

IN THE SUPREME COURT OF OHIO

Case No. 2026-0601

STATE OF OHIO ex rel. ERIC J. BREWER,
Relator,

v.

FRANK LAROSE, in his official capacity as
Secretary of State of the State of Ohio,
Respondent.

RELATOR'S OPPOSITION TO RESPONDENT'S MOTION TO DISMISS
COMPLAINT IN PROHIBITION

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I. INTRODUCTION

Respondent moves to dismiss under Civ.R. 12(B)(6). He introduces twelve categories of outside matters into a motion that forbids them. The most consequential is the June 3, 2026 certification — an event that occurred twenty-one days after Relator filed his Complaint and that is the foundation of his entire mootness argument. Under Civ.R. 12(B), that fact and every other outside matter must be excluded or the motion must be converted to summary judgment under Civ.R. 56.

There is something more revealing than the outside matters Respondent introduced. It is the word that does not appear once, in any passage where Respondent speaks in his own voice, across the entirety of his thirteen-page motion: citizen. He discusses R.C. 3513.22 and certification procedure. No citizenship. He argues the certification was authorized by law. No citizenship. He argues laches. No citizenship. He argues mootness. No citizenship. He argues standing. No citizenship. He argues adequate remedies. No citizenship.

Respondent accepted Relator's allegations as true, under the rule he invoked, that the 2022 constitutional amendment establishes a citizen-only mandate, that no verification was performed, that no SAVE inquiry was run, and that no Form G-845 was ever submitted. He then filed thirteen pages that do not address any of those facts and do not use the word that is the subject of the entire proceeding. That silence, under Civ.R. 12(B)(6), is an admission. It is also the answer to why this case must proceed: someone must say the word, and perform the duty, that Respondent has chosen to avoid. Citizen.

Every qualified Ohio elector has a constitutional right to elect only Citizens of the United States and Ohio to public offices.

II. RESPONDENT INTRODUCED TWELVE CATEGORIES OF MATTERS OUTSIDE THE PLEADING, MANDATING CONVERSION OR EXCLUSION UNDER CIV.R. 12(B)

Civ.R. 12(B) provides in mandatory terms: "If, on a motion asserting the defense numbered (6) to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside

the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56.” Ohio Civ.R. 12(B) (emphasis added). “Shall” is mandatory. *State ex rel. Herbert v. Bricker*, 139 Ohio St. 499, 504, 41 N.E.2d 377 (1942). The following twelve categories of outside matters were introduced by Respondent and must be excluded or the motion converted:

A. The June 3, 2026 Certification — A Post-Filing Event That Is the Foundation of the Mootness Argument

1. Respondent’s June 3, 2026 certification of the primary election results, introduced via a Secretary of State press release. This event occurred twenty-one days after Relator filed his Complaint on May 13, 2026. It does not appear in the Complaint because it had not yet occurred. Respondent requests judicial notice under *Otarma v. Miami Twp.*, 2025-Ohio-2897. Judicial notice authenticates a document; it does not make a post-filing event part of a complaint filed before the event occurred. Strip this fact from the motion and the mootness argument has no foundation whatsoever.

B. Outside Facts Introduced to Establish a Laches Timeline

2. The February 4, 2026 Secretary of State press release announcing Ramaswamy’s petition filing. This document does not appear in Relator’s Complaint. It is the sole factual predicate for Respondent’s claim that Relator had over three months to file a protest. Without this outside document, the laches timeline Respondent asserts has no evidentiary basis.

3. *Smith v. Scioto Cty. Bd. of Elections*, 2009-Ohio-5866, and *State ex rel. Newell v. Tuscarawas Cty. Bd. of Elections*, 93 Ohio St.3d 592 (2001), introduced to establish that specific periods of delay are unreasonable per se. Neither case appears in Relator’s Complaint. Both are used to import a factual framework requiring development to apply correctly to circumstances materially different from those cases.

C. Outside Statutory Matters Introduced to Defeat the Quasi-Judicial Prong

4. R.C. 3513.22(D)(1), quoted at length to characterize certification as purely ministerial: receive abstracts, canvass, declare. While Relator's Complaint cited R.C. 3513.22, Respondent's characterization of its ministerial scope and the argument that it "clearly does not contemplate any hearing resembling a judicial trial" is a new legal framing that goes beyond the four corners of the pleading.

