

No. 25A1096

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In the  
**Supreme Court of the United States**

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SAMUEL RONAN, ET AL.,

*Applicants,*

v.

FRANK LAROSE, OHIO SECRETARY OF STATE, ET AL.,

*Respondents.*

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**RESPONDENTS PREISSE, FREEDHOFF, SHUMAKER, AND SEXTON'S  
OPPOSITION TO APPLICATION FOR INJUNCTION PENDING APPEAL**

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## PRELIMINARY STATEMENT

This case arises from Ohio’s statutory process for resolving challenges to a candidate’s eligibility to appear on a partisan primary ballot. After Samuel Ronan was certified as a Republican candidate for Ohio’s 15th Congressional District by a majority vote of the Franklin County Board of Elections, a private voter filed a protest alleging that Ronan had misrepresented his party affiliation. The Franklin County Board of Elections conducted a hearing, received evidence from both sides, and split evenly on the protest. Under Ohio law, the matter was referred to the Secretary of State, who sustained the protest and revoked Ronan’s certification.

Applicants filed suit asserting multiple constitutional claims, including claims under the First Amendment, the Elections Clause, and the Due Process Clause. They principally contend that the protest process and the Secretary of State’s tie-breaking vote impermissibly burdened ballot access and political participation. They also assert that Board Member Freedhoff’s participation in the protest hearing violated due process. After an evidentiary hearing, the district court denied a preliminary injunction and dissolved its temporary restraining order, and the court of appeals declined to grant emergency relief.

Applicants now ask this Court to issue an administrative stay of the district court’s April 2, 2026 order dissolving its temporary restraining order (“TRO”), as well as an injunction pending appeal that would restore Ronan to the Republican primary ballot for the May 5, 2026 election. They seek this relief on an expedited basis notwithstanding that the district court, after a full evidentiary hearing, denied a preliminary injunction and vacated its temporary restraining order, and the court of

appeals declined to disturb that ruling. Applicants cannot satisfy the demanding standard for such relief from this Court.

This opposition is submitted on behalf of Respondents Douglass J. Preisse, Meredith Freedhoff, Jamie L. Shumaker, and Michael E. Sexton, in their official capacities as members of the Franklin County Board of Elections (the “BOE Members”). Because the Board reached a tie vote on the protest at issue, and the Franklin County Prosecutor’s Office represents all BOE Members, the BOE Members take no position on Applicants’ First Amendment or Elections Clause claims, which arise from the Secretary of State’s tie-breaking vote. This opposition is limited to Applicants’ due process claim.

That claim fails at the threshold. The Due Process Clause applies only where a plaintiff identifies a protected interest that is at stake, and Applicants cannot do so here. This Court has long recognized that a candidate for political office holds no such interest in appearing on the ballot.

Even if a protected interest existed, Applicants cannot show that the process afforded to Ronan was constitutionally deficient. Their theory rests on speculation: that political organizations supported another candidate, that such support created an indirect interest in the protest, and that this attenuated interest somehow biased a decisionmaker who had no involvement in those activities and no knowledge of them at the time. That theory fails as a matter of law and fact. Accepting it would effectively require recusal based on routine political affiliation, undermining Ohio’s

statutory scheme for bipartisan election boards. The Due Process Clause does not extend that far.

The district court correctly rejected this claim after an evidentiary hearing, and the Sixth Circuit denied emergency relief. Applicants cannot demonstrate a likelihood of success, much less a right to relief that is indisputably clear. The application should be denied.

## **STATEMENT OF THE CASE**

### **A. The Protest Against Candidate Ronan**

Samuel Ronan filed a declaration of candidacy with the Franklin County, Ohio Board of Elections (the “BOE”) seeking placement on the Republican Party primary election ballot for Ohio’s 15th Congressional District. On February 17, 2026, the BOE certified Ronan as a candidate for the May 5, 2026 primary election.

On February 20, Marc Schare, a member of the Franklin County Republican Party (“FCRP”) central committee, filed a protest against Mr. Ronan’s candidacy. The protest alleged that Ronan was not a bona fide Republican and had misrepresented his party affiliation, citing statements indicating that he engaged in strategic, rather than genuine, party affiliation. Pursuant to Ohio Rev. Code § 3513.05, the BOE scheduled a hearing on the protest.

On February 27, 2026, Ronan submitted a motion seeking to disqualify Board Member Freedhoff. The motion asserted that her role as Chairwoman of the FCRP and the party’s prior support of Congressman Mike Carey, who is running for reelection as a Republican in the same congressional race, required her recusal from the protest proceeding.

