

IN THE SUPREME COURT OF OHIO

Case No. _____

STATE OF OHIO ex rel. ERIC J. BREWER,

Relator,

v.

**FRANK LAROSE, Secretary of State,
in his official capacity**

Respondent.

COMPLAINT IN PROHIBITION AND PETITION FOR WRIT OF PROHIBITION

Pursuant to Article IV, Section 2(B)(1)(d),
Ohio Constitution; S.Ct.Prac.R. 12.01 et seq.

Relator

Eric J. Brewer, Pro Se
25911 Tryon Road
Oakwood Village, OH 44146

Respondent

Frank LaRose, Secretary of State
180 S Civic Center Dr,
Columbus, OH 43215

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I. INTRODUCTION AND NATURE OF THE PROCEEDING

Relator Eric J. Brewer, a Citizen of the United States and Qualified Elector of the State of Ohio, brings this original action in prohibition pursuant to Article IV, Section 2(B)(1)(d) of the Ohio Constitution, and S.Ct.Prac.R. 12.01 et seq., to prohibit Respondent Frank LaRose, Secretary of State of Ohio, from certifying the vote count received by Vivek Ganapathy Ramaswamy in the May 6, 2026 Ohio Republican Primary Election for Governor, until such time as the Secretary has made an affirmative, documented determination that the candidate satisfies the mandatory qualification of being a ‘qualified elector’ as required by Article XV, Section 4 of the Ohio Constitution and R.C. 3503.01(A).

This action does not ask this Court to determine whether Vivek Ganapathy Ramaswamy is a citizen of the United States. It asks this Court to prohibit the Secretary of State from exercising the quasi-judicial power of certifying an election result — a power that presupposes the candidate’s legal eligibility — without having created, maintained, or produced any administrative record of having verified the foundational eligibility requirement the Ohio Constitution mandates.

Relator submitted a formal public records request pursuant to R.C. 149.43 on April 29, 2026, demanding the administrative records of whatever eligibility review the Secretary conducted prior to certifying this candidate as a qualified elector. As of the filing of this Complaint, no response has been received within the statutory period. The absence of a response is itself material evidence that no such review was conducted.

II. JURISDICTION

This Court has original jurisdiction to issue writs of prohibition pursuant to Article IV, Section 2(B)(1)(d) of the Ohio Constitution, which provides that the Supreme Court shall have original jurisdiction in prohibition. A writ of prohibition lies to prevent an inferior tribunal or public officer from exercising judicial or quasi-judicial power that the law does not authorize. *State ex rel. Largent v. Fisher*, 43 Ohio St.3d 160, 161, 540 N.E.2d 239 (1989).

The certification of election results by the Secretary of State is a quasi-judicial act. *State ex rel. Whitman v. Hamilton Cty. Bd. of Elections*, 97 Ohio St.3d 216, 2002-Ohio-5923, 778 N.E.2d 32. The Secretary exercises discretion and makes determinations of legal eligibility when he certifies candidates and their resulting vote counts. Where that determination disregards a clear legal requirement — here, the mandatory verification that a candidate is a ‘qualified elector’ under Article XV, Section 4 — this Court may issue a writ of prohibition to prevent the unlawful exercise of that power.

Venue is proper in this Court as Respondent is a statewide officer whose duties extend throughout the State of Ohio, and as the constitutional questions presented require resolution by the highest court of this State.

III. PARTIES

A. Relator

Eric J. Brewer is a Citizen of the United States and a qualified elector of Cuyahoga County, Ohio who is an elected Republican Central Committee member. He is a former elected Mayor of the City of East Cleveland, Ohio, twice an East Cleveland mayor’s Chief of Staff, Special Assistant to the Mayor of Cleveland and Clerk of East Cleveland

City Council whose election affirming duties were upheld twice by this Tribunal. As a qualified elector, he possesses a cognizable legal interest in the Secretary of State's compliance with the mandatory constitutional and statutory requirements governing candidate eligibility. He cast a ballot in the May 6, 2026 Republican Primary Election. His interest as an elector is directly affected by the Secretary's failure to verify the eligibility of a candidate whose vote count is about to be certified.

B. Respondent

Frank LaRose is the duly elected Secretary of State of the State of Ohio, serving in his official capacity. Pursuant to R.C. 3501.05(A), the Secretary of State is the chief election officer of the State of Ohio with the authority and duty to enforce the election laws of the State. Pursuant to R.C. 3513.05, the Secretary administers the declaration of candidacy process. Pursuant to R.C. 3513.262, the Secretary administers challenges to candidacy. The Secretary is responsible for the certification of primary election results statewide.

