

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

HOWARD "HOWIE" HAWKINS :

410 W. Beard Avenue :
Syracuse, NY 13205, :

and :

DARIO HUNTER :

340 S. Lemon Avenue :
Walnut, CA 91789, :

Case No.

and :

JOSEPH R. DeMARE :

517 S. Main Street :
Bowling Green, OH 43402, :

and :

BECCA CALHOUN :

2626 Dover Road :
Columbus Ohio 43209, :

and :

NATHANIEL LANE :

1324 Burdette Avenue :
Cincinnati OH 45206, :

and :

BRETT JOSEPH :

11346 Girdled Road :
Concord Twp., OH 44077, :

and :

ANITA RIOS :

2626 Robinwood Avenue :
Toledo, Ohio 43610 :

Plaintiffs, :

v.	:
	:
RICHARD “MIKE” DeWINE	:
In His Official Capacity As	:
Governor of the State of Ohio	:
77 S. High Street	:
30th Floor	:
Columbus, Ohio 43215,	:
	:
and	:
	:
FRANK LaROSE	:
In His Official Capacity As	:
Secretary of State for the State of Ohio	:
22 N. Fourth Street	:
16th Floor	:
Columbus, Ohio 43215,	:
	:
and	:
	:
AMY ACTON	:
In Her Official Capacity As	:
Director of the Ohio Department of Health	:
246 N. High Street	:
Columbus, OH 43215	:
	:
	:
Defendants.	:

**VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
WITH TEMPORARY RESTRAINING ORDER REQUESTED**

Introduction

1. This is an action to enjoin or modify Ohio’s ballot access requirements for the November 3, 2020 general election, specifically the in-person nominating petition signing requirements and the in-person nominating petition filing requirements to qualify independent candidates for the November 3, 2020 general election ballot. Enforcement of such requirements are unconstitutional as applied here due to the emergency orders adopted by the State of Ohio for the public health emergency caused by the novel coronavirus “COVID-19”.

2. This is also an action to enjoin or modify Ohio's requirements for the formation of a minor political party, specifically the in-person petition signing requirements and the in-person petition filing requirements declaring the intention to organize a political party. Enforcement of such requirements are unconstitutional as applied here due to the emergency orders adopted by the State of Ohio for the public health emergency caused by the novel coronavirus "COVID-19".

3. This action seeks an order declaring that enforcement of Ohio's ballot access requirements for the November 3, 2020 general election, specifically the in-person nominating petition signing requirements and nominating petition filing requirements to qualify independent candidates for the November 3, 2020 general election ballot, are unconstitutional as applied here due to the State's emergency orders.

4. This action also seeks an order declaring that enforcement of Ohio's requirements for the formation of a minor political party, specifically the in-person petition signing requirements and the in-person petition filing requirements declaring the intention to organize a political party, are unconstitutional as applied here due to the State's emergency orders.

5. The State of Ohio recognizes the use of popular democratic measures to nominate candidates for election to public office.

6. Nominating candidates by petition in the State of Ohio was first recognized in 1929 when the definition of "qualified political party" in Ohio Gen. Code §4785-61 was amended to provide that "those political associations that presented nominating petitions supported by signatures from voters equal in number to 15% of the total vote for Governor in the preceding election" would be qualified political parties.

7. Today, Ohio Rev. Code §§3501.38(A) through 3501.38(C) provide in relevant part that electors qualified to vote on the candidacy which is the subject of the petition shall sign a petition;

signatures shall be affixed in ink, and each signer may also print the signer's name to clearly identify the signer's signature; and each signer shall place on the petition after the signer's name the date of signing and the location of the signer's voting residence.

8. To appear on the November 3, 2020 general election ballot, Ohio Rev. Code §3513.257 requires that an independent candidate for President of the United States file his or her nominating petition with the Ohio Secretary of State no later than 4:00 p.m. on August 5, 2020, and that the nominating petition contain no fewer than five thousand (5,000) signatures of qualified Ohio electors.

