

Ronan v. LaRose

District Court Transcript

Doc. 34

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

SAMUEL RONAN, et al.,	)	
	)	
PLAINTIFFS,	)	CASE NO. 2:26-cv-343
	)	
vs.	)	
	)	
FRANK LAROSE, et al.,	)	
	)	
DEFENDANTS.	)	
_____	)	

TRANSCRIPT OF PRELIMINARY INJUNCTION PROCEEDINGS  
BEFORE THE HONORABLE SARAH D. MORRISON, CHIEF JUDGE  
THURSDAY, APRIL 2, 2026; 10:02 A.M.  
COLUMBUS, OHIO

FOR THE PLAINTIFFS:  
Mark R. Brown, Esq.  
303 East Broad Street  
Columbus, Ohio 43215

FOR THE DEFENDANT FRANK LaROSE:  
Ohio Attorney General's Office  
Constitutional Offices Section  
By: Gregory A. Rustico  
    Stephen P. Tabatowski  
Assistant Attorneys General  
30 East Broad Street, 16th Floor  
Columbus, Ohio 43215

FOR THE DEFENDANTS DOUGLAS PREISSE, et al.:  
Franklin County Prosecutor's Office  
By: Brian D. Zagrocki  
    Jeanine Hummer  
    Eli Redfern  
Assistant Prosecutors  
373 South High Street, 13th Floor  
Columbus, Ohio 43215

- - -

Proceedings recorded by mechanical stenography, transcript  
produced by computer.

1 Thursday Morning Session

2 April 2, 2026

3 - - -

4 (The following proceeding was held in open court.)

5 THE COURT: Call the case, Ms. Bragg.

6 DEPUTY CLERK: Samuel Ronan, et al., versus Frank  
7 LaRose, et al., case number 2:26-cv-343.

8 THE COURT: Thank you. If counsel will enter their  
9 appearance, starting with counsel for the plaintiffs.

10 MR. BROWN: Counsel for the plaintiff, Your Honor, is  
11 prepared to proceed.

12 THE COURT: Enter your appearance for the record then.

13 MR. BROWN: Oh, I'm sorry. I missed that. Mark Brown  
14 for the plaintiffs.

15 THE COURT: And you are here with Mr. Ronan?

16 MR. BROWN: Yes, Your Honor.

17 THE COURT: Is Ms. Cordero here?

18 MR. BROWN: No, ma'am.

19 THE COURT: All right. And then for the defendant,  
20 Frank LaRose?

21 MR. RUSTICO: Good morning, Your Honor. Greg Rustico  
22 from the Ohio Attorney General's Office.

23 THE COURT: Good morning.

24 MR. TABATOWSKI: Good morning, Your Honor. Steve  
25 Tabatowski also with the Ohio Attorney General on behalf of the

1 Defendant LaRose.

2 THE COURT: And then can I call them the county  
3 defendants?

4 MR. ZAGROCKI: Brian Zagrocki from the prosecutor's  
5 office.

6 MR. REDFERN: Thank you, Your Honor. Eli Redfern, the  
7 Franklin County Prosecutor's office.

8 MS. HUMMER: Jeanine Hummer, on behalf of the county  
9 defendants.

10 THE COURT: Thank you. Nice to see again everybody.

11 Mr. Zagrocki and Mr. Rustico, will you two be taking the  
12 leads for your clients?

13 MR. RUSTICO: Yes, Your Honor.

14 MR. ZAGROCKI: Yes, Your Honor.

15 THE COURT: All right. Very good. All right.

16 Before we kind of dive in, I would like to know what  
17 people are expecting today, make sure that my expectations meet  
18 yours. Mr. Brown, how many witnesses are you planning to call?

19 MR. BROWN: I plan on calling Mr. Ronan, and that's  
20 the only witness.

21 THE COURT: That's your only witness. All right.

22 How about you, Mr. Rustico, any witnesses?

23 MR. RUSTICO: No, Your Honor.

24 THE COURT: That makes it a lot easier. How about  
25 you, Mr. Zagrocki?

1 MR. ZAGROCKI: No, Your Honor.

2 THE COURT: Well, let's go ahead and have our one  
3 witness. I'll hear any arguments, and we'll go kind of in the  
4 order that we are doing now, so great.

5 Mr. Ronan, why don't you step forward. As you walk here  
6 in front of Ms. Bragg, if you stop, she will swear you in.

7 DEPUTY CLERK: Good morning. Please raise your right  
8 hand.

9 (Witness sworn.)

10 DEPUTY CLERK: Thank you.

11 THE COURT: You may be seated right there on the  
12 witness stand.

13 Mr. Brown, you may proceed.

14 - - -

15 SAMUEL RONAN

16 Called as a witness on behalf of the Plaintiffs, being first  
17 duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. BROWN:

20 Q. Good morning, Mr. Ronan. Are you the plaintiff in this  
21 case?

22 A. Yes, sir.

23 Q. Are you a candidate for the Republican Party election in  
24 Ohio's 15th Congressional District this year?

25 A. Yes, sir.

1 Q. Are you a Republican?

2 A. Yes, sir.

3 Q. When were you certified to be a candidate for the 15th  
4 Congressional Republican primary in Ohio?

5 A. February 17th of this year.

6 Q. Would that be 2026? Is that correct?

7 A. Yes, sir.

8 Q. Were you protested?

9 A. Yes, sir.

10 Q. When was that protest filed?

11 A. The paperwork that I received said on or about the 20th  
12 at 3:59 p.m.

13 THE COURT: The 20th of what?

14 THE WITNESS: I'm sorry, the 20th of February 2026.

15 BY MR. BROWN:

16 Q. Was there a hearing scheduled on that protest?

17 A. There was.

18 Q. Do you remember when that hearing was held?

19 A. I want to say March 6th at 10:00 a.m., 2026.

20 Q. Did you appear at that hearing?

21 A. I did.

22 Q. Were you sworn in at that hearing to testify under oath?

23 A. I was.

24 Q. Were you questioned at that hearing?

25 A. I was.

1 Q. Were you questioned about your political positions and  
2 beliefs at that hearing?

3 THE COURT: I will say, I've got the hearing  
4 transcript, so, I mean, we -- you don't need to go into what  
5 was asked. I read it.

6 MR. BROWN: I'll simplify, Your Honor.

7 THE COURT: All right, thank you.

8 BY MR. BROWN:

9 Q. Did you declare in your nominating petition under  
10 penalty of election falsification that you were a Republican  
11 and that you intended to abide by Republican principles if  
12 elected to office?

13 A. Yes.

14 Q. Is that true?

15 THE COURT: When did you sign this?

16 THE WITNESS: I signed those around December-January  
17 timeframe.

18 THE COURT: Well, we have them, right?

19 MR. BROWN: I'm sorry. Those were filed, yes, Your  
20 Honor.

21 THE COURT: Yeah. What was the date?

22 If you help refresh his recollection, I want to know the  
23 date.

24 THE WITNESS: The date, ma'am --

25 THE COURT: That you signed -- that you signed the

1 petitions?

2 THE WITNESS: Yes. They are dated for October, but  
3 I physically signed them when I was preparing for going and  
4 getting the signatures.

5 THE COURT: Which was when?

6 THE WITNESS: January. Of 2026.

7 THE COURT: So they are dated October, but that's not  
8 the -- that's not the true date that you signed them?

9 THE WITNESS: I don't believe so, ma'am -- Your Honor.  
10 Sorry.

11 THE COURT: So they are dated October. You signed  
12 them at some unknown date in January?

13 THE WITNESS: Yes, Your Honor.

14 THE COURT: And when did you start to circulate the  
15 petitions?

16 THE WITNESS: On or around January 15th, 16th. I  
17 think that's when the first signatures were collected.

18 THE COURT: And when did you submit the petitions to  
19 the Franklin County or the other county -- and -- and/or the  
20 other county Boards of Elections?

21 THE WITNESS: It would have been -- I don't remember  
22 the exact date, but I believe it was the -- the end of January,  
23 before the -- it was definitely before February, the cut-off  
24 date, but it was like the last week of January.

25 THE COURT: Okay. All right. You may proceed.

1 BY MR. BROWN:

2 Q. You did testify that you were a -- on the petition, you  
3 did identify yourself as a member of the Republican Party, who  
4 would abide by Republican principles if elected?

5 A. Yes.

6 THE COURT: And that's on the petition?

7 MR. BROWN: Yes, yes, Your Honor. That's on the  
8 petition.

9 THE COURT: Right, sir?

10 THE WITNESS: Yes, Your Honor.

11 THE COURT: All right.

12 BY MR. BROWN:

13 Q. Did you testify at the hearing that that was true?

14 A. Yes.

15 Q. Is it true now?

16 A. Yes.

17 Q. So you are a member of the Republican Party, and you do  
18 intend to abide by Republican principles if elected?

19 A. Yes.

20 Q. It was true then; it's true now?

21 A. Yes.

22 MR. BROWN: I have no further questions, Your Honor.

23 THE COURT: All right. Mr. Rustico.

24

25

- - -

CROSS-EXAMINATION

BY MR. RUSTICO:

Q. Good morning, Mr. Ronan.

A. Good morning.

Q. Nice to see you again.

A. Likewise.

Q. So you testified today that you were a Republican when you started collecting signatures?

A. Yes.

Q. And was that in October?

A. No. I did not start collecting signatures until around -- as I said -- December-January timeframe.

Q. Okay. But you signed a document that was dated two to three months earlier?

THE COURT: Let's put the document in front of him. I know I have -- here, I have one of them. They are all dated the same, right?

THE WITNESS: Yes. That's the day that I printed them out.

MR. RUSTICO: I have a copy as well.

THE COURT: Why don't you mark one and give it to him.

MR. RUSTICO: Okay. Sure. May I approach? I need to mark it, though.

THE COURT: You probably do. Did you show the exhibit

1 to Mr. Brown?

2 MR. RUSTICO: Yes. I just need to put a number on it.

3 THE COURT: I'll tell you what would be helpful, why  
4 don't you -- Ms. Bragg, why don't you get that ELMO out so we  
5 can all look at it together. There you go. Perfect.

6 MR. RUSTICO: Sorry, Your Honor. I wasn't  
7 anticipating putting this in.

8 THE COURT: That's okay. I wanted you to put it in.  
9 Thank you. So what we have on the screen has been marked as  
10 what?

11 MR. RUSTICO: Defendant's Exhibit A.

12 THE COURT: Okay. Thank you.

13 BY MR. RUSTICO:

14 Q. Mr. Ronan, can you see the document?

15 A. I can.

16 Q. Do you recognize this document?

17 A. I do.

18 Q. What is it?

19 A. The declaration for candidacy document that I pulled  
20 from the Ohio Secretary of State website.

21 Q. And does that have your signature on it?

22 A. It does.

23 Q. And the date just to the left of your signature is  
24 October 28th, 2025?

25 A. It is.

1 MR. RUSTICO: Those are the only questions that I have  
2 about this document.

3 THE COURT: Okay. Well, so -- but I have a couple  
4 then. So let's just read it into the record.

5 It says: I, Samuel P. Ronan -- fast-forwarding -- I am  
6 a qualified elector, and I desire to be a candidate for  
7 nomination to the office of Representative to Congress as a  
8 member of the Republican Party from the 15 District for the  
9 full term.

10 And then again: I further declare that, if elected to  
11 this office or position, I will qualify therefor and that I  
12 will support and abide by the principles enunciated by the  
13 Republican Party.

14 And then, as counsel asked, it's dated this 28th day of  
15 October 2025 and signed by you.

16 I know I didn't read the entire thing, but what I did  
17 read, did I read it accurately?

18 THE WITNESS: Yes, Your Honor.

19 THE COURT: Okay. And so the document, regardless of  
20 when you signed it, you dated it October 28th, 2025, correct?

21 THE WITNESS: Correct.

22 THE COURT: All right. And then at some point between  
23 October 28th and the last week of January, you had multiple of  
24 these petitions with same verbiage, same signature, correct?

25 THE WITNESS: Yes, sir.

1 THE COURT: And you had people who circulated these  
2 petitions for you?

3 THE WITNESS: No, Your Honor. I circulated them all  
4 myself.

5 THE COURT: You did them all yourself. Okay. So you  
6 circulated all the petitions yourself and secured signatures  
7 sometime between October 28th and the last week of January?

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: All right. And I do want to read the last  
10 sentence of this. It's all caps. "Whoever commits election  
11 falsification is guilty of a felony of the fifth degree."

12 Did I read that correctly?

13 THE WITNESS: Yes, Your Honor.

14 THE COURT: And you read all of that language?

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: All right. Okay. You may proceed with  
17 your questions.

18 MR. RUSTICO: All right. I'm going to pull the  
19 document off.

20 THE COURT: Okay.

21 BY MR. RUSTICO:

22 Q. Mr. Ronan, you have an active Facebook account, correct?

23 A. Yes.

24 Q. Do you recall that in January of this year you posted --  
25 and I'll quote here -- I believe I very clearly mentioned in

1 that very same DNC chair race that Democrats, if they wanted to  
2 govern and regain the trust of Americans, would have to primary  
3 Republicans in deep red districts as Republicans just to get a  
4 foot in the door, so if I am doing anything, it's following the  
5 argument that I made on that stage?