IV. CONSTITUTIONAL AND STATUTORY FRAMEWORK

A. The Mandatory Gateway: Article XV, Section 4, Ohio Constitution

The Ohio Constitution provides, without exception or qualification, at Article XV, Section 4: 'No person shall be elected or appointed to any office in this state unless possessed of the qualifications of an elector.' This provision is not aspirational. It is a mandatory threshold condition that admits of no discretion. The use of the word 'shall' creates an absolute prohibition on the election or appointment of any person who does not

possess the qualifications of an elector. *State ex rel. Herbert v. Bricker*, 139 Ohio St. 499, 504, 41 N.E.2d 377 (1942).

The principle that mandatory constitutional language creates non-discretionary duties is well-established in Ohio law. Where the Constitution uses ‘shall,’ it imposes a duty that admits of no discretion. This Court has consistently held that eligibility qualifications are conditions precedent to holding office, not merely directory requirements. A certificate of election issued to a person not legally qualified for office is void ab initio.

B. The Definition of Qualified Elector: R.C. 3503.01(A)

Ohio Revised Code 3503.01(A) defines the qualifications of an elector and provides in relevant part: ‘Every citizen of the United States who is of the age of eighteen years or over and who has been a resident of the state thirty days immediately preceding the election at which the citizen offers to vote, is a resident of the county and precinct in which the citizen offers to vote, and has been registered to vote for thirty days, has the qualifications of an elector and may vote at all elections in the precinct in which the citizen resides.’

The first and threshold qualification is United States citizenship. R.C. 3501.01(N) defines ‘elector’ or ‘qualified elector’ as ‘a person having the qualifications provided by law to be entitled to vote.’ Because Article XV, Section 4 requires elector status as a precondition to holding any office, and because R.C. 3503.01(A) requires United States citizenship as the first qualification of an elector, United States citizenship is a mandatory precondition to holding any office in the State of Ohio.

C. The Secretary's Statutory Duties

Ohio Revised Code 3501.05(A) designates the Secretary of State as the chief election officer of the State with the authority and duty to enforce the election laws. Ohio Revised Code 3513.05 governs the declaration of candidacy, which a candidate executes under penalty of election falsification pursuant to R.C. 3599.36. Ohio Revised Code 3513.262 governs challenges to candidacy and provides the administrative mechanism by which the Secretary reviews eligibility challenges. Ohio Revised Code 3501.11 provides that the Secretary shall refuse to certify a candidacy where the petition or declaration violates any requirements of the election statutes. Ohio Revised Code 3501.39(A)(3) provides that a declaration of candidacy shall be rejected where it 'violates... any other requirements established by law.' Because United States citizenship is a requirement established by Article XV, Section 4 of the Ohio Constitution and R.C. 3503.01(A), R.C. 3501.39(A)(3) vests in the Secretary an affirmative statutory duty to determine whether a candidate's declaration of candidacy satisfies that requirement before certifying the candidate's results. That determination is not ministerial arithmetic. It is a legal determination of compliance with a mandatory constitutional prerequisite — a quasi-judicial act.

Revised Code 3501.11 provides that the Secretary shall refuse to certify a candidacy where the petition or declaration violates any requirements of the election statutes. Ohio Revised Code 3501.39(A)(3) provides that a declaration of candidacy shall be rejected where it 'violates... any other requirements established by law.' Because United States citizenship is a requirement established by Article XV, Section 4 of the Ohio Constitution and R.C. 3503.01(A), R.C. 3501.39(A)(3) vests in the Secretary an affirmative statutory duty to determine whether a candidate's declaration of candidacy satisfies that

requirement before certifying the candidate's results. That determination is not ministerial arithmetic. It is a legal determination of compliance with a mandatory constitutional prerequisite — a quasi-judicial act.

This Court's recent decision in *State ex rel. Spencer v. Stark County Board of Elections*, 2026-Ohio-966, confirms that prohibition lies against election officials making candidacy compliance determinations. *Spencer* involved a signature count dispute — a ministerial question of numerical sufficiency. This case involves a constitutional qualification — the threshold requirement of citizenship under Article XV, Section 4. The distinction is controlling: a ministerial count does not require legal judgment; a constitutional eligibility determination does. The Secretary's own 'fully vetted' representation confirms he understood himself to be making the latter.

V. FACTUAL BASIS FOR THIS PETITION

A. The Candidate's Own Public Admissions

During a nationally broadcast interview with NBC News reporter Katherine Koretski on September 10, 2023, Vivek Ganapathy Ramaswamy publicly and voluntarily stated that his father is not a citizen of the United States, and that his mother did not complete the naturalization process until after his birth on August 9, 1985. In his own words: 'my mother did [take the test]... after I was born.' These admissions were made during the candidate's campaign for President of the United States and constitute admissions against interest. They raise a substantial and documented question about whether, at the time of his birth, either of his parents was a naturalized citizen of the United States. During the

very same interview the candidate said the children of undocumented aliens “should not be voting.”