9. To form a minor political party, Ohio Rev. Code §§3517.01(A) and 3517.012(A) require that a group of people file a party formation petition with the Secretary of State, and that the party formation petition must:

- a. Be signed by qualified electors equal to at least 1 percent of the total vote for governor or nominees for presidential electors at the most recent election for such office;
- b. Be signed by not fewer than 500 qualified electors from each of at least onehalf of the congressional districts in the state;
- c. Declare the petitioners' intention of organizing a political party and of participating in the succeeding general election that occurs more than 125 days after the filing date;
- d. Designate a committee of not less than three nor more than five of the petitioners, who will represent the petitioners in all matters relating to the petition; and
- e. Name the prospective political party in the declaration, which must not be similar to that of an existing party name.

Upon filing the petition, the party comes into legal existence as a minor political party and is entitled to nominate candidates to appear on the ballot at the general election in odd or even-numbered years that occurs more than 125 days after the filing date

10. The abovementioned emergency orders prevent the personal contact required for compliance with Ohio Rev. Code §§3501.38(A) through 3501.38(C); with Ohio Rev. Code §3513.257; and with Ohio Rev. Code §§3517.01(A), 3517.012(A), and 3517.011.

11. In contrast, the State of Ohio has enacted Ohio Rev. Code §§1306.06(A) through 1306.06(D) to modernize other aspects of its economy and polity, which provide that a record or signature may not be denied legal effect because it is in electronic form; a contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation; if a law requires a record to be in writing, an electronic record satisfies the law; and if a law requires a signature, an electronic signature satisfies the law.

Jurisdiction and Venue

12. Plaintiffs invoke the original jurisdiction of this Court under 28 U.S.C. §1331, granting this Court original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States.

13. Plaintiffs invoke the original jurisdiction of this Court under 28 U.S.C. §§ 1343(a)(3) and 1343(a)(4) to redress the deprivation under color of State law, statute, ordinance, regulation, custom, or usage those rights, privileges, or immunities secured by the Constitution of the United States, and recover relief under any Act of Congress providing for the protection of civil rights.

14. Plaintiffs invoke the original jurisdiction of this Court under 42 U.S.C. §1983 to grant relief where, under color of any State law, statute, ordinance, regulation, custom, or usage, any citizen

of the United States or other person within the jurisdiction thereof is subjected to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws of the United States.

15. Plaintiffs invoke the original jurisdiction of this Court under 42 U.S.C. §1988 to award reasonable attorney's fees in an action to enforce 42 U.S.C. §1983.

16. Plaintiffs invoke the original jurisdiction of this Court under 28 U.S.C. §2201 to declare the rights and legal relations of interested parties seeking such declaration.

17. Venue in this Court is proper under 28 U.S.C. §1391(b)(1) because one or more defendants reside in this judicial district and all the defendants reside in the State of Ohio.

Parties

18. Howard "Howie" Hawkins is a plaintiff and independent candidate for election as President of the United States, and is seeking to qualify for the November 3, 2020 general election ballot in the State of Ohio.

19. Dario Hunter is a plaintiff is a plaintiff and independent candidate for election as President of the United States, and is seeking to qualify for the November 3, 2020 general election ballot in the State of Ohio.

20. Joseph R. DeMare is a plaintiff and registered voter in the State of Ohio. He is an experienced circulator of candidates' nominating petitions, has successfully gathered signatures to nominate candidates, and seeks to do so for the November 3, 2020 general election in the State of Ohio. He also seeks to circulate and gather signatures for a petition to form the Green Party of Ohio as a minor political party under Ohio law. He is in one or more high-risk categories subject to life-threatening complications from "COVID-19".

21. Nathaniel Lane is a plaintiff and registered voter in the State of Ohio. He is an experienced circulator of candidates' nominating petitions, has successfully gathered signatures to nominate

candidates, and seeks to do so for the November 3, 2020 general election in the State of Ohio. He also seeks to circulate and gather signatures for a petition to form the Green Party of Ohio as a minor political party under Ohio law. He is in one or more high-risk categories subject to life-threatening complications from “COVID-19”.

22. Brett Joseph is a plaintiff and registered voter in the State of Ohio. He is an experienced circulator of candidates’ nominating petitions, has successfully gathered signatures to nominate candidates, and seeks to do so for the November 3, 2020 general election in the State of Ohio. He also seeks to circulate and gather signatures for a petition to form the Green Party of Ohio as a minor political party under Ohio law. He is in one or more high-risk categories subject to life-threatening complications from “COVID-19”.