6 Did you make that statement?

7 A. I followed it up with the rest of that post -- if you  
8 could read that into the record as well, please.

9 THE COURT: Well, answer his question first.

10 THE WITNESS: Yes, Your Honor.

11 THE COURT: Did you make that statement?

12 THE WITNESS: I did.

13 THE COURT: All right. And he gets to ask whatever  
14 question he wants. Your attorney can ask questions that he  
15 wants, but Mr. Rustico asks his own questions, so -- thank you.

16 THE WITNESS: My apologies, Your Honor.

17 THE COURT: So answer his questions.

18 MR. RUSTICO: I have just one more.

19 THE COURT: All right.

20 BY MR. RUSTICO:

21 Q. And in an additional post, did you state: This is why  
22 leftists need to infiltrate Republican spaces and primary them,  
23 which is why I said Democrats need to primary Republicans in  
24 red states as Republicans when I ran for DNC chair and why I am  
25 running as a Republican now?

1 A. That doesn't -- can you -- can you show me that?

2 Q. Yep, yep, yep.

3 THE COURT: Well, actually, so those are two separate  
4 posts you are asking about?

5 MR. RUSTICO: It's one post, and this one I was  
6 prepared to admit because it's the only one that we have that  
7 wasn't in the documents below, so I'm going to need to mark it  
8 real quick.

9 THE COURT: And, Mr. Rustico, when we're done, if you  
10 just make sure that you give the original exhibits to  
11 Ms. Bragg, that would be helpful.

12 MR. RUSTICO: Yes. Actually -- sorry -- I'm showing  
13 the witness what has been labeled Defendant's Exhibit B.

14 BY MR. RUSTICO:

15 Q. Can you see the top there, Mr. Ronan, the date?

16 A. I see it now. January 15th.

17 Q. Okay. And this was a post you made in response to  
18 someone's post on Voice of Ohio Teachers; is that correct?

19 A. It seems to be correct.

20 Q. Okay. So I'm going to move the document down, and do  
21 you see here a post by you made nine weeks ago?

22 A. Yes.

23 Q. Do you have any reason to doubt the authenticity of this  
24 document?

25 A. I do not.

1 Q. And so you made these statements?

2 A. I did.

3 MR. RUSTICO: Okay. Those are the only questions I  
4 have. I also have a copy of this document.

5 MR. BROWN: Thank you.

6 THE COURT: The first -- the first post that you were  
7 asking Mr. Ronan about, is that P2 to the Secretary of State's  
8 response to the motion for injunctive relief?

9 MR. RUSTICO: Yes.

10 THE COURT: Let's go ahead and make that part -- do  
11 you have that there? Will you just go ahead and make that part  
12 Exhibit C?

13 MR. RUSTICO: Sure. I'll need to -- if you bear with  
14 me for just a moment. Again, I was --

15 (Pause in proceedings.)

16 MR. RUSTICO: My three-year-old daughter would love  
17 how many stickers I have right now. Everyone is giving me  
18 stickers.

19 THE COURT: Yeah.

20 MR. RUSTICO: All right. So this is Exhibit C. Zoom  
21 out a little bit.

22 THE COURT: And so, Mr. Ronan, counsel just put on  
23 the -- on the ELMO what he's marked as Defense Exhibit C, and  
24 I think it's what he's quoting from, but I just want to  
25 understand. Do you know when that was posted?

1 THE WITNESS: Not off the top of my head, unless  
2 there's a date on there.

3 THE COURT: I couldn't find one. That's why I'm  
4 asking. Counsel, do you know what the date of that document  
5 is?

6 MR. RUSTICO: I'm -- so Facebook makes it pretty  
7 difficult. It's sometime in January. I can't say for certain.  
8 But based on the number of weeks --

9 THE COURT: Let's ask the witness.

10 MR. RUSTICO: Oh, sorry.

11 THE COURT: Is January right -- sound right to you?  
12 Is that a statement that you made in January of 2026?

13 THE WITNESS: Yes, ma'am. Right. Your Honor, this  
14 could have been.

15 THE COURT: Could have been. Well, my question is:  
16 Was it?

17 So let me back up then. So this says -- and I'm just  
18 going to read the whole thing as you asked.

19 Mark Gavin Sr. -- you are responding to somebody on  
20 Facebook. I believe I very clearly mentioned in that very same  
21 DNC chair race that Democrats, if they wanted to govern and  
22 regain the trust of Americans, would have to primary  
23 Republicans in deep red districts as Republicans just to get a  
24 foot in the door. So if I am doing anything, it's following  
25 the argument I made on that stage.

1           That said, I am not fighting on behalf of the traitorous  
2 Democrats who just crossed the party line to vote for more  
3 I.C.E. funding. I'm not a grifter. I'm running for office in  
4 the party of the dominant district, fighting for the working  
5 class.

6           Did I read that correctly?

7           THE WITNESS: Yes, Your Honor.

8           THE COURT: And is that a statement that you made on  
9 Facebook?

10          THE WITNESS: Yes, Your Honor.

11          THE COURT: And did you make that statement in January  
12 of 2026?

13          THE WITNESS: Yes, Your Honor.

14          THE COURT: All right. Mr. Rustico, anything further?

15          MR. RUSTICO: Those are the only questions. Thank  
16 you, Your Honor.

17          THE COURT: All right. Thank you for having exhibits  
18 ready for me.

19          All right. Mr. Zagrocki, do you have questions for  
20 Mr. Ronan?

21          MR. ZAGROCKI: Yes, Your Honor, and we're going to try  
22 to keep this relatively brief.

23          THE COURT: This has been very brief this morning.  
24 You guys are doing a great job.

25



1 Q. I'm asking for at the time.

2 A. Then no.

3 THE COURT: Do you now?

4 THE WITNESS: Yes.

5 THE COURT: The Franklin County Republican Party was  
6 involved in the protest?

7 THE WITNESS: Yes.

8 THE COURT: And what evidence is that?

9 THE WITNESS: Ms. Freedhoff, being the chair and the  
10 vice chair of the Ohio GOP, or at least the way that I  
11 understood it, Your Honor.

12 THE COURT: Was she involved in the protest?

13 I'm trying to find the stipulations. I know you guys  
14 gave them to me.

15 Was she involved in the protest, Mr. Ronan, other than  
16 as a board member for the Franklin County Board of Elections?

17 THE WITNESS: No, Your Honor. If I need to retract  
18 the statement, I can.

19 THE COURT: Oh, it's not a question of retracting. I  
20 just want to make sure I understand what your testimony is.

21 So, let me ask the question again. Other than  
22 Ms. Freedhoff being a member of the Franklin County Board of  
23 Elections, do you have any knowledge that the Franklin County  
24 Republican Party was involved in the protest of your candidacy?

25 THE WITNESS: No, Your Honor.

1 THE COURT: Okay.

2 MR. ZAGROCKI: Thank you.

3 BY MR. ZAGROCKI:

4 Q. At the time of the hearing, you had no evidence that the  
5 Ohio Republican Party had agreed to pay the protestor's legal  
6 fees, correct?

7 A. Correct.

8 Q. You also have no evidence that Ms. Freedhoff discussed  
9 the protest with the Ohio Republican Party before the hearing,  
10 correct?

11 A. Correct.

12 Q. And you agree that Ms. Freedhoff had no knowledge of any  
13 alleged Ohio Republican Party involvement before the hearing,  
14 correct?

15 A. Before the hearing, yes.

16 Q. You have no knowledge that she communicated with the  
17 Carey campaign about your protest, correct?

18 A. Correct.

19 Q. You have no knowledge that anyone instructed  
20 Ms. Freedhoff how to vote regarding the protest, correct?

21 A. Correct.

22 Q. And you have no knowledge that she coordinated with any  
23 outside group regarding the merits of your protest, correct?

24 A. Correct.

25 Q. Mr. Ronan, you are not claiming Ms. Freedhoff had any

1 financial stake in the outcome, correct?

2 A. As in personal ben -- like financial gain?

3 Q. I can clarify the question. Did Ms. Freedhoff have any  
4 personal financial gain from the protest?

5 A. Not to my understanding.

6 Q. And there was no job benefit tied to the outcome of the  
7 protest for Ms. Freedhoff, was there, correct?

8 A. Correct.

9 Q. You are not claiming that she filed the protest,  
10 correct?

11 A. Correct.

12 Q. You are not claiming that she organized the protest,  
13 correct?

14 A. At the time, I did not think she was part of that. Her  
15 deposition since seems to imply.

16 Q. What knowledge do you have that she organized the  
17 protest?

18 A. Communication with Marc Schare via text message.

19 Q. Do you have any knowledge that she discussed the merits  
20 of the protest with Marc Schare?

21 A. Based on those text messages and the deposition, it  
22 seems so.

23 Q. What about the text messages makes you think she  
24 discussed the merits of the protest with the protester,  
25 Marc Schare?

1 A. Phrasings like -- we got -- we're good the guys, we got  
2 him, things along that line.

3 Q. And was Marc Schare on those texts?

4 A. Yes.

5 Q. All right. Your claim of bias regarding Ms. Freedhoff  
6 is that she could have been influenced by her involvement in  
7 political party associations, correct?

8 A. That was one of the arguments, yes.

9 Q. And further that Ms. Freedhoff could have been  
10 influenced because these parties supported Mike Carey at the  
11 time of the protest, correct?

12 A. Correct.

13 Q. The Franklin County Republican Party endorsed Mike Carey  
14 for the same primary that you are attempting to run in,  
15 correct?

16 A. Correct.

17 Q. The Ohio Republican Party has not endorsed Mike Carey,  
18 has it?

19 A. That, I don't know.

20 Q. So you have no knowledge at this time whether or not the  
21 Ohio Republican Party has formally endorsed Mike Carey?

22 A. At this time, right.

23 Q. And you claim Ms. Freedhoff was biased because she could  
24 have been influenced by these parties supported by Carey,  
25 correct?

1 A. Correct.

2 Q. But you cannot point to any direct action Ms. Freedhoff  
3 took on behalf of any campaign regarding your protest, correct?

4 A. Not to my understanding, no.

5 Q. And you cannot identify any communication about the  
6 merits of the protest between her and those allegedly involved,  
7 correct?

8 A. As familiar as I am with the deposition, I couldn't  
9 point to a single -- a specific page, but the implications  
10 were there.

11 Q. And just to really narrow down your claim, so your claim  
12 of bias depends on assumptions about how a BOE member might be  
13 influenced by who their political party supports, correct?

14 A. Among other reasons, yes.

15 MR. ZAGROCKI: All right. Just a couple more  
16 questions, Your Honor.

17 BY MR. ZAGROCKI:

18 Q. You are aware that the Board considered one other  
19 candidate protest around the same time, the same day as your  
20 protest, correct?

21 A. Correct.

22 Q. And you are aware that Ms. Freedhoff voted to keep that  
23 candidate on the ballot in the same congressional race,  
24 correct?

25 A. Correct.

1 Q. And that was a Libertarian candidate, correct?

2 A. Yes.

3 Q. And that protester was represented by the same counsel  
4 as the protestor in your protest, correct?

5 A. Yes.

6 Q. And you understand that there is no other Libertarian  
7 running in that race, correct?

8 A. Yes.

9 Q. So, just to clarify, in that instance, she voted to  
10 allow a candidate to remain on the ballot that will compete  
11 against the Republican nominee for this congressional race,  
12 correct?

13 A. Yes.

14 Q. All right. And just to wrap it up, as we sit here  
15 today, Mr. Ronan, you have no evidence that Ms. Freedhoff  
16 communicated with any campaign about your protest, correct?

17 A. As far as I understand that question, yes.

18 Q. You have no evidence that she knew of any outside  
19 involvement before the hearing?

20 A. Yes.

21 Q. And your claim is based on assumptions of influence  
22 about her political associations, correct?

23 A. Correct.

24 MR. ZAGROCKI: That's all I have, Your Honor.

25 THE COURT: All right. Thank you. I do have a couple

1 more questions, and then we'll see if the lawyers have anything  
2 final. Who is Ana Aleida-March?

3 THE WITNESS: That is her social media online name.  
4 That's not her, like, government name, but she is --

5 THE COURT: Who? What's her name?

6 THE WITNESS: Ana Aleida Cordero Sanchez.

7 THE COURT: Okay. And so Ana Aleida-March is the --  
8 is the Ana --

9 THE WITNESS: The pseudonym, Your Honor.

10 THE COURT: Okay. That she uses on Facebook?

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: Okay. And who is she?

13 THE WITNESS: She has been a friend helping me run my  
14 campaign.

15 THE COURT: And so does she have an official position  
16 with the campaign?

17 THE WITNESS: Insofar as two people having official  
18 positions, myself and her, yes.

19 THE COURT: Okay. Is she paid?

20 THE WITNESS: No.

21 THE COURT: But she's volunteering?

22 THE WITNESS: Yes, Your Honor.

23 THE COURT: Does she have a title with the campaign?

24 THE WITNESS: The title that fits for the job she's  
25 doing at the time, Your Honor.

1 THE COURT: So what are some -- what would that be?  
2 Tell me what she's doing for the campaign.

3 THE WITNESS: She has managed my primary campaign  
4 social media page, the Samuel Ronan for Progress page, and she  
5 has reached out to media contacts on my behalf as a media  
6 coordinator.