B. The Hindu Marriage Register — Government-Certified Domicile Evidence

The Hindu Marriage Register, Serial No. 81 of year 1982, certified by the Joint Sub-Registrar, Palani, and registered under the Madras Hindu Marriage (Registration) Rules, 1967, records the marriage of V.G. Ramaswamy and Geetha Ramaswamy on September 10, 1982. This government-certified document, submitted as Exhibit A to this Petition, establishes the following material facts on its face:

The husband’s pre-marriage address: Vadakanchery, Palakkad, Kerala, India. The wife’s pre-marriage address: Gurukripa, 613/1 Chamaraja Road, Mysore, Karnataka, India.

No United States address appears for either party. Both parents are exclusively identified as residents of India on September 10, 1982 — thirty-four months before the birth of Vivek Ganapathy Ramaswamy on August 9, 1985.

C. The Ohio Medical Board Application of Geetha Ramaswamy

The Ohio State Medical Board Application for Medical or Osteopathic Licensure submitted by Geetha Ramaswamy, received by the Board on December 29, 1986, and approved by poll vote on January 22, 1987, and submitted herewith as Exhibit B, contains the following material representations sworn to under oath:

Alien Registration Receipt Card No. A37871702, issued March 20, 1983, City/State: New York, NY. Immigration status listed as: Permanent (Immigrant Visa),

No. A37871702. Place of birth: Mysore, Karnataka, India. Date of birth: September 4, 1959. Address at time of application: 7823 Kingsgateway, Westchester, Ohio 45069. Resume entry for the period March 1983 through February 1984 lists activity at 7823 Kingsgateway, Westchester, Ohio 45069 under the heading 'ECFMG Certification' with no employer, no clinical activity, and no institutional affiliation listed. Resume entry for January 1983 through March 1983: Medical Officer, General, Lakshmi Clinic, Vadakanchery, India.

The Educational Commission for Foreign Medical Graduates (ECFMG) Certificate, No. 361-325-4, submitted as part of the same application and included in Exhibit B, was issued April 5, 1984 — thirteen months after the Alien Registration Receipt Card was issued in March 1983.

D. The Statutory Incompatibility

The Health Professions Educational Assistance Act of 1976, Pub. L. 94-484, 90 Stat. 2243, enacted October 12, 1976, imposed strict requirements upon foreign medical graduates seeking admission to the United States in health professional immigrant visa classifications. Section 6 of that Act, codified at 8 U.S.C. 1182(a) as it existed prior to the Immigration Act of 1990, Pub. L. 101-649, provided that no alien who is a graduate of a medical school shall be issued a visa or otherwise provided status as an immigrant unless the alien has passed parts I and II of the National Board of Medical Examiners Examination, or an equivalent examination as determined by the Secretary of Health, Education, and Welfare — which examination was administered by the ECFMG.

Geetha Ramaswamy's sworn Medical Board application establishes that her Alien Registration Receipt Card was issued March 20, 1983. Her ECFMG Certificate was issued April 5, 1984 — thirteen months later. Her own resume, sworn to under oath, places her working as a Medical Officer at Lakshmi Clinic in Vadakanchery, India through March 1983 — the same month her Alien Registration Card was allegedly issued in New York.

Taking her sworn statements as entirely truthful, Geetha Ramaswamy obtained Lawful Permanent Resident status in March 1983 under an immigrant visa classification for which she may have been statutorily ineligible at that time, because she had not yet satisfied the ECFMG examination requirement mandated by Pub. L. 94-484 as a precondition to the issuance of that visa. An LPR adjustment obtained contrary to the statutory requirements in effect at the time of issuance is voidable under 8 U.S.C. 1256, which authorizes rescission of adjustment of status within five years of the date of adjustment when the person was not in fact eligible for such status at the time it was granted. The Secretary has never requested the A-File that would establish the actual visa classification under which LPR status was issued, the basis for that classification, and whether the statutory prerequisites were satisfied. The documentary record as it stands raises a substantial and unresolved question about the validity of the LPR status that is the predicate for any claim that Geetha Ramaswamy was a permanent resident — and therefore potentially subject to naturalization — at the time of the candidate's birth.

E. The Status of V.G. Ramaswamy

V.G. Ramaswamy entered the United States in 1974 as a student at the University of Cincinnati under 8 U.S.C. 1101(a)(15)(F). Under 8 U.S.C. 1184(a), a non-immigrant student is admitted for a specific duration of status tied to the completion of the academic program for which admission was authorized. Upon completion or abandonment of studies, F-1 status terminates by operation of law. The candidate has publicly stated his father remains a citizen of India. No documentary evidence in the public record establishes that V.G. Ramaswamy ever adjusted to Lawful Permanent Resident status at any time prior to August 9, 1985.

