

**IN THE SUPREME COURT OF OHIO**

|                                    |   |                             |
|------------------------------------|---|-----------------------------|
| State of Ohio ex rel. CARL KOEBEL, | ) | Supreme Court No. 2026-1225 |
|                                    | ) |                             |
| Relator,                           | ) |                             |
|                                    | ) |                             |
| v.                                 | ) |                             |
|                                    | ) |                             |
| ERIE COUNTY BOARD OF ELECTIONS,    | ) |                             |
| et al.,                            | ) |                             |
|                                    | ) |                             |
| and Caleb Stidham, Intervenor,     | ) |                             |
|                                    | ) |                             |
| Respondents.                       | ) |                             |

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**MOTION OF PROPOSED  
INTERVENING RESPONDENT CALEB STIDHAM**

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W. Stuart Dornette\* (0002955)  
*\*Counsel of Record*  
TAFT STETTINIUS & HOLLISTER LLP  
301 E. 4<sup>th</sup> Street, Suite 2800  
Cincinnati, OH 45202-3957  
Phone: (513) 381-2838  
Fax: (513) 381-0205  
dornette@taftlaw.com

*Counsel for Intervening Respondent Caleb Stidham*

D. ANDREW WILSON  
Ohio Attorney General

ANN YACKSHAW (0090623)\*  
*\*Counsel of Record*  
GREGORY A. RUSTICO (0104103)  
Assistant Attorneys General  
Constitutional Offices Section  
30 East Broad Street, 16th Floor  
Columbus, OH 43215-3428  
Phone: (614) 466-2872  
Fax: (614) 728-7592  
Ann.Yackshaw@OhioAGO.gov  
Gregory.Rustico@OhioAGO.gov  
*Counsel for Respondent Frank LaRose*

Gina R. Grandillo (0099609)  
GRANDILLO LEGAL, LLC  
29 South Washington Street  
Tiffin, Ohio, 44883  
Phone: (419) 448-0800  
Fax: (419) 448-0808  
grandillolaw@gmail.com

Christopher E. Liebold (100602)  
ALBRECHTA & LIEBOLD, LTD.  
2228 Hayes Avenue  
Fremont, Ohio, 43420  
Phone: (419) 332-9999  
Fax: (419) 333-8147  
cliebold@lawyer-ac.com  
*Counsel for Relator Carl Koebel*

Kevin J. Baxter  
Erie County Prosecuting Attorney  
Jason R. Hinnners\* (0077051)  
*\*Counsel of Record*  
Gerhard R. Gross (0072214)  
Erie County Prosecutor's Office  
247 Columbus Avenue, Suite 319  
Sandusky, Ohio 44870  
Phone: (419) 627-7702  
Fax: (419) 627-7567  
jhinnners@eriecounty.oh.gov

ggross@eriecounty.oh.gov  
*Counsel for Respondent Erie County  
Board of Elections*

Caleb Stidham applies to this Court under Ohio Civil Rule 24 to intervene as a Respondent in this mandamus action. As the candidate whom the Relator is seeking to remove from the November 3, 2026, general-election ballot, Mr. Stidham has a direct interest in the outcome of this action. The remedy sought may impair or impede Mr. Stidham's ability to protect his substantial interest in ballot eligibility.

### **MEMORANDUM IN SUPPORT OF MOTION**

Under Ohio Civil Rule 24 (A), "[u]pon timely application anyone shall be permitted to intervene in an action: ... (2) when the applicant claims an interest relating to the ... transaction that is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties." Mr. Stidham meets each requirement.

Mr. Stidham is the Republican candidate for the 89<sup>th</sup> House District, selected pursuant to R.C. 3513.31(B) to fill a vacancy when the prior Republican candidate withdrew from the race. Selection of a party nominee is a core associational function of a political party, and Relator has found no case holding that a political party making such a selection is converted into a public body for purposes of Ohio's Open Meeting Act. Nonetheless, Relator Carl Koebel seeks a peremptory writ of mandamus directing the Erie County Board of Elections to remove Mr. Stidham's name from the 2026 general-election ballot on the theory that the party action of filling a candidate vacancy is a public function required to be conducted at a public meeting. And he does so, having waited three and a half weeks after the decision he now challenges.