7 THE COURT: Okay. So there is a Ronan Facebook page?  
8 Tell me what that -- Samuel Ronan for Progress, is that what  
9 you called it?

10 THE WITNESS: I believe so, Your Honor.

11 THE COURT: Okay. I'll tell you what: I cannot  
12 access the ELMO from here. So, Mr. Rustico, I'm going to put  
13 you to work again and have you mark -- what I'm handing him was  
14 in the briefs as P4, at ECF 27-1, page ID 514 and page 15. So,  
15 if you don't mind assisting, Mr. Rustico, let's kind of start  
16 with the first page.

17 MR. RUSTICO: We'll make this Defendant's Exhibit D.

18 THE COURT: Okay. So this is this Ana Aleida-March  
19 that I had just asked you about; is that right?

20 THE WITNESS: Yes, Your Honor.

21 THE COURT: What's at the top, Ronan President?

22 THE WITNESS: Yes, Your Honor.

23 THE COURT: What's that refer to?

24 THE WITNESS: Prior to my current campaign, I had ran  
25 a bit of a dark horse protest campaign in the Republican

1 primary against Donald Trump at other candidates in the  
2 Republican primary. I was trying to build a -- a platform so  
3 that I could get on the debate stage and debate the candidates  
4 directly. That was just a logo from that era that apparently  
5 at the time she had on her Facebook page.

6 THE COURT: Okay. So I don't know -- if you can just  
7 scoot that page up, I don't know if there's any dates or  
8 anything on this document, but it does -- it says: Details,  
9 works at Samuel Ronan Campaign. So that implies to me -- and  
10 so let me just ask it, does that mean that what we're looking  
11 at is something since October of 2025?

12 THE WITNESS: That would be accurate, Your Honor.

13 THE COURT: Okay. Then let's look at the next slide.

14 And at the top, she says: It's official. Samuel Ronan  
15 is on the ballot. And so that's -- looking at that, that's  
16 what we're talking about here, the ballot that we're talking  
17 about today; is that right?

18 THE WITNESS: Yes, Your Honor.

19 THE COURT: All right. So let's scooch down.

20 So, if you are on the ballot, this post had to have been  
21 put in February, right?

22 THE WITNESS: Yes, Your Honor.

23 THE COURT: Okay. And I'll skip the first one. But  
24 somebody named Paul Ryan says: I've always wondered if it  
25 might be easier to torpedo the Republican Party from within

1 as opposed to trying to take on the Dems. As long as a  
2 Progressive was labeled Republican, I feel like the Republican  
3 voters would be like, oh, hell, yes, good policies.

4 And then Ana Aleida-March, says, Paul Ryan, yup, and  
5 we're testing out theory, LOL.

6 Is that what -- did that I read that correctly?

7 THE WITNESS: Yes, Your Honor. That -- that is  
8 correct.

9 THE COURT: Okay. And so she is saying that on behalf  
10 of your campaign; is that right?

11 THE WITNESS: If I may --

12 THE COURT: You may, but answer my question first.  
13 She's saying that on behalf of your campaign; is that right?

14 THE WITNESS: No.

15 THE COURT: No. Okay. Then you can explain.

16 THE WITNESS: I actually asked her after the fact,  
17 after this kept coming up, and she told me, in her words, she  
18 was responding to the last part. As long as a Progressive was  
19 labeled Republican, I feel like the Republican voters like --

20 THE COURT: Okay. Well, what she said is hearsay, so  
21 my question to you is --

22 THE WITNESS: I see.

23 THE COURT: -- not what she told you. My question to  
24 you is -- you said, no, she's not speaking on behalf of  
25 campaign; is that right?

1 THE WITNESS: Right. She's speaking in her --

2 THE COURT: Did you ask her to take this post down?

3 THE WITNESS: I bel -- at the time, no. I think I've  
4 talked to her since then.

5 Whether she has or hasn't, I don't know.

6 THE COURT: Okay. Well, but have you asked her to  
7 take the post down?

8 THE WITNESS: I believe so, yes, or at the very least,  
9 change the language.

10 THE COURT: Okay. And, in fact, I mean, one of the  
11 things that's come up in this case and is in the briefing is  
12 that there were prior -- that you in prior races or prior  
13 campaigns -- on different platforms -- have said something to  
14 that effect, have you not?

15 This, about switching to as a Republican -- as a  
16 Democrat, saying you are a Republican, to run as a Republican  
17 to take them on in red districts, right?

18 THE WITNESS: That's -- that was my argument when I  
19 ran for DNC chair in 2017. Yes, Your Honor.

20 THE COURT: Okay. And, in fact, I'll just tell you  
21 all for the record, in some of the materials, there is a  
22 reference to a 2018 Rebel HQ interview, DNC chair candidate Sam  
23 Ronan running as a Republican, and there's a reference to it.

24 And I will tell you, I went and looked at it. I thought  
25 it was relevant. And, in sum, tell me what you said at that

1 point in time.

2 THE WITNESS: Yes, Your Honor. The -- the  
3 conversation went: You went from DNC chair and talking about  
4 your method to do -- infiltrating the Republican Party, and he  
5 asked me is that what I'm doing. And I said, no, I'm not doing  
6 it on behalf of the Democrats. I'm running as a Republican.  
7 I'm running on the merits of Progressive/Populism and have  
8 found that Republican voters actually quite like the platform,  
9 and it's just a matter of speaking to Republican voters in a  
10 language that they understand, and from there, Populists'  
11 messaging does quite well.

12 THE COURT: Okay. All right. In light of my  
13 questions, Mr. Rustico, do you have any questions for  
14 Mr. Ronan?

15 MR. RUSTICO: Just one, Your Honor.

16 THE COURT: All right.

17 - - -

18 CROSS-EXAMINATION

19 BY MR. RUSTICO:

20 Q. Mr. Ronan, at your deposition last week, you referred to  
21 Ana Cordero as your campaign manager, correct?

22 A. Yes, one of many hats she wears.

23 THE COURT: That's it?

24 MR. RUSTICO: Yes. I just wanted to help clarify that  
25 from earlier.

1 THE COURT: All right. Thank you. Mr. Zagrocki, as a  
2 result of my questions, do you have any further questions?

3 MR. ZAGROCKI: No, Your Honor.

4 THE COURT: All right. Mr. Brown, any redirect?

5 MR. BROWN: No further questions, Your Honor.

6 THE COURT: All right. Mr. Ronan, you may step down.

7 THE WITNESS: Thank you, Your Honor.

8 THE COURT: All right. Well, let's get right into the  
9 discussion of the law and the facts as they apply to the law.

10 Mr. Brown, I'll let you go first.

11 MR. BROWN: I apologize, Your Honor. I was speaking  
12 to my client. Did you say me first?

13 THE COURT: Yep. You first.

14 MR. BROWN: Good morning. May it please the Court,  
15 Your Honor, this case is primarily about the First Amendment to  
16 the United States Constitution. It's a case about core  
17 political speech. It's a case about whether elections  
18 officials have the authority under the Constitution of the  
19 United States to explore a candidate -- a primary candidate's  
20 ideological purity.

21 THE COURT: I have a bunch of questions for both  
22 sides. Let me just go with my questions because I -- I mean,  
23 I've read your briefs. I don't need you to repeat your briefs  
24 to me. So is there any situation in which the State can use a  
25 candidate's speech to keep him off the ballot in a partisan

1 primary?

2 MR. BROWN: Certainly, Your Honor. If -- if --

3 THE COURT: So when --

4 MR. BROWN: If the speech -- I'm sorry.

5 THE COURT: Go ahead. When?

6 MR. BROWN: If the speech is tied into an objective  
7 standard.

8 For example, it used to be, before 1995, that in Ohio,  
9 in order to run in a primary, they had a lookback, a two-year  
10 lookback, so you could not have voted in another party's  
11 primary within two years.

12 THE COURT: Right.

13 MR. BROWN: Okay. So if a candidate speaking admitted  
14 to voting in another party's primary within that two years,  
15 certainly the State could use that speech to decide whether  
16 that objective standard had been violated. So we do not  
17 contest that, Your Honor. But what we do contest --

18 THE COURT: But -- so how is that -- what if, though,  
19 it's not that I voted, it's just that I voted in the primary  
20 two years ago? I mean, we don't have -- that rule doesn't  
21 exist anymore, but what if the candidate said: You know, I've  
22 been a lifelong Democrat. I voted in every Democrat primary  
23 for 30 years, and although I filed as a Republican in the  
24 primary, I'm really still a Democrat?

25 I mean, what if that's exactly -- what if they said it

1 that bluntly, that way? At that point, can the State say,  
2 nope, you are not on the ballot anymore?

3 MR. BROWN: Your Honor, it depends on the rule the  
4 State is trying to enforce.

5 I always point out to my students: For example, it's  
6 not freedom of speech from anything. It depends. It depends  
7 on what rule the State is using, but I will say a standardless  
8 rule cannot be used to punish that kind of speech.

9 THE COURT: Well, but I thought we were all talking  
10 about the same thing today. I thought we were talking about --  
11 is it thirty-five -- let me make sure I give the right  
12 statutory reference. 3513.07, is that the right provision? My  
13 law clerk says yes. Great.

14 We're talking about 3513.07, and we have a declaration  
15 of candidacy that we just went over. I don't need you to read  
16 it again. And it says -- in your declaration for a primary, it  
17 says, I am running as a representative of the Republican Party,  
18 and I am going to abide by the Republican principles.

19 And so Candidate Smith signs that form -- and not really  
20 under oath, but it's under threat of falsification charges, so  
21 I guess I can kind call it under oath. Maybe you tell me that  
22 it's not under oath, but -- so he files that, and then the next  
23 day, he says, at a pep rally: Hey, I'm so glad you guys are  
24 all here, and you are supporting me as a Democrat who is  
25 running as a Republican. This is great.

1           At that point, can the State say, no, he's not what he  
2       said he was, and he's not going to be -- he's not going to run  
3       in a Republican primary?

4           MR. BROWN: Not under existing Ohio law. It cannot,  
5       Your Honor.

6           THE COURT: All right.

7           MR. BROWN: Not under 3513.07 or 3513.119B.

8           THE COURT: All right. Why not?

9           MR. BROWN: Because 3513.07, according to the Ohio  
10       Supreme Court, employs a self-identification principle.

11           In Ohio --

12           THE COURT: But in my hypothetical, he's saying, I  
13       don't self-identify as a Republican. Right? I mean, that's my  
14       hypothetical for you. I'm specifically telling you he says to  
15       a group of people at a pep rally: I don't identify as a  
16       Republican. I identify as a Democrat, so I'm just trying to  
17       get on the ballot.

18           MR. BROWN: The State still cannot use existing Ohio  
19       law to remove him from the ballot.

20           THE COURT: Okay.

21           MR. BROWN: And the reason for that is because Ohio  
22       law, as it's presently constructed, and the defendant's theory  
23       of Ohio law, is that it empowers the State elections officers  
24       to employ standardless principles to judge a candidate's  
25       political qualifications on -- the face of their theory is

1 that's what State elections officials can do.

2 Now, think of the dangers, the chilling effect under the  
3 First Amendment that projects.

4 THE COURT: Well, but -- so it is your position, is it  
5 not, then, that using my hypothetical, a candidate can in bad  
6 faith say whatever they want on that primary -- on the  
7 declaration for a partisan primary?

8 MR. BROWN: Yes, Your Honor.

9 THE COURT: And it doesn't matter whether it's a good  
10 faith or not, state officials are helpless to stop somebody  
11 from lying in that document?

12 MR. BROWN: Well, they are not exactly helpless, Your  
13 Honor.

14 THE COURT: Okay.

15 MR. BROWN: But they cannot use 3513.07 or 3513.119B  
16 to do that -- that -- pardon me -- dirty work, which is what it  
17 is, Your Honor.

18 Now, my client has not acted in bad faith, but even  
19 assuming that it were in bad faith, think to the *Driehaus* case,  
20 which we rely upon, which dealt with Ohio's false political  
21 statements law. Ohio's --

22 THE COURT: Before you get to *Driehaus* -- and I've  
23 read *Driehaus* -- but if I then go to 3513.05, which is the  
24 declaration of candidacy certification of form of ballots on  
25 nominations, and then -- and that also then sets forth the

1 process for protests, I'm going to read from -- I will say I  
2 don't like the statute just because there's no numbered  
3 paragraphs, but it says: If the Board of Elections finds that  
4 the candidate has not fully complied with this chapter, the  
5 candidate's declaration of candidacy and petition shall be  
6 determined to be invalid and shall be rejected.

7 MR. BROWN: Certainly, the Board of Elections has that  
8 power.

9 THE COURT: All right.

10 MR. BROWN: But there is nothing in the chapter that  
11 says a candidate who signs that declaration must act in good  
12 faith. Instead --

13 THE COURT: So they could be charged with  
14 falsification, but they still get to stay on the ballot?

15 MR. BROWN: They cannot even be charged with  
16 falsification, Your Honor.

17 There's nothing in Ohio law that says that making that  
18 statement in bad faith is a violation of any chapter of the  
19 election code.

20 THE COURT: All right.

21 MR. BROWN: Your Honor, it's the equivalent of voting.  
22 Okay? So we know we go to the voting booth. We citizens can  
23 pull either Democrat, Republican, Libertarian. I know the  
24 Greens are no longer on the ballot. But those are the three  
25 choices. We can pull any of those ballots, right?