Under 8 C.F.R. § 214.2(f)(1)(i), an alien admitted in F-1 student status must at all times maintain a foreign residence which he has no intention of abandoning. The regulation expressly requires a nonimmigrant intent — the student must intend to depart the United States upon completion of his authorized studies. An F-1 student who harbors an intent to remain permanently in the United States violates the conditions of his admission and is deportable under 8 U.S.C. 1227(a)(1)(C)(i) for failure to maintain non-immigrant status. The F-1 classification raises a substantial question about whether V.G. Ramaswamy could have established lawful permanent resident status prior to August 9, 1985 through any pathway consistent with his non-immigrant status, given the regulatory requirement that an F-1 student maintain a foreign residence with no intention of abandoning it. The Secretary has never requested the A-File records that would resolve this question.

F. The Legal Status of the Birth Certificate

A birth certificate issued by the Ohio Department of Health pursuant to O.R.C. 3705.01 et seq. is a vital record documenting the fact of birth. It records location, date, parentage,

and attendant information. It is issued by a state agency with no authority to adjudicate federal citizenship status. The document is issued, as its standard notation reflects, for informational purposes regarding the fact of birth.

United States citizenship is a federal determination governed by the Fourteenth Amendment to the United States Constitution and 8 U.S.C. 1401. The documents that affirmatively establish United States citizenship are a United States Passport issued under 22 U.S.C. 211a, a Certificate of Citizenship issued by USCIS under 8 U.S.C. 1452, or a Certificate of Naturalization issued under 8 U.S.C. 1448. The State Department's own regulations at 22 C.F.R. 51.42 treat a birth certificate as prima facie evidence supporting a citizenship claim, not as a conclusive adjudication of citizenship status.

The Fourteenth Amendment confers citizenship upon persons born in the United States 'and subject to the jurisdiction thereof.' A birth certificate establishes birth in the United States. It does not and cannot establish subjection to the jurisdiction thereof, because that determination requires examination of the parents' legal status at the time of birth — a federal constitutional question entirely outside the scope of what a state vital records office records or adjudicates. Where the parents' immigration status at the time of birth is legally contested, a birth certificate standing alone is legally insufficient to establish the constitutional predicate for citizenship.

G. The Secretary's Failure to Respond to the R.C. 149.43 Request

On April 29, 2026, Relator submitted a formal public records request pursuant to R.C. 149.43 to Respondent Secretary LaRose, demanding the administrative records of any review conducted by the Secretary's office prior to certifying Vivek Ganapathy

Ramaswamy as a qualified elector eligible to appear on the ballot and to have his votes certified for the office of Governor. On May 2, 2026, Relator forwarded a copy of that request to Jay Bergles of the Secretary's office, noting an amendment correcting the constitutional citation from Article XV, Section 1 to Article XV, Section 4.

As of the date of this filing, Respondent has not responded to the records request within the statutory period required by R.C. 149.43(B)(1). Under R.C. 149.43(C), the failure to respond within the statutory period entitles the requester to seek a writ of mandamus to compel production. More significantly for purposes of this Petition, the total absence of a response, when combined with the Secretary's public statement that the candidate was 'fully vetted,' raises the inference that no substantive eligibility review was conducted — that the Secretary accepted the candidate's self-sworn declaration of eligibility without creating, maintaining, or reviewing any documentary record of verification.

That inference is materially strengthened by the following documented facts regarding Respondent's SAVE infrastructure for voters:

First, in December 2025, Respondent secured a formal 20-year data-sharing agreement with the United States Department of Homeland Security granting Ohio permanent bulk access to the USCIS SAVE system for voter citizenship verification through 2045. This agreement was the product of Respondent's 2024 federal lawsuit against DHS to compel SAVE access.

Second, Ohio Senate Bill 293, signed into law on December 19, 2025, and codified as an amendment to R.C. 3503.01, now mandates that the Secretary of State consult the

DHS/USCIS SAVE system on a monthly basis to verify the citizenship status of registered voters.

Respondent therefore possesses permanent, institutionalized, bulk SAVE access — secured by federal agreement and mandated by Ohio statute — for voter citizenship verification. If Respondent had run a SAVE inquiry for Vivek Ganapathy Ramaswamy, as he is now required by statute to do monthly for voters, a record of that inquiry would exist and would have been produced in response to Relator's R.C. 149.43 request. No such record was produced. The only reasonable inference is that no SAVE inquiry was ever submitted for Ramaswamy — notwithstanding Respondent's affirmative public representation that the candidate was 'fully vetted.'