23. Becca Calhoun is a plaintiff and registered voter in the State of Ohio. She is an experienced circulator of candidates’ nominating petitions, has successfully gathered signatures to nominate candidates, and seeks to do so for the November 3, 2020 general election in the State of Ohio. She also seeks to circulate and gather signatures for a petition to form the Green Party of Ohio as a minor political party under Ohio law. She is in one or more high-risk categories subject to life-threatening complications from “COVID-19”.

24. Anita Rios is a plaintiff and registered voter in the State of Ohio. She is an experienced circulator of candidates’ nominating petitions, has successfully gathered signatures to nominate candidates, and seeks to do so for the November 3, 2020 general election in the State of Ohio. She also seeks to circulate and gather signatures for a petition to form the Green Party of Ohio as a minor political party under Ohio law. She is in one or more high-risk categories subject to life-threatening complications from “COVID-19”.

25. Richard “Mike” DeWine is a defendant and the duly elected Governor of the State of Ohio. He is empowered by the laws of the State of Ohio to declare emergencies and authorize State departments and agencies to take measures affecting the lives, safety, and health of Ohio residents. Such measures include limiting public gatherings, restricting business activity, and imposing Social Distancing Requirements that prevent the collection of nominating petition signatures.

26. Frank LaRose is a defendant and the duly elected Secretary of State for the State of Ohio. He is empowered by the laws of the State of Ohio to enforce statutes governing candidate nominating petitions and elections, enforce statutes governing political party formation, direct that county election boards comply with state and federal election laws, issue instructions by directives and advisories to members of county election boards for conducting elections, prepare rules and instructions for conducting elections, and compel the observance of election laws by county election officials.

27. Amy Acton is a defendant and the duly appointed Director of the Ohio Department of Health. She is empowered by Ohio Rev. Code §3701.13 to make special orders for preventing the spread of contagious or infectious diseases. Such orders include limiting public gatherings, restricting business activity, and imposing Social Distancing Requirements that prevent the collection of nominating petition signatures.

28. At all times material hereto, the defendants were acting under color of State law.

29. Defendants are being sued in their official capacities under 42 U.S.C. §1983 and 28 U.S.C. §2201 for injunctive and declaratory relief.

Facts

30. In December 2019, an outbreak of respiratory disease caused by novel coronavirus “COVID-19” emerged in Wuhan, China. The respiratory disease caused by “COVID-19” is a

highly contagious and infectious disease that can spread serious illness and death from person to person.

31. In January 2020, the World Health Organization declared “COVID-19” to be a Public Health Emergency of International Concern.

32. On January 31, 2020, the Director of the National Center for Immunization and Respiratory Diseases announced that “COVID-19” had spread to the United States.¹

33. On February 27, 2020, the Centers for Disease Control recommended that members of the public practice “social distancing” and minimize close contact with others in order to slow the spread of “COVID-19”.

34. On March 11, 2020, the World Health Organization declared “COVID-19” to be a global pandemic.

35. On March 9, 2020, defendant DeWine authored and signed Executive Order 2020-01D in his capacity as Governor, declaring an emergency in the entire State of Ohio “to protect the well-being of the citizens of the Ohio from the dangerous effects of COVID-19, to justify the authorization of personnel of State departments and agencies as are necessary, to coordinate the State response to COVID-19, and to assist in protecting the lives, safety, and health of the citizens of Ohio.”²

36. On March 12, 2020, Defendant DeWine ordered the closure of all private and public schools, grades K through 12.³

¹ <https://www.cdc.gov/media/releases/2020/p0130-coronavirus-spread.html>.

² <https://governor.ohio.gov/wps/portal/gov/governor/media/executive-orders/executive-order-2020-01-d>

³ <https://governor.ohio.gov/wps/portal/gov/governor/media/news-and-media/announces-schoolclosures>.