5. *State ex rel. Varnau v. Wenninger*, 2011-Ohio-759, introduced to define quasi-judicial authority as requiring "a hearing resembling a judicial trial." This case does not appear in Relator's Complaint. Relator relied on *State ex rel. Derwort v. Hummel*, 146 Ohio St. 653 (1946), and *State ex rel. Democratic Executive Committee v. Brown*, 39 Ohio St.2d 157 (1974). Respondent substitutes Wenninger to eliminate the elector-status determination line of authority that Relator's Complaint invokes. That substitution is a legal reframing outside the pleading.

D. The Strategic Substitution of Fyffe for Largent — Eliminating the Patent-and-Unambiguous Exception

6. Respondent states the prohibition standard citing *State ex rel. Fyffe v. Pierce*, 40 Ohio St.3d 8, 9 (1988). Relator's Complaint cites *State ex rel. Largent v. Fisher*, 43 Ohio St.3d 160, 161, 540 N.E.2d 239 (1989). Both state the three-part test. But Largent is the foundational authority for the critical exception: when an officer "patently and unambiguously lacks jurisdiction," the availability of an adequate remedy is immaterial. *State ex rel. Willacy v. Smith*, 78 Ohio St.3d 47 (1997). By substituting Fyffe for Largent, Respondent strategically omits the patent-and-unambiguous exception that Relator expressly relies upon. This substitution is a legal reframing outside the pleading that must be rejected.

E. Outside Matters Introduced to Defeat Jurisdiction

7. State ex rel. Gadell-Newton v. Husted, 2018-Ohio-1854, and State ex rel. Leneghan v. Delaware Cty. Bd. of Elections, 2026-Ohio-1598, introduced for the proposition that this Court looks past labels to the nature of relief requested. Neither appears in Relator's Complaint. Both are used to support the argument that Relator's prohibition is "really" an injunction.

8. State ex rel. Crabtree v. Franklin Cty. Bd. of Health, 1997-Ohio-274, introduced to argue this Court lacks original jurisdiction in prohibitory injunction. This case does not appear in Relator's Complaint. It is introduced to manufacture a jurisdictional bar through the recharacterization of the Complaint as something it is not.

F. Outside Matters Introduced to Manufacture an Adequate Remedy

9. Secretary of State Form 257, available at <https://www.ohiosos.gov/assets/257.pdf>. This form appears nowhere in Relator's Complaint. Its introduction to defeat the no-adequate-remedy prong triggers the Civ.R. 12(B) conversion requirement.

10. R.C. 3503.24 as an adequate remedy. Relator's Complaint does not invoke R.C. 3503.24. Respondent introduces it as an alternative remedy Relator should have pursued. As demonstrated below, Hicks itself confirms why this remedy is inadequate for the relief Relator seeks.

G. The Otarma Judicial Notice Vehicle

11. Otarma v. Miami Twp., 2025-Ohio-2897, introduced in two footnotes as authority for judicial notice of internet public records. This case does not appear in Relator's Complaint. It is the procedural mechanism through which Respondent introduces the June 3 certification and the February 4 press release into a 12(B)(6) motion. Judicial notice authenticates a document's existence; it does not make a post-filing event a pleaded fact, and it does not exempt outside matters from the Civ.R. 12(B) conversion requirement.

H. The Recharacterization of the Complaint as a Candidacy Protest

12. Respondent characterizes Relator's Complaint as "attempting to protest Mr. Ramaswamy's candidacy and framing it as a writ to prohibit certification." This characterization appears nowhere in Relator's Complaint. Relator challenges the Secretary's exercise of certification power without the constitutional predicate that authorizes it, and challenges the Secretary's authority as a constitutionally disqualified officer. Respondent's reframing is his own legal conclusion introduced to import R.C. 3501.39 as a bar. It is an outside matter.

The consequence is mandatory: this Court must either exclude all twelve categories of outside matters and decide the motion solely on the four corners of Relator's Complaint, or convert to summary judgment under Civ.R. 56 and afford Relator the right to conduct discovery. If converted, Relator is entitled to: the complete administrative record of any eligibility review conducted prior to certification; all SAVE system query records for Vivek Ganapathy Ramaswamy; all Form G-845 inquiries submitted to USCIS for either parent; the A-Files for V.G. Ramaswamy and Geetha Ramaswamy; and all communications between Respondent's office and the candidate regarding eligibility verification. On the pleadings alone, stripped of every outside matter, the mootness argument has no foundation, the laches timeline disappears, the jurisdiction argument collapses, the Fyffe substitution is rejected, and the motion to dismiss fails.