H. The Secretary's Conflict of Interest

On February 10, 2025, Respondent published a video endorsing Ramaswamy's candidacy for Governor. On February 27, 2025, Respondent publicly described Ramaswamy as 'a leader you follow because you want to.' Ramaswamy has reciprocally endorsed Respondent for State Auditor. Respondent's personal political interest in the candidate's advancement is relevant to the weight this Court should afford Respondent's unsubstantiated assertion that the candidate was 'fully vetted,' particularly in the absence of any documentary record of such vetting.

The conflict of interest is not merely a credibility issue. It is a constitutional due process defect that independently renders the certification unauthorized by law. Where a quasi-judicial officer has a direct personal and political interest in the outcome of the proceeding he is conducting, the proceeding itself is constitutionally infirm. The Due

Process Clause of the Fourteenth Amendment requires that adjudicative proceedings be conducted by a neutral and detached decision-maker. *Tumey v. Ohio*, 273 U.S. 510, 523 (1927); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876 (2009). The Ohio Code of Judicial Conduct, which this Court applies by analogy to quasi-judicial officers, prohibits a decision-maker from acting where he has a personal interest in the outcome that would lead a reasonable person to question his impartiality. Ohio Code of Judicial Conduct, Rule 2.11(A).

Respondent publicly endorsed Ramaswamy for Governor. Ramaswamy reciprocally endorsed Respondent for State Auditor. The mutual endorsement creates a direct personal and political interest in the candidate's success that disqualifies Respondent from acting as the quasi-judicial officer who determines whether that candidate's results are certified. A quasi-judicial officer who proceeds to act despite a disqualifying conflict of interest does not merely act improperly — he acts without authority. The certification of a candidate's results by a conflicted quasi-judicial officer is void ab initio, because the proceeding lacked the neutral decision-maker that due process requires. This is an independent ground on which the Secretary's exercise of certification power is 'unauthorized by law' under the second prong of the Largent test.

VI. LEGAL ARGUMENT

A. The Three-Part Test for a Writ of Prohibition Is Satisfied

To obtain a writ of prohibition, a relator must establish: (1) that the respondent is about to exercise judicial or quasi-judicial power; (2) that the exercise of that power is unauthorized by law; and (3) that the relator has no other adequate remedy at law. State

ex rel. *Largent v. Fisher*, 43 Ohio St.3d 160, 161, 540 N.E.2d 239 (1989). All three elements are satisfied here.

1. The Secretary Is Exercising Quasi-Judicial Power

The certification of election results requires the Secretary to make a legal determination — that the candidate who received the votes was legally eligible to appear on the ballot and to receive those votes. This is a quasi-judicial act. State ex rel. *Whitman v. Hamilton Cty. Bd. of Elections*, 97 Ohio St.3d 216, 2002-Ohio-5923, 778 N.E.2d 32.

This Court addressed the quasi-judicial nature of the Secretary's eligibility determinations in State ex rel. *Derwort v. Hummel*, 146 Ohio St. 653, 67 N.E.2d 540 (1946), holding that when the Secretary determines 'whether a person recommended for appointment as a member of the board of elections is a qualified elector,' he is 'clothed with quasi-judicial power when exercising discretion in such matter.' This Court reaffirmed this principle in State ex rel. *Democratic Executive Committee v. Brown*, 39 Ohio St.2d 157, 314 N.E.2d 376 (1974), expressly citing *Derwort* for the proposition that the Secretary exercises quasi-judicial power when determining qualified elector status.

The Secretary's certification of primary election results is not ministerial arithmetic. It is a legal determination that the votes cast were for a candidate who met the mandatory constitutional qualifications for office. Where the Secretary certifies without verifying the foundational qualification — citizenship — he exercises quasi-judicial power without the legal predicate that authorizes it.

Respondent may rely on *State ex rel. O'Grady v. Brown* and *State ex rel. Glass v. Brown* for the proposition that certification of election results is a ministerial act. That reliance is misplaced. Both *O'Grady* and *Glass* involved undisputed candidates — the Secretary was performing arithmetic, tabulating vote counts for candidates whose eligibility was not in question. Neither case involved a facial challenge to a candidate's constitutional qualification. The distinction is dispositive: tabulating votes for an eligible candidate is ministerial; determining whether a candidate meets the constitutional prerequisites for office is quasi-judicial. This Court recognized precisely that distinction in *Derwort*, holding that the Secretary is 'clothed with quasi-judicial power when exercising discretion' in determining elector status. When the Secretary must choose between a birth certificate and affirmative documentary evidence raising questions about parental citizenship status at the time of birth — and must decide whether that evidence is sufficient to satisfy Article XV, Section 4 — he is exercising judgment, not performing arithmetic. That is the definition of quasi-judicial power.