37. On March 12, 2020, defendant Acton banned all gatherings of one hundred (100) or more persons.

38. On March 13, 2020, the President of the United States declared a national emergency, retroactive to March 1, 2020, due to the “COVID-19” outbreak in the United States.⁴

39. On March 15, 2020, defendant Acton ordered the closure of all restaurants, liquor stores, and eating establishments, and limited them to carry-out only.

40. On March 16, 2020, defendant Acton ordered the closure of all polling places in the State of Ohio, thereby canceling the March 17, 2020 primary election. Defendant LaRose re-scheduled the primary election for April 28, 2020 by mail-in vote only.

41. On March 17, 2020, defendant Acton’s ban on mass gatherings was extended to gatherings of fifty (50) or more persons and ordered the closures of most recreational sites in Ohio.

42. On March 19, 2020, defendant Acton ordered the closure of all barber shops, hair salons, day spas, tattoo parlors, and similar places of business.

43. On March 22, 2020, defendant Acton ordered that everyone in the State of Ohio “stay at home or at their place of residence” unless subject to a specific exception for providing or receiving “essential” services, maintain at least a six foot social distance between themselves and others outside “a single household or living unit”, and completely banning gatherings of ten or more people.⁵

44. On April 30, 2020, defendant Acton authored and signed a Stay Safe Ohio Order that modified her previous orders but still required the general public to abide by “Social Distancing

⁴ <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergencyconcerning-novel-coronavirus-disease-covid-19-outbreak/>

⁵ <https://coronavirus.ohio.gov/static/DirectorsOrderStayAtHome.pdf>.

Requirements as defined in this Order . . . [to be] maintaining six-foot social distancing . . . [between] members of the public”.⁶

45. Defendant LaRose is enforcing the orders of defendants DeWine and Action as they pertain to the activities of his department.

46. In the 2018 general election held in the State of Ohio, the candidate for Governor nominated by the Green Party of Ohio failed to receive three percent (3%) of the total vote cast for this office. As a result, the Green Party of Ohio lost its minor party status under Ohio Rev. Code §3501.01(F). Its candidates for federal offices on the November 3, 2020 general election ballot are now required by the laws of the State of Ohio to run as independent candidates.

47. To qualify plaintiffs Hawkins and Hunter for the November 3, 2020 general election ballot, Ohio Rev. Code §3513.257 requires that his nominating petition for election as President of the United States be filed with the Ohio Secretary of State no later than 4:00 p.m. on August 5, 2020, and that his nominating petition contain no fewer than five thousand (5,000) signatures of qualified Ohio electors.

48. Ohio Rev. Code §3501.38(E) requires the circulator of a candidate’s nominating petition to sign a statement under penalty of perjury that: (a) the circulator witnessed the affixing of each signature on the petition; (b) all signers, to the best of the circulator’s knowledge and belief, were qualified to sign; and (c) each signature is, to the best of the circulator’s knowledge and belief, the signature of the person whose signature it purports to be.

49. Circulators of the nominating petition for plaintiffs Hawkins and Hunter must therefore collect and witness the signature of each elector in person.

⁶ <https://coronavirus.ohio.gov/static/publicorders/Directors-Stay-Safe-Ohio-Order.pdf>

50. To form the Green Party of Ohio as a minor political party in the State of Ohio, Ohio Rev. Code §3517.012(A) requires that its party formation petition be filed with the Ohio Secretary of State no later than 4:00 p.m. on June 30, 2020.

51. Ohio Rev. Code §3517.011 requires that the circulator of a minor party formation petition sign a statement under penalty of perjury that: (a) the circulator witnessed the affixing of each signature on the petition; (b) all signers, to the best of the circulator's knowledge and belief, were qualified to sign; and (c) each signature is, to the best of the circulator's knowledge and belief, the signature of the person whose signature it purports to be.

52. Circulators of a minor party formation petition for the Green Party of Ohio must therefore collect and witness the signature of each elector in person.

53. It is unknown when the orders of defendants DeWine and Acton presently in effect will be lifted or altered.

54. Attempting to collect nominating petition signatures or minor party formation petition signatures during the "COVID-19" pandemic endangers the health and the lives of petition circulators, petition signers, and the public at large.

55. Circulators cannot gather petition signatures because there are Social Distancing Requirements, fewer people congregating in public places, and fewer people will open their doors to strangers.