III. THE PLEADED FACTS, ACCEPTED AS TRUE, STATE A COMPLETE CLAIM

Excluding all outside matters, the following facts are established on the face of Relator's Complaint and must be accepted as true:

1. Article XV, Section 4 of the Ohio Constitution provides in mandatory terms that no person shall be elected to any office in Ohio unless possessed of the qualifications of a qualified elector who is a Citizen pursuant to Article V, Section 1. United States citizenship is the threshold qualification under R.C. 3503.01(A).

2. The Secretary publicly represented that Vivek Ganapathy Ramaswamy was “fully vetted” prior to certification, representing that an eligibility determination had been made.

3. In response to Relator’s R.C. 149.43 public records request demanding the administrative record of any citizenship verification, Respondent produced no records and made no response within the statutory period.

4. Respondent possesses permanent bulk SAVE access through a 20-year DHS agreement and is required by S.B. 293 to consult the SAVE system monthly for voter citizenship verification. No SAVE inquiry was submitted for Ramaswamy. No Form G-845 was submitted. No A-File was requested.

5. Respondent publicly endorsed Ramaswamy for Governor on February 10, 2025. Ramaswamy reciprocally endorsed Respondent for State Auditor. Respondent had a direct personal and political interest in the candidate’s success at the time he certified the results of the election in which that candidate appeared.

6. The candidate publicly admitted that his mother did not complete naturalization until after his birth and that his father is not a citizen of the United States, raising a documented and unresolved question about the parents’ immigration status at the time of the candidate’s birth that a birth certificate does not resolve.

7. Vivek Ganapathy Ramaswamy is the certified Republican nominee for Governor and will appear on the November 3, 2026 general election ballot. The Secretary will certify the general election results. The identical constitutional defect will recur unless this Court acts.

IV. LAW AND ARGUMENT

A. Respondent’s Calculated Silence on the Word “Citizen” Is an Admission Under the Standard He Invoked.

Civ.R.12(B)(6) requires Respondent to accept as true every factual allegation in Relator’s Complaint. The central factual allegations are that the Ohio Constitution mandates citizen-only

participation in Ohio elections, that the Secretary certified a candidate whose citizenship was never verified, and that the Secretary had the infrastructure to verify it and chose not to use it.

Respondent's motion does not contain the word "citizen" in any passage where Respondent speaks in his own voice. He discusses R.C. 3513.22 and the mechanics of certification. He argues mootness. He argues laches. He argues jurisdiction. He argues adequate remedies. Across thirteen pages, in every section where he describes his own duties and his own conduct, the word that is the constitutional subject of the entire proceeding does not appear.

That is not oversight. Three attorneys from Dickinson Wright reviewed a Complaint that uses the word "citizen" and "citizenship" throughout and filed a response that avoids both words entirely in their own analysis. Under Civ.R.12(B)(6), which requires acceptance of Relator's facts as true, that silence is a concession that the citizenship obligation exists, that it was not performed, and that no record of its performance exists. It is an admission on the record, made by the officer who is the chief election officer of the State of Ohio, that he has no answer to the citizenship question at the center of this case.

B. This Case Is Not Moot: Strip the Outside Fact and the Argument Vanishes. The General Election Presents a Live Controversy.

Remove the June 3 certification from the motion — as Civ.R.12(B) requires — and the mootness argument has no foundation. At the time Relator filed on May 13, 2026, the certification had not occurred. On the pleadings alone, prohibition lies against a future act. The motion fails on mootness grounds on the pleadings.

Even accepting the June 3 certification, the case is not moot. Ohio courts recognize that a case does not become moot when the challenged conduct is capable of repetition yet likely to evade review, and when it is possible for the court to grant effective relief. *State ex rel. Dispatch Printing Co. v. Wells*, 18 Ohio St.3d 382, 384 (1985); *State ex rel. Gaylor, Inc. v. Goodenow*, 2010-Ohio-1844, ¶ 11 ("if it is possible for a court to grant the requested relief, the case is not moot"), cited with approval in

State ex rel. Hicks v. Adams Cnty. Bd. of Elections, 2026-Ohio-1274, n.1. The primary certification window is approximately thirty days — too short for full briefing and decision on the constitutional questions presented. Respondent opposed expedited briefing, and the Court had not ruled before he certified on June 3. A party cannot oppose expedited review, allow the deadline to pass, and then invoke the resulting mootness as a shield. State ex rel. Dispatch Printing Co. v. Wells, 18 Ohio St.3d 382, 384 (1985).