Precedent shows the right to intervene must be construed "liberally to permit intervention." *State ex rel. Espen v. Wood Cty. Bd. of Elections*, 154 Ohio St.3d 1, 2017-Ohio-

8223, ¶ 5; *State ex rel. Merrill v. Ohio Dept. of Natural Resources*, 130 Ohio St.3d 30, 2011-Ohio-4612, ¶ 3. Because Mr. Stidham is the candidate Relator seeks to remove from the ballot, he has a direct and personal interest in these proceedings. No one's interest will be more greatly affected by disposition of this action than that of Intervening Respondent. Under like circumstances, this Court granted leave to intervene to a certified candidate for Lorain Law Director when an action in prohibition sought to remove him from the ballot. *State ex rel. Scherach v. Lorain County Bd. of Elec.*, 123 Ohio St. 3d 1402, 2009-Ohio-5085 (in challenge to placement of intervenor's name on the ballot, leave to intervene granted).

The interests of the Ohio Secretary of State and the Erie County Board of Elections stand separate from those of the candidate the Republican party selected to fill the vacancy in this race. It cannot be said that "applicant's interest is adequately represented by existing parties." As but one example of how those interests diverge, paragraph 9 of the Amended Complaint alleges that "Relator has acted diligently since he learned of the Secretary's decision in asserting this action. Relator also affirmatively alleges that ***there is no prejudice to the Respondents.***" (emphasis added) The existing Respondents may deal with claims such as this on a routine basis. But for a legislative candidate putting together and running a campaign for office in an already compressed time frame, the two scarcest things he has—time and resources—are diverted here by the late-filed action. In addition, such an action places a cloud over the candidacy as everyone approaches the start of early voting in a matter of days. Mr. Stidham easily clears the "minimal" threshold to satisfy the test for intervention as a matter of right.

Permissive intervention further warrants the inclusion of Mr. Stidham to this action. Under Ohio Civil Rule 24(B), the rule for permissive intervention, upon timely application, anyone may be permitted to intervene in an action when a statute of this state confers a

conditional right to intervene or when an applicant's claim or defense and the main action have a question of law or fact in common. Mr. Stidham shares the defense of the Secretary of State; namely, that Mr. Stidham was properly certified to the 2026 general-election based on the inapplicability of the Open Meeting Act. Permissive intervention is appropriate under Ohio R. Civ. P. 24(B) given the identical nature of the claims between Mr. Stidham and the Secretary of State.

The Court should grant Mr. Stidham's application for intervention and accept for filing his Answer (attached as Exhibit A).

Respectfully submitted,

/s/ william stuart dornette

W. Stuart Dornette\* (0002855)

*\*Counsel of Record*

Taft Stettinius & Hollister LLP

301 E. 4th Street, Suite 2800

Cincinnati, OH 45202

Phone: (513) 381-2838

dornette@taftlaw.com

*Counsel for Intervening Respondent*

*Caleb Stidham*

## CERTIFICATE OF SERVICE

I certify that on September 17, 2026, the foregoing was served by electronic mail upon the following:

Gina R. Grandillo  
[grandillolaw@gmail.com](mailto:grandillolaw@gmail.com)

Christopher E. Liebold  
[cliebold@lawyer-ac.com](mailto:cliebold@lawyer-ac.com)

*Counsel for Relator Carl Koebel*

Jason R. Hinnners  
Gerhard R. Gross  
Assistant Erie County Prosecutor  
[jhinnners@eriecounty.oh.gov](mailto:jhinnners@eriecounty.oh.gov)  
[ggross@eriecounty.oh.gov](mailto:ggross@eriecounty.oh.gov)

*Counsel for Respondent  
Eric County Board of Elections*

Ann Yackshaw  
Principal Assistant Attorney General  
[Ann.yackshaw@ohioago.gov](mailto:Ann.yackshaw@ohioago.gov)

Gregory Rustico  
Assistant Attorney General  
[Gregory.rustico@ohioago.gov](mailto:Gregory.rustico@ohioago.gov)

