

IN THE SUPREME COURT OF OHIO

STATE EX REL. :
ROBERT L. WALGATE, JR., ET AL., :
 : Ohio Supreme Court Case No. 13-0656
Plaintiffs-Appellants, :
 :
v. : On Appeal from the Franklin County Court of
 : Appeals, Tenth Appellate District,
 : Case No. 12-AP-548
JOHN R. KASICH, ET AL., :
 :
Defendants-Appellees. :

JOINT MERIT BRIEF OF INTERVENING DEFENDANTS-APPELLEES CENTRAL OHIO GAMING VENTURES, LLC, TOLEDO GAMING VENTURES, LLC, ROCK OHIO CAESARS LLC, ROCK OHIO CAESARS CLEVELAND LLC, ROCK OHIO CAESARS CINCINNATI LLC, THISTLEDOWN RACETRACK, LLC, NORTHFIELD PARK ASSOCIATES, LLC, LEBANON TROTting CLUB, INC., MTR GAMING GROUP, INC., AND PNK (OHIO), LLC

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I. INTRODUCTION

Plaintiffs lack standing for the claims asserted. The Tenth District Court of Appeals was correct to affirm the decision of the Franklin County Court of Common Pleas on that basis, and this Court should likewise affirm.

It is inarguable that a litigant seeking relief in Ohio courts must establish standing to sue. Much more than a formulaic prerequisite for litigation, standing is a *constitutional* requirement that prescribes the proper role for courts in a democratic society. See *ProgressOhio.org, Inc. v. JobsOhio*, 139 Ohio St.3d 520, 13, N.E.3d 1101, 2014-Ohio-2382, ¶ 11 (“The Ohio Constitution expressly requires standing for cases filed in common pleas courts.”). The doctrine of standing requires an actual and concrete injury-in-fact precisely to avoid suits like this one, where the losing side of a political debate seeks to overturn legislative enactments without any personal stake beyond that alleged for the general public.

As this Supreme Court has long recognized, Ohio’s judicial branch is not a quasi-legislative body with the power to veto laws enacted through the democratic process. Rather, the standing requirement limits litigation only to matters where the “private rights of persons or property are in jeopardy.” *Pfeifer v. Graves*, 88 Ohio St. 473, 488, 104 N.E. 529 (1913); *JobsOhio*, 2014-Ohio-2382, ¶ 1 (2014) (standing requires a “personal stake in the outcome” of a case). Without standing, litigants could use the courts to “regulate the affairs of another branch of government” based on a philosophical disagreement. *Pfeifer*, 88 Ohio St. at 488. But as recently reiterated in *JobsOhio*, mere “ideological opposition to a program or legislative enactment” is not sufficient to establish a justiciable case or controversy. *JobsOhio*, 2014-Ohio-2381, ¶ 1.

In this case, Plaintiffs¹ are anti-gambling activists who, having lost in the political arena, now challenge the legality of the constitutional, statutory, and regulatory framework for casino gaming and video lottery terminals (“VLTs”) in Ohio. As demonstrated by the State Appellees’² Brief, Plaintiffs have not presented any cognizable injury-in-fact, shown that the applicable amendments or statutes caused any particularized injury, nor established that their requested relief would redress the purported harm. The Casino and VLT Appellees³ hereby join and adopt the State Appellees’ Brief, which makes clear that Plaintiffs have not adequately alleged standing.

Without standing, permitting Plaintiffs’ suit to move forward would frustrate the will of Ohio’s electorate, which has repeatedly approved the expansion of gaming through voter initiatives. It also would undermine the constitutional separation of powers, permitting this Court to interfere with a democratic process that has enacted numerous gaming statutes through the General Assembly.

Indeed, continued litigation over the regulations at issue in this case would have real world impact far beyond the checks and balances of Ohio government. Relying on those regulations, companies, workers, and state and local governments have made significant long-term investments in casino and VLT facilities that Ohio’s electorate has authorized. Permitting

¹ “Plaintiffs” refers to Plaintiffs-Appellants Robert L. Walgate, Jr., David P. Zanotti, the American Policy Roundtable dba Ohio Roundtable, Sandra L. Walgate, Agnew Sign & Lighting, Inc., Linda Agnew, Paula Bolyard, Jeffrey Malek, Michelle Watkin-Malek, Thomas W. Adams, Donna J. Adams, Joe Abraham, and Frederick Kinsey.

² The “State Appellees” refers to Defendants-Appellees Ohio Governor John R. Kasich, the Ohio Casino Control Commission, the Ohio Lottery Commission, and Ohio Tax Commissioner Joseph W. Testa.

³ The “Casino and VLT Appellees” are Intervening Defendants-Appellees Central Ohio Gaming Ventures, LLC, Toledo Gaming Ventures, LLC, Rock Ohio Caesars LLC, Rock Ohio Caesars Cleveland LLC, and Rock Ohio Caesars Cincinnati LLC, Thistledown Racetrack, LLC, Northfield Park Associates, LLC, Lebanon Trotting Club, Inc. (now known as Miami Valley Gaming & Racing, LLC), MTR Gaming Group, Inc., and PNK (Ohio), LLC.

Plaintiffs to sue – absent standing – would encourage serial challenges to the viability of this industry, and seriously inhibit its growth and development.

Accordingly, the Casino and VLT Appellees respectfully request this Court to affirm the judgment of the Tenth District Court of Appeals and dismiss Plaintiffs’ suit.

II. COUNTER STATEMENT OF THE CASE AND FACTS

A. Ohio’s Gaming Laws Have Been Repeatedly Implemented By The Democratic Process.

The expansion of legalized gaming in Ohio has been repeatedly authorized by the electorate, the General Assembly, and the Governor. Consistent with the democratic process, the passage of gaming-related constitutional amendments and statutes has been the focus of a public debate and intense media coverage since the 1970s.

1. Ohio voters have repeatedly approved the expansion of legalized gaming.

Voters have repeatedly passed constitutional amendments to expand legalized gaming in Ohio. The electorate first approved legalized gaming in 1973 with the passage of Ohio Issue 1, which amended Article XV, Section 6 of the Ohio Constitution, by permitting the General Assembly to establish the Ohio Lottery. Voters approved this amendment by a vote of 64% in favor to 36% against. *See* Ohio Sec’y of State, “Amendment And Legislation” (attached at Appx. A).⁴

⁴ Available at <http://www.sos.state.oh.us/sos/upload/elections/historical/issuehist.pdf> (accessed Jan. 23, 2015). This Court may take judicial notice of information in the public domain, such as election results, tax revenues and other government reports, and media coverage. *See* Ohio Evid. R. 201; *Ohio State Ass’n of United Ass’n of Journeymen & Apprentices v. Johnson Controls, Inc.*, 123 Ohio App. 3d 190, 196, 703 N.E.2d 861 (8th Dist. 1997) (taking judicial notice of public improvement project which “was the subject of a countywide election and received widespread media attention,” because this was “generally known within the territorial jurisdiction of the trial court.”); *State v. Howard*, 12th Dist. Warren No. CA2009-11-144, 2010-Ohio-2303, ¶ 22 (taking judicial notice of information from a

Critically, this voter initiative was the subject of substantial press coverage and public debate. *See* Editorial, *Plain Dealer Recommendations*, Cleveland Plain Dealer (May 6, 1973) 4AA (endorsing passage of Ohio Lottery Issue 1) (attached at Appx. B); Editorial, *The Blade's Recommendations*, Toledo Blade (May 7, 1973) 14 (addressing Ohio Lottery Issue 1) (attached at Appx. C);⁵ Staff, *Pros And Cons Of State Lottery Issue Are Debated*, Columbus Citizen Journal (May 7, 1973) 17 (discussing public debate over Ohio Lottery Issue 1) (attached at Appx. D); Editorial, *Dispatch Supports COTA, Spurns State-Run Lottery*, Columbus Dispatch (May 6, 1973) 22A (attached at Appx. E).