56. Even after the present public health emergency subsides, "COVID-19" is likely to suppress petition signature gathering for an indefinite period of time.

First Claim for Relief: First Amendment Violations of 42 U.S.C. §1983

57. Plaintiffs restate each and every allegation contained in Paragraphs 1 through 56, inclusive, of this Complaint as if fully rewritten herein.

58. According to 42 U.S.C. §1983:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress . . .

59. Under the First Amendment to the United States Constitution, plaintiffs are guaranteed rights to ballot access, freedom of speech, and freedom of association.

60. Rights guaranteed to the plaintiffs by the First Amendment are protected against state action by the Fourteenth Amendment to the United States Constitution.

61. Ohio's ballot access requirements for the November 3, 2020 general election are state action.

62. Ohio's minor political party formation requirements are state action.

63. Plaintiffs' rights to ballot access, freedom of speech, and freedom of association are unlawfully burdened by the defendants because the nominating petition signing and filing requirements unconstitutionally operate in combination with "COVID-19" emergency orders to make it impossible for plaintiffs Hawkins and Hunter to qualify for the November 3, 2020 general election ballot.⁷

64. Plaintiffs' rights to ballot access, freedom of speech, and freedom of association are unlawfully burdened by the defendants because the party formation petition signing and filing requirements unconstitutionally operate in combination with "COVID-19" emergency orders to make it impossible to form the Green Party of Ohio as a minor political party in the State of Ohio.⁸

⁷ See Esshaki v. Whitmer, No. 20-1336, 2020 WL 2185553, at *1 (6th Cir., May 5, 2020).

⁸ See Thompson v. DeWine, No. 2:20-cv-2129, 2020 WL 2557064, at *9 (S.D. Ohio, May 19, 2020).

65. Ohio's ballot access requirements for the November 3, 2020 general election have caused injury-in-fact to the plaintiffs, and such injuries are directly traceable to the nominating petition signing and filing requirements operating in combination with "COVID-19" emergency orders.

66. Ohio's minor political party formation requirements have caused injury-in-fact to the plaintiffs, and such injuries are directly traceable to the minor party formation petition signing and filing requirements operating in combination with "COVID-19" emergency orders.

67. The nominating petition signing and filing requirements are unconstitutional as applied under the First Amendment and Fourteenth Amendment due process.

68. The minor party formation petition signing and filing requirements are unconstitutional as applied under the First Amendment and under Fourteenth Amendment due process.

69. A real and actual controversy exists between the parties.

70. This Court is empowered to redress plaintiffs' injuries by:

a. Enjoining the enforcement of in-person nomination petition signing and filing requirements to qualify plaintiffs Hawkins and Hunter for the November 3, 2020 general election ballot;

b. Enjoining the enforcement of in-person petition signing and filing requirements to form the Green Party of Ohio as a minor party in the State of Ohio;

c. Ordering placement of plaintiffs Hawkins and Hunter on the November 3, 2020 general election ballot;

d. Ordering formation of the Green Party of Ohio as a minor political party in the State of Ohio;

e. Extending the deadline for filing plaintiffs Hawkins' and Hunter's nominating petitions with the Ohio Secretary of State;

- f. Extending the deadline for filing a petition to form the Green Party of Ohio as a minor political party in the State of Ohio;
- g. Reducing the number of petition signatures needed to qualify plaintiffs Hawkins and Hunter for the November 3, 2020 general election ballot;
- h. Reducing the number of petition signatures needed to form the Green Party of Ohio as a minor political party in the State of Ohio;
- i. Ordering the defendants to develop efficient and realistic procedures for gathering petition signatures from electors electronically and submitting the nominating petition electronically to the Ohio Secretary of State to qualify plaintiffs Hawkins and Hunter for the November 3, 2020 general election ballot; or
- j. Ordering the defendants to develop efficient and realistic procedures for gathering petition signatures from electors electronically and submitting the petition electronically to the Ohio Secretary of State to form the Green Party of Ohio as a minor political party in the State of Ohio.

71. Plaintiffs have no adequate remedy at law.

72. Plaintiffs are suffering irreparable harm as a result of the violations of their rights described above, and this harm will continue unless declared unconstitutional and enjoined by this Court.