1           And under Ohio law, you can be challenged. An election,  
2 not official, but a member, maybe of one of the other parties  
3 can say: Wait a minute. I know she's a member of the other  
4 party. And they can make that challenge.

5           Under Ohio law, 3513.19B, what Ohio law says is, okay,  
6 if that happens, then the voter -- all the voter has to do  
7 under penalty of election falsification is simply declare that  
8 they are now a member of the party, and that's it.

9           THE COURT: But that's for voters.

10          MR. BROWN: That's for voters.

11          THE COURT: We're talking about candidates. I mean --  
12 and I think the law is pretty clear that -- I mean, the  
13 voters -- candidates can be held to a higher standard.

14          MR. BROWN: I think they certainly could be, Your  
15 Honor. In some states, they are. There are ways to do this  
16 constitutionally, but Ohio's way is not constitutional.

17          3513 point -- 3513.191B speaks to candidates, and what  
18 the Ohio legislature did in 1995 was it changed 3513.191B to  
19 basically mirror 3513.19B, which deals with the voters. So the  
20 change in 1995 when candidates --

21          THE COURT: That's when they took away the two-year  
22 limitation, right?

23          MR. BROWN: Exactly.

24          THE COURT: Yeah. Okay.

25          MR. BROWN: Exactly, Your Honor. And this Court ruled

1 in the *Jolivette* case, where the challenge was to  
2 disassociation. The challenger there wanted to be an  
3 Independent, had been a member of the political party, goes  
4 into federal court and argues: You know what, Ohio's violating  
5 equal protection because they require that I act in good faith,  
6 while political party primary candidates do not; and, in fact,  
7 the AG's office agreed with that position and argued, well, we  
8 can treat them differently.

9 THE COURT: All right. That is -- I've read the  
10 cases. So let me follow up on my last question and answer, and  
11 that is -- so I don't want to put words in your mouth, but let  
12 me make this statement, and you tell me if you agree with it or  
13 not: It does not violate -- I think you are arguing that or  
14 would say that it does not violate the First Amendment to  
15 require a candidate to truthfully declare their party  
16 affiliation to run in a partisan primary, but you are saying  
17 Ohio law doesn't do that?

18 MR. BROWN: It does not.

19 THE COURT: Okay. But do you also agree with the  
20 first part of my premise, it would not violate the First  
21 Amendment if it did?

22 MR. BROWN: Again, it depends, Your Honor. It depends  
23 on how the State is trying to enforce that, and that's what the  
24 *Driehaus* case made clear -- because false speech, even false  
25 political speech, is still constitutionally protected.

1           So even though a candidate is lying about really being a  
2 Republican or a Democrat, that doesn't mean the State can just  
3 kick them off the ballot. Instead, the State has do it in the  
4 right way, and *Driehaus* makes clear that Ohio's way of doing it  
5 with false political speech wasn't the right way. The *Driehaus*  
6 case was all about means.

7           The Sixth Circuit said: Okay, we -- we assume the State  
8 has a compelling interest on avoiding false political speech,  
9 but Ohio didn't do it the right way -- because if Ohio allowed  
10 anyone to file a challenge practically, and then it didn't  
11 provide any motion to dismiss mechanism so that there would be  
12 a quick bailout, and then it allowed political opponents to  
13 come in and make the challenges, and that was according to the  
14 Sixth Circuit what violated the First Amendment.

15           Exact same thing here, Your Honor. Ohio's protest law  
16 is designed without any standards. There is no motion to  
17 dismiss mechanism. We tried that before the hearing. We  
18 couldn't bail out of it. They said they had to hear it. And,  
19 in fact, we have since discovered --

20           THE COURT: So is that -- but your First Amendment  
21 challenge is that -- maybe I misunderstood what your challenge  
22 was to. I thought you were challenging 3513.07.

23           Are you also challenging thirty-five -- what statutes  
24 are you -- I guess, what challenges are you -- statutes are you  
25 challenging?

1 MR. BROWN: We're challenging the defendants' theories  
2 under 3513.07.

3 THE COURT: Okay. That's what I understood, that you  
4 are challenging 3513.07 both facially and as applied.

5 MR. BROWN: The way that the Secretary LaRose and two  
6 of the BOE members have interpreted it. They are wrong about  
7 their interpretation --

8 THE COURT: It's your as-applied challenge.

9 MR. BROWN: I'm sorry?

10 THE COURT: It's your as-applied challenge, right?

11 MR. BROWN: It's both facial and as applied.

12 THE COURT: All right.

13 MR. BROWN: But our as applied is based -- LaRose is  
14 the final elections authority.

15 THE COURT: Right.

16 MR. BROWN: So our argument is, if LaRose says it's  
17 the policy of 3513.07, then we can challenge that facially too,  
18 so we're making both the as-applied and the facial challenge.

19 THE COURT: All right. So there is a criminal charge  
20 of -- let me make sure I get the language right -- of election  
21 falsification. Right?

22 MR. BROWN: That is stamped on. According to 3513.07,  
23 that is --

24 THE COURT: That's not my question. There is a -- the  
25 Franklin County prosecutor or other county prosecutor can bring

1 charges of election falsification, right?

2 MR. BROWN: Certainly, Your Honor.

3 THE COURT: Do you know what the elements of that  
4 charge are?

5 MR. BROWN: No, I do not, Your Honor.

6 THE COURT: Okay. So if I tell you it's, number one,  
7 any false statement; number two, knowingly made; and, number  
8 three, the statement is one made under penalty of election  
9 falsification per the Ohio Revised Code, do you have any reason  
10 to dispute that those would be the elements?

11 MR. BROWN: No, Your Honor.

12 THE COURT: Okay. So the statements at issue here,  
13 the petitions are all made -- as you said -- through 3513.07  
14 requires that to be on the petitions, and so every person  
15 running for a primary makes their statements, knowing that if  
16 they are making a false -- an election falsification statement,  
17 they are guilty of a felony of the fifth degree, correct?

18 MR. BROWN: That's on the form, Your Honor, yes.

19 THE COURT: Yeah. Okay.

20 MR. BROWN: But, Your Honor, if you are asking whether  
21 an election falsification prosecution could be made against a  
22 candidate who the prosecutor believes acted in bad faith or was  
23 not honest, the answer is, no, the First Amendment prohibits  
24 that.

25 THE COURT: Well, as I just went through the elements.

1 The elements aren't bad faith, right? The element is a false  
2 statement.

3 MR. BROWN: Which I think is the same as bad faith,  
4 Your Honor.

5 THE COURT: Not necessarily.

6 MR. BROWN: Maybe not.

7 THE COURT: A false statement is just that. Right?

8 MR. BROWN: Certainly, Your Honor. But it's still  
9 protected speech. The Alvarez case makes that clear.

10 THE COURT: Well, protected speech, I mean -- yes,  
11 false statements can be protected speech, but they are not in  
12 every instance protected speech, and that's ultimately what I'm  
13 going to decide, right? If there is a false statement, what's  
14 the level of protection under the First Amendment given the  
15 government's interest?

16 MR. BROWN: Certainly, Your Honor.

17 THE COURT: All right.

18 MR. BROWN: But, Your Honor, truthful speech is not  
19 always protected either, Your Honor.

20 THE COURT: Hold on. Well, that's true. Time, place,  
21 and manner.

22 MR. BROWN: Yes.

23 THE COURT: Among other things, I am -- so I guess let  
24 me ask it this way then: How does a requirement in Ohio law  
25 that a candidate for a partisan primary make a truthful

1 statement about their intended party affiliation, how does that  
2 requirement violate the First Amendment?

3 MR. BROWN: Because by giving the State elections  
4 officials the authority to judge that, to review that, what you  
5 are basically doing is you are forcing candidates to alter  
6 their political -- core political speech. Knowing that this  
7 could happen, what candidates are going to do is they are going  
8 to change their tune, like in Mr. Ronan's case. He has made  
9 statements about President Trump's faults and foibles. He has  
10 made statements about his --

11 THE COURT: No, no, no. I mean -- going back to my  
12 hypothetical, you are saying that that would trod the  
13 candidate's right to say, after he's declared for the  
14 Republican primary, that that would trample his right to say  
15 the next day that he is a Democrat?

16 MR. BROWN: No. It would trample the speech he made  
17 before making the declaration because knowing that they are  
18 going to be subject to that review --

19 THE COURT: My hypothetical to you, though, going back  
20 to -- I think it was about 15 minutes ago, so no problem that  
21 you don't remember, but my hypothetical that I want to go back  
22 to is: Candidate files Republican primary. Signs all the  
23 petitions. Petitions are circulated. Maybe he's submitted  
24 them, maybe he hasn't, to the Board of Elections. But then he  
25 goes to the pep rally and says, "I'm really a Democrat. We're

1 all in this together. I'm a Democrat. I just want to run in  
2 this Republican primary to stir things up."

3 And so, under that hypothetical, I don't -- and so we're  
4 not looking at any statements he has made at any time in his  
5 entire life other than at that pep rally after he's filed the  
6 declaration. You are saying that that would infringe upon his  
7 free speech right?

8 MR. BROWN: Oh, certainly.

9 THE COURT: Okay.

10 MR. BROWN: If he were prosecuted or if he were  
11 removed from the ballot for saying that, because he has the  
12 right -- the First Amendment right to say that. Again, it  
13 depends on what kind of mechanism the State is using to enforce  
14 its good-faith or honesty requirement, but under Ohio law --  
15 under Ohio law, there is no good-faith requirement, not under  
16 3513.191B, which I believe the defendant admits, and also under  
17 3513.07. Your Honor, that statute has been on the books since  
18 before 1945. It's been on the books for at least 75 years.

19 No court or any other authority, not a law review  
20 article even, has ever suggested that 3513.07, the declaration,  
21 has a good-faith component, or that a candidate can be kicked  
22 off the ballot for dishonestly claiming to be a party member.  
23 Never, never.

24 THE COURT: All right.

25 MR. BROWN: So one would think that if Ohio law did

1 allow that, it would have come up by now.

2 THE COURT: Well, maybe. I mean, this seems to me to  
3 be pretty unique facts because -- I mean -- and we talked about  
4 it at the 65.1 conference. I mean, it's certainly not uncommon  
5 for people to change party affiliation.

6 MR. BROWN: Correct.

7 THE COURT: And there are, I'm sure, thousands of  
8 reasons why somebody might do that, and I think both the record  
9 and just us watching our local voter polls, it happens -- not  
10 infrequently, but -- and people make that change. But, to me,  
11 this is a -- what makes this a unique circumstance is after --  
12 you know, is the timing of it, I mean, after he filed. That's  
13 why I wanted to get the timeline from his testimony.

14 I mean, after he's circulating these petitions, after he  
15 has signed the forms under penalty of falsification charges, he  
16 says: You know, I'm sticking to my plan I talked about five  
17 years ago to infiltrate the party and, you know, to do these  
18 things that I've been talking about.

19 And that's a unique circumstance. I mean -- and maybe  
20 you can tell me that it's happened before and the election  
21 officials kind of said, okay, well, we took him at his word at  
22 the time he signed it, and we're all done now, but that's not  
23 the facts here, and I think that makes it a little bit  
24 different.

25 MR. BROWN: Certainly, Your Honor. But, Your Honor,

1 it does happen all the time. It's not that unique. Candidates  
2 are infiltrating each other's parties all the time. They  
3 change parties all the time. Trump, Reagan, Elizabeth Warren,  
4 they have all changed parties.

5 THE COURT: That's what I said, that they are changing  
6 parties all the time, but -- what about for Ms. Cordero? She's  
7 not here. Ms. Cordero -- I don't see that you addressed her  
8 anywhere in your papers. So if you did and I missed it, I just  
9 want to make sure that you -- are there any arguments you have  
10 that she's entitled to a preliminary injunction independent of  
11 Mr. Ronan's rights?

12 MR. BROWN: They are tied into the candidate's rights.  
13 There's not necessarily a constitutional right to run for  
14 office, even though the First Amendment and the Equal  
15 Protection Clause imply all kinds of protections for those  
16 running for office, but there is a constitutional right to vote  
17 for candidates who run for office, and that's her argument.

18 THE COURT: Okay. That's derivative of his right to  
19 be on the ballot.

20 MR. BROWN: Yes. I have the right to vote for him,  
21 and I support him if he's on the ballot. Certainly, Your  
22 Honor.

23 THE COURT: I just want to talk for just a brief  
24 moment about the Elections Clause. Tell me your argument that  
25 there is a private cause of action under the Elections Clause.

1 MR. BROWN: Oh, certainly, Your Honor. Cook against  
2 Gralike, Your Honor, that was an action under the Elections  
3 Clause. It's not a private right of action under the Elections  
4 Clause.

5 The Supreme Court -- the current Supreme Court does not  
6 like, if you will, direct constitutional causes of action.  
7 So *Bivens* claims -- *Bivens* isn't going anywhere. It's not  
8 getting any bigger, right? We don't recognize those direct  
9 constitutional causes of action.

10 So the Elections Clause fits under that bucket. It  
11 doesn't all by itself create a cause of action, but the  
12 Elections Clause is enforceable under 42 USC 1983, as made  
13 clear by the Cook against Gralike case. That's exactly what  
14 happened there, Your Honor.