In 2009, Ohio voters passed Issue 3, which amended the Ohio Constitution to permit the establishment of casinos in Cincinnati, Cleveland, Columbus, and Toledo. *See* Ohio Constitution Article XV, Section 6(C). This amendment was approved with 53% of the vote. *See* Ohio Sec'y of State, "Amendment and Legislation". In 2010, Ohio voters approved an amendment to Article XV, Section 6(C), permitting the relocation of the Columbus casino from a parcel of land near downtown, to a location on the southwestern side of Columbus. This was approved by Ohio voters with 68% of the vote. *See id.*

As with the passage of the Ohio Lottery amendment, the casino initiatives were the subject of intense media coverage and public debate. *See e.g.* Editorial, *Ohio Voters Should Pass Issue 3, Amending The State Constitution To Allow Casino Gambling In Cleveland And Three Other Cities*, Cleveland Plain Dealer (Oct. 13, 2009) (attached at Appx. F); Editorial, *Election Endorsements: Issues And Offices*, Toledo Blade (Oct. 30, 2009) (endorsing 2009 casino

government website as "a source whose accuracy cannot be questioned given its status as an official source of government information.").

⁵ Available at:

- <http://news.google.com/newspapers?id=8QhPAAAIBAJ&sjid=RAIEAAAIBAJ&pg=7444%2C4723240> (accessed Jan. 14, 2015).

referendum) (attached at Appx. G); Editorial, *Dispatch Endorsement: For State Issue 2*, Columbus Dispatch (March 28, 2010) (endorsing the voter referendum to relocate the Columbus casino) (attached at Appx. H); Editorial, *Ohio Voters Should Approve Issue 2 So Columbus Can Change Casino Site*, Cleveland Plain Dealer (April 4, 2010) (attached at Appx. I).⁶

2. The General Assembly and the Executive Branch have repeatedly enacted legislation establishing a regulatory regime for casinos and VLTs.

After voters amended the Ohio Constitution to allow expanded gaming, the General Assembly passed a series of bills establishing a regulatory regime for casinos and VLTs, two of which are challenged in this litigation.

Specifically, on July 13, 2009, the legislature passed Am. Sub. H.B. No. 1 (“H.B. 1”). This bill was signed by the Governor on July 17, 2009. Among other things, H.B. 1 authorized the Ohio Lottery Commission to operate VLTs. *See* R.C. 3770.03(A) (permitting Lottery Commission to implement rules for VLTs); R.C. 3770.21 (authorizing VLTs).

In July 2009, the legislature also passed Am. Sub. H.B. 519 (“H.B. 519”), which was later amended by Am. Sub. H.B. No. 277 (“H.B. 277”). Governor Kasich signed this legislation on July 15, 2011. H.B. 519/277 set forth numerous specific statutory requirements relating to casino gaming in Ohio. These provisions addressed the timing for a \$250 million capital investment (R.C. 3772.27(B)), the potential for a casino to be opened in phases (R.C.

⁶ Available at:

- http://www.cleveland.com/opinion/index.ssf/2009/10/ohio_voters_should_pass_is_sue.html
- <http://www.toledofreepress.com/2009/10/30/election-endorsements-issues-and-offices>
- <http://www.dispatch.com/content/stories/editorials/2010/03/28/for-state-issue-2.html>
- http://www.cleveland.com/opinion/index.ssf/2010/04/editorial_ohio_voters_should_a.html

(accessed Jan. 15, 2015).

3772.27(C)), the definition of “gross receipts” for casinos for purposes of calculating the commercial activity tax (“CAT”) (R.C. 5751.01(F)(2)(hh)), and the establishment of the casino operator settlement fund (R.C. 3772.34).

As with the voter initiatives, legislation implementing casino and VLT regulations has been the focus of intense media coverage. *See e.g.* Jon Craig, *Deal Oks Slots For Racetracks*, Cincinnati Enquirer, 2009 WLNR 27882906 (July 11, 2009) A1 (describing VLT regulations) (attached at Appx. J); Ken Gordon, *A Winning Bet?*, Columbus Dispatch, 2009 WLNR 13675927 (July 17, 2009) 01A (discussing proposal to add VLTs to horse racing tracks) (attached at Appx. K); Mark Naymik, *State Issues Rules For Running Video Slot Machines At Tracks*, Cleveland Plain Dealer, 2009 WLNR 15832984 (Aug. 13, 2009) B1 (discussing VLT regulations) (attached at Appx. L); David Eggert, *Rules On Racetrack Relocation Laid Out*, Columbus Dispatch (Oct. 21, 2011) (discussing VLT regulations) (attached at Appx. M);⁷ Joe Vardon, *Casino Deal A Win For Almost Everyone*, Columbus Dispatch (June 19, 2011) (discussing legislation to regulate VLTs and casinos) (attached at Appx. N).⁸

B. Relying On These Constitutional And Legislative Enactments, Ohio Companies, Ohio Workers, And Ohio Governments Have Invested Heavily In The Gaming Industry.

With a regulatory regime in place, Ohio’s economy has benefited from billions of dollars of investment in the gaming industry. Since 2009, the Casino and VLT Appellees opened four full-service casinos (in Cincinnati, Cleveland, Columbus, and Toledo) and seven licensed VLT facilities (in Columbus, Cleveland, Northfield, Lebanon, Cincinnati, Dayton, and Youngstown). *See* Ohio Casino Control Commission, Ohio Casinos (listing location of Ohio casinos) (attached

⁷ Available at <http://www.dispatch.com/content/stories/local/2011/10/21/rules-on-racetrack-relocation-laid-out.html> (accessed Jan. 21, 2015).

⁸ Available at <http://www.dispatch.com/content/stories/local/2011/06/19/casinos-deal-a-win-for-almost-everyone.html> (accessed Jan. 21, 2015).

at Appx. O); Ohio Lottery Commission, VLT Sales Agent Licensing Status (listing location of VLT facilities) (attached at Appx. P).⁹ The Casino and VLT Appellees spent billions of dollars in construction, capital improvements, and real estate acquisition relating to these facilities. *See e.g.*, Ohio Casino Control Commission, Toledo February Construction Report 2012 (noting over \$164 million in construction contracts to date, 997 projected employees, and 220 vendors) (attached at Appx. Q); Ohio Casino Control Commission, Cleveland Casino Commission Meeting Progress Report (noting approximately 600 construction workers per day, \$79.6 million awarded in Cleveland construction contracts, \$82.1 million in Cincinnati construction contracts, and 800 projected employees) (attached at Appx. R);¹⁰ Robert Connelly, *Study Says Ohio Casinos Racinos Supported Close To 14K Jobs, Economic Impact Of \$2.2B In 2013*, Youngstown Vindicator (Dec. 21, 2014) (attached at Appx. S).¹¹

Ohio workers also have benefitted from this economic investment. Building these eleven gaming facilities has employed thousands of construction workers throughout the state. Casino and VLT facilities also directly employ thousands of Ohioans on a daily basis. And the increased economic activity of casino and VLT facilities supports jobs in the local economy. *See id.*; Ohio Lottery Commission, Economic Impacts (noting Lottery gaming has “a significant effect on spin-off jobs of local businesses, restaurants”) (attached at Appx. T);¹² Joanne Huist Smith, *Dayton Racino Gets Plan Board Support*, Dayton Daily News (Nov. 20, 2012) (noting the

⁹ Available at:

- <http://casinocontrol.ohio.gov/About/OhioCasinos.aspx>
- <https://www.ohiolottery.com/Retailers/VLT-Central/VLT-Racetracks>

(accessed Jan. 16, 2015).

¹⁰ Available at <http://casinocontrol.ohio.gov/MinutesNotices/ProgressReports.aspx> (accessed Jan. 16, 2015).

¹¹ Available at <http://www.vindy.com/news/2014/dec/21/gaming-had-b-impact-in-ohio-in-/> (accessed Jan. 21, 2015).