The same constitutional defect will recur with certainty. Ramaswamy is the certified Republican nominee. He will appear on the November 3, 2026 general election ballot. Respondent will certify the general election results. The same conflicted officer who certified without verification in the primary will certify without verification in the general — unless this Court acts. The general election presents a live, concrete, imminent controversy entirely independent of the primary certification.

C. Laches Does Not Bar This Action: Strip the Outside Timeline and the Argument Loses Its Factual Predicate.

Remove the February 4 press release from the motion — as Civ.R.12(B) requires — and Respondent has no factual predicate for the three-month timeline he asserts. On the pleadings alone, the laches argument fails.

On the merits: the factual predicate for this petition was not complete on February 4. Relator submitted his R.C. 149.43 request on April 29. The statutory response period had not elapsed by election day. The documented absence of any verification record — which is the evidentiary core of this petition — was not established until that period elapsed without response. A relator cannot be charged with delay for failing to file a claim whose central evidence did not yet exist. Between filing on May 13 and the June 3 certification, Relator filed a motion to expedite. Respondent opposed it. The Court had not ruled. Respondent certified and now invokes mootness. He cannot manufacture mootness through his own procedural conduct and then benefit from it.

D. The Certification Is a Quasi-Judicial Act: The Largent Standard, Not the Fyffe Substitution, Governs, and Hicks Confirms That Internal Records Cannot Resolve the Question Before the Court.

Respondent substitutes Fyffe for Largent to eliminate the patent-and-unambiguous exception. That substitution is an outside legal reframing that must be rejected. On the pleadings alone, Relator's Complaint invokes Largent and the patent-and-unambiguous exception. That exception provides that when an officer patently and unambiguously lacks jurisdiction, prohibition issues regardless of the availability of an adequate remedy. *State ex rel. Willacy v. Smith*, 78 Ohio St.3d 47 (1997). The Secretary lacks jurisdiction to certify a candidate whose elector status was never established. That is a patent jurisdictional defect visible on the face of the record.

Respondent also substitutes *Varnau v. Wenninger* for *Derwort and Brown*. *Wenninger* is distinguishable: in *Wenninger*, the protest was withdrawn before any hearing, so the quasi-judicial function was never triggered. Here, the documentary record — the Hindu Marriage Register, the Medical Board application, the ECFMG timing discrepancy, the candidate's own public admissions — constituted a factual record that required the Secretary to make a legal determination before certifying. *State ex rel. Hicks v. Adams Cnty. Bd. of Elections*, 2026-Ohio-1274, ¶ 72-74, confirms this principle: when a challenger presents evidence that internal records cannot address, the officer has a duty to engage with that evidence before acting.

The Secretary could not receive abstracts and declare results while the documentary record placed a constitutional question he had not answered before him.

E. The Certification Is Unauthorized by Law: The Conflict of Interest Argument Remains Entirely Unrebutted.

Respondent's motion does not address the conflict of interest argument at all. Respondent publicly endorsed Ramaswamy for Governor on February 10, 2025. Ramaswamy reciprocally endorsed Respondent for State Auditor. Respondent then certified that candidate's primary results. Under *Tumey v. Ohio*, 273 U.S. 510, 523 (1927), and *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876 (2009), a

quasi-judicial act performed by an officer with a direct personal interest in the outcome is constitutionally void. The certification is void ab initio on this ground alone. Thirteen pages from Dickinson Wright contain no response to it. Silence is concession.

F. Relator Has Standing Under Hicks, and Respondent’s Introduction of That Case Confirms It.

Respondent introduced State ex rel. Hicks v. Adams Cnty. Bd. of Elections, 2026-Ohio-1274, to argue that R.C. 3503.24 provided an adequate remedy. He thereby invited this Court to read Hicks. Having read it, this Court will find that Hicks supports Relator.

In Hicks, this Court held unanimously that R.C. 3503.24(A) confers standing on “any qualified Ohio elector” — not merely electors of the same county — to challenge the eligibility of a registered elector. Hicks, ¶ 62-64. The Court held that the 2016 amendment removing the phrase “of the county” from R.C. 3503.24(A) was a deliberate substantive change reflecting that any qualified Ohio elector has statewide standing. Id. at ¶ 63.

Relator is a registered Republican elector of Cuyahoga County who cast a ballot in the May 6, 2026 primary and will cast a ballot in the November 3, 2026 general election. Under Hicks, he has individual, cognizable standing to enforce the eligibility requirements of the election code. The universality of that right does not convert it into a generalized grievance; as Hicks noted at ¶ 50, the fact that any qualified elector may bring such a challenge confirms that every elector holds the right individually.