2. The Exercise of That Power Is Unauthorized by Law

The Secretary's power to certify a vote count is authorized by law only where the candidate meets the mandatory qualifications established by the Ohio Constitution and the Ohio Revised Code. Article XV, Section 4 of the Ohio Constitution provides that no person shall be elected to any office in the State of Ohio unless possessed of the qualifications of a qualified elector. R.C. 3503.01(A) requires that a qualified elector be a citizen of the United States. Where the Secretary certifies a vote count for a candidate whose United States citizenship has never been affirmatively verified by any competent federal authority — and where the documentary record raises legitimate statutory

questions about whether citizenship attached at birth given the parents' immigration status — the Secretary is exercising the power of certification without the legal predicate that authorizes that power.

The structural problem runs deeper than a failure to verify. Ohio courts have long recognized that the Secretary possesses no statutory authority to determine candidate qualifications in the first instance. In *State ex rel. Hehr v. Beery*, 55 Ohio App. 243, 9 N.E.2d 699 (1936), the Court of Appeals held that 'no jurisdiction is vested either in the board of elections of a county or in the Secretary of State, as chief election officer of the state, to determine whether a person who has been nominated for an office... possesses the qualifications of a candidate for such office.' *State ex rel. Ranney v. Corey*, 37 Ohio Law Abs. 442, 47 N.E.2d 799 (1940), reaffirmed that 'no power is vested in the board of elections of a county, nor in the secretary of state, to determine whether a person who files a declaration of candidacy for a primary election possesses the necessary qualifications of a candidate for such office.'

These decisions confirm that the Secretary is not merely failing to verify citizenship — he is about to exercise certification power that is conditioned on a constitutional determination he is statutorily prohibited from making. The Secretary cannot certify that a candidate meets Article XV, Section 4 when he has no authority to determine whether the candidate meets Article XV, Section 4. The certification is therefore not an erroneous exercise of authority; it is an exercise of authority the Secretary does not possess. That is the definition of action 'unauthorized by law' under *State ex rel. Willacy v. Smith*, 78 Ohio St.3d 47, 676 N.E.2d 109 (1997).

The enactment of S.B. 293 and the execution of the 20-year DHS/SAVE agreement make this conclusion unavoidable. Ohio has now codified, at R.C. 3503.01, a mandatory monthly SAVE-based citizenship verification obligation for voters. The Secretary has permanent bulk SAVE access through 2045. The constitutional citizenship requirement of Article V, Section 1 applies identically to voters and to candidates. If the Secretary is required by statute to verify voter citizenship monthly using SAVE, he cannot credibly claim that certifying a candidate of disputed citizenship — without a single SAVE inquiry — is consistent with the legal predicate that authorizes certification. The statutory infrastructure confirms the duty. The absence of any record of its use for Ramaswamy confirms its breach.

This Court has established that extraordinary relief against the Secretary of State is warranted when he has ‘acted in clear disregard of applicable legal provisions.’ State ex rel. Husted v. Brunner, 2009-Ohio-5327, 123 Ohio St.3d 288, 915 N.E.2d 1215; State ex rel. Emhoff v. Medina Cty. Bd. of Elections, 2018-Ohio-1660, 153 Ohio St.3d 313. ‘Clear disregard’ is not mere error or negligence; it is the failure to apply mandatory constitutional and statutory requirements that admit of no discretion.

Article XV, Section 4 admits of no discretion. The Secretary’s duty to verify that a candidate is a ‘qualified elector’ before certifying is mandatory. By certifying without producing any record of verification — indeed, without responding to a public records request seeking such documentation — the Secretary has acted in clear disregard of this mandatory constitutional gate.

3. Relator Has No Other Adequate Remedy at Law

An election contest under R.C. 3515.08 is inadequate because it lies only after certification and declaration of results. It cannot prevent the initial constitutional injury: the certification of a vote count for a candidate who was never legally eligible to receive votes. Quo warranto under R.C. Chapter 2733 is similarly inadequate — it challenges the right to hold office, not the authority to certify election results. Once the Secretary certifies, the harm is done; the candidate assumes the mantle of legitimacy, and the votes are accorded legal effect.