¹² Available at <https://www.ohiolottery.com/About/Financial/Economic-Impacts> (accessed Jan. 16, 2015).

Dayton VLT facility will generate 1,000 construction jobs, 1,000 jobs at the facility or related businesses, \$125 million in construction costs, \$75 million in relocation fees, and \$50 million in VLT operator fees) (attached at Appx. U);¹³ Pat Galbincea, *Thistledown Plans \$88M Update, 1,150 Video Lottery Terminals*, Cleveland Plain Dealer (Aug. 22, 2012) (attached at Appx. V).¹⁴

In addition, state and local governments have benefited substantially from casino and VLT facilities. Casino and VLT Appellees were required to pay more than \$550 million to the State in licensure fees in order to construct and operate these gaming facilities. *See* Ohio Constitution Article XV, Section 6(C)(4) (requiring \$50 million up-front payment for each of 4 casinos); Ohio Adm. Code 3770:2-11-01(B) (requiring \$50 million license fee for each of 7 VLT facilities). In terms of ongoing taxes, casino companies pay a 33% tax on gaming revenues, which are disbursed to state and local government agencies throughout Ohio. *See* Ohio Constitution Article XV, Section 6(C)(2). Similarly, 33.5% of VLT income is paid to the Ohio Lottery Commission. *See* Ohio Adm. Code 3770:2-3-08(A).

In 2014 alone, these taxes and payments totaled more than \$410 million. *See* Ohio Lottery Commission, 2014 VLT Revenue Report (noting \$146 million paid to Ohio Lottery in 2014) (attached at Appx. W);¹⁵ Ohio Casino Control Commission, Total Casino Revenue Tax Distributions (chart) (noting distributions of over \$272 million from casino tax revenue in 2014)

¹³ Available at <http://www.daytondailynews.com/news/business/economy/dayton-racino-gets-plan-board-support/nTBys/> (accessed Jan. 21, 2015).

¹⁴ Available at http://www.cleveland.com/metro/index.ssf/2012/08/thistledown_approved_to_obtain.html (accessed Jan. 21, 2015).

¹⁵ Available at <https://www.ohiolottery.com/About/Financial/VLT-Revenue> (accessed Jan. 12, 2015).

(attached at Appx. X).¹⁶ As a result, the Casino and VLT Appellees have paid, in the aggregate, well over \$1.3 billion in fees, taxes, and other payments since the authorization of casino and VLT gaming in 2009. *See e.g. id.*; Ohio Constitution Article XV, Section 6(C)(4) (describing \$200 million up-front fee); Ohio Adm. Code 3770:2-11-01(B) (\$350 million up-front fee); Ohio Casino Control Commission, Total Casino Revenue Tax Distributions (chart) (noting state and local casino tax disbursements since 2009 exceed \$650 million); Ohio Lottery, VLT Results for Fiscal Year 2012, 2013, 2014 (noting VLT payments to Ohio Lottery since 2012 exceed \$205 million).¹⁷ Future licensure, tax and revenue payments to state agencies and local governments will likely exceed \$300 million on a yearly basis for the foreseeable future.

C. The Lower Courts Dismissed Plaintiffs' Claims For Lack Of Standing.

In spite of the endorsement of the Ohio electorate, and this substantial increase in economic activity, a group of thirteen Plaintiffs, armed only with anti-gaming ideology, initiated litigation in the Franklin County Court of Common Pleas on October 21, 2011. (Trial Ct. Rec. No. 3.) Plaintiffs' initial Complaint challenged the constitutionality of various casino and VLT regulations, and such claims were substantially reiterated in the First Amended Complaint, filed on January 5, 2012 (the "Amended Complaint"). (Trial Ct. Rec. No. 174.)

In both the initial and Amended Complaint, Plaintiffs set forth only minimal and insufficient allegations to address the requirements of standing. For example, Plaintiffs allege, without any additional factual detail, that each of them is a "citizen, resident, and taxpayer of the State of Ohio." Am. Compl. at ¶¶ 1-10. Furthermore, Plaintiffs also make a series of summary

¹⁶ Available at <http://casinocontrol.ohio.gov/Compliance/DeptofTaxationDistributions.aspx> (accessed Jan. 16, 2015).

¹⁷ Available at <https://www.ohiolottery.com/About/Financial/VLT-Revenue> (accessed Jan. 16, 2015).

allegations in an effort to establish standing and injury-in-fact, alleging, for example, that various Plaintiffs were gambling addicts, or have children in public schools. *See id.* at ¶¶ 1-10 (alleging at least one of Plaintiffs: had a gambling addiction; paid the CAT tax; had children in public schools; owned property in the same county as casino or VLT facilities; wished to operate a casino business; and/or were politically opposed to expanded gaming in Ohio).

Both the State Appellees and the Casino and VLT Appellees filed motions to dismiss the initial Complaint, and renewed those motions after Plaintiffs filed the Amended Complaint, demonstrating that these allegations were insufficient to satisfy the three elements of standing: (1) injury-in-fact; (2) causation; and (3) redressability. (Trial Ct. Rec. Nos. 125, 126, 133, 134, 267, 273, 284, 289.) Plaintiffs did not seek to amend their allegations by filing a Second Amended Complaint, but instead opposed the motions to dismiss, claiming they had adequately alleged standing, or in the alternative, had established a claim of “public right standing” under *State ex rel. Ohio Academy of Trial Lawyers v. Sheward*, 86 Ohio St.3d 451, 469, 715 N.E.2d 1062 (1999). Notably, Plaintiffs did not argue that they had “statutory standing” before the trial court. (Trial Ct. Rec. Nos. 197, 199, 200, 205, 297, 301-03.)

The trial court dismissed Plaintiffs’ claims for lack of standing. Specifically, the trial court held that Plaintiffs had not sufficiently alleged an injury-in-fact distinct from harm to the general public. *State ex rel. Walgate v. Kasich*, Franklin C.P. No. 11-CVH013126, at 10 (May 30, 2012) (Trial Ct. Rec. No. 334.). In addition, the trial court held that Plaintiffs could not establish redressability. Though Plaintiffs asserted purported injuries caused by increased gaming, a successful claim would not – and could not – prevent legalized gaming in Ohio. *See id.* at 14-15. As to public right standing, the trial court noted that *Sheward* involved the “rare and extraordinary” case regarding a statute that would have “divest[ed] the courts of judicial power;”

by contrast, Plaintiffs' challenge to various gaming regulations would not have affected such fundamental rights. *Id.* Absent standing, the trial court observed that the instant litigation was being used to promote Plaintiffs' anti-gambling political views. *See id.* at 17 (litigation should not be used "for political or social gain"). Accordingly, the case was dismissed.

Plaintiffs then appealed to the Tenth District Court of Appeals, making substantially the same arguments they made before the trial court. Again, Plaintiffs did not argue before the appellate court that they had "statutory standing." (10th Dist. Rec. No. 143, 155-56.) Like the trial court, the Tenth District held that Plaintiffs could not establish injury-in-fact, causation, or redressability. *State ex rel. Walgate v. Kasich*, 2013-Ohio-946, ¶ 16, 989 N.E.2d 140 (10th Dist.) (10th Dist. Rec. No. 158). As to public right standing, the appellate court reiterated that doctrine is reserved for matters of "great public interest and import" and held that the gaming statutes "challenged here [are] not of the same magnitude" *Id.* at ¶¶ 30, 32. Accordingly, the Tenth District affirmed the trial court's dismissal of Plaintiffs' claims.