Second Claim for Relief: Fourteenth Amendment Equal Protection Violations of 42 U.S.C. §1983

73. Plaintiffs restate each and every allegation contained in Paragraphs 1 through 72, inclusive, of this Complaint as if fully rewritten herein.

74. Plaintiffs' rights to ballot access, freedom of speech, and freedom of association are guaranteed to the plaintiffs by the Equal Protection Clause of the Fourteenth Amendment.

75. Ohio's ballot access requirements for in-person nominating petition signing and filing requirements deny the plaintiffs equal protection of the laws by operating in combination with "COVID-19" emergency orders to make it impossible for plaintiffs Hawkins and Hunter to qualify for the November 3, 2020 general election ballot.

76. Ohio's requirements for in-person party formation petition signing and filing requirements deny the plaintiffs equal protection of the laws by operating in combination with "COVID-19" emergency orders to make it impossible to form the Green Party of Ohio as a minor political party in the State of Ohio.

77. Accordingly, the nominating petition signing and filing requirements are unconstitutional as applied under Fourteenth Amendment equal protection.

Third Claim for Relief: Fourteenth Amendment Due Process Violations of 42 U.S.C. §1983

78. Plaintiffs restate each and every allegation contained in Paragraphs 1 through 77, inclusive, of this Complaint as if fully rewritten herein.

79. Plaintiffs' rights to ballot access, freedom of speech, and freedom of association are guaranteed to the plaintiffs by the Due Process Clause of the Fourteenth Amendment.

80. Ohio's ballot access requirements for in-person nominating petition signing and filing requirements deny the plaintiffs due process of law by operating in combination with "COVID-19" emergency orders to make it impossible for plaintiffs Hawkins and Hunter to qualify for the November 3, 2020 general election ballot.

81. Ohio's requirements for in-person party formation petition signing and filing requirements deny the plaintiffs due process of law by operating in combination with "COVID-19" emergency orders to make it impossible for plaintiffs Hawkins and Hunter to qualify for the November 3, 2020 general election ballot.

82. Accordingly, the nominating petition signing and filing requirements are unconstitutional as applied under Fourteenth Amendment due process.

WHEREFORE, the plaintiffs respectfully pray that this Court:

a. Declare that the in-person nominating petition signing requirements and nominating petition filing requirements to qualify Howie Hawkins for the November 3, 2020 general election ballot are unconstitutional as applied because of the “COVID-19” emergency orders issued by the defendants and:

1) Declare that the in-person nominating petition signing and filing requirements violate the First Amendment as applied;

2) Declare that the in-person nominating petition signing and filing requirements violate Fourteenth Amendment equal protection as applied; and

3) Declare that the in-person nominating petition signing requirements and nominating petition filing requirements violate Fourteenth Amendment due process as applied.

b. Declare that the in-person petition signing and filing requirements to form the Green Party of Ohio as minor political party are unconstitutional as applied because of the “COVID-19” emergency orders issued by the defendants and:

1) Declare that the in-person nominating petition signing and filing requirements violate the First Amendment as applied;

2) Declare that the in-person nominating petition signing and filing requirements violate Fourteenth Amendment equal protection as applied; and

- 3) Declare that the in-person nominating petition signing requirements and nominating petition filing requirements violate Fourteenth Amendment due process as applied.
- c. Issue a temporary restraining order, preliminary injunction, and permanent injunction against the defendants to:
- 1) Enjoin the enforcement of in-person nominating petition signing and filing requirements to qualify plaintiffs Hawkins and Hunter for the November 3, 2020 general election ballot;
 - 2) Enjoin the enforcement of in-person petition signing and filing requirements to form the Green Party of Ohio as minor political party in the State of Ohio;
 - 3) Order placement of plaintiffs Hawkins and Hunter on the November 3, 2020 general election ballot;
 - 4) Order formation of the Green Party of Ohio as minor political party in the State of Ohio;
 - 5) Extend the deadline for filing plaintiffs Hawkins' and Hunter's nominating petitions with the Ohio Secretary of State;
 - 6) Extend the deadline for filing the petition forming the Green Party of Ohio as minor political party in the State of Ohio;
 - 7) Reduce the number of petition signatures needed to qualify plaintiffs Hawkins and Hunter for the November 3, 2020 general election ballot;
 - 8) Reduce the number of petition signatures needed to form the Green Party of Ohio as minor political party in the State of Ohio;