15 THE COURT: Okay. So it's basically part of your 1983  
16 case?

17 MR. BROWN: Yes.

18 THE COURT: Okay.

19 MR. BROWN: And it is enforceable as the Court in the  
20 Cook case makes clear, Your Honor.

21 THE COURT: But the claims are basically the same --  
22 right? -- that the -- under the regulation of the time, place,  
23 and manner under the Elections Clause that they can't -- what's  
24 your argument? Tell me again.

25 MR. BROWN: They are very similar, Your Honor. As

1 Chief Justice Rehnquist in that case indicated, as he concurred  
2 under the First Amendment, but they are still distinct, as  
3 Justice Stevens in the *Cook* case made clear, because -- because  
4 under the Elections Clause, Ohio's authority is restricted to,  
5 as you said, time, place, and manner restrictions, basically of  
6 ballot access and congressional elections. It doesn't apply to  
7 state elections but congressional elections.

8 But the Court said what the states cannot do is they  
9 cannot try to alter the outcome of the election. They can't  
10 dictate electoral outcomes. I believe that's what Justice  
11 Stevens said. They cannot discriminate based on a viewpoint  
12 using their Elections Clause power, which is exactly what Ohio  
13 is doing here in this case.

14 They are treating Mr. Ronan's candidacy different  
15 because, as you said, he has spoken maybe about infiltrating  
16 the Republican Party. He has spoken about, you know, once  
17 being a Democrat and now being a Republican.

18 Assuming all that, you can't use that kind of standard.  
19 You can't use that kind of speech to say: Oh, you are not a  
20 good candidate then for this primary ballot. That is not  
21 allowed under the Elections Clause. They need to stick to  
22 signature collection. They need -- they can use a lookback  
23 provision, which is objective, a two-year lookback, which is  
24 what Ohio used to do, but they just can't impose the subjective  
25 of "we think you're trying to infiltrate the party" standard.

1 They can't do that, Your Honor. The First Amendment prohibits  
2 it and so does the Elections Clause.

3 THE COURT: All right. I'll give you an opportunity  
4 to wrap up because I would like to hear from the other side.

5 MR. BROWN: Certainly, Your Honor.

6 I just like to add, with the Due Process Clause -- I  
7 know counsel asked a lot of questions about Member Freedhoff's  
8 potential actual bias. The Due Process Clause does not look to  
9 actual bias. Here, instead, the other concern of the Due  
10 Process Clause is objective, whether there's a risk of bias,  
11 and that's what we argue here.

12 We've never claimed -- we don't claim that Freedhoff was  
13 actually biased. What we do claim is, given all the objective  
14 facts, she should have disqualified herself. What we have  
15 learned now is the Ohio Republican Party was a co-secret  
16 protester.

17 THE COURT: All right. I read the stipulations.

18 MR. BROWN: But Ms. Freedhoff is the number two person  
19 in the Ohio Republican Party. That is, all by itself,  
20 objectively, grounds for disqualification.

21 I mean, imagine if a judge was in that situation.  
22 There's just no way a judge would sit on that case, Your Honor.  
23 The same is true with Ms. Freedhoff.

24 THE COURT: All right. Thank you, Mr. Brown.

25 MR. BROWN: Thank you.

1 THE COURT: All right. Mr. Rustico, a couple  
2 questions, and this might be better for the county defendants,  
3 but what is the deadline -- so if the preliminary injunction is  
4 not issued, will a notice go out to the voters at this point in  
5 time or will it just be that the votes aren't counted?

6 MR. RUSTICO: I -- I believe a note -- I'll let them  
7 double-check. The one thing I know is that regular absentee  
8 ballots will go out on Tuesday.

9 THE COURT: Oh, they have to go out, yeah.

10 MR. RUSTICO: Yeah, so only the UOCAVA ballots have  
11 gone out so far. I will let them confirm, but I think that a  
12 new notice letting those UOCAVA voters know.

13 THE COURT: Okay. All right. I'll tell you what,  
14 when it's your turn, will you just address that?

15 MR. ZAGROCKI: Yes, Your Honor.

16 THE COURT: So I just have some questions and I'll --

17 MR. RUSTICO: Yes.

18 THE COURT: You've heard my questions to Mr. Brown.  
19 If a candidate files a statement swearing that he is a member  
20 of a particular political party, and there becomes evidence  
21 that he is not, that that is a false statement, what  
22 enforcement powers does the State -- and I use that in the  
23 royal sense -- the State have to deal with that false  
24 statement?

25 MR. RUSTICO: Well, I think there's two options, and

1 they are not exclusive.

2 So the first would be an election falsification charge,  
3 like Your Honor talked about, and the second would be what  
4 happened here, which is for the Board of Elections to consider  
5 whether this person is lying or not. It's kind of the simplest  
6 way to put it.

7 THE COURT: In the latter situation, who is  
8 determining whether it was a falsehood?

9 MR. RUSTICO: I believe that under the statutory  
10 scheme that's the Board of Elections that would make that  
11 determination because they determine who is going to be on the  
12 ballot, who is properly certified.

13 THE COURT: What were the standards that Secretary  
14 LaRose used in reviewing the protest? Because I think there  
15 was a reference to it was not a standard -- the review was not  
16 standardless. What were the standards of the protest review?

17 MR. RUSTICO: I think those were -- and his letter  
18 spells it out quite clearly or more extensively, but  
19 essentially it was a credibility determination. It was not  
20 that much different than, you know, a question of fraud or  
21 whether someone commits perjury. It's just a question of is  
22 this person -- was this person telling the truth when they  
23 signed that declaration under penalty of election  
24 falsification.

25 I don't have, like, a multifactor test or something that

1 was applied, but it was -- what it wasn't and what's key is  
2 that it wasn't an ideological test, and the Secretary made that  
3 very clear in his letter.

4 And if you look to the record here, even the protestor  
5 didn't talk much about Mr. Ronan's political beliefs, and the  
6 Secretary made it clear in his letter: Members of the each  
7 party are welcome to disagree on any number of political  
8 issues, and so what we're not challenging --

9 THE COURT: So what's the basis then?

10 MR. RUSTICO: So the basis was that -- so, to take a  
11 step back, my friend wants this case to be about the First  
12 Amendment but spoke a lot about what Ohio law does and does not  
13 include.

14 Our position -- and I believe it's backed up by *Morrison*  
15 and *Jolivette* -- is that there is an implicit good-faith  
16 requirement in 3513.07, and so the question then for the Board,  
17 and then in the tiebreaking vote for the Secretary, was: Did  
18 he act in good faith? In other words, was he telling the truth  
19 or was this the ruse that you described in your hypothetical?

20 Obviously, the facts here are not as egregious as the  
21 example that Your Honor put forward, but our position -- and  
22 Mr. Ronan testified here today -- in January, which appears to  
23 be after he made that declaration, he was still discussing the  
24 strategy that has kind of been in his mind for the last six or  
25 seven or eight years, and so it was reasonable for the fact

1 finders here -- the Board of Elections and the Secretary -- to  
2 find: We don't believe this person.

3 It has nothing to do with whether he supports universal  
4 health care, wants to abolish I.C.E.; it's a fact that he has  
5 described a strategy of pretending to be a Republican and has  
6 confirmed that after he made that declaration, and so the  
7 declaration was found to not be accurate, and so he was not  
8 certified to be a candidate and for that reason.

9 THE COURT: Is there any plans to prosecute him for  
10 election falsification?

11 MR. RUSTICO: I'm not aware. I don't think the  
12 Secretary would be involved in that, and so I can't -- I can't  
13 speak to whether, you know, the county prosecutor or maybe the  
14 Attorney General's office. I'm not really sure the  
15 jurisdiction there.

16 THE COURT: All right. You know, and, unfortunately,  
17 in reading, and I think this was more in your brief, because  
18 the county really addressed more the due process issue, so  
19 that's why I think this came from your brief. There's kind of  
20 been a -- I think the word that you all use is this could  
21 create chaos, that the factual circumstances here could create  
22 chaos. And so my question to you on that is: Tell me what the  
23 chaos is. I mean, can't make voters make a decision about  
24 which candidate best represents their values either as a  
25 Republican or as a Democrat, particularly where, as here,

1 Mr. Ronan hasn't been shy about what his policy positions are?

2 MR. RUSTICO: Yes, Your Honor. And the chaos argument  
3 was in response to my friend's broader argument, which is that  
4 there is no rule whatsoever, the same arguments he made here  
5 today, that basically anyone can do whatever they want when it  
6 comes to declaring a candidacy.

7 So I'm willing to concede that Mr. Ronan is unlikely to  
8 create chaos in this case, but the argument that he is making  
9 and the relief that he is requesting from this Court -- which  
10 is essentially to find that there is no good-faith requirement,  
11 that anyone in bad faith can claim to be from whatever party  
12 they want, the reason that will create chaos, I mean,  
13 especially in Ohio, because of the way our system is set up,  
14 when a voter walks into the voting place, the voting location,  
15 excuse me, they have to determine which ballot to select.

16 And so if people are able to just label themselves  
17 whatever they want, how is the voter to determine? These  
18 labels have to be useful in some way, and the case law and in  
19 our brief backs this up, that these labels have to have some  
20 meaning. There's not a purity test, but they have to be -- you  
21 know, states can protect from party raiding that I think the  
22 Supreme Court used in *Burdick*.

23 It's -- it's -- there needs to be some rules of the road  
24 so that voters know what they are doing when they're  
25 determining which ballot would you like and they -- when they

1 go to the primary.

2 THE COURT: So on that kind of -- the standard, it's  
3 not a purity test, but kind of this "raiding" that you talk  
4 about, who is the person -- I mean, is it the Board of  
5 Elections, and then ultimately if there's a tie, the Secretary  
6 of State then is the person deciding either -- whether it's  
7 credibility or good faith on this issue?

8 MR. RUSTICO: Yes. Just because the statute requires  
9 the Secretary to break a tie if there is one, yes.

10 THE COURT: And either the Board or the Secretary,  
11 when there's a tie, would be the -- I think you used the term  
12 fact finder, right?

13 MR. RUSTICO: Yes. And -- and they received  
14 testimony. It was a, you know, quasi-judicial proceeding.

15 THE COURT: Secretary LaRose, I think this was in his  
16 letter, stated that he based the disqualification on -- and  
17 we've talked a little bit about on Mr. Ronan's long-seated  
18 strategy to have Democrats run as a Republican.

19 I mean, tell me how that's a different -- if it is  
20 different -- than a candidate who has run, you know, and been  
21 in public office for 30 years as a Democrat and then is just  
22 merely switching parties?

23 Is that a different situation and, if so, how?

24 MR. RUSTICO: So I think two answers to that. So,  
25 first, Ohio law wouldn't allow that person to switch

1 immediately.

2 So the -- the -- the waiting period that we talked  
3 about, that still applies to those who hold partisan elected  
4 offices. So that's 3513.119A. There's been a lot of  
5 discussion about B. So that pre-1995 rule that used to apply  
6 tp everyone, that still applies to elected officials.

7 So, at a minimum, Ohio law is going to provide for the  
8 situation that you describe by requiring that individual to  
9 kind of establish that they are, in fact, changing parties,  
10 that they are not doing it for -- for no reason, you know, or  
11 for an ulterior motive, but the second answer to your question,  
12 even excluding that, is again it's a credibility determination.

13 So if the elected official that you described had a  
14 press conference and said, "I am going to pretend to be a  
15 Republican," and then they sign the declaration, and then  
16 afterwards they continued to stand by that strategy, I think  
17 the Board of Elections would be able to exercise -- you know,  
18 if someone protests -- their authority to remove that person  
19 from the ballot for whichever party they are claiming to be,  
20 if they are making it clear that they are feigning that they  
21 are part of that party.

22 THE COURT: I guess let me ask it this way then: So,  
23 without the January statements, January 2026 statements from  
24 Mr. Ronan, would the result have been different in this case?

25 MR. RUSTICO: I think it could have been. I think

1 that the January evidence is the strongest evidence there is  
2 that he is engaging in this.

3 I don't think that would be a *sine qua non*, like that  
4 would be required. I think we have someone who --

5 THE COURT: What other evidence did the Secretary of  
6 State rely on if it wasn't but for having this -- what I will  
7 call the January statements?

8 MR. RUSTICO: Sorry. I think I misunderstood your  
9 question.

10 THE COURT: Okay.

11 MR. RUSTICO: In this specific case, if not for the  
12 January statements, it seems unlikely that the fact finder --  
13 in this case, the Secretary -- would still find that he was  
14 acting in bad faith.

15 I just don't want to say for certain because I'm not  
16 that fact finder, and there was still -- the evidence from  
17 2017, 2018 is still relevant because it establishes an intent.

18 THE COURT: Well, isn't it, though, only -- I mean,  
19 back to kind of talking about core First Amendment issues, a  
20 person's intent can change from 2017 and 2018 to now, or even a  
21 month ago, even September to now? I mean --

22 MR. RUSTICO: Right. And that's why I will concede it  
23 would be a closer question. I'm sorry. I didn't want to cut  
24 you off.

25 THE COURT: You didn't. You are fine. I mean, I

1 think this is a tough issue. Okay.

2 MR. RUSTICO: Yes. I think it is a tough issue, but I  
3 would be remiss if I didn't mention -- I know it's briefed  
4 extensively. It seems to be largely a state law issue. That's  
5 really what we're talking about.