The Plaintiffs then sought discretionary appeal before the Ohio Supreme Court seeking review based on four propositions of law, that: (1) they had public right standing under *Sheward*; (2) they had standing based on the purported negative effects of unconstitutional gambling; (3) parents of public school students had standing because they were contributors to a special fund; and (4) the trial court did not permit Plaintiffs to file a Second Amended Complaint. *See Pls. Juris. Memo.* (filed April 26, 2013). Consistent with proceedings in the lower courts, Plaintiffs did not seek discretionary review relating to a claim of "statutory standing." *Id.*

This Court accepted jurisdiction, but stayed proceedings until issuance of a decision in *JobsOhio*. *See State ex rel. Walgate v. Kasich*, 136 Ohio St.3d 1449, 2013-Ohio-3210, 991 N.E.2d 256. In *JobsOhio*, this Court limited the application of public right standing under

Sheward to “original actions in mandamus and/or prohibition” which “do[] not appl[y] to actions brought in common pleas courts.” *JobsOhio*, 139 Ohio St. 3d 520, 2014-Ohio-2382, ¶¶ 10, 26, 13 N.E.3d 1101.

In light of this decision, this Court dismissed Plaintiffs’ first proposition of law and permitted the discretionary appeal to continue on the remaining three propositions of law. *See State ex rel. Walgate v. Kasich*, 140 Ohio St.3d 1412, 2014-Ohio-3785, 15 N.E.3d 881.

III. ARGUMENT

A. The Casino And VLT Appellees Join In And Adopt The State Appellees’ Response Brief Because The Plaintiffs Lack Standing To Sue.

State, Casino, & VLT Appellees’ Proposition Of Law No. 1:

Plaintiffs lack standing to challenge the constitutionality of statutes in the absence of any allegations of a concrete injury distinct from that sustained by the public generally.

State, Casino, & VLT Appellees’ Proposition Of Law No. 2:

Dismissal for lack of standing is proper, without a further opportunity to amend a complaint, when Plaintiffs never sought to amend and offered no facts, by affidavit or otherwise, showing a redressable injury-in-fact.

As set forth by the State Appellees, Plaintiffs lack standing to challenge the constitutional amendments and legislation that implements expanded gaming in Ohio. Specifically, the Casino and VLT Appellees join in and adopt the State Appellees’ Merit Brief as to State Appellees’ Propositions of Law Nos. 1 and 2, which establish that Plaintiffs lack standing to sue, and that an additional amendment to Plaintiffs’ Amended Complaint is inappropriate. *See* State Appellees’ Merit Br. Accordingly, the Casino and VLT Appellees respectfully request this Court to affirm the decision of the Tenth District Court of Appeals and dismiss this case for lack of standing.

B. Plaintiffs Cannot Use Litigation To Advance Their Political Opposition To The Expansion Of Legalized Gaming In Ohio.

Because Plaintiffs lack any concrete, personal, and redressable injury, this litigation must be seen for what it is – an attempt to stop through the courts what Plaintiffs could not prevent in

the political arena. But using the judiciary to undermine a democratically enacted regulatory framework for expanded gaming in Ohio – based solely on a litigant’s personal and ideological disagreement with the economic activity at issue – is precisely what the standing doctrine is designed to prevent.

Under the Ohio Constitution, the jurisdiction of the common pleas courts is limited to “justiciable matters.” Ohio Constitution Article XV, Section 4(B). To assert a justiciable matter, a litigant must show standing to sue. *See JobsOhio*, 139 Ohio St. 3d 520, 2014-Ohio-2382, ¶ 14, 13 N.E.3d 1101 (“Article IV requires justiciability, and justiciability requires standing.”); *Fed. Home Loan Mtge. Corp. v. Schwartzwald*, 134 Ohio St.3d 13, 2012-Ohio-5017, ¶ 41, 979 N.E.2d 1214 (“[A] party commencing litigation must have standing to sue in order to present a justiciable controversy.”); *Cleveland v. Shaker Heights*, 30 Ohio St.3d 49, 51, 507 N.E.2d 323 (1987) (“Whether a party has sufficient stake in an otherwise justiciable controversy to obtain judicial resolution of that controversy is what has traditionally been referred to as the question of standing to sue.”).

Both this Court and the United States Supreme Court continually emphasize that standing is a constitutional requirement because it addresses “general concerns about how courts should function in a democratic system of government.” *See Sheward*, 86 Ohio St.3d at 469, 715 N.E.2d 1062; *Clapper v. Amnesty Int’l*, --- U.S. ----, 133 S.Ct. 1138, 1146, 185 L.E.2d 264 (2013) (“no principle is more fundamental to the judiciary’s proper role in our system of government than the constitutional limitation [of standing]”); *Warth v. Seldin*, 422 U.S. 490, 497, 95 S.Ct. 2197, 45 L.E.2d 343 (1975) (standing sets the boundaries for the “properly limited” role of the courts in a democratic society).

Accordingly, standing limits the power of the judicial branch to the adjudication of “issues that have a direct and immediate impact on the plaintiffs.” *See JobsOhio*, 2014-Ohio-2382, ¶ 11; *Fortner v. Thomas*, 22 Ohio St.2d 13, 14, 257 N.E.2d 371 (1970) (courts may only “decide actual controversies between parties legitimately affected by specific facts”). Said differently, standing requires a party to have a “personal stake in the outcome of the controversy as to ensure that the dispute sought to be adjudicated will be presented in an adversary context and in a form historically viewed as capable of judicial resolution.” *State ex rel. Dallman v. Court of Common Pleas, Franklin Cnty.*, 35 Ohio St.2d 176, 179, 289 N.E.2d 515 (1973). Importantly, a generalized grievance shared by every citizen or taxpayer is insufficient to create the personal stake required to trigger standing to sue. *See State ex rel. Masterson v. Ohio State Racing Comm’n*, 162 Ohio St. 366, 369, 123 N.E.2d 1 (1954) (“[P]rivate citizens may not restrain official acts when they fail to allege and prove damages to themselves different in character from that sustained by the public generally.”).

The standing requirement is directly related to the constitutional separation of powers. As a jurisdictional prerequisite, standing “serves to prevent the judicial process from being used to usurp the powers of the political branches.” *Clapper*, 133 S.Ct. at 1146. Indeed, if “no private rights of person or property are in jeopardy” courts would “simply [be] asked to regulate the affairs of another branch of government.” *See Pfeifer*, 88 Ohio St. at 488, 104 N.E. 529; *Summers v. Earth Island Inst.*, 555 U.S. 488, 492, 129 S.Ct. 1142, 173 L.E.2d 1 (2009) (the judiciary has no general “charter to review and revise legislative and executive action”). Where litigants ask the Court to invalidate democratically enacted laws, the requirements of standing are “more acute [as] there may be an intrusion into areas committed to another coequal branch of government.” *Sheward*, 86 Ohio St.3d at 469.

As this Court has previously emphasized:

The legislative power of the General Assembly is plenary Now what is the power of the judiciary with reference to legislative enactments? Its power to declare legislative enactments unconstitutional is not a superior power, neither one of veto nor of greater wisdom **The wisdom, policy, propriety, or expediency of legislation is not subject to judicial inquiry.**

Ostrander v. Preece, 129 Ohio St. 625, 629-30, 169 N.E. 670 (1935) (internal quotes and citations omitted, emphasis added).

Applying these constitutional principles, this Supreme Court has recently held that litigants may not challenge democratically authorized regulation, in the absence of a direct stake in the matter. *See JobsOhio*, 2014-Ohio-2382, ¶ 8 (plaintiffs lacked standing to challenge statute establishing public-private economic development agency; plaintiffs had no personal stake in the outcome of the litigation and could not establish public right standing; ideological opposition to legislation enacting economic policy is insufficient to satisfy standing).