The inadequacy of R.C. Chapter 3515 is structural, not merely temporal. R.C. 3515.08 requires that a contest petition be filed by 'a sufficient number of electors' — a threshold that imposes a collective action burden on individual voters challenging a statewide primary result. The statute places the entire burden of proof on the challenger, requiring the contestant to affirmatively disprove the certification that the Secretary has already accorded legal effect. The statute provides no mechanism to compel the Secretary to produce the administrative record of his eligibility review — the very record whose absence is the core of this proceeding. And the statute operates entirely after the fact: after votes have been cast, after ballots have been counted, after the candidate has been accorded the legitimacy of a certified primary winner, and after the electorate has been denied the opportunity to vote for qualified candidates. Prevention is the only remedy that is adequate to the constitutional injury. *State ex rel. Largent v. Fisher*, 43 Ohio St.3d 160, 161, 540 N.E.2d 239 (1989).

As this Court recognized in *State ex rel. LTV Steel Co. v. Gwin*, 64 Ohio St.3d 245, 594 N.E.2d 616 (1992), 'the availability of an adequate remedy becomes immaterial when an

inferior court has no jurisdiction whatsoever to act.’ Where the Secretary lacks jurisdiction to certify a non-citizen, prohibition is the only adequate remedy.

B. The Patent and Unambiguous Lack of Jurisdiction Exception

The Ohio Supreme Court has established a critical exception to the adequate remedy requirement: when an inferior tribunal or officer ‘patently and unambiguously lacks jurisdiction’ to act, the availability of post-hoc remedies is immaterial. *State ex rel. Willacy v. Smith*, 78 Ohio St.3d 47, 676 N.E.2d 109 (1997); *State ex rel. Doe v. Capper*, 2012-Ohio-2686, 132 Ohio St.3d 365. As this Court held in *State ex rel. Hunter v. Summit County Human Resource Commission*, 81 Ohio St.3d 450, 692 N.E.2d 185 (1998), ‘when a tribunal patently and unambiguously lacks jurisdiction to consider a matter, a writ of prohibition will issue to prevent assumption of jurisdiction regardless of whether the tribunal has ruled on the question of its jurisdiction.’

Here, the Secretary’s authority to certify is contingent upon the candidate being a ‘qualified elector.’ Article XV, Section 4 is mandatory: ‘No person shall be elected or appointed to any office in this state unless possessed of the qualifications of an elector.’ If the candidate was not a citizen at birth — a jurisdictional fact that must be affirmatively established — the Secretary lacks jurisdiction *ab initio* to certify. This is not a disputed factual question requiring discovery; it is a patent jurisdictional defect apparent from the face of the administrative record.

C. The Federal Statutory Record Raises Unresolved Questions That Cannot Be Resolved by a Birth Certificate Alone

Relator does not ask this Court to adjudicate whether Vivek Ganapathy Ramaswamy is a citizen of the United States. Relator asks this Court to prohibit the Secretary from acting as though that question has been answered when the documentary record establishes that it has not been.

The constitutional eligibility question presented here is narrow and documentable. It turns on one factual predicate: what was the immigration status of Vivek Ganapathy Ramaswamy's parents on August 9, 1985? The answer to that question determines whether the Fourteenth Amendment's jurisdictional requirement was satisfied at the moment of his birth. The birth certificate does not answer that question. It records his birth in Cincinnati. Nothing more.

The documents that would answer that question are the parents' USCIS A-Files, their Form I-551 Permanent Resident Cards with the 'Resident Since' dates, and the visa petition and adjustment of status records showing the pathway and timing of any LPR status granted. Those documents have not been produced. The Secretary has not requested them. The Secretary has not produced any administrative record establishing that he reviewed them. The Secretary has not responded to the public records request demanding to know whether any such review occurred.

The standard federal mechanism for a government agency to verify immigration status with USCIS is DHS Form G-845 (Document Verification Request). Form G-845 is specifically designed for state and local government agencies to submit immigration status verification requests to USCIS. It is the administrative tool that would generate a documented federal response confirming or denying the immigration status of both

parents as of August 9, 1985. The Secretary has never submitted a Form G-845 inquiry for either parent. The Secretary has never submitted any equivalent inquiry. The absence of any such record, combined with the Secretary's failure to respond to the R.C. 149.43 request, confirms that no federal verification of any kind was conducted.

The Secretary cannot certify a vote count for an office whose occupant must be a qualified elector — a status requiring United States citizenship — when the only evidence of citizenship in the record is a state vital records document that does not adjudicate citizenship, combined with the candidate's self-sworn declaration, for a candidate whose own public statements raise the precise questions the Secretary is required to verify.

D. Laches Does Not Apply to Preventive Relief

Respondent may argue that this action is untimely. This argument fails for two reasons. First, the doctrine of laches does not apply where the relator seeks to prevent an unauthorized act before it occurs. *State ex rel. Berry v. Cushing*, 35 Ohio C.C. Dec. 147 (Ohio Ct. App. 1915). Second, relator filed this action before certification occurred, seeking to prevent the constitutional injury of certifying an ineligible candidate — not to overturn certification after the fact. The 'extreme diligence' requirement applies to post-election challenges; relator has acted with the 'promptest of action' to prevent the wrong before it crystallizes.