The BOE held a protest hearing on March 6, 2026. Earlier that day, the BOE considered a protest against a Libertarian candidate for the same congressional district and unanimously denied that protest, allowing the candidate to remain on the ballot. The BOE then proceeded to the hearing on Ronan’s candidacy. At the outset, Board Member Freedhoff addressed the recusal motion and declined to recuse. None of the other BOE Members moved to disqualify her. During the hearing, both the protestor and Ronan presented testimony and evidence. Ronan later acknowledged that the conduct of the protest hearing, including questioning by Board Member Freedhoff, was proper.

Following the hearing, the BOE split two-to-two on the protest. Because of the tie, the matter was referred to the Ohio Secretary of State pursuant to Ohio Rev. Code § 3501.11(X). On March 10, while the matter was pending before the Secretary of State, counsel for the protestor informed Applicants’ counsel that the Ohio Republican Party (“ORP”) would be responsible for legal fees associated with the protest. On March 19, the Secretary of State cast the tie-breaking vote sustaining the protest, and Ronan’s certification for the May 5, 2026 primary election was revoked.

**B. Allegations Regarding Board Member Freedhoff**

The record reflects that Board Member Freedhoff did not discuss the merits of the protest with the protestor, notwithstanding their acquaintance through FCRP activities. She had no communications with the Carey campaign regarding the protest, did not perform work for the campaign, and did not receive direction from

any political organization concerning the proceeding. The FCRP did not file, fund, direct, or control the protest.

Although the ORP agreed to pay the protestor's legal fees, Board Member Freedhoff, who serves as ORP Vice Chair, did not learn of that arrangement until after the March 6 hearing. The parties also stipulated that Board Member Freedhoff had no financial interest in the protest and that her financial interests were not affected by its outcome.

### **C. Procedural History**

Applicants filed suit in the United States District Court for the Southern District of Ohio on March 20, 2026, seeking emergency relief to restore Ronan to the ballot. The district court granted a temporary restraining order requiring that Ronan be identified as a candidate.

After an evidentiary hearing, the district court denied Applicants' motion for a preliminary injunction on April 2, 2026, and vacated the temporary restraining order. The court stayed its order until April 6, 2026 to allow Applicants to seek further relief.

Applicants then filed an emergency motion in the United States Court of Appeals for the Sixth Circuit seeking an injunction pending appeal and an administrative stay. On April 6, the court of appeals denied the motion for an injunction pending appeal and denied as moot the request for an administrative stay.

Later that day, Applicants filed an emergency application in this Court seeking an administrative stay, an injunction pending appeal, and expedited briefing.

## ARGUMENT

Applicants’ request for an administrative stay of the district court’s April 2, 2026 order dissolving its TRO is improper. A stay “simply suspends judicial alteration of the status quo,” whereas an injunction “grants judicial intervention that has been withheld by lower courts.” *Nken v. Holder*, 556 U.S. 418, 428 (2009). A TRO, in turn, exists only to preserve the status quo long enough for the court to determine whether preliminary injunctive relief is warranted. Here, the district court dissolved the TRO and denied a preliminary injunction following an evidentiary hearing, leaving no operative injunction to be stayed. Applicants therefore seek not to preserve the status quo, but to obtain judicial intervention that has already been denied—relief available, if at all, only through an injunction pending appeal.

Applicants’ request for an injunction fares no better. They seek an order requiring that votes cast for Ronan be counted in the May 5, 2026 Republican primary election for Ohio’s 15th Congressional District—affirmative relief that both lower courts declined to grant. That distinction matters. Unlike a stay, an injunction pending appeal “demands a significantly higher justification” because it disturbs the status quo and grants relief previously denied. *Respect Maine PAC v. McKee*, 562 U.S. 996 (2010). Such relief is reserved for “the most critical and exigent circumstances,” *Wis. Right to Life, Inc. v. Fed. Election Comm’n*, 542 U.S. 1305, 1306 (2004) (Rehnquist, C.J., in chambers), and only where the applicant’s entitlement is “indisputably clear,” *Lux v. Rodrigues*, 561 U.S. 1306, 1307 (2010) (Roberts, C.J., in chambers). A request for an injunction must also satisfy the traditional equitable requirements: a likelihood of success on the merits, a threat of irreparable harm, and

a showing that the balance of equities and the public interest favor intervention. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Nken*, 556 U.S. at 435.

Applicants satisfy none of these requirements. Their entitlement to relief is far from clear, and they cannot meet the traditional requirements for injunctive relief. The application should therefore be denied.