JobsOhio followed a long line of similar holdings emphasizing the absolute requirement that a litigant must have a personal stake in the controversy in order to sue. *See Cuyahoga Cnty. Bd. of Comm'rs v. State*, 112 Ohio St.3d 59, 2006-Ohio-6499, 858 N.E.2d 330, ¶¶ 21-29 (county lacked standing to challenge law authorizing state's transfer of welfare funds to general revenue fund because county's alleged entitlement to funds above its base allocation was "discretionary and speculative"); *State ex rel. Leslie v. Ohio Hous. Fin. Agency*, 105 Ohio St.3d 261, 2005-Ohio-1508, 824 N.E.2d 990, ¶ 47 (former government employee lacked standing to challenge the Ohio Housing Finance Agency's purported illegal disbursement of funds under certain laws because he did not have "a personal stake in the outcome of his lawsuit nor a special interest in the funds involved"); *Fortner*, 22 Ohio St.2d at 19 (permit holder lacked standing to challenge constitutionality of agency rule that had not yet been used against him); *Ostrander*, 129 Ohio St.

at 632 (heir lacked standing to challenge inheritance statute because she was not an heir at the time of enactment and therefore suffered no injurious loss of property to which she had vested rights).

Similarly, federal courts prohibit litigants who lack standing from challenging the constitutionality of a statute. *See Clapper*, 133 S.Ct. at 1147-48 (litigants lacked standing to challenge statute that permitted surveillance of foreign nationals; absent an actual injury to a particular individual, judicial process could not be “used to usurp the powers of the political branches”); *Summers*, 555 U.S. at 493-95 (litigants lacked standing to challenge regulations permitting salvage timber sales in National Forest; “allowing courts to oversee legislative or executive action would significantly alter the allocation of power ... away from a democratic form of government”) (internal quotes and citations omitted).

The application of these principles is routine. *See also Arizona Christian Sch. Tuition Org. v. Winn*, --- U.S. ----, 131 S.Ct. 1436, 1442, 179 L.E.2d 523 (2011) (litigants lacked standing to challenge school vouchers for parochial schools; if courts were permitted to declare legislation unconstitutional without standing, “the resulting conflict between the judicial and the political branches would not, in the long run, be beneficial to either”); *Hein v. Freedom From Religion Found.*, 551 U.S. 587, 597-98, 127 S.Ct. 2552, 168 L.E.2d 424 (2007) (litigants lacked standing to challenge executive expenditures to hold a conference for faith-based community organizations; “the judicial power ... is not an unconditioned authority to determine the constitutionality of legislative or executive acts”); *Warth*, 422 U.S. at 499-501 (1975) (litigants who resided in Rochester lacked standing to challenge zoning ordinances of nearby Penfield that purportedly excluded persons of low and moderate income; without standing “the courts would

be called upon to decide abstract questions of wide public significance even though other governmental institutions may be more competent to address the question”).

This precedent is directly applicable here. Ohio’s electorate has repeatedly voted to expand gaming in Ohio through the passage of constitutional amendments authorizing the Ohio Lottery and Ohio’s casinos. The General Assembly passed legislation establishing a regulatory regime that governs the construction, operation, licensure, taxation, and management of casino and VLT facilities. This legislation was signed by the Governor, making it the law of the State. Throughout, the enactment of this regulatory framework has been closely scrutinized in a public debate with extensive media coverage.

Absent a personal and concrete injury-in-fact, this case is nothing more than a belated expression of political opposition to expanded gaming in Ohio – **disguised as a lawsuit**. If Plaintiffs want to roll back expanded gaming in Ohio, they can lobby the General Assembly to pass new laws, or promote a voter initiative to repeal the constitutional amendments permitting the Ohio Lottery and Ohio’s casinos to operate. What they cannot do is undermine the democratic process by requesting this Court to invalidate laws that have been requested and endorsed by Ohio’s electorate, and passed by the General Assembly with the Governor’s concurrence. Without an actual and concrete injury, permitting such claims to move forward would be contrary to this Court’s longstanding precedent and the Ohio Constitution’s standing requirement. It would also violate the United States Supreme Court’s repeated admonitions that the doctrine of standing precludes such political challenges as a violation of the separation of powers between the judiciary and the political branches.

Accordingly, this Court should affirm.

C. Continued Litigation Will Adversely Impact The Gaming Industry In Ohio.

Allowing Plaintiffs to continue this litigation will also have a profound real world impact on the gaming industry in Ohio. And establishing a rule permitting a constitutional challenge to an entire regulatory framework, without adequate standing, will have a broadly felt chilling effect on economic development in Ohio.

Relying on the expansion of gaming authorized by the electorate and the General Assembly, numerous stakeholders have invested billions of dollars, hundreds of thousands of hours of labor, substantial expertise, and other resources in building a gaming industry and related infrastructure in Ohio. Indeed, Ohio companies, Ohio workers, and state and local governments have created long-term plans that depend on the continued operation of these gaming facilities and the public revenue they are expected to generate.

Four casinos and seven VLT facilities are currently open for business in eleven locations throughout Ohio. The construction of just one of these facilities required several hundred million dollars in capital investment – for real estate acquisition and construction alone. These facilities then require specialized systems specific to gaming, such as video surveillance, cash management, and hospitality services. In the aggregate, Casino and VLT Appellees have invested well over \$3.0 billion in the initial construction and licensure of these gaming facilities.

Ohio workers have also invested heavily in the gaming industry. The construction of one casino or VLT facility requires several hundred workers to lay the foundation and construct the physical building. Tradesman and technicians must then install high-volume heating and cooling systems, electrical systems that can power thousands of gaming machines or VLTs, plumbing that can handle thousands of patrons, computer systems that can manage surveillance, gaming, and other data, and numerous other features typical to a gaming facility.

Once construction is complete, each casino or VLT facility employs several hundred workers – at a minimum – to operate the business. This includes security, building maintenance, customer service, and management of gaming machines or tables. Accordingly, Casino and VLT Appellees have created well over 15,000 jobs that would not otherwise exist in this State.

In turn, state and local governments have greatly benefited from gaming tax revenues and licensure fees, and the overall increase in economic activity. Under the Ohio Constitution, taxes on casino revenues are allocated among the following governmental entities and funds:

- 51% of the tax is distributed to all 88 Ohio counties in proportion to their population distribution and cities within those counties whose population exceeds 80,000;
- 34% of the tax is distributed to public school districts;
- 5% of the tax is distributed to the host city;
- 3% of the tax is distributed to the Ohio Casino Control Commission;
- 3% of the tax is distributed to the Ohio State Racing Commission;
- 2% of the tax is distributed to law enforcement; and
- 2% of the tax is distributed to a gambling addiction fund.

See Ohio Constitution Article XV, Section 6(C)(3)(a)-(g). Based on these allocations, the following governmental entities have received more than \$650 million in funds from casino revenue since 2009:

- County Fund – \$332,318,504.29
- Student and School District Fund – \$221,545,669.51
- Host City Fund – \$32,580,245.50
- Ohio Casino Control Commission – \$19,548,147.30
- State Racing Commission Fund – \$19,548,147.30
- Law Enforcement Fund – \$13,02,098.20
- Problem Gambling Fund – \$13,032,098.20
- **TOTAL – \$651,604,910.30**

See Ohio Casino Control Commission, Casino Tax Distributions.

Similarly, 33.5% of the income from VLTs will be paid to the Ohio Lottery Commission.

See Ohio Adm. Code 3770:2-3-08(A). In just 25 months of operation since 2012, payments to

the Ohio Lottery as a result of VLT income has totaled \$205,749,224. *See* Ohio Lottery, VLT Results for Fiscal Years 2012, 2013, 2014.

State and local governments also receive additional tax revenues from payroll taxes for increased employment, higher tax revenues based on higher property values around casino and VLT facilities, and increases in business taxes for secondary businesses that benefit from increased economic activity due to casino and VLT traffic.

The United States Supreme Court has repeatedly emphasized that policy-based litigation, unmoored from the requirements of standing, has a deeply negative impact on adverse parties, such as the Appellees in this case.