6 My friend on the other side believes that there's no  
7 good-faith requirement whatsoever, and so we believe this Court  
8 can either avoid the constitutional question altogether or  
9 abstain and allow the state courts to handle this question.

10 THE COURT: How do I avoid the constitutional  
11 question?

12 MR. RUSTICO: So there's -- I guess -- a couple of  
13 different ways that it could happen, and I laid this out in our  
14 brief, so if you were to, say, assume without deciding that  
15 there is a good-faith requirement, you could then determine  
16 based on your review of the same factual evidence whether or  
17 not he was acting in good faith or not.

18 THE COURT: But to the extent that the -- I mean,  
19 I think you acknowledge that the way that one would determine  
20 whether or not he was acting in good faith was based on his  
21 speech.

22 MR. RUSTICO: Sure. The same way whether someone is  
23 committing perjury or committing fraud is based on their  
24 statements. They're not protected speech.

25 THE COURT: Well, they are entitled to different

1 levels of protection.

2 MR. RUSTICO: Yeah, sure. Yes. Sorry.

3 THE COURT: So I guess I'm not following your argument  
4 that I could decide kind of the good-faith issue without  
5 considering the constitutional question of any First Amendment  
6 protection to that speech.

7 MR. RUSTICO: I guess I should clarify, and I'll put  
8 my cards on the table. My point is you can rule in my friend's  
9 favor without addressing the constitutional question. So if  
10 you were to inclined to put him on the ballot --

11 THE COURT: I think -- sorry.

12 MR. RUSTICO: Sorry. Yes. We would welcome the  
13 ruling in our favor on the constitutional question, and I --  
14 and I guess -- yes. I just want to be as forthright. That's  
15 the argument we were trying to make.

16 THE COURT: All right. Thank you. That's kind of  
17 your *Pullman* issue, right?

18 MR. RUSTICO: Right.

19 THE COURT: Right. I see.

20 MR. RUSTICO: Exactly. And I apologize if that wasn't  
21 made clear in the -- in the briefing, but the idea is if you  
22 were inclined to rule in his favor, the idea is there's no need  
23 to go as far as he is asking.

24 I mean, the relief that he requested here today is  
25 perhaps even more sweeping than in his original papers, and so

1 we would urge the Court not to do that. We obviously, as a  
2 first -- first line, would like to win the case, and we feel  
3 strongly that there is a good-faith requirement, and that based  
4 on the facts that the Board of Elections -- including those  
5 January statements -- that there was a reason to believe that  
6 he was not acting in good faith here.

7 THE COURT: All right. Thank you for that  
8 clarification. That's all right. Oh, shoot. I lost my  
9 question. Oh, I know. I do have a question about the good  
10 faith, your good-faith argument.

11 The case law is, though, that there is a good-faith  
12 requirement when you are declaring as an independent?

13 MR. RUSTICO: Yes. So there is -- there is still a  
14 logical next step that needs to happen.

15 THE COURT: Right.

16 MR. RUSTICO: We're not going to claim -- sorry, go  
17 ahead.

18 THE COURT: That's okay. Go ahead.

19 MR. RUSTICO: Right. It's -- we're not claiming that  
20 this is established, that there is a good-faith requirement.

21 It just seems like the natural implication of *Morrison*  
22 and *Jolivette*, and I'll read, if I may, a line from *Morrison*.

23 It says: A candidate possessing ordinary intelligence  
24 and common sense would readily understand that the claim of  
25 independence must be made in good faith. Otherwise, there

1 would be no reason for having the claim requirement, and none  
2 of the State's interests animating the claim requirement would  
3 be served.

4 I would argue you can take that exact quote and sub in  
5 "independence" with "party affiliation," and it's the same  
6 logic. So, again, it is an unsettled question.

7 My friend is right: We don't have cases on this because  
8 it just hasn't come up, and I'm willing to predict here today  
9 that this probably isn't something that's going to become a  
10 huge problem, but that's not the reason to rule in Mr. Ronan's  
11 favor.

12 THE COURT: Okay. That's all my questions. I'll give  
13 you -- same thing -- two minutes to wrap up on your arguments.

14 MR. RUSTICO: Sure. If I may, would the Court like to  
15 hear at all about the Elections Clause?

16 THE COURT: No.

17 MR. RUSTICO: Okay. If that's the case, as we mention  
18 in our brief, when the Court heard this case two weeks ago, it  
19 had a very small slice of facts. It had my friend's version of  
20 events. But now that the Court has a fuller picture, the full  
21 record in front of it, I think it becomes clear that this was  
22 not an ideological purity test.

23 This was not about whether Mr. Ronan is Republican  
24 enough. It's about whether he was lying when he claimed he was  
25 a Republican, whether he was trying to perpetrate a ruse, and

1 the fact finders here, two members of the Board, and my client,  
2 the Secretary, found that he was, in fact, not being honest,  
3 that he was not acting in good faith, so we would ask that you  
4 rule in our favor. Thank you.

5 THE COURT: All right. Thank you. Mr. Zagrocki.

6 MR. ZAGROCKI: Your Honor, if you would like, I can  
7 address the initial issue at the outset --

8 THE COURT: Yeah. Thank you.

9 MR. ZAGROCKI: -- with what would happen if the  
10 preliminary injunction was denied at this stage. My  
11 understanding is that for absentee ballots that have not gone  
12 out, a notice will go out with those absentee ballots that the  
13 votes will not be counted for Mr. Ronan. For those who are  
14 already out, there's no additional notices that go out, but the  
15 votes would not be counted in that case as well.

16 And then, additionally, for any of the printed ballots  
17 where folks go on-site, there would be a notice provided with  
18 the printed ballots.

19 THE COURT: All right. What about my question --  
20 Mr. Rustico said that the Secretary of State wouldn't -- would  
21 not have plans, but does the county have any plans to prosecute  
22 Mr. Ronan for elections falsification?

23 MR. ZAGROCKI: Yeah. I don't know if I can speak -- I  
24 have no knowledge that there is any intent.

25 THE COURT: All right.

1 MR. ZAGROCKI: If you like, I can just state our  
2 position for the Court.

3 THE COURT: So, I mean, your brief really doesn't  
4 address the First Amendment issue. So are you just relying on  
5 the Secretary of State's arguments?

6 MR. ZAGROCKI: Yeah, Your Honor. I think it's our  
7 position is that since the Board of Elections was tied, there's  
8 four members, and there was a two-two vote that went to the  
9 Secretary of State, that in our representation and from the  
10 Board of Elections, in cases like this, in the past, where  
11 there has been a tie, from the Secretary of State, they have  
12 handled the merits of it, and since there is a tie here, we're  
13 trying not to get muddled because two members obviously  
14 disagree with the Secretary of State's position.

15 THE COURT: All right. You want to give me a  
16 two-minute -- a two-minute elevator speech then on the due  
17 process issue?

18 MR. ZAGROCKI: Yes, Your Honor. Thank you. I know  
19 opposing counsel keeps talking about the actual bias standard.  
20 We don't dispute that the governing standard here is objective  
21 bias, but the objectivity is supposed to speak to whether or  
22 not there could be actual bias at the proceeding, and due  
23 process also sets the outer boundaries of permissible conduct.

24 We believe this case is nowhere near that line of outer  
25 boundaries. The Supreme Court's cases that we've cited in our

1 brief talk about extraordinary facts where there's been a due  
2 process violation: There's direct financial interests.  
3 There's personal stakes. There's extreme risk of bias. None  
4 of that exists here.

5 Really quickly, I can go through what the record shows.

6 THE COURT: What's the life, liberty, or property  
7 interest that we're talking about for the due process claim?

8 MR. ZAGROCKI: I believe it's a property interest for  
9 the due process claim.

10 THE COURT: Okay.

11 MR. ZAGROCKI: But what the record shows is that there  
12 was no personal or financial interest for Ms. Freedhoff. There  
13 was no involvement by her in the protest. There was no  
14 communications with the Carey campaign. There was no  
15 discussions with the Ohio Republican Party; and, in fact,  
16 Ms. Freedhoff wasn't even aware that the Ohio Republican Party  
17 was involved with the hearing until after the fact.

18 And we believe that last point is dispositive here  
19 because a decision-maker cannot be biased by information that  
20 she did not have.

21 THE COURT: Is Doug Preisse -- the other Republican on  
22 the Board of Elections -- is he on any kind of board or  
23 committee for either the Franklin County Republican Party or  
24 the Ohio Republican Party?

25 MR. ZAGROCKI: Your Honor, I'm not sure of the extent

1 of his involvement. He might be involved in terms of the  
2 Central Committee or Executive Committee. He was the previous  
3 chair of the Franklin County Republican Party, who is now  
4 Ms. Freedhoff, but he no longer serves in that role as chair of  
5 the Franklin County Republican Party.

6 THE COURT: And when you say he might be on the  
7 Central Committee or Executive Committee, is that for the  
8 county or for the state?

9 MR. ZAGROCKI: It could be for either. Generally --

10 THE COURT: I don't want you to speculate. If you  
11 don't know, you can just tell me you don't know.

12 MR. ZAGROCKI: Your Honor, I'm not sure.

13 So the core point, though, is that, here, what  
14 plaintiffs have spoken to is an attenuated reasoning. And, in  
15 fact, Ms. Freedhoff, we point to this again -- again, both in  
16 the brief and then during today's testimony, Ms. Freedhoff  
17 voted to keep a Libertarian candidate on the ballot in the same  
18 race that's at issue here. That is a decision that is  
19 inconsistent with any claimed partisan motive.

20 That Libertarian candidate, because there is no other  
21 individual running in the primary for this race, will be on the  
22 ballot in the general election for this race, and it claims to  
23 reason that the Libertarian candidate could siphon votes away  
24 from whichever Republican will be on that election ballot.

25 If Ms. Freedhoff is truly biased, she would have voted

1 in that protest to grant the protests and remove that  
2 Libertarian candidate in favor of the Republican Party. She  
3 did not do that here, and that was the same day.

4 At bottom, we believe this is an attempt to  
5 constitutionalize ordinary political overlap, but due process  
6 does not disqualify decision-makers based on generalized  
7 affiliations.

8 THE COURT: All right.

9 MR. ZAGROCKI: Thank you.

10 THE COURT: Thanks. Mr. Brown, as the movant, I'll  
11 give you the final say.

12 MR. BROWN: Thank you, Your Honor. Your Honor, you  
13 hit --

14 THE COURT: It's been fun to like question a law  
15 professor. I never had you, but it's been fun to actually be  
16 the questioner of the law professor as opposed to the student.

17 MR. BROWN: I'm sure whoever taught you did a better  
18 job. And thank you. This has been a fun. I've got a couple  
19 of students here.

20 THE COURT: Oh, good. Nice to see you guys.

21 MR. BROWN: But I --

22 THE COURT: You can tell Dan Kobil at Capital -- are  
23 any of the lawyers on this side of the room Cap?

24 MR. TABATOWSKI: I had Mark.

25 THE COURT: Oh, you guys did. How about you?

1 UNIDENTIFIED WOMAN: I'm too old to have had Mark, but  
2 I had Dan.

3 THE COURT: Same, same. I had Dan Kobil.

4 MR. BROWN: Dan's office is right next to mine.

5 But you hit the nail on the head, Your Honor, first of  
6 all. I mean, it's all about standards. There are no standards  
7 here. The best that the defense can come up with is good  
8 faith, and we leave up to the Board of Elections.

9 The danger -- it drips with danger. If you allow a  
10 Board of Elections --

11 THE COURT: Do other states have a good-faith  
12 requirement? I mean, you said other states have different  
13 rules. Do other states have a good-faith requirement?

14 MR. BROWN: You know, what other states, I can't  
15 answer that. I don't have the full state survey, but what I  
16 can say is what is permissible is a state, like Georgia, which  
17 delegates to the parties themselves just the decision -- so the  
18 Georgia Republican Party can pick and choose amongst people.  
19 There's no state action, if you will, so they can do it.

20 Ohio doesn't do it that way. Instead, Ohio delegates  
21 the authority to state elections officers, and that's what's  
22 impermissible -- because that brings in the First Amendment  
23 and -- prior restraint doctrine -- we never talk about that  
24 anymore, but under the prior restraint doctrine, standardless  
25 decision-making violates the First Amendment because you just

1 can't give discretion to state officials to pick and choose,  
2 which is what this statute does.

3 And the *Driehaus* court kind of alluded to that too in  
4 the *Driehaus* decision. And in regard to your prosecution  
5 questions, I think *Driehaus* answers that. *Driehaus* says, no,  
6 you cannot prosecute people for making false political  
7 statements, or at least, if you do, there are really some  
8 serious problems.

9 THE COURT: I don't have *Driehaus* right in front of  
10 me, but that's not -- these aren't just general political  
11 statements that they would be prosecuting them for. This would  
12 be -- the petition -- I keep going back to, I mean, to the  
13 petition.

14 I mean, for lack of a better word, to me, it almost  
15 feels like, though, the petitions are special. I don't want to  
16 say magical, but special, because they are -- aren't they a  
17 candidate's declaration of who they are and who -- and who they  
18 are as a candidate? And, you know, there's different petitions  
19 for different offices that you are running for, but if you are  
20 running for in a partisan primary, I mean, there is a reason  
21 that -- whether it's prosecuted or not as election  
22 falsification, there's a reason why the statute says, hey, you  
23 are making this statement at risk of prosecution if what you  
24 are saying isn't accurate, isn't true.