*Counsel for Respondent Ohio Secretary of  
State Frank LaRose*

/s/ W. Stuart Dornette

# Exhibit A

**IN THE SUPREME COURT OF OHIO**

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|------------------------------------|---|-----------------------------|
| State of Ohio ex rel. CARL KOEBEL, | ) | Supreme Court No. 2026-1225 |
|                                    | ) |                             |
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| v.                                 | ) |                             |
|                                    | ) |                             |
| ERIE COUNTY BOARD OF ELECTIONS,    | ) |                             |
| et al.,                            | ) |                             |
|                                    | ) |                             |
| and Caleb Stidham, Intervenor,     | ) |                             |
|                                    | ) |                             |
| Respondents.                       | ) |                             |

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**PROPOSED INTERVENOR CALEB STIDHAM’S ANSWER TO RELATOR’S  
AMENDED VERIFIED COMPLAINT FOR WRIT OF MANDAMUS**

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W. Stuart Dornette\* (0002955)  
*\*Counsel of Record*  
TAFT STETTINIUS & HOLLISTER LLP  
301 E. 4<sup>th</sup> Street, Suite 2800  
Cincinnati, OH 45202-3957  
Phone: (513) 381-2838  
Fax: (513) 381-0205  
dornette@taftlaw.com  
*Counsel for Intervening Respondent Caleb Stidham*

D. ANDREW WILSON  
Ohio Attorney General

ANN YACKSHAW (0090623)\*  
*\*Counsel of Record*  
GREGORY A. RUSTICO (0104103)  
Assistant Attorneys General  
Constitutional Offices Section  
30 East Broad Street, 16th Floor  
Columbus, OH 43215-3428  
Phone: (614) 466-2872  
Fax: (614) 728-7592  
Ann.Yackshaw@OhioAGO.gov  
Gregory.Rustico@OhioAGO.gov  
*Counsel for Respondent Frank LaRose*

Gina R. Grandillo (0099609)  
GRANDILLO LEGAL, LLC  
29 South Washington Street  
Tiffin, Ohio, 44883  
Phone: (419) 448-0800  
Fax: (419) 448-0808  
grandillolaw@gmail.com  
  
Christopher E. Liebold (100602)  
ALBRECHTA & LIEBOLD, LTD.  
2228 Hayes Avenue  
Fremont, Ohio, 43420  
Phone: (419) 332-9999  
Fax: (419) 333-8147  
cliebold@lawyer-ac.com  
*Counsel for Relator Carl Koebel*

Kevin J. Baxter  
Erie County Prosecuting Attorney  
Jason R. Hinnners\* (0077051)  
*\*Counsel of Record*  
Gerhard R. Gross (0072214)  
Erie County Prosecutor’s Office  
247 Columbus Avenue, Suite 319  
Sandusky, Ohio 44870  
Phone: (419) 627-7702  
Fax: (419) 627-7567

jhinners@eriecounty.oh.gov  
ggross@eriecounty.oh.gov  
*Counsel for Respondent Erie County  
Board of Elections*

Proposed Mr. Stidman Caleb Stidham (“Mr. Stidham”), subject to the Court’s ruling on his motion to intervene, answers Relator’s Amended Verified Complaint for Writ of Mandamus (“Amended Complaint”) as follows. Any allegation not expressly admitted is denied.

**I. Parties, Jurisdiction, and Venue**

1. Relator Carl Koebel (“Koebel”) is a qualified Elector residing in Port Clinton, Ottawa County, Ohio, within the boundaries of Ohio House District 89. He brings this action to protect the lawful administration of the November 3, 2026 general-election ballot for Ohio House District 89 pursuant to the Court’s original jurisdiction under Article IV, Section 2(B)(1)(b) of the Ohio Constitution and Chapter 2731 of the Ohio Revised Code, both of which govern, as well as Article IV, Section 2(B)(1)(f), which gives the court original jurisdiction “[i]n any cause on review as may be necessary to its complete determination.” Relator has executed an Affidavit in support of this Complaint, attached here as Exhibit “A.”

**ANSWER:** Mr. Stidman is without knowledge or information sufficient to form a belief as to the truth of the first sentence of paragraph 1 of the Amended Complaint and therefore denies the same. Further answering, Mr. Stidman admits that there is an affidavit attached as an exhibit to the Amended Complaint and denies the remaining allegations.