**A. Applicants Cannot Show Likelihood of Success or an Indisputably Clear Right to Relief**

Applicants cannot show a likelihood of success on the merits—much less that their entitlement to relief is “indisputably clear,” *Lux*, 561 U.S. at 1307—because their due process claim fails both as a matter of law and on the record.

1. Ronan Does Not Have a Protected Interest in Appearing on the Ballot by Falsely Claiming His Party Affiliation

“The Fourteenth Amendment’s Due Process Clause protects persons against deprivations of life, liberty, or property; and those who seek to invoke its procedural protection must establish that one of these interests is at stake.” *Wilkinson v. Austin*, 545 U.S. 209, 221 (2005). The district court correctly held that Applicants lack any cognizable interest in appearing on the ballot as a candidate. A cognizable property interest requires a “legitimate claim of entitlement,” not a unilateral expectation. *Board of Regents v. Roth*, 408 U.S. 564, 577 (1972). Ohio law creates no such entitlement, and this Court has recognized that a candidate for political office holds no property or liberty interest in appearing on the ballot. *See Snowden v. Hughes*, 321 U.S. 1, 7 (1944). Absent a protected interest, the due process claim fails at the threshold.

2. Even If a Protected Interest Existed, the Record Forecloses Any Showing of Unconstitutional Bias

Even if Petitioners could identify a protected interest, they cannot establish a due process violation. It is axiomatic that “[a] fair trial in a fair tribunal is a basic requirement of due process.” *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876 (2009) (quoting *In re Murchison*, 349 U.S. 133, 136 (1955)). Accordingly, due process requires recusal where “the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable.” *Caperton*, 556 U.S. at 877 (quoting *Withrow v. Larkin*, 421 U.S. 35, 47 (1975)). Courts apply an objective standard, asking whether, “under a realistic appraisal of psychological tendencies and human weakness,” the decisionmaker’s interest in the outcome of the hearing “poses such a risk of actual bias or prejudgment that the practice must be forbidden.” *Caperton*, 556 U.S. at 877 (quoting *Withrow v. Larkin*, 421 U.S. 35, 47 (1975)). This framework applies equally to those acting in either judicial or quasi-judicial capacities. See *Schweiker v. McClure*, 456 U.S. 188, 195, 102 S. Ct. 1665 (1982) (“[D]ue process demands impartiality on the part of those who function in judicial or quasi-judicial capacities”).

At the same time, “[t]here is a strong and firm presumption that governmental officials ... perform their functions without bias.” *N.L.R.B. v. Ohio New & Rebuilt Parts, Inc.*, 760 F.2d 1443, 1451 (6th Cir. 1985). “This presumption can be rebutted by a showing of conflict of interest or some other specific reason for disqualification.” *Schweiker v. McClure*, 456 U.S. 188, 195, 102 S. Ct. 1665 (1982). “But the burden of

establishing a disqualifying interest rests on the party making the assertion.” *Id.* at 196.

Consistent with those principles, this Court has emphasized that due process marks only the “outer boundaries” of permissible conduct, *Williams v. Pennsylvania*, 579 U.S. 1, 13 (2016), and that a constitutionally intolerable risk of bias therefore arises in “extraordinary” circumstances involving significant, personal involvement between a decisionmaker and the parties or issues before them, *see Caperton*, 556 U.S. at 887. In *Caperton*, the Court found such extraordinary circumstances where a party made a \$3 million contribution that had a significant and disproportionate influence on the judge’s election while the case was pending. *Id.* at 884–87. Likewise, in *Williams v. Pennsylvania*, the Court identified an impermissible risk of bias where a judge had previously been personally involved as the prosecutor in seeking the death penalty against the same defendant. 579 U.S. at 11. In both cases, the Court made clear that its holdings would not expand recusal doctrine beyond such rare and extreme situations. *See Caperton*, 556 U.S. at 887 (noting that its narrow holding would not trigger the “various adverse consequences ... ranging from a flood of recusal motions to unnecessary interference with judicial elections” that might otherwise result from a more expansive rule); *Williams v. Pennsylvania*, 579 U.S. at 13 (stating that the clear violation of ethical rules in that instance ensured the “decision will not occasion a significant change in recusal practice”).