25 And, yeah, good faith does have a role in truthfulness,

1 but, I mean -- and you would agree with me that if he says on a  
2 petition -- let me get one in front of me so I can make sure my  
3 hypothetical is -- if a candidate on the petition says, you  
4 know, I declare my voting residence address is -- here, he says  
5 1574 Riverbend Road, Columbus, Ohio, and if that was false, if  
6 his true voting residence was in the state of Georgia, and the  
7 Board of Elections gets information or evidence -- whether it's  
8 because of something he said or they get documentary evidence  
9 that, no, he doesn't live on Riverbend Road in Columbus, he  
10 lives in Georgia, they can remove him from the ballot at that  
11 point.

12 MR. BROWN: Yes, Your Honor, and he could be  
13 prosecuted.

14 THE COURT: And he could be prosecuted. I think  
15 that's really the only other statement. I guess he could lie  
16 about his name.

17 MR. BROWN: Exactly, or with the old statute, lying  
18 about not voting in a primary two years before. Yeah. They  
19 could have removed him for that.

20 THE COURT: Right. Under the old statute or --

21 MR. BROWN: Yes.

22 THE COURT: And they could remove him now if he's an  
23 incumbent in some office.

24 MR. BROWN: Exactly.

25 THE COURT: And he's got the two years.

1 MR. BROWN: Yes.

2 THE COURT: So, for all of those things, they can  
3 remove him for, but yet, as part of the same form, if he says  
4 I'm a member -- I want to be a member of the Republican Party,  
5 and I will support and abide by those principles, that if this  
6 is a false statement, they have no remedy?

7 MR. BROWN: Because you can't prove it's false, Your  
8 Honor. The declaration is, "I am a member of the Republican  
9 Party." And under Ohio law self-identification, you are if you  
10 say you are, and the other one is even more problematic because  
11 it says, "I intend in the future, if elected, to abide by  
12 principles of the Ohio Republican Party."

13 Again, how would you -- how would you go about proving  
14 like something like that is false? Even if you could prove  
15 it's false, the danger is just so severe.

16 I mean, we think back -- think back to the last  
17 presidential election cycle with Donald Trump, when Democrats  
18 were trying to remove Trump from the ballot. The Supreme Court  
19 spoke to that in its opinion. I believe it was the Anderson  
20 against Trump decision, and the Court spoke to policy.

21 The Court said if we allow this, look what's going to  
22 happen. Speaking of chaos, you are going to have Republicans,  
23 you know, kicking off Democrats, and Democrats kicking off  
24 Republicans across the United States based on these, you know,  
25 standardless insurrection theories.

1           We're going to have the same thing here, Your Honor, if  
2 we give the elections boards this kind of power. Well, there's  
3 going to be retaliation. You are going to have parties kicking  
4 each other off. You are going to have secret protesters coming  
5 out of the woodwork to challenge candidates.

6           Your Honor, Ohio law has never been that way. As I  
7 said, no case has ever said that, and things have worked well.

8           So what they want is a big change, and what we're saying  
9 is here no change is needed. In fact, it violates the First  
10 Amendment to the United States Constitution, Your Honor.

11           THE COURT: All right. Thank you, Mr. Brown.

12           Let's take a 15-minute recess, and we can come back.

13           MR. BROWN: Thank you, Your Honor.

14           DEPUTY CLERK: All rise.

15           (Recess taken from 11:28 a.m. to 11:46 a.m.)

16           THE COURT: All right. Well, after consideration of  
17 the briefs of the parties, the arguments of counsel, and the  
18 evidence presented here in court and in the briefs, plaintiffs'  
19 motion for a preliminary injunction is denied, and the  
20 temporary restraining order is vacated.

21           I'm going to read into the record now my reasoning.  
22 There will be a written opinion to follow.

23           But I do find that plaintiffs are not substantially  
24 likely to succeed on the merits of their claims. With regard  
25 to that element, I just -- a few things I feel like I do need

1 to address. One is I do not believe the *Pullman* abstention  
2 applies. It does appear to me that state law is fairly settled  
3 on the interpretation of 3513.07. I don't believe the statute  
4 is ambiguous. It does require that a partisan candidate  
5 actually be affiliated with that political party or, at a  
6 minimum, good faith -- if we want to talk about good faith.

7 But even if there is some ambiguity on the  
8 interpretation of 3513.07, *Pullman* abstention does not apply  
9 because there is a constitutional issue for this Court to  
10 decide -- regardless of how you interpret that statute.

11 The constitutional issue is whether the statute,  
12 facially or as applied, violates the plaintiffs' First  
13 Amendment free speech or association rights.

14 For the same reason, it didn't really come up today, but  
15 in the briefs, there was an argument from the Secretary of  
16 State that this Court lacks jurisdiction to enjoin state  
17 officials for alleged violations of state law. This Court  
18 certainly has jurisdiction to consider whether state officials  
19 violated the First Amendment.

20 So that does bring me to the claims.

21 In claim one, the plaintiffs allege that defendants  
22 violated their First Amendment rights to free speech and free  
23 association. As we talked about, there's both a facial and  
24 as-applied challenge to the statute.

25 With regard to the facial challenge, plaintiffs have not

1 demonstrated that a substantial number of instances exist in  
2 which 3513.07 cannot be applied constitutionally. That statute  
3 does not prohibit a substantial amount of protected speech in  
4 either an absolute sense or relative to the statute's plainly  
5 legitimate sweep. So the facial challenge likely fails on the  
6 merits.

7 With regard to the as-applied challenge, the Secretary  
8 of State decided to uphold the protest and remove Mr. Ronan  
9 from the ballot based on his speech. So the Court applies the  
10 *Anderson-Burdick* framework.

11 Number one, the burden placed on Mr. Ronan's speech and  
12 associational rights -- I guess both plaintiffs, but the other  
13 plaintiff is derivative -- speech and associational rights is  
14 minimal. Requiring Mr. Ronan to truthfully declare his  
15 affiliation with his chosen political party does not prevent  
16 him from voting, supporting, or endorsing candidates. It also  
17 does not prevent him from running for office. He can still run  
18 for election and seek support as an Independent or a write-in  
19 candidate. The statute also does not prevent him from running  
20 as a Republican. The only thing the statute prevents is for  
21 him running as a Republican while publicly stating that he is  
22 not one and is only pretending to be one to infiltrate the  
23 party. The Court does apply rational basis review.

24 Number two, although this statement is protected  
25 political speech, the State's substantial interest in

1 protecting the fairness and integrity of elections and  
2 preventing fraudulent candidacies outweighs the minimal burden  
3 placed on Mr. Ronan's First Amendment rights.

4 And then, number three, the State is obligated to  
5 prevent fraud and corrupt practices in elections and to avoid  
6 confusion and deception as part of the broad powers granted to  
7 the States under the Elections Clause in regulating the manner  
8 of elections.

9 Ohio has chosen to use candidate declarations to protect  
10 the integrity of the primary election process and to fulfill  
11 its obligation. The statute applies equally to all primary  
12 candidates and is a reasonable means to achieve the State's  
13 interest.

14 I do think this is such a unique factual circumstance  
15 because, here, the evidence is that -- that's why I'm focused  
16 so much on the timeline, that after Mr. Ronan swore that he was  
17 a Republican and would abide by a Republican Party doctrine,  
18 he made the statements that we've gone over already --  
19 implicating the defendants' obligation to protect the electoral  
20 process, not as a governing party doctrine or ideology, but  
21 because the government-issued ballot identifies him as a  
22 Republican, even though he now says that he is not one, and I  
23 think that is an important distinction between statements  
24 before he filed the petitions.

25 Candidates may self-identify with a political party for

1 a primary, and election officials generally must take them at  
2 their word, but where, as here, the candidate states that he  
3 does not so self-identify -- as indicated in his petition --  
4 the State can use that speech to remove him from the ballot.

5 Much like saying you live in Ohio when you actually live  
6 in Georgia, a false declaration of party affiliation --  
7 self-identified party affiliation, the State can use a  
8 candidate's speech to find that he made a false statement and  
9 remove him from the ballot.

10 Again, I do not believe that defendants are regulating  
11 viewpoint. They are making a reasonable regulation on  
12 candidates seeking to run in a partisan primary. Therefore, I  
13 believe the plaintiffs' as-applied challenge likely fails on  
14 the merits.

15 For the second claim, plaintiffs allege that defendants  
16 violated the Article I Election Clause. However, as the Third  
17 Circuit has said: Private plaintiffs lack standing to sue for  
18 alleged injuries attributable to a state government's violation  
19 of the Elections Clause. And that's *Bognet v. Secretary*  
20 *Commonwealth of Pennsylvania*, 980 F.3d 336, a 2020 decision.  
21 But even if there was a private right of action, under 1983,  
22 the claims still fail -- would fail for the same reasons that  
23 the First Amendment claim likely fails.

24 Finally, for their third claim, plaintiffs allege that  
25 Defendant Freedhoff violated their due process rights because

1 she had a conflict of interest in deciding the protest to  
2 Mr. Ronan being on the ballot, but this claim likely fails  
3 because at least at this point I don't believe that the  
4 plaintiffs have met their burden.

5 Also, I do not believe that Mr. Ronan has a life,  
6 liberty, or property interest protected by the Due Process  
7 Clause to falsely claim that he is a Republican so that he can  
8 infiltrate the party as a Democrat to be on the primary ballot,  
9 so this third claim likely fails.

10 In light of these findings, I also find that plaintiffs  
11 will not suffer irreparable harm absent the issuance of an  
12 injunction, and that defendants and third parties would be  
13 harmed if an injunction were to issue, and I find that an  
14 injunction is not in the public interest.

15 With that, what we'll do, Mr. Brown, in case you do want  
16 to file an appeal, we will get a short order on today that just  
17 denies the preliminary injunction and vacates the TRO.

18 We will get that on today so you can do whatever you  
19 need to do and you feel appropriate at that point.

20 With that, is there anything further that we should be  
21 thinking about today?

22 MR. BROWN: I would like to move to stay the denial of  
23 the preliminary injunction so that we can take a timely appeal.

24 THE COURT: Mr. Rustico?

25 MR. RUSTICO: We oppose that, Your Honor.

1           As I mentioned before, absentee ballots are set to go  
2 out on Tuesday. I also got confirmation from the Secretary's  
3 office that if the TRO were extinguished, that we'll send  
4 notices to the UOCAVA voters who have not yet returned their  
5 ballots to let them know that votes for Mr. Ronan will not  
6 count.

7           Anyone who has already submitted their ballot, those  
8 votes -- you know, it's too late, but we'll -- a stay here  
9 would essentially give him the relief that he was seeking  
10 through the preliminary injunction, and we can't be confident  
11 that we'll get a ruling before Tuesday.

12           THE COURT: All right. Mr. Zagrocki?

13           MR. ZAGROCKI: Your Honor, our arguments echo the same  
14 sentiment.

15           We think that we need to have some kind of knowledge in  
16 terms of -- with the absentee ballots coming out -- can we add  
17 the notices to those ballots now or, if not, we're going to  
18 miss that mark and not have that opportunity?

19           THE COURT: All right. Okay. I'm going to grant the  
20 stay, but for -- today is Thursday -- forty-eight hours till --  
21 my stay -- the stay will be in place until, I'll say, Monday at  
22 noon to give you time to ask the Sixth Circuit to stay it.

23           MR. BROWN: Thank you, Your Honor.

24           THE COURT: Time is of the essence, I recognize, but I  
25 would -- what I'm basically saying is the stay is only in place

1 until the Sixth Circuit decides whether or not they will issue  
2 the stay. Does that make sense?

3 MR. BROWN: Yes, it does, Your Honor. Thank you.

4 THE COURT: And for the defendants, I know the timing  
5 is tight, but I just want to make sure, if the Sixth Circuit  
6 disagrees with me, I want them to be the ones to issue the  
7 stay. Questions about that?

8 MR. RUSTICO: Yes. If I may, Your Honor. So I  
9 understand the stay as to the absentee ballots, so there are  
10 ballots out with UOCAVA voters right now --

11 THE COURT: Right.

12 MR. RUSTICO: So do you want us to send notices to  
13 them or are those also wait until Monday because --

14 THE COURT: Wait.

15 MR. RUSTICO: -- they could be completing their  
16 ballots any time between now and then?

17 THE COURT: No, I appreciate that. That's why we're  
18 having the conversation.

19 MR. RUSTICO: Yeah.

20 THE COURT: No. My stay order for the defendants is  
21 that status quo, where we are today, until noon on Monday.

22 At noon on Monday, that will expire unless Mr. Brown and  
23 the plaintiffs get relief from the Sixth Circuit.

24 MR. RUSTICO: Understood. Thank you.

25 THE COURT: Anything else, Mr. Brown?

1 MR. BROWN: No, Your Honor. Thank you very much.

2 THE COURT: Thank you for the clarification. Anything  
3 else for the Secretary of State, Mr. Rustico?

4 MR. RUSTICO: No, Your Honor.

5 THE COURT: All right. How about you, Mr. Zagrocki?

6 MR. ZAGROCKI: No, Your Honor. Thank you.

7 THE COURT: All right. Thank you, counsel. Court  
8 will be in recess.

9 (The proceedings were adjourned at 11:57 a.m.)