[S]tanding also reflects a due regard for the autonomy of those persons likely to be most directly affected by a judicial order. The federal courts have abjured appeals to their authority which would convert the judicial process into no more than a vehicle for the vindication of the value interests of concerned bystanders. Were the federal courts merely publicly funded forums for the ventilation of public grievances ... the concept of standing would be quite unnecessary. But the “cases and controversies” of Article III forecloses the conversion of courts ... into judicial versions of college debating forums **The exercise of judicial power which can so profoundly affect the lives, liberty, and property of those to whom it extends, is therefore restricted to litigants who can show “injury in fact” from the action which they seek to have the court adjudicate.**

Valley Forge Christian Coll. v. Americans United for Separation of Church & State, 454 U.S. 464, 473, 102 S.Ct. 752, 70 L.E.2d 700 (1982) (dismissing for lack of standing claims by advocates seeking to challenge donation of federal property to religious organization) (internal quotes and citations omitted, emphasis added); *see also Schlesinger v. Reservists Comm. to Stop the War*, 418 U.S. 208, 227, 94 S.Ct. 2925, 41 L.E.2d 706 (1974) (dismissing challenge to statute exempting members of Congress from reserve membership in the armed services; “The proposition that all constitutional provisions are enforceable by any citizen simply because citizens are the ultimate beneficiaries of those provisions has no boundaries”).

Absent standing, such policy-based litigation also undermines faith in the courts and the public's trust in government in general. For these reasons, the United States Supreme Court has become increasingly focused on ensuring that the restrictions of standing are rigorously enforced:

Few exercises of judicial power are more likely to undermine public confidence in the neutrality and integrity of the Judiciary than one which casts the Court in the role of a Council of Revision, conferring on itself the power to invalidate laws at the behest of anyone who disagrees with them. **In an era of frequent litigation ... courts must be more careful to insist on the formal rules of standing, not less so.**

Arizona Christian Sch. Tuition Org., 131 S.Ct. at 1449 (litigants lack standing to challenge tuition school vouchers for parochial schools) (emphasis added); *see also United States v. Richardson*, 418 U.S. 166, 179, 94 S.Ct. 2940, 41 L.E.2d 678 (1974) (litigants lacked standing to challenge nondisclosure of CIA budget; as courts become more influential, restrictions of standing must be adhered to).

If Plaintiffs' lawsuit moves forward despite the lack of any personal injury-in-fact, Ohio's nascent gaming industry will be the target of endless litigation from activists whose only interest is a political disagreement with the expansion of legalized gaming. Companies, workers, and state and local government agencies will not be able to make long-term plans for the viability of casino and VLT facilities. The constant threat that political litigation could undermine the entire legal basis for gaming in Ohio – or any part of it -- will have a profound, negative impact on the development of this multi-billion dollar Ohio industry. Businesses do not invest or create jobs in such a climate.

Indeed, this principle does not apply to the gaming industry alone. A finding by this Court that Plaintiffs may litigate this case – based solely on a disagreement regarding economic legislation – will undermine business investment throughout Ohio for years to come. If any

uninjured party with a philosophical difference of opinion can challenge the regulatory framework that makes certain economic activity possible, companies and workers will avoid investing time, money, and energy into that activity. This will have a chilling effect on the development of new business and industry throughout the State, and negatively impact Ohio's overall economic growth.

Rather, the ultimate decision as to the development of legalized gaming in the State is best left to the political process. There, the concerns of activists like the Plaintiffs can be balanced with the interests of business and workers, as well as the State's goal of economic development. Opponents of legalized gaming can gather political support, the media can report on their progress, and the public can have yet another debate – if there is renewed interest – about the benefits and drawbacks of expanded gaming.

But such decisions – with such far-reaching economic consequences – cannot be made by the courts in the absence of the constitutional prerequisite of standing, as is the case here.

Accordingly, this Court should affirm.

D. Plaintiffs Waived Their Claim Of Statutory Standing, And Such Claims Are Without Merit In Any Event.

State, Casino, & VLT Appellees' Proposition Of Law No. 3:

This Court specifically rejected a proposition about public-rights standing in light of JobsOhio. Plaintiffs' arguments about that proposition are improper, but fail anyway.

As noted earlier, the Casino and VLT Appellees join and adopt the State Appellees' Propositions of Law Nos. 1 and 2, making clear that Plaintiffs lack standing to sue, and that further amendment to the Amended Complaint is inappropriate. The Casino and VLT Appellees also join and adopt the State Appellees' Proposition of Law No. 3, making equally clear that Plaintiffs cannot raise an argument as to public right standing, but that such claim fails in any event. *See* State Appellees' Merit Br.

In addition to those arguments, the Casino and VLT Appellees provide this short supplement to address the claim of “statutory standing” raised by Plaintiffs. Plaintiffs argue that “standing may be conferred by a specific statutory grant of authority,” and that they have standing under R.C. 2731.02 (mandamus) and R.C. 2721.03 (declaratory judgment). *See* Pls’ Br. at 14-19. But this argument fails for three reasons.

First, Plaintiffs waived “statutory standing” because it was not raised in the trial court or in the Tenth District Court of Appeals. As recently noted in *JobsOhio*, this Supreme Court will not address standing arguments that were not raised in the intermediate appellate court. *See JobsOhio*, 2014-Ohio-2382, ¶ 18; *State ex rel. E. Cleveland Fire Fighters’ Ass’n Loc. 500, Int’l Assoc. of Fire Fighters v. Jenkins*, 96 Ohio St.3d 68, 2002-Ohio-3527, ¶ 12, 771 N.E.2d 251 (appellants waived a claim of standing by failing to raise it in the intermediate appellate court).

Second, Plaintiffs cannot establish standing under R.C. 2731.02 in any event. Section 2731.02 provides for the extraordinary writ of mandamus, which “may issue on the information of the party beneficially interested.” As Plaintiffs acknowledge, however, absent traditional standing, the test for determining whether a litigant has a “beneficial interest” in mandamus is the same as the test for establishing “public right” standing under *Sheward*. *See* Pls. Br. at 16-17. But addressing “public right” standing is both procedurally and substantively inappropriate for the reasons amply discussed in the State Appellees’ Brief. *See* State Appellees’ Br. at 46-49 (noting that *Sheward* “public right” standing was dismissed as a proposition of law in this case, is foreclosed by *JobsOhio* because this is not an original action in mandamus, and cannot apply here because this case is not “rare and extraordinary”).

Third, Plaintiffs also cannot establish standing under R.C. 2721.03. That section permits Ohio courts to adjudicate a declaratory judgment action. The prerequisites to a declaratory

judgment action are: (1) a real case or controversy; (2) that is justiciable; and (3) that a speedy resolution will preserve plaintiffs' rights. *See JobsOhio*, 2014-Ohio-2382, ¶18-19; *Burger Brewing Co. v. Liquor Control Comm'n*, 34 Ohio St.2d 93, 97, 269 N.E.2d 261 (1973).

Under these requirements, Ohio courts routinely hold that a litigant must establish the traditional elements of standing in order to assert a declaratory judgment action. *See Ohio Contractors Ass'n v. Bicking*, 71 Ohio St.3d 318, 320-21, 643 NE.2d 1088 (1994) (in order to assert claim for declaratory relief, litigant must establish standing, which includes injury-in-fact); *Corron v. Corron*, 40 Ohio St.3d 75, 79, 531 N.E.2d 708 (1988) (declining review of a will under Declaratory Judgment Act because there was no injury-in-fact, and any ruling would be advisory where will had not been admitted to probate).

Federal courts similarly hold that in order to assert declaratory relief, a litigant must establish the elements of standing. *See Clapper*, 133 S.Ct. at 1142-43, 1146-47 (litigants seek declaration that statute permitting surveillance of foreign nationals is unconstitutional; litigants must show injury-in-fact, causation, and redressability); *Golden v. Zwickler*, 394 U.S. 103, 108, 89 S.Ct. 956, 22 L.E.2d 113 (1969) (requiring litigant in declaratory judgment action to establish actual, rather than merely speculative, injury); *Simon v. E. Kentucky Welfare Rights Org.*, 426 U.S. 26, 45, 96 S.Ct. 1917, 48 L.Ed.2d 450 (1976) (finding plaintiffs lacked standing to seek declaratory judgment because they could not establish injury or redressability).