2. Respondent, Frank LaRose is the Ohio Secretary of State and Ohio’s chief election officer. He is named solely in his official capacity.

**ANSWER:** Admit.

3. Respondent, Erie County Board of Elections is the board of elections for Erie County, Ohio, the county in which the certification dispute has been presented. It is named solely in its official capacity.

**ANSWER:** Admit.

4. Kevin Baxter, Erie County Prosecuting Attorney, is the legal representative of the Board and is being provided notice of this Complaint in that capacity.

**ANSWER:** Admit.

5. All parties involved in this matter are natural persons or governmental entities located in the State of Ohio, all events material to this matter occurred within the geographic limits of the State of Ohio, and this matter involves an election scheduled to occur within the State of Ohio.

**ANSWER:** Admit.

6. This Court has original jurisdiction over mandamus actions. R.C. 2731.04 requires that this action proceed in the name of the State on the relation of the person applying.

**ANSWER:** Admit.

7. This is an expedited election case. The November 3, 2026 general election is imminent; ordinary remedies cannot provide meaningful relief before ballots must be finalized.

**ANSWER:** Admitted that the November 3, 2026 general election is approaching, but Mr. Stidman specifically denies that ordinary remedies cannot provide meaningful relief and affirmatively states that Relator himself created the claimed urgency by delaying three and a half weeks from the Secretary of State's tie-breaking decision on August 20, 2026, to the filing of this action on September 14, 2026.

8. This Complaint is verified by Relator Carl Koebel and is supported by his affidavit filed herewith.

**ANSWER:** Admitted that Relator filed a verification and affidavit.

9. Relator has acted diligently since he learned of the Secretary's decision in asserting this action. Relator also affirmatively alleges that there is no prejudice to the Respondents.

**ANSWER:** Deny. Relator delayed three and a half weeks from the Secretary's August 20, 2026 decision before filing this action on September 14, 2026, and this delay has prejudiced all parties, particularly Mr. Stidman, who faces disruption to his candidacy and campaign six weeks before the general election.

## **II. Facts**

9. [sic] Relator hereby incorporate paragraphs one (1) through eight (8) of this Complaint as if fully rewritten herein.

**ANSWER:** Mr. Stidman refers to his answers to paragraphs 1-9 above.

10. The 89th District is composed of all of Ottawa County, Erie County, and parts of Huron County Ohio.

**ANSWER:** Admit.

11. Representative D.J. Swearingen ("Swearingen") is the incumbent State Representative for Ohio House District 89, and won the Republican nomination for that office in the May 2026 Primary election.

**ANSWER:** Admit.

12. On August 4, 2026, Swearingen wrote to the Erie County Board of Elections and

formally requested that his name be removed from the ballot for the November 3, 2026 general election.

**ANSWER:** Admit.

13. Swearingen's withdrawal came shortly before the statutory deadline for filling the resulting vacancy in the Republican Party's nomination.

**ANSWER:** Admit.

14. Because the primary election had already occurred and House District 89 consists of more than one county, R.C. 3513.31(B) governed the selection of a replacement nominee.

**ANSWER:** Admit.

15. Under R.C. 3513.31(B), the chairperson and secretary of the county central committee of each county within the district constitute the district committee authorized to select a replacement nominee.

**ANSWER:** Admit.

16. R.C. 3513.31(B) places responsibility for providing notice of the time and place of the meeting upon the chairperson of the county containing the greatest number of electors within the district.

**ANSWER:** Admit.

17. Erie County contains the greatest number of electors within House District 89. At all relevant times, Caleb Stidham ("Stidham") served as Chairman of the Erie County Republican Party.

**ANSWER:** Admit.

18. On or about August 10, 2026, a Republican District Committee met to select a replacement nominee under R.C. 3513.31(B).

**ANSWER:** Admit.

19. The August 10, 2026 meeting was closed to the public. Mary Ann Groot, a member of the Erie County Board of Elections appeared at the stated time and place, advised participants that the meeting should be open to the public, and was told that the meeting was closed and directed to wait elsewhere.

**ANSWER:** Deny.

20. The District Committee selected Stidham as the replacement nominee by a reported vote of 4-2. Upon information and belief, Stidham participated in the deliberations and voted in favor of his own selection. Relator requests expedited production of the meeting notice,

attendance record, minutes, ballots, certification, oath, and other records concerning the selection.