10 - - -

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- - -

WITNESS INDEX

- - -

WITNESSES

DIRECT CROSS REDIRECT RECROSS

PLAINTIFF'S:

Samuel Ronan	4	9	30
Samuel Ronan		18	

C E R T I F I C A T E

I, Allison A. Kimmel, do hereby certify that the foregoing is a true and correct transcript of the proceedings before the Honorable Sarah D. Morrison, Judge, in the United States District Court, Southern District of Ohio, Eastern Division, on the date indicated, reported by me in shorthand and transcribed by me or under my supervision.

s/Allison A. Kimmel  
Allison A. Kimmel, FAPR, RDR, CRR, CRC  
Official Federal Court Reporter  
April 3, 2026

Ronan v. LaRose  
District Court Order  
Doc. 32

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

SAMUEL RONAN, *et al.*,

Plaintiffs,

v.

FRANK LAROSE, *et al.*,

Defendants.

:

Case No. 2:26-cv-343

Chief Judge Sarah D. Morrison

Magistrate Judge S. Courter M.

Schimeall

:

**ORDER**

This matter is before the Court on the Motion for Temporary Restraining Order and Preliminary Injunction filed by Plaintiffs Samuel Ronan and Ana Cordero. (ECF No. 2.) On March 20, 2026, the Court held an informal preliminary conference pursuant to S.D. Ohio Civ. R. 65.1(a), during which the Court granted Plaintiffs' Motion for Temporary Restraining Order. (ECF No. 10.)

The Court held an evidentiary hearing on the Motion on April 2, 2026. For the reasons stated at the hearing, Plaintiffs' Motion is **DENIED** and the temporary restraining order is **VACATED**.

The Court **STAYS** the vacating of the temporary restraining order until Monday, April 6, 2026 at 12:00p.m.

**IT IS SO ORDERED.**

/s/ Sarah D. Morrison

**SARAH D. MORRISON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT**

Ronan v. LaRose  
Sixth Circuit Opinion  
Doc. 20-1

No. 26-3272

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Apr 6, 2026  
KELLY L. STEPHENS, Clerk

SAMUEL RONAN, et al., )  
 )  
 Plaintiffs-Appellants, )  
 )  
 v. )  
 )  
 FRANK LAROSE, et al., )  
 )  
 Defendants-Appellees. )

ORDER

Before: BATCHELDER, LARSEN, and READLER, Circuit Judges.

Plaintiffs Samuel Ronan and Ana Cordero moved the district court for a temporary restraining order and preliminary injunction directing the Ohio Secretary of State and Franklin County Board of Elections members to restore Ronan to the Republican primary ballot for the State of Ohio’s Fifteenth Congressional District in time for votes to be cast for him and counted. The district court granted Plaintiffs a temporary restraining order. On April 2, 2026, after holding an evidentiary hearing, the district court vacated its temporary restraining order and denied Plaintiffs a preliminary injunction. It also stayed its dissolution of the temporary restraining order (TRO) until noon today. Plaintiffs filed this appeal on Friday, April 3, 2026, and moved for an injunction pending appeal and for an administrative stay.

We recognize the need for an expedited decision, given that early voting begins in Ohio tomorrow. Having reviewed the record, the pleadings, and the applicable law, we conclude that

No. 26-3272

-2-

Plaintiffs have failed to sustain their burden of showing a likelihood of success on the merits. Therefore, the motion for an injunction pending appeal is **DENIED**, and the request for an administrative stay is **DENIED AS MOOT**.

Samuel Ronan declared his candidacy in the State of Ohio's Fifteenth Congressional District as a Republican. To become eligible for the ballot, Ronan signed a declaration of candidacy stating: "I am a member of the Republican Party," and "I further declare that, if elected to said office or position, I will qualify therefor, and that I will support and abide by the principles enunciated by the Republican Party." R. 31-1, Decl., PageID 1239; *see* Ohio Rev. Code § 3513.07. The declaration also contains a notice that "whoever commits election falsification is guilty of a felony of the fifth degree." R. 31-1, Decl., PageID 1239. Sometime after signing this declaration, Ronan posted on Facebook that "Leftists need to infiltrate [R]epublican spaces and primary them" and that's why he is "running as a Repub[I]ican now." R. 31-2, Exhibit, PageID 1241. Ronan had previously run for Chair of the Democratic National Committee. Referencing that campaign, he separately posted a Facebook comment stating, "I believe [I] very clearly mentioned [in the] DNC Chair race that Democrats, if they wanted to govern and regain the trust of Americans, would have to primary Republicans in deep red districts, *as Republicans*. . . . So, if I am doing anything, it's following the argument I made on that stage." R. 31-3, Exhibit, PageID 1242 (emphasis added).

As permitted by Ohio law, an Ohio voter then protested Ronan's Republican candidacy. During a March 6, 2026 hearing on the protest, the Franklin County Board of Elections tied two-to-two on whether to remove Ronan from the ballot. On March 13, the issue was referred to Secretary Frank LaRose for a tie-breaking vote under Ohio Rev. Code § 3501.11(X).

After LaRose broke the tie in favor of the protest, Ronan and one of his supporters filed this suit against LaRose and the members of the Franklin County Board of Elections. Ronan

No. 26-3272

-3-

alleged that the defendants violated his rights under the First Amendment and the Elections Clause of the U.S. Constitution by excluding him from the ballot based on a purported requirement that he attest to his candidacy in good faith. He also alleged that Meredith Freedhoff, a Board member, violated his due process rights by failing to recuse herself from the protest hearing before the Board of Elections. Ronan then moved for a temporary restraining order and a preliminary injunction to keep his name on the ballot. The district court initially issued a fourteen-day temporary restraining order and ordered expedited discovery; the court held a hearing on the preliminary injunction on April 2, 2026.

After the hearing, the court denied the motion for preliminary injunction and dissolved the temporary restraining order. The court reasoned that Ronan was no longer likely to succeed on the merits based on the additional evidence presented to the court. In particular, the court found that Ronan's First Amendment claim was unlikely to succeed because Ohio law required declarations of candidacy to be made in good faith, and this requirement is constitutional. The court also found that Ronan's Elections Clause and Due Process claims were unlikely to succeed. But rather than dissolve the TRO immediately, the court stayed its ruling and extended the TRO until noon on Monday, April 6, 2026, to allow this court to weigh in on a potential motion for a stay pending appeal. We now decline to grant that temporary relief.

Four factors govern whether we issue an injunction pending appeal: (1) whether the movant is likely to prevail on the merits of the appeal; (2) whether the movant will suffer irreparable harm absent an injunction; (3) whether other interested parties will be harmed if an injunction issues; and (4) where the public interest lies. *A. Philip Randolph Inst. v. Husted*, 907 F.3d 913, 917 (6th Cir. 2018) (order). But where, as here, the First Amendment is implicated, only

No. 26-3272

-4-

the first factor generally matters. *See Fischer v. Thomas*, 52 F.4th 303, 307 (6th Cir. 2022) (per curiam).

*First Amendment.* We agree with the district court that Ronan is unlikely to show that Ohio Rev. Code § 3513.07 violates the First Amendment.

First, a note about the law in question. Ohio Rev. Code § 3513.07 requires candidates to sign a declaration of candidacy stating: “I am a member of the \_\_\_ Party,” and “I further declare that, if elected to said office or position, I will qualify therefor, and that I will support and abide by the principles enunciated by the \_\_\_ Party.” *Id.* The declaration also contains a notice that “whoever commits election falsification is guilty of a felony of the fifth degree.” *Id.* While Ohio law permits candidates to change parties based on self-identification, *see State ex rel. Guest v. Husted*, 109 N.E.3d 1229, 1234–35 (Ohio 2018), we agree with the district court that Ohio law requires that change to be made in good faith. *Cf. Jolivette v. Husted*, 694 F.3d 760, 770 (6th Cir. 2012) (concluding that “the disqualification of an independent candidate based on ‘a finding that the candidate’s claim to have disaffiliated with a political party was not made in good faith because the candidate is not actually unaffiliated’” (quoting *State ex rel. Livingston v. Miami Cnty. Bd. of Elections*, 963 N.E.2d 187, 192 (Ohio Ct. App. 2011)); *Morrison v. Colley*, 467 F.3d 503, 511 (6th Cir. 2006).

Ronan has not shown that this good-faith requirement facially violates the First Amendment. A facial challenge is “hard to win” because it can “prevent[] duly enacted laws from being implemented in constitutional ways.” *Moody v. NetChoice, LLC*, 603 U.S. 707, 723 (2024). We agree with the district court that Ronan has failed to meet his burden to show that signing a declaration of candidacy in good faith “prohibits a substantial amount of protected speech as

No. 26-3272

-5-

compared to its plainly legitimate sweep.” *Doe v. Burlew*, 165 F.4th 525, 530 (6th Cir. 2026) (citation modified).

Nor is Ronan likely to show that the good-faith requirement violates the First Amendment as applied to him. “[T]he right to vote in any manner and the right to associate for political purposes through the ballot [are not] absolute”—especially because “states retain the power to regulate their own elections.” *Burdick v. Takushi*, 504 U.S. 428, 433 (1992). A look at the facts here shows that the Board removed Ronan because Ronan’s own speech disavowed his sworn statement, not, as Ronan claims, because the Board deemed Ronan’s policies “unRepublican.”

Under our caselaw, we use the *Anderson-Burdick* framework to determine whether a state ballot-access regulation violates the First Amendment. *See Anderson v. Celebrezze*, 460 U.S. 780 (1983); *Burdick*, 504 U.S. at 428; *Green Party of Tenn. v. Hargett*, 791 F.3d 684, 688, 693 (6th Cir. 2015). To apply this framework, “a court must: (1) evaluate whether an election restriction imposes a severe or incidental burden; (2) assess the state’s interests in the restriction; and (3) ask if the state’s interests make the burden necessary.” *Kowall v. Benson*, 18 F.4th 542, 546 (6th Cir. 2021). *But see Daunt v. Benson*, 999 F.3d 299, 323 (6th Cir. 2021) (Readler, J., concurring in the judgment) (“*Anderson-Burdick*’s hallmark is standardless standards.”).

First, this ballot-access restriction does not impose a severe burden on Ronan. *See Morrison*, 467 F.3d at 507. The good-faith requirement prevents a candidate from running a sham election in which he self-identifies as a Democrat but tells voters that he is a Republican, or vice versa. That restriction does not prevent Ronan from voting, supporting candidates, endorsing candidates, running for office, or even switching parties. The only requirement is that he switch parties truthfully.

Second, the state has a substantial interest in this restriction. *See id.* at 508. States may protect the fairness and integrity of elections, prevent fraud and corrupt practices, and avoid confusion. *See Burdick*, 504 U.S. at 439–40 (“The State has a legitimate interest in preventing . . . maneuvers” like “party raiding” and may “require that party candidates be members of the party.” (citation modified)).

Finally, a good-faith requirement is a reasonable means to achieve the state’s interest. *See Morrison*, 467 F.3d at 506. That’s especially true in the case before us, which as the district court noted, presents “unique factual circumstance[s].” R. 34, Hearing, PageID 1322. Here, Ronan swore that he was a Republican and would abide by Republican Party doctrine; afterwards he made public statements that the factfinders here could reasonably decide showed that Ronan had made those declarations in bad faith. So Ronan is unlikely to “succeed on his federal constitutional claims because he has not shown that the application of Ohio law’s ‘good faith’ standard . . . violated his constitutionally protected rights as a candidate.” *Jolivette*, 694 F.3d at 770 n.4.

*Elections Clause.* Defendants argue that that a candidate for office cannot bring a claim to enforce the Elections Clause. We need not decide that question because even if Ronan can bring this claim, he likely cannot show a constitutional violation. That is true for largely the same reasons that his First Amendment claim fails—the good-faith requirement under Ohio law likely does not exceed constitutional bounds. “States may, and inevitably must, enact reasonable regulations of parties, elections, and ballots to reduce election- and campaign-related disorder.” *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 358 (1997) (citing *Burdick*, 504 U.S. at 433). Ronan gives no independent reason why his claim should succeed under the Elections Clause once it has failed under the First Amendment.

No. 26-3272

-7-

*Due Process Clause.* Finally, Ronan is not likely to show that Elections Board member Freedhoff violated his due process rights when she participated in the vote to remove Ronan from the ballot. “[S]tate administrators are assumed to be [people] of conscience and intellectual discipline, capable of judging a particular controversy fairly on the basis of its own circumstances.” *Withrow v. Larkin*, 421 U.S. 35, 55 (1975) (citation omitted). Ronan argues that Freedhoff’s position as an official in the Franklin County Republican Party and her connections thereto violated his due process rights to an impartial tribunal. But Ronan conceded that he had no evidence of any personal financial benefit to Freedhoff nor that Freedhoff discussed the protest with the Ohio Republican Party. And he also conceded that Freedhoff had no knowledge of any alleged Ohio Republican Party involvement before the hearing or her vote. Ronan likely cannot show that “the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable.” *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 872 (2009) (citation omitted).

ENTERED BY ORDER OF THE COURT

  
\_\_\_\_\_  
Kelly L. Stephens, Clerk