By contrast, the interest alleged to give rise to bias must be realistic and more than “remote.” *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 250 (1980). In *Marshall*, this

Court rejected a due process challenge premised on a reimbursement scheme that allegedly incentivized enforcement of civil penalties under the Fair Labor Standards Act, finding no “realistic possibility” that decision-making would be distorted by such “exceedingly improbable” and attenuated interests inferred from the prospect of institutional gain. 446 U.S. at 251–52. And in *Schweiker v. McClure*, this Court held that “generalized assumptions of possible interest” arising from “various connections” between the decisionmaker and third parties are insufficient to establish bias. 456 U.S. 188, 196 (1982).

Measured against this framework, Applicants’ due process claim fails. Board Member Freedhoff did not initiate the protest, had no financial or personal stake in its outcome, and had no involvement with the protest outside her adjudicatory role. Nor did she receive any instruction, direction, or request from the FCRP, the ORP, or the Carey campaign regarding the protest. She also had no contemporaneous knowledge that the ORP would pay the protestor’s legal fees; a decisionmaker cannot be influenced by information she does not possess. Furthermore, the financial contributions from the Carey campaign that Ronan identifies as evidencing a risk of bias were made to the FCRP, not to Board Member Freedhoff, who received no benefit as a result. This case therefore bears no resemblance to *Caperton*, which involved a substantial, targeted financial relationship, or *Williams*, which involved prior personal participation in the same case.

Applicants instead rely on “generalized assumptions of possible interest” arising from Board Member Freedhoff’s political affiliations, which is insufficient as

a matter of law. Accepting Applicants’ theory would require recusal based on routine partisan affiliation—an outcome incompatible with this Court’s precedent and the structure of bipartisan election boards.

The Board’s contemporaneous handling of the protest against a Libertarian candidate further underscores the absence of bias. On the same day as Ronan’s protest hearing, the BOE unanimously rejected a protest against a Libertarian candidate in the same race, allowing that candidate—who would likewise compete against the eventual Republican Party nominee in the November 3, 2026 general election—to remain on the ballot. If Board Member Freedhoff were truly motivated by a desire to shield Congressman Carey’s campaign, she would have had an equal, if not greater, incentive to sustain the protest against the Libertarian candidate, whose presence on the general election ballot could siphon votes away from the Republican nominee. Her decision to deny that protest is irreconcilable with Applicants’ theory of partisan bias and confirms that the BOE’s decision turned on the evidence presented.

In sum, this case presents none of the “extraordinary” circumstances required to establish a due process violation. It instead involves the kind of attenuated, speculative, and generalized allegations that this Court has repeatedly held insufficient. Applicants therefore cannot overcome the presumption of impartiality or demonstrate a likelihood of success on the merits, much less an indisputably clear entitlement to relief.

## **B. The Remaining Factors Do Not Support an Injunction**

### **1. Applicants Fail to Show Irreparable Harm**

Applicants fail to demonstrate irreparable harm. To obtain injunctive relief, they must show that irreparable injury is “likely,” not merely possible. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008). They cannot do so here.

As an initial matter, Applicants identify no irreparable injury attributable to the due process claim asserted against the BOE Members. Their alleged harms stem from the Secretary of State’s decision and their broader First Amendment claims—not from Board Member Freedhoff’s participation in the hearing.

In any event, Ronan retains alternative avenues to seek elected office. He remains free to run as an independent candidate. Ohio Rev. Code § 3513.257. The inability to appear on a particular party’s primary ballot, standing alone, does not constitute irreparable harm where other paths to candidacy remain available.

Finally, the election process is already underway under the Secretary of State’s March 19 determination. Granting relief now would not prevent harm, but would instead introduce uncertainty into an ongoing election. Applicants therefore cannot establish irreparable harm, and this factor weighs against relief.

### **2. The Balance of the Equities and the Public Interest Weigh in Favor of Denying the Injunction**

Applicants also cannot show that the balance of equities and the public interest favor relief. Where, as here, an injunction is sought against the government, those factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

Both considerations weigh strongly against intervention. The election is already underway under the Secretary of State's March 19 determination. Ballots have been issued, notices have been sent, and early and absentee voting has begun. Granting relief now would require altering the rules midstream, creating confusion for voters and imposing substantial administrative burdens on election officials.

That disruption would be particularly acute here, where voters have already been informed that Ronan is not a candidate. Reversing course again risks undermining voter confidence and introducing uncertainty into an ongoing election. This Court has repeatedly cautioned against judicial intervention that changes election procedures close in time to an election. *See Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006). The balance of equities and the public interest therefore weigh decisively against an injunction.

### **CONCLUSION**

The application for an administrative stay and an injunction pending appeal should be denied.

[Signature Page to Follow]

Dated: April 8, 2026

Respectfully submitted,

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