G. Relator Has No Adequate Remedy at Law: Hicks Demonstrates That Local Board Procedures Cannot Resolve Federal Immigration Verification Questions.

Form 257 and R.C. 3503.24 were introduced as outside matters and must be excluded. On the pleadings alone, no adequate remedy is alleged. On the merits: Hicks itself confirms their inadequacy.

In Hicks, this Court held that a county board abuses its discretion when it denies an eligibility challenge based solely on its own internal records when those records cannot address the substance of the challenger's evidence. Hicks, ¶ 72-74. The Court identified the categories of evidence that board records cannot resolve: water usage, vehicle registrations, ethics filings, property ownership, family location. Id. at ¶ 73.

The parallel to this case is exact but more profound. A county board of elections operating under R.C. 3503.24 has no mechanism to query the federal DHS/USCIS SAVE system. It has no mechanism to request USCIS A-Files. It has no mechanism to submit Form G-845 Document Verification Requests. It has no access to the parents' immigration records as of August 9, 1985. The evidence that would resolve the constitutional question — federal immigration records, A-Files, SAVE queries, Form I-551 dates — is accessible only to the Secretary of State through the federal infrastructure he has already built and is required by statute to use for voters.

A local board protest directed at the candidate's declaration of candidacy could not have compelled the Secretary to submit a SAVE inquiry, request an A-File, or produce a Form G-845 response. The adequate remedy Respondent cites is mechanically incapable of providing the relief this case requires. Hicks, which Respondent introduced, confirms it.

Respondent knew the limitation existed when he demanded and was refused access to SAVE under the former administration of President Joseph Biden and Homeland Security Director Alejandro Mayorkis after voters confirmed citizen-only voting in 2022. The Respondent's assertion that he lacks a clear legal mechanism or a mandatory obligation to verify candidate citizenship is completely belied by his own active federal litigation history.

On October 24, 2024, Respondent initiated a federal lawsuit in the United States District Court for the Southern District of Ohio—*State of Ohio ex rel. Frank LaRose v. United States Department of Homeland Security, et al.*, Case No. 3:24-cv-00283—wherein he executed a sworn complaint demanding bulk administrative access to federal identity databases. In that federal action, Respondent explicitly leveraged 8 U.S.C. § 1373, maintaining that federal immigration authorities are statutorily

mandated to respond to state inquiries seeking to ascertain the citizenship status of any individual. Specifically, he argued, “... Plaintiffs have a compelling interest in election integrity, and the prospect of non-citizens voting in the federal election presents an irreparable harm. See *Summit Cnty. Democratic Cent. & Exec. Comm. v. Blackwell*, 388 F.3d 547, 551 (6th Cir. 2004). 54. That harm is also imminent because the upcoming federal election is less than two weeks away. Even after election day, this information is needed to verify that only citizens voted in the election and to generally ensure the integrity of Ohio’s elections. Defendants’ months-long delay has unfortunately—and unnecessarily — yielded this problem. If DHS had followed its statutory obligation or made clear months ago that it would refuse to do so, Plaintiffs would not have been placed in this untenable situation.”

Having successfully utilized the teeth of 8 U.S.C. § 1373 to compel federal cooperation and secure a historic, 20-year bulk-access agreement to the DHS/USCIS SAVE infrastructure on November 28, 2025, the Respondent now orchestrates an extraordinary operational paradox: he actively deploys this advanced verification apparatus against everyday Ohio voters while deliberately withholding it from candidate review.

A chief election officer cannot sue in federal court under the banner of 8 U.S.C. § 1373 to amass a citizenship verification system, declare it indispensable to state sovereignty, and then completely refuse to turn the key when a documented, high-profile candidacy places an unresolved constitutional threshold question squarely on the face of the public record. This calculated operational asymmetry is not an exercise of administrative discretion; it is the absolute definition of a reckless failure to perform a duty expressly imposed by law under R.C. 2921.44(E).

H. This Court Has Jurisdiction in Prohibition Because Relator Challenges Authority, Not the Lawfulness of a Concededly Authorized Act.

Respondent’s jurisdiction argument rests entirely on outside cases and his own recharacterization of the Complaint as an injunction request. On the pleadings alone, Relator’s Complaint states a prohibition claim: the Secretary exercised quasi-judicial power — certification of a

candidate's election results — without the constitutional authority that authorizes that power, and as a constitutionally disqualified officer. That is prohibition. *State ex rel. Largent v. Fisher*, 43 Ohio St.3d 160, 161 (1989). An injunction prevents a lawful act that causes harm. Relator does not concede the certification was lawful. He contests the authority itself. This Court has original jurisdiction over that claim. Ohio Const., art. IV, § 2(B)(1)(d).