**ANSWER:** Admitted that the District Committee selected Mr. Stidham, that Mr. Stidham participated in the District Committee meeting and voted in favor of his selection as is permitted by Ohio law. Beyond selection of the candidate pursuant to R.C. 3513.31(B), the proceedings of the district committee are a core associational function of a political party. Further answering paragraph 20, Mr. Stidman denies each allegation not specifically admitted to be true.

21. The District Committee’s Chairperson and Secretary thereafter presented, or caused to be presented, a written certification naming Stidham as the replacement Republican nominee for Ohio House District 89.

**ANSWER:** Admit.

22. On August 14, 2026, the Erie County Board of Elections convened to certify Stidham’s appointment to the ballot. A motion was made to certify Mr. Stidham as the Republican nominee resulted in a 2-2 tie. Board members John Adams and Gary Smith voted to certify; Chair Edward Leonard and Mary Ann Groot voted against certification.

**ANSWER:** Denied. The issue before the Board had nothing to do with an “appointment to the ballot.” It had to do with filling “the vacancy in the party nomination” for the Republican candidate for the Ohio House. R.C. 3513.31(B).

23. The Board Members opposing certification identified the selection process, the closed meeting, and Stidham’s asserted participation in his own selection as grounds for refusing to certify his nomination.

**ANSWER:** Admit that is what those Board Members stated, but deny that the Erie County Board of Elections or any of its members had any authority to examine those questions. *State ex. Rel. Ontko v. Sandusky Cty. Bd. Of Elections*, 2026-Ohio-3573, ¶26 (“Any suggestion that a board of elections possesses freewheeling authority to examine a candidate’s qualifications outside of the statutorily prescribed procedures for conducting such an examination cannot be sustained....”).

Ohio law does not provide a process for asserting a protest to a candidacy—like that of Mr. Stidham—arising from a party’s filling a candidacy vacancy under R.C. 3513.31. *State ex rel. Scherach v. Lorain County Board of Elections*, 123 Ohio St.3d 245, 2009-Ohio-5349, ¶21 (“If the General Assembly had intended that the certification of a candidate for election to fill a vacancy caused by death or resignation under R.C. 3513.31(I) be by a declaration of candidacy or a nominating petition for purposes of being subject to a protest under R.C. 3501.39(A)(2), it would have done so by appropriate language, as it has in certain other circumstances. \*\*\* The General Assembly did not do so”).

24. The dispute presented to Secretary LaRose asked him to determine whether to

certify a replacement nominee selected by a 4-2 vote at a meeting closed to the public and in which, upon information and belief, the nominee himself participated and voted.

**ANSWER:** Admitted that a tie vote was submitted to the Secretary of State for resolution under R.C. 3501.11(X), but denied as to the characterization and legal framing of the issue.

25. Under R.C. 3501.11(X), a tie or disagreement of the Board must be submitted to the Secretary of State, who summarily decides the question.

**ANSWER:** Admit.

26. The parties' final written arguments concerning the certification dispute were submitted to the Secretary of State's office on or about August 19, 2026.

**ANSWER:** Admit.

27. On the same day, Secretary LaRose attended an Erie County fundraiser hosted by the Erie County Republican Party.

**ANSWER:** Deny.

28. The following day, August 20, 2026, Secretary LaRose broke the tie in favor of Mr. Stidham being certified to the ballot. See attached Exhibit "B."

**ANSWER:** Admit that Secretary LaRose's "decision breaks the Erie County Board of Elections tie vote in favor of certifying Caleb Stidham as the Republican nominee for State Representative for Ohio House District 89" as set out in the attached Exhibit B. Further answering, Mr. Stidham denies each allegation of paragraph 28 not specifically admitted to be true.

29. Upon information and belief, Mr. Stidham is Chair of that party. Relator does not allege that attendance alone establishes a statutory ethics violation; it does create a serious appearance concern while the Secretary is acting as the statutory tiebreaker in a dispute concerning Mr. Stidham directly.

**ANSWER:** Admitted that Mr. Stidman chairs the Erie County Republican Party. Further answering paragraph 29, Mr. Stidman denies each allegation not specifically admitted to be true.