Plaintiffs themselves concede that they must establish "common law standing" to assert a declaratory judgment action. *See* Pls. Br. at 18-20. But for the reasons set forth in the State Appellees' Brief, Plaintiffs cannot establish the elements of injury-in-fact, causation, and redressability. *See generally*, State Appellees' Br. (addressing and disposing of Plaintiffs'

propositions of law). Thus, Plaintiffs' claim that they have "statutory standing" under R.C. 2721.03 must fail.

IV. CONCLUSION

Based on the foregoing argument, the Casino and VLT Appellees respectfully request the Ohio Supreme Court to affirm the judgment of the Tenth District Court of Appeals, and dismiss this case for lack of standing.

Respectfully submitted,

/s/ Christopher S. Williams via email /s/ Albert G. Lin
authorization 1/26/2015

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Control Commission, Ohio Lottery

Commission, and Ohio Tax Commissioner

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Appellees Central Ohio Gaming Ventures,
LLC and Toledo Gaming Ventures, LLC*

APPENDIX

- A. Ohio Sec’y of State, “Amendment And Legislation”
- B. Editorial, *Plain Dealer Recommendations*, Cleveland Plain Dealer (May 6, 1973)
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- D. Staff, *Pros And Cons Of State Lottery Issue Are Debated*, Columbus Citizen Journal (May 7, 1973)
- E. Editorial, *Dispatch Supports COTA, Spurs State-Run Lottery*, Columbus Dispatch (May 6, 1973)
- F. Editorial, *Ohio Voters’ Should Pass Issue 3, Amending The State Constitution To Allow Casino Gambling In Cleveland And Three Other Cities*, Cleveland Plain Dealer (Oct. 13, 2009)
- G. Editorial, *Election Endorsements: Issues And Offices*, Toledo Blade (Oct. 30, 2009)
- H. Editorial, *Dispatch Endorsement: For State Issue 2*, Columbus Dispatch (March 28, 2010)
- I. Editorial, *Ohio Voters Should Approve Issue 2 So Columbus Can Change Casino Site*, Cleveland Plain Dealer (April 4, 2010)
- J. Jon Craig, *Deal Oks Slots For Racetracks*, Cincinnati Enquirer, 2009 WLNR 27882906 (July 11, 2009)
- K. Ken Gordon, *A Winning Bet?*, Columbus Dispatch, 2009 WLNR 13675927 (July 17, 2009)
- L. Mark Naymik, *State Issues Rules For Running Video Slot Machines At Tracks*, Plain Dealer, 2009 WLNR 15832984 (Aug. 13, 2009)
- M. David Eggert, *Rules On Racetrack Relocation Laid Out*, Columbus Dispatch (Oct. 21, 2011)
- N. Joe Vardon, *Casino Deal A Win For Almost Everyone*, Columbus Dispatch (June 19, 2011)
- O. Ohio Casino Control Commission, Ohio Casinos
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- Q. Ohio Casino Control Commission, Toledo February Construction Report 2012
- R. Ohio Casino Control Commission, Cleveland Casino Commission Meeting Progress Report

- S. Robert Connelly, *Study Says Ohio Casinos, Racinos Supported Close To 14K Jobs, Economic Impact Of \$2.2B In 2013*, Youngstown Vindicator (Dec. 21, 2014)
- T. Ohio Lottery Commission, Economic Impacts
- U. Joanne Huist Smith, *Dayton Racino Gets Plan Board Support*, Dayton Daily News (Nov. 20, 2012)
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AMENDMENT AND LEGISLATION

PROPOSED CONSTITUTIONAL AMENDMENTS, INITIATED LEGISLATION, AND LAWS CHALLENGED BY REFERENDUM, SUBMITTED TO THE ELECTORS

Compiled through 1954 by
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AMENDING THE CONSTITUTION

The people of Ohio participated directly in making their constitution, and it cannot be amended without their consent. In 1849 the General Assembly submitted to the people of the state a proposition to call a constitutional convention. A majority voted to do so. A constitutional convention was elected, it rewrote the constitution, and the new constitution was submitted to a vote of the people on June 17, 1851. Having received a majority vote, the new constitution went into effect on September 1, 1851, superseding Ohio's original constitution which had been adopted in 1802. The Constitution of 1851 has been amended many times since its adoption. Each of the procedures described below has been used.

CONSTITUTIONAL CONVENTION--A convention may be called to amend or revise the constitution, but any amendment or revision it proposes does not become effective unless adopted by the people by majority vote. There are two ways to call such a convention. First, it may be called at any time by a two-thirds vote of both houses of the General Assembly, which has never been done. Second, every twenty years a statewide election must be held on the question of calling a convention.

In 1871 the first election on this question was held, and the people voted for a convention, and consequently delegates were elected. This convention rewrote the constitution, but when the revised constitution was submitted to the people, they rejected it. In 1891 the people voted against calling a convention. In 1910 they voted to call a convention. The ensuing convention wrote 41 amendments, which were submitted to the people at the general election in November 1912. Thirty-three were adopted by the people, and eight were rejected. The 33 amendments amounted to a significant revision of the constitution. This was the last time, however, that the constitution was amended in this way. In 1932, 1952, 1972 and 1992, the people voted against calling a convention. The question will appear on the ballot again in 2012.

JOINT RESOLUTION--A second method of amending the constitution is for the General Assembly to pass a joint resolution proposing an amendment. Such a proposal becomes an effective amendment only if the people vote to accept it. The joint resolution must be passed by a three-fifths majority of the members elected to each house of the General Assembly.

INITIATIVE PETITION--The third method of amending the constitution was proposed by the constitutional convention in 1912 and adopted by the people by their vote on June 17. Essentially, it is a method whereby the people propose an amendment by petition, their proposal appears on the ballot, and if a majority vote favorably, the proposal becomes an amendment to the constitution. No action by the General Assembly is involved. Constitutional and statutory requirements must be followed.

Each of these various procedures provides a different method for proposing amendments. No amendment is adopted, however, except by vote of the people.

APPENDIX A

INITIATIVE AND REFERENDUM

A discussion of initiative and referendum must almost necessarily begin with definition of the terms. These words are often confused and used interchangeably. Initiative and referendum are not, however, the same thing. Each word has its own precise meaning.

Initiative is a process whereby the people make laws, directly and without action by a legislature. Ordinarily, the process involves the circulation of a petition asking for the law, and then an election on the question of whether the proposition shall become law.

Referendum is a process whereby the people block legislation enacted by a legislative body, preventing its going into effect. Most types of laws do not go into effect for some time after their passage--thirty to ninety days. If during that time a referendum petition is filed, the law does not go into effect until an election is held to determine the peoples' will in the matter. If a majority vote against it, it is killed.

STATE INITIATIVE--The Constitution of Ohio provides that interested citizens may, by petition, submit a proposed law to the General Assembly. A petition for that purpose must be signed by qualified electors of the state equal in number to 3% of the total votes cast for governor at the last preceding state election. Such a petition is filed with the Secretary of State, and if he finds it sufficient, he submits the proposed law to the General Assembly. If after four months the General Assembly has not passed the proposed law, a supplementary petition bearing the signatures of another 3% of the electors may be filed and in that case the proposed law will be submitted to the people at the next general election. If at that election a majority of the people vote for the proposal, it becomes a law without being enacted by the General Assembly.

STATE REFERENDUM--The Constitution of Ohio provides that, with certain exceptions, laws passed by the General Assembly and signed by the governor do not go into effect for ninety days. During that ninety days, a referendum petition may prevent their going into effect pending an election. If at the election a majority vote against the law, it never goes into effect.