- 9) Order the defendants to develop efficient and realistic procedures for gathering petition signatures from electors electronically and submitting the nominating petition electronically to the Ohio Secretary of State to qualify plaintiffs Hawkins and Hunter for the November 3, 2020 general election ballot;
 - 10) Order the defendants to develop efficient and realistic procedures for gathering petition signatures from electors electronically and submitting the petition electronically to the Ohio Secretary of State to form the Green Party of Ohio as minor political party in the State of Ohio;
- d. Order the defendants to pay to plaintiffs their costs and a reasonable attorney's fees under 42 U.S.C. §1988(b); and
 - e. Retain jurisdiction over this matter and order defendants to provide to plaintiffs any additional relief the Court deems just and proper.

Respectfully submitted,

/s/ Constance A. Gadell-Newton

Constance A. Gadell-Newton (0085373)

/s/ Robert J. Fitrakis

Robert J. Fitrakis (0076796)
FITRAKIS & GADELL-NEWTON, LLC
1021 East Broad Street
Columbus, OH 43205
Phone: (614) 307-9783
Fax: (614) 929-3513
E-Mail: fgnlegal@gmail.com
Trial Attorneys for Plaintiffs

VERIFICATION OF PLAINTIFF
(pursuant to 28 U.S.C. §1746)

I, Becca Calhoun, verify under penalty of perjury in accordance with the laws of the United States of America that I am a plaintiff in this action and that the foregoing Verified Complaint is true and correct.

Becca Calhoun

Executed on: 5/27/2020

[24]

VERIFICATION OF PLAINTIFF
(pursuant to 28 U.S.C. §1746)

I, Joseph R. DeMare verify under penalty of perjury in accordance with the laws of the United States of America that I am a plaintiff in this action and that the foregoing Verified Complaint is true and correct.

Joseph R. DeMare

Executed on: 05/27/2020

[23]

05/28/2020 11:22

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FEDEX OFFICE

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PAGE 02

VERIFICATION OF PLAINTIFF
(pursuant to 28 U.S.C. §1746)

I, Howie Hawkins, verify under penalty of perjury in accordance with the laws of the United States of America that I am a plaintiff in this action and that the foregoing Verified Complaint is true and correct.


Howie Hawkins


Executed on: May 28, 2020

[23]

[22]

VERIFICATION OF PLAINTIFF
(pursuant to 28 U.S.C. §1746)

I, Brett Joseph, verify under penalty of perjury in accordance with the laws of the United States of America that I am a plaintiff in this action and that the foregoing Verified Complaint is true and correct.

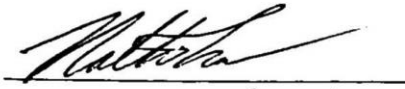

Executed on: 5/27/2020

[2]

[23]

VERIFICATION OF PLAINTIFF
(pursuant to 28 U.S.C. §1746)

I, Nathanial Lane, verify under penalty of perjury in accordance with the laws of the United States of America that I am a plaintiff in this action and that the foregoing Verified Complaint is true and correct.



Executed on: 5/28/20

[24]

[24]

VERIFICATION OF PLAINTIFF
(pursuant to 28 U.S.C. §1746)

I, Dario Hunter, verify under penalty of perjury in accordance with the laws of the United States of America that I am a plaintiff in this action and that the foregoing Verified Complaint is true and correct.



A handwritten signature in cursive script, appearing to read "Dario Hunter", written in black ink. The signature is positioned above a horizontal line.

Executed on: 05/28/2020

[27]

[25]

VERIFICATION OF PLAINTIFF
(pursuant to 28 U.S.C. §1746)

I, ANITA RIOS, verify under penalty of perjury in accordance with the laws of the United States of America that I am a plaintiff in this action and that the foregoing Verified Complaint is true and correct.

Anita Rios

Executed on: 5/28/2020