### **III. Law and Argument**

30. Ohio law authorizes a District Committee to fill a vacancy in a major party's nomination for an office covering more than one, but fewer than all, counties. The statute sets the Committee's membership and requires at least two days' notice, a quorum of a majority of members, approval by a majority of those present, and a written, sworn certification and acceptance of the nomination. R.C. 3513.31(B).

**ANSWER:** In response to paragraph 30, Mr. Stidman refers to the language of R.C. 3513.31(B), which speaks for itself. Further answering, Mr. Stidman denies each factual allegation not admitted to be true.

29. [sic] A County Board of Elections must investigate irregularities and violations of Ohio's election laws. R.C. 3501.11(J).

**ANSWER:** Deny.

30. [sic] Where an election board cannot resolve a matter because of a tie or disagreement, R.C. 3501.11(X) requires submission to the Secretary of State, who must summarily decide the question. R.C. 3501.11(X).

**ANSWER:** Admit.

31. The Open Meetings Act requires official action and deliberations on official business to occur in open meetings unless the law specifically excepts the subject matter. It makes formal action invalid if taken in violation of the Act. R.C. 121.22(A), (C), (H).

**ANSWER:** In answer to paragraph 31, Mr. Stidham refers to the language of the statute for what it says, not characterizations of it. Further answering Paragraph 31, Mr. Stidman denies each allegation not specifically admitted to be true.

32. Ohio recognizes a limited but controlling distinction: party officers ordinarily conduct internal party affairs, but they act as public officers when the General Assembly delegates a sovereign governmental function to them for public benefit. *State ex rel. Hayes v. Jennings*, 173 Ohio St. 370, 182 N.E.2d 546 (1962); *State ex rel. Cain v. Kay*, 38 Ohio St.2d 15, 18-19, 309 N.E.2d 860 (1974).

**ANSWER:** Deny.

33. The selection of a replacement general-election nominee under R.C. 3513.31(B) is the exercise of statutory power to determine whose name will be presented to the public on an official ballot. It is not merely the party's internal election of officers or adoption of bylaws.

**ANSWER:** Deny.

34. Mandamus is the proper vehicle to challenge the Secretary's tiebreaking decision under R.C. 3501.11(X). A relator must show, by clear and convincing evidence a clear legal right, a corresponding duty, and no adequate ordinary remedy; in election cases the relevant standard is whether election officials acted with fraud, corruption, abuse of discretion, or clear disregard of applicable law. *State ex rel. Conrath v. LaRose*, 170 Ohio St.3d 222, 2022-Ohio-4094, ¶¶ 7-9; *State ex rel. Law v. Trumbull Cnty. Bd. of Elections*, 157 Ohio St.3d 280, 2019-Ohio-3724, ¶¶ 12-13.

**ANSWER:** Deny.

#### **IV. Claim for Relief: Writ of Mandamus**

36[sic]. Relator incorporates the preceding allegations in paragraphs 1-24 [sic].

**ANSWER:** Intervening Defendant Stidham refers to his answers to paragraphs 1-34 above.

37. The Republican District Committee derived its authority solely from R.C. 3513.31(B). Its asserted selection of Mr. Stidham is valid only if the Committee acted within the statute and governing Ohio law.

**ANSWER:** Deny.

38. By exercising the State-delegated power to choose a replacement nominee for the official general-election ballot, the District Committee performed a function beyond a purely internal party affair. Under *Hayes* and *Cain*, that exercise of delegated public authority supports treating the Committee as a public body for the limited purpose of this statutory selection.

**ANSWER:** Deny.

39. If the Committee was a public body, its closed deliberations and closed action violated R.C. 121.22. The Committee did not identify, invoke, or follow any statutory executive-session procedure or exception authorizing the selection to occur behind closed doors.

**ANSWER:** Deny.

40. Under R.C. 121.22(H), the selection action is invalid if adopted in a closed meeting or if it resulted from unlawful closed deliberations. An invalid selection cannot provide the statutory basis for certification under R.C. 3513.31(B).