VII. RELIEF REQUESTED

Relator respectfully requests that this Court:

1. Accept jurisdiction over this original action in prohibition pursuant to Article IV, Section 2(B)(1)(d) of the Ohio Constitution and S.Ct.Prac.R. 12.01 et seq.;
1. Issue a temporary stay of certification of the vote count received by Vivek Ganapathy Ramaswamy in the May 6, 2026 Ohio Republican Primary Election for Governor, pending resolution of this Petition;
2. Issue a Writ of Prohibition prohibiting Respondent Secretary of State Frank LaRose from certifying the vote count received by Vivek Ganapathy Ramaswamy until such time as Respondent has produced, from a competent federal source, an affirmative documented determination that the candidate satisfies the mandatory qualification of being a citizen of the United States within the meaning of the Fourteenth Amendment to the United States Constitution and R.C. 3503.01(A);
3. Order Respondent to produce the complete administrative record of any eligibility review conducted by his office prior to certifying this candidate, pursuant to R.C. 149.43 and this Court's supervisory authority over state officers;
4. Order Respondent to request from the United States Citizenship and Immigration Services, pursuant to 8 U.S.C. 1373 and the Secretary's duty as the chief election officer of this State, the Form I-551 'Resident Since' dates for both V.G. Ramaswamy and Geetha Ramaswamy, confirming their immigration status as of August 9, 1985;

5. Grant such other and further relief as this Court deems appropriate to enforce the mandatory requirements of Article XV, Section 4 of the Ohio Constitution and R.C. 3503.01(A).

VIII. VERIFICATION

I, Eric J. Brewer, being first duly sworn, state that I am the Relator in the above-captioned proceeding, that I have read the foregoing Complaint in Prohibition, and that the factual allegations contained herein are true and accurate to the best of my knowledge, information, and belief, based upon documented public records and the candidate's own public admissions.



Eric J. Brewer, Relator, Pro Se
25911 Tryon Road
Oakwood Village, OH 44146
216-310-1110
brewerquest@gmail.com

Subscribed and sworn to before me this 13 day of May, 2026.

Notary Public, State of Ohio

My Commission Expires: July 16, 2028

Breanna Hunter



INDEX OF EXHIBITS

Exhibit A — True Extract from the Hindu Marriage Register, Serial No. 81 of year 1982, certified by the Joint Sub-Registrar, Palani, registered under the Madras Hindu Marriage (Registration) Rules, 1967, recording the marriage of V.G. Ramaswamy and Geetha Ramaswamy on September 10, 1982.

Exhibit B — Ohio State Medical Board Application for Medical or Osteopathic Licensure submitted by Geetha Ramaswamy, received December 29, 1986, approved by poll vote January 22, 1987, including all attachments, certifications, and supporting documents filed therewith.

Exhibit C — R.C. 149.43 Public Records Request submitted by Eric J. Brewer to Secretary of State Frank LaRose, dated April 29, 2026, with amendment forwarded May 2, 2026, and documentation of non-response.

Exhibit D — Vetting Request submitted by Mark Holbrook to Secretary of State regarding Vivek Ramaswamy eligibility verification, with a response that he was fully vetted by Heather

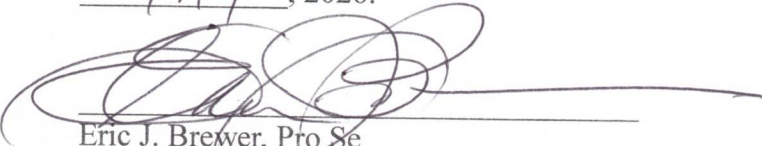
Exhibit E — Transcript of NBC News Interview, Vivek Ganapathy Ramaswamy with Katherine Koretski (September 10, 2023), containing judicial admissions regarding mother's naturalization timing and father's non-citizenship status.

Exhibit F — Secretary of State Frank LaRose's February 10, 2026 letter to DHS Secretary Kristi Noem transmitting voter records.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Complaint in Prohibition and Petition for Writ of Prohibition has been served upon Respondent Frank LaRose, Secretary of State of the State of Ohio, at 180 S. Civic Center Dr., Columbus, Ohio 43215, and upon the Office of the Ohio Attorney General at 30 East Broad Street, Columbus, Ohio 43215, by certified mail, return receipt requested, on this 13 day of

MAY, 2026.



Eric J. Brewer, Pro Se
25911 Tryon Road
Oakwood Village, OH 44146
216-310-1110
brewerquest@gmail.com