

## No Relief from a 2019 Voter-Registration Purge in Ohio

*Ohio Democratic Party v. LaRose*  
(James L. Graham, S.D. Ohio 2:19-cv-3774)

A district judge denied relief from imminent purging of voter-registration records, because the plaintiff political party had not presented sufficient evidence of widespread errors in the purging process that would not be corrected.

*Subject:* Nullifying registrations. *Topics:* Registration procedures; Help America Vote Act (HAVA).

A political party filed a federal complaint in the Southern District of Ohio on Friday, August 30, 2019, eleven days before some Ohio municipalities would hold primary elections, alleging that a process underway to purge voter registrations would purge valid registrations.<sup>1</sup> Attached to its complaint, the party filed a motion for a temporary restraining order and a preliminary injunction.<sup>2</sup>

Judge James L. Graham held telephone conferences at 3:00 p.m. on the day that the case was filed and at 1:00 p.m. four days later.<sup>3</sup> Judge Graham set the case for a preliminary-injunction hearing on September 9<sup>4</sup> and denied the party a temporary restraining order on September 3.<sup>5</sup>

The party cited news and other reports of errors, but it did not provide any evidence of errors.<sup>6</sup> Public concessions by Ohio's secretary of state of corrected errors were not evidence of current errors, and they were evidence of care in finding and correcting errors.<sup>7</sup>

On the day of Judge Graham's ruling, the plaintiff party voluntarily dismissed its case.<sup>8</sup>

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1. Complaint, *Ohio Democratic Party v. LaRose*, No. 2:19-cv-3774 (S.D. Ohio Aug. 30, 2019), D.E. 1; *Ohio Democratic Party v. LaRose*, 402 F. Supp. 3d 419, 420, 422 (S.D. Ohio 2019).

2. Complaint, *supra* note 1, D.E. 1-1; Motion, *Ohio Democratic Party*, No. 2:19-cv-3774 (S.D. Ohio Aug. 30, 2019), D.E. 2; *Ohio Democratic Party*, 402 F. Supp. 3d at 420, 422.

3. Minutes, *Ohio Democratic Party*, No. 2:19-cv-3774 (S.D. Ohio Aug. Sept. 3, 2019), D.E. 12; Docket Sheet, *id.* (Aug. 30, 2019) (D.E. 6); *Ohio Democratic Party*, 402 F. Supp. 3d at 422.

4. Notice, *Ohio Democratic Party*, No. 2:19-cv-3774 (S.D. Ohio Sept. 3, 2019), D.E. 13; *Ohio Democratic Party*, 402 F. Supp. 3d at 422.

5. *Ohio Democratic Party*, 402 F. Supp. 3d 419; see Jim Provance, *Judge: Ohio Voter Purge May Go On*, Cincinnati Enquirer, Sept. 5, 2019; Andrew J. Tobias, *Voter Purge to Proceed After Block Request Denied by Judge*, Cleveland Plain Dealer, Sept. 4, 2019, at A1; see also Monroe Trombly, *LaRose Defends Voter Roll Removals*, Mansfield News J., Sept. 11, 2019, at A2.

6. *Ohio Democratic Party*, 402 F. Supp. 3d at 423-24.

7. *Id.* at 424-25.

8. Notice, *Ohio Democratic Party*, No. 2:19-cv-3774 (S.D. Ohio Sept. 3, 2019), D.E. 15.