**ANSWER:** Deny.

41. The Board and Secretary LaRose must also verify the statutory prerequisites for a replacement selection, including the Committee's proper composition, quorum, member notice, selection by the required majority, sworn certification, and nominee's written acceptance. A board cannot lawfully ignore credible evidence that the purported certification resulted from an unlawful or statutorily defective selection process.

**ANSWER:** Deny.

42. Mr. Stidham was not legally prohibited from participating in deliberations or voting on a nomination in which he was personally interested. Relator does not contend that his participation or vote was itself unlawful, nor does the present record establish whether his vote affected the majority required by R.C. 3513.31(B).

**ANSWER:** Admit.

43. However, his alleged participation is nevertheless relevant to determining how and when the nomination was discussed and whether he participated in deliberations outside a properly noticed open meeting. If the selection resulted from deliberations conducted in violation of Ohio's Open Meetings Act, that defect independently renders the selection invalid and calls into question the integrity of the process and those who participated in it.

**ANSWER:** Deny.

44. The Board's 2-2 vote required the Secretary's determination under R.C. 3501.11(X). The Secretary's statutory tiebreaking authority does not permit certification in clear disregard of the validity requirements that govern the selection process.

**ANSWER:** Deny.

45. Relator has a clear legal right to a lawfully administered ballot and to a decision applying R.C. 3513.31(B), R.C. 121.22, and controlling Ohio law. Respondents have a corresponding duty to refuse certification based on an invalid replacement-nominee selection.

**ANSWER:** Deny.

46. Relator lacks an adequate remedy in the ordinary course of law because the ballot must be prepared and the general election is imminent.

**ANSWER:** Deny.

## **V. Prayer for Relief**

49. Issue an alternative writ and an expedited scheduling order;

50. Issue a peremptory writ of mandamus directing Secretary LaRose, in resolving the tie under R.C. 3501.11(X), to deny certification of Caleb Stidham as the Republican nominee for State Representative for Ohio House District 89;

51. Issue a peremptory writ of mandamus directing the Erie County Board of Elections not to certify or place Mr. Stidham's name on the November 3, 2026 general-election ballot based upon the challenged district committee certification;

52. Alternatively, remand the matter to the Erie County Board of Elections with instructions to investigate whether the requirements of R.C. 3513.31(B) were satisfied and whether the purported selection was lawfully made, and to deny certification unless those requirements are established;

53. Order the preservation and expedited production of the records identified above; and

54. Award Relator his costs and all other relief to which he may be entitled.

**ANSWER to numbered Paragraphs 49-54:** To the extent to which any of these Paragraphs contain factual allegations, those are denied.

### **AFFIRMATIVE AND OTHER DEFENSES**

Intervening Relator asserts the following defenses:

#### **First Defense — Compliance with R.C. 3513.31(B)**

1. The certification of Stidham complied with all applicable requirements of R.C. 3513.31(B), including the requirements governing committee composition, notice, quorum, vote, sworn certification, timely filing, and written acceptance. The Form 289 was correctly completed and timely filed, and the Erie County Prosecutor's Office advised the Board at the August 14, 2026 meeting that the certification complied with statutory requirements.

2. Ohio law does not provide any process for a protest or other challenge to be made to the filling of a vacancy in a party nomination under R.C. 3513.31. *State ex rel. Scherach v. Lorain County Board of Elections*, 123 Ohio St.3d 245, 2009-Ohio-5349, ¶21. Neither the Erie County Board of Elections nor any of its members has “freewheeling authority to examine a candidate’s qualifications outside of the statutorily prescribed procedures for conducting such an examination.” *State ex. Rel. Ontko v. Sandusky Cty. Bd. Of Elections*, 2026-Ohio-3573, ¶26.

#### **Second Defense — Failure to Establish Elements of Mandamus**

3. The Amended Complaint fails to establish by clear and convincing evidence a clear legal right to the requested relief, a corresponding clear legal duty, or the absence of an adequate remedy at law.

#### **Third Defense — No Clear Disregard of Law**

4. In an election mandamus action challenging action by election officials, Relator must prove fraud, corruption, abuse of discretion, or clear disregard of applicable law. The

Secretary of State properly applied R.C. 3513.31(B) and R.C. 3501.11(X), reviewed the Form 289 certification and record, and acted within his statutory authority. His decision was supported by proper legal analysis and did not constitute fraud, corruption, abuse of discretion, or clear disregard of applicable law.

