

The Supreme Court of Ohio

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|----------------------------------|---|----------------------------------|
| STATE EX. REL. COREY SPEWEIK |) | |
| 8138 Middleton Pike |) | VERIFIED COMPLAINT |
| Bowling Green, Ohio 43402 |) | |
| |) | ORIGINAL ACTION IN MANDAMUS |
| Relator, |) | |
| |) | <u>EXPEDITED ELECTION ACTION</u> |
| |) | |
| v. |) | ANDREW R. MAYLE (0075622) |
| |) | Mayle LLC |
| THE WOOD CTY. BOARD OF ELECTIONS |) | P.O. Box 263 |
| 1 Courthouse Square |) | Perrysburg, Ohio 43552 |
| Bowling Green, Ohio 43402 |) | 419.334.8377 |
| Clyde, OH 43410 |) | 419.355.9698 (fax) |
| |) | AMAYLE@MAYLELAW.COM |
| AND |) | |
| |) | |
| THE HONORABLE FRANK LAROSE |) | |
| 22 N. Fourth Street, 16h Floor, |) | |
| Columbus, Ohio 43215 |) | |
| |) | |
| Respondents. |) | |

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1. Relator is a candidate for Wood county court of common pleas at the March 17, 2020 primary election.
 2. He has acted with the extreme utmost diligence in this matter.
 3. The General Assembly set the election date as the third Tuesday after the first Monday in a presidential election year. R.C. 3501.01(E)(1).
 4. In 2019, the spread of the so-called "Coronavirus" became known around the world.
 5. However, knowing this, the General Assembly did *not* change the primary election date.

6. In the interim, Ohio has had ample opportunity for absentee and early voting pursuant to statute.
7. Respondent Secretary of State Frank LaRose has repeatedly issued public statements and press releases stating voting in Ohio will be safe and secure despite the Coronavirus.
8. Still, the legislature kept the primary date knowing of virus issues.
9. But at a press conference today, the Ohio secretary of state and governor announced a plan to change the primary election date through the Franklin county courts because they lack such power to do so by executive fiat.
10. However, the judicial branch may not do so by judicial fiat.
11. Changing the primary date fundamentally violates the bedrock separation of powers implicit in the Ohio constitution. Also, changing the primary date would cause chaos as to when independent candidates are required to file under R.C. 3513.257, for example.
12. Respondents have a clear, core legal duty to comply with Ohio's election laws.
13. This case presents a live controversy of momentous importance and this court has original jurisdiction under the Ohio constitution.
14. Changing the primary date is in clear violation of the election laws.
15. Relator has no adequate remedy in the ordinary course of law.
16. *Therefore*, relator requests this court to issue peremptory and final writs of mandamus compelling respondents to hold the Wood county primary on March 17, 2020.

Respectfully submitted,

Mayle LLC

/s/ Andrew R. Mayle (0075622)

Counsel for Relator

CERTIFICATE OF SERVICE

I served a copy of this complaint on the Wood county prosecutor and the state solicitor general at pdobson@co.wood.oh.us and Benjamin.Flowers@ohioattorneygeneral.gov.

/s/ Andrew R. Mayle

State of Ohio }
 }SS
County of Wood }

Now comes the affiant, having been duly sworn and cautioned, and hereby makes the following averments:

1. I am Corey J. Speweik.
2. I am a candidate for common pleas judge in the 2020 Wood County Republican primary.
3. I have read the complaint and verify it to be true.
4. I desire a writ of mandamus so the election proceeds tomorrow in Wood County.
5. Any other result violates the separation of powers.
6. The board of elections has a clear legal duty.
7. The board is in breach of that duty.
8. Because of the pendency of the election I have no other adequate remedies.
9. Further, Affiant sayeth naught.

Corey J. Speweik
Affiant

3 / 16 / 2020
Date

State of Ohio }
 } SS
County of Wood }

Before me, a Notary Public in and for said County and State, personally appeared the above named Corey J. Speweik, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at PERRYSBURG, Ohio this 16th day of MARCH, 2020.



SCOTT T. HOWARD
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
09-03-2023
Recorded in
Wood County

Scott T. Howard
Notary Public