for lack of knowledge.
69. Intervening Defendant denies the allegations contained in Paragraph 69 of the Complaint for lack of knowledge.
70. Denies the allegations contained in Paragraph 70 of the Complaint.
71. States that the allegations contained in Paragraph 71 of the Complaint state a legal conclusion and no further response is required.
72. States that the allegations contained in Paragraph 72 of the Complaint state a legal conclusion and no further response is required.
73. States that the allegations contained in Paragraph 73 of the Complaint state a legal conclusion and no further response is required.
74. Denies the allegations contained in Paragraph 74 of the Complaint.
75. Denies the allegations contained in Paragraph 75 of the Complaint.

76. With respect to the WHEREFORE paragraph and subparagraphs, denies that the Plaintiffs are entitled to any relief whatsoever concerning their claims governing O.R.C. 3501.01(J) or 3505.04.
77. Denies each and every allegation not specifically admitted herein.
78. WHEREFORE, having answered the Plaintiffs' Complaint, Intervening Defendant raises the following defenses, including affirmative defenses.
79. The Plaintiffs have failed to state a claim upon which relief may be granted.
80. The State of Ohio has a legitimate government interest and right to legislatively regulate what information appears on the ballot and to protect the judiciary from an appearance of partisanship.
81. Any restrictions contained in O.R.C. 3501.01(J) or 3505.04 are reasonable and nondiscriminatory on their face and in their application.
82. Intervening Defendant reserves the right to add additional defenses, including affirmative defenses.

Respectfully submitted,

/s/ Samir B. Dahman

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CERTIFICATE OF SERVICE

This will certify that the foregoing *Ohio Republican Party's Answer* was filed electronically on August 16, 2010. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Samir B. Dahman _____
Samir B. Dahman