#### **Fourth Defense — District Committee Not a Public Body**

5. The Republican District Committee was not a “public body” subject to R.C. 121.22 when it selected a replacement party nominee under R.C. 3513.31(B). Party officials exercising the authority to select a party replacement nominee act in their party capacities as a core associational function of their political party. They therefore perform an internal party function, not a sovereign governmental function subject to the Open Meetings Act. The Secretary of State correctly determined this issue, and no Open Meetings Act violation occurred.

#### **Fifth Defense — Lawful Participation**

6. Ohio law did not prohibit Stidham from participating in the District Committee's deliberations or voting. The Amended Complaint expressly concedes that his alleged participation and vote were not themselves unlawful. No conflict-of-interest rule, recusal requirement, or statutory prohibition barred Stidham's participation, and his vote did not invalidate the selection.

#### **Sixth Defense — Laches and Prejudicial Delay**

7. Relator's claims are barred, in whole or in part, by laches and prejudicial delay. The Secretary issued his tie-breaking decision on August 20, 2026. Relator did not file this action until September 14, 2026, three and a half weeks later and less than seven weeks before the November 3, 2026 general election. This delay was unreasonable, created the alleged urgency Relator now invokes, and has prejudiced Stidham, who faces disruption to his

candidacy, ballot-preparation complications, and voter confusion if removed from the ballot at this late stage. Relator has not acted diligently and cannot now claim expedited treatment based on self-created exigency.

8. Relator has not established that he lacks an adequate remedy in the ordinary course of law. Any claimed urgency is the product of Relator's own delay, not the absence of an alternative legal process.

**Seventh Defense — No Standing or Clear Legal Right**

9. Relator has not established a clear legal right personal to him that entitles him to the extraordinary remedy of mandamus directing removal of a validly certified candidate from the ballot. Generalized voter interest in election administration does not establish the requisite clear legal right to compel the specific relief requested.

**Eighth Defense — Failure to State a Claim**

10. The Amended Complaint fails to state a claim upon which the requested writ or other relief may be granted. Even accepting all well-pleaded factual allegations as true, Relator has not alleged facts sufficient to establish fraud, corruption, abuse of discretion, clear disregard of law, or any other ground warranting mandamus relief.

**PRAYER**

**WHEREFORE**, Proposed Mr. Stidman Caleb Stidham respectfully requests that the Court deny the requested writ and all other relief, dismiss the Amended Complaint with prejudice, award him his costs, and grant such other relief as the Court deems just and proper.

Respectfully submitted,

W. Stuart Dornette

W. Stuart Dornette\* (0002955)

*\*Counsel of Record*

TAFT STETIINIUS & HOLLISTER LLP

301 E. 4<sup>th</sup> Street, Suite 2800

Cincinnati, OH 45202-3957

Phone: (513) 357-9353

Fax: (513) 381-0205

dornette@taftlaw.com

*Counsel for Proposed Intervenor*

*Mr. Stidman Caleb Stidham*

### **CERTIFICATE OF SERVICE**

I certify that on September 17, 2026, the foregoing was served by electronic mail upon the following:

Gina R. Grandillo

[grandillolaw@gmail.com](mailto:grandillolaw@gmail.com)

Christopher E. Liebold

[cliebold@lawyer-ac.com](mailto:cliebold@lawyer-ac.com)

*Counsel for Relator Carl Koebel*

Jason R. Hinners

Gerhard R. Gross

Assistant Erie County Prosecutor

[jhinners@eriecounty.oh.gov](mailto:jhinners@eriecounty.oh.gov)

[ggross@eriecounty.oh.gov](mailto:ggross@eriecounty.oh.gov)

*Counsel for Respondent*

*Eric County Board of Elections*

Ann Yackshaw

Principal Assistant Attorney General

[Ann.yackshaw@ohioago.gov](mailto:Ann.yackshaw@ohioago.gov)

Gregory Rustico

Assistant Attorney General

[Gregory.rustico@ohioago.gov](mailto:Gregory.rustico@ohioago.gov)

*Counsel for Respondent Ohio Secretary of*

*State Frank LaRose*

/s/ W. Stuart Dornette