V. CONCLUSION

The 2022 amendment to Article V, Section 1 of the Ohio Constitution left no room for administrative discretion, balancing tests, or judicial equity. United States citizenship is the absolute, non-negotiable threshold qualification for qualified elector status, and by extension, for ballot access to every elected office in this State. When 3.7 million Ohioans enacted the citizen-only mandate, they stripped every election official of the authority to certify any person who is not a Citizen to vote or seek elected office. It is offensive that the Secretary of State asks this Court to use procedural mechanics to validate an exercise of power that the Constitution expressly denies.

Because Article XV, Section 4 establishes qualified elector status as a mandatory condition precedent to holding office, an individual who fails to satisfy the citizenship threshold pursuant to amended Article V, Section 1, effective immediately on November 8, 2022, cannot lawfully trigger the Secretary's certification mechanics. Any act by the Respondent to certify a non-citizen's candidacy under R.C. 3513.22 is not merely an abuse of discretion; it is an act of anarchism performed completely without constitutional authorization and is void *ab initio*.

Respondent's team of attorneys introduced twelve categories of outside matters into a Civ.R. 12(B)(6) motion they knew forbids them. The most consequential — the June 3 certification — is the foundation of his entire mootness argument and a post-filing event that cannot be part of a complaint filed before it occurred. Filing under Civ.R.12(B), Civ.R.11 instructed them to know all twelve categories must be excluded or the motion converted to summary judgment.

Strip the outside matters and every argument fails: mootness loses its foundation; laches loses its timeline; jurisdiction rests on Respondent's own recharacterization; Fyffe is rejected in favor of the

Largent standard Relator actually cited; and the adequate remedy argument loses both Form 257 and R.C. 3503.24.

What remains is a Complaint that alleges a mandatory constitutional citizenship qualification; a Secretary who endorsed the candidate whose results he certified and received a reciprocal endorsement; a “fully vetted” representation contradicted by a public records non-response; a SAVE infrastructure applied to voters but not to candidates; a conflict of interest that Respondent has not addressed in any filing; and a general election in which the identical defect will recur in five months. And a motion from Respondent that never once uses the word “citizen” in describing his candidate citizenship verification duties or his own conduct.

Respondent asks this Court to look away from a structural constitutional defect by invoking rules of convenience like laches and mootness. But procedural rules cannot confer authority where the organic law commands an absolute bar. The citizen-only constitutional mandate is a continuous constraint on the Secretary’s power. It applies to the primary certification, it applies to ballot preparation, and it applies to the upcoming November 3, 2026 general election. A constitutional disqualification visible on the face of the record can never be cured by the passage of a deadline or the issuance of an administrative certificate.

A chief election officer cannot construct an infrastructure designed to verify citizenship, actively deploy it against ordinary voters, and then completely abandon that verification infrastructure to certify a high-profile candidate whose parentage and public admissions place an unresolved constitutional disqualification squarely on the face of the record. Ramaswamy’s own broadcast acknowledgments regarding his parents’ statutory immigration status at the date of his birth fall within the precise citizenship boundaries that both the election code and two constitutions mandate this office to enforce.

Respondent’s Civ.R.12(B)(6) motion, accepted as an admission that all Relator’s claims are true, do not fully place him on the positive side of R.C. 2921.44(E) as he has failed to certify only verified citizens as candidates for elected office. “No public servant shall recklessly fail to perform a

duty expressly imposed by law with` respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.”

Relator respectfully requests that this Court deny Respondent’s Motion to Dismiss, exclude the outside matters or convert to summary judgment and order discovery, find that the Complaint states a claim upon which relief may be granted, and direct the parties toward the November 3, 2026 general election certification as the live and imminent controversy before this Court.

/ s / Eric J. Brewer

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Opposition to Motion to Dismiss was filed with the Clerk of Court using the Court's e-filing system, which will send notice of filing to all counsel of record, and was served via email upon Jonathan R. Secrest, David A. Lockshaw, Jr., and Ryan S. Lett, Dickinson Wright PLLC, 180 East Broad Street, Suite 3400, Columbus, Ohio 43215, and upon the Office of the Ohio Attorney General at 30 East Broad Street, Columbus, Ohio 43215, on this 14th day of June, 2026.

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