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

MICHAEL GONIDAKIS, et al.,	:	
	:	
Plaintiffs,	:	
	:	**Case No. 2:22-CV-773**
v.	:	
	:	**Chief Judge Algenon Marbley**
FRANK LaROSE et al.,	:	
	:	
Defendants.	:	

OHIO SECRETARY OF STATE LAROSE'S RESPONSE TO PLAINTIFFS' EMERGENCY MOTION TO VACATE STAY AND FOR IMMEDIATE APPOINTMENT OF A THREE-JUDGE PANEL

Ohio Secretary of State Frank LaRose does not object to this Court lifting its existing stay of this matter and appointing a three-judge panel pursuant to 28 U.S.C. § 2284(a), as requested by the Plaintiffs. On March 16, 2022, the Supreme Court of Ohio again invalidated the state legislative district plan adopted by the Ohio Redistricting Commission, this time the plan adopted on February 24, 2022 ("Third Plan"). *See League of Women Voters, et al. v. Ohio Redistricting Commission,* Slip Opinion No. 2022-Ohio-789. Based on the Supreme Court's ruling, there are currently no state legislative districts for which a primary election can be held on May 3, 2022. Per the Notice filed with this Court, the only way in which primary elections for the House and Senate state legislative districts could have been held on May 3, 2022 was with that Third Plan. Doc. 71. With military and overseas voting ("UOCAVA") and early voting for the primary set to begin shortly, logistically, county boards of election cannot hold primary elections for those races

on May 3 with yet *another* legislative district plan. At present, the primary election for those districts will have to be held at a later date.

The Court ordered the Commission to reconvene and adopt a plan no later than March 28, 2022. *See League of Women Voters, et al. v. Ohio Redistricting Commission*, Entry dated March 16, 2022. The Commission is going to convene and work to comply with the Court's Order. And although the May 3, 2022 primary election is no longer looming for the state legislative races, the need for final state legislative districts to be used in this year's elections remains.

Ohio needs state legislative districts. Given the history of the state legislative redistricting proceedings to date, the Secretary believes that it would be prudent for the federal court to begin proceedings to establish a three-judge panel so that a primary—and ultimately a general—election can be held in the event that the state proceedings ultimately fail. He therefore does not object to lifting the stay in this case, empaneling a three-judge panel and, at a minimum, allowing this Court's processes to run in parallel with the work of the Ohio Redistricting Commission.

Respectfully submitted,

OHIO ATTORNEY GENERAL

/s/ Bridget C. Coontz

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CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2022, the foregoing was filed with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties for whom counsel has entered an appearance. Parties may access this filing through the Court's system.

/s/ Bridget C. Coontz
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