It is important to note that certain types of laws are not subject to this procedure. Those types are: Laws providing for tax levies, appropriations for the current expenses of the state government and institutions, and emergency laws necessary for the immediate preservation of the public peace, health, or safety. An emergency law must be enacted by a two-thirds majority, and the emergency clause must be voted on separately in the General Assembly. These three types of laws--tax levies, appropriations and emergency laws--go into effect immediately upon being signed by the governor, and they are consequently not subject to the referendum.

Assuming that the General Assembly has enacted a law which is subject to referendum, its opponents can file their referendum petition during the ninety day period before it goes into effect. Their petition must bear the signatures of 6% of the electors. If such a petition is filed with the Secretary of State, the law does not go into effect until an election can be held. If the majority vote against the law, it is dead. If the majority vote for it, it goes into effect.

Prohibition of the sale and manufacture for sale of intoxicating liquors as a beverage (Art. XV, Sec. 9):
 Yes--463,354 (Passed) No--437,895

The General Assembly shall classify property for taxation purposes (Art. XII, Sec. 2):
 Yes--336,616 (Passed) No--304,399

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Law may be passed to provide against double taxation that results from the taxation of both the real estate and mortgage or the debt secured thereby, or other lien upon it (Art. XII, Sec. 2):
 Yes--479,420 (Passed) No--371,176

(Note: The amendment to Art. XII, Sec. 2 of the Ohio Constitution submitted under authority of House Joint Resolution No. 34, adopted by the 82nd General Assembly March 12, 1917, received a larger number of votes than the amendment to such section which was proposed by initiative petition; therefore the above amendment submitted by the General Assembly was adopted although both amendments received a majority of the votes cast. State ex rel v. Fulton 99 O.S. 168)

NOVEMBER 4, 1919

CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION:

Defining the phrase "Intoxicating Liquor" (Art. XV, Secs. 9 and 1):
 Yes--474,907 No--504,688 (Failed)

To repeal statewide prohibition (Art. XV, Sec. 9):
 Yes--454,933 No--496,876 (Failed)

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Classification of property (Art. XII, Sec. 2):
 Yes--439,987 No--517,245 (Failed)

LAWS PASSED BY THE GENERAL ASSEMBLY SUBMITTED TO THE PEOPLE BY REFERENDUM PETITION:

S.J.R. No. 4--Ratifying national prohibition:
 Yes--499,971 No--500,450 (Failed)

H.B. No. 24--The Crabbe Act. To provide for state prohibition and its enforcement:
 Yes--474,078 No--500,812 (Failed)

NOVEMBER 2, 1920

Law passed by the general assembly submitted to the people by referendum petition:

H.B. No. 620--The Crabbe Act. To provide for state prohibition and its enforcement:
 Yes--1,062,470 (Passed) No--772,329

NOVEMBER 8, 1921

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To provide for a soldier bonus (Art. VIII, Sec. 2A):
 Yes--949,109 (Passed) No--324,447

To provide for the apportionment of the members of the General Assembly by dividing the state into twenty-six senatorial districts (Art. XI, Sec. 7):
 Yes--336,574 No--518,524 (Failed)

To authorize the levying of a poll tax (Art. XII, Sec. 1):
 Yes--244, 509 No--672,581 (Failed)

NOVEMBER 7, 1922

CONSTITUTIONAL AMEMDMENTS PROPOSED BY INITIATIVE PETITION:

To provide for 2.75 per cent beverage (Art. XV, Secs. 9 and 1):
 Yes--719,050 No--908,522 (Failed)

To provide for debt limitation, etc., for counties, school districts, townships, municipal corporations, or other political subdivisions (Art. VIII, Sec. 13):
 Yes--499,203 No--691,471 (Failed)

To provide a limitation on tax rates of 15 mills, but additional levies may be authorized by vote. State tax rate limited to 1 mill (Art. XII, Sec. 1):
 Yes--475,740 No--720,237 (Failed)

NOVEMBER 6, 1923

CONSTITUTIONAL AMEMDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To amend the Workmen's Compensation law increasing the authority of the Industrial Commission (Art. II, Sec. 35):
 Yes--588,851 (Passed) No--528,572

Eliminating the words "white male" from the Ohio Constitution to conform to federal amendments (Art. V, Sec. 1):
 Yes--536,762 (Passed) No--421,744

Authorizing publication of notice of constitutional amendments and proposed laws in newspapers (Art. II, Sec. 1g):
 Yes--351,513 No--493,786 (Failed)

LAWS PASSED BY THE GENERAL ASSEMBLY SUBMITTED TO THE PEOPLE BY REFERENDUM PETITION:

H.B. No. 20--Mr. Taft. Providing for changes in the law relative to tax limitations:
 Yes--367,277 No--728,087 (Failed)

H.B. No. 330--Mr. Albaugh. Making the county the unit for assessment of personal property, and abolishing the office of elective assessor:
 Yes--231,152 No--765,163 (Failed)

PROPOSED LAW BY INITIATIVE PETITION:

Providing for a system of old age pensions:
 Yes--390,599 No--777,351 (Failed)

NOVEMBER 3, 1925

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

Restrictions on the incurring of indebtedness by political subdivisions (Art. VIII, Sec. 13):
 Yes--450,218 No--535,251 (Failed)

Taxation by uniform rule of real property and all tangible personal property except motor vehicles and a different rate for intangible personal property (Art. XII, Sec. 2):
 Yes--435,944 No--501,221 (Failed)

Four year terms for state and county officers (To amend Art. III, Sec. 2 and Art. X, Sec. 2: and to repeal Art. XVII, Sec. 2 and Art. X, Sec. 3):
 Yes--325,451 No--543,183 (Failed)

AUGUST 10, 1926

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Authorizing municipalities to levy assessments for entire cost of public improvements (Art. XVIII, Sec. 11):
 Yes--234,754 No--352,301 (Failed)

CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION:

To provide a ten mill tax limitation on real estate (Art. XII, Sec. 2):
 Yes--979,061 (Passed) No--661,151

Relative to county and township organizations and government, and granting counties home rule government (Repealing existing Sec. 16 of Art. IV and existing Secs. 1, 2, 3, 4, 5, 6 and 7 of Art. X, and adopting new Secs. 1, 2, 3 and 4 of Art. X):
 Yes--846,594 (Passed) No--742,925

RATIFICATION OF PROPOSED AMENDMENT TO UNITED STATES CONSTITUTION:

Proposing to repeal the 18th Amendment:
 For ratification-1,444,033 (Passed) Against ratification-584,238

NOVEMBER 6, 1934

CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION:

Prohibiting the taxation as property of motor vehicles on which license taxes have been imposed and paid, and restricting the use of such licenses to public thoroughfares and related purposes (Art. XII, Sec. 5a):
 Yes--825,157 No--883,373 (Failed)

Requiring motor vehicle fuel excise taxes to be measured by a sum for each gallon or other like unit, and limiting the amount thereof to three cents per gallon and restricting the use of such excise taxes to public thoroughfares and related purposes (Art. XII, Sec. 5b):
 Yes--760,589 No--859,525 (Failed)

NOVEMBER 3, 1936

CONSTITUTIONAL AMENDMENT PROPOSED BY GENERAL ASSEMBLY:

To eliminate the additional liability of stockholders of corporations authorized to receive money on deposits (Art. XIII, Sec. 3):
 Yes--1,078,170 (Passed) No--824,968

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

Prohibiting the levy or collection of an excise tax on the sale or purchase of food for human consumption off the premises where sold (Art. XII, Sec. 12):
 Yes--1,585,327 (Passed) No--719,966

NOVEMBER 8, 1938

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

To provide for the original appointment of judges of the Supreme Court and Courts of Appeals (Art. IV, Sec. 1 to be supplemented by adding Secs. 1a, 1b, 1c, 1d, 1e, 1f and 1g; and amending Secs. 2, 6, 10, 13, 14, 15 and 18):
 Yes--621,011 No--1,237,443 (Failed)

NOVEMBER 7, 1939

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Relative to a State Board of Education (Art. IV, Sec. 4):
 Yes--747,545 No--1,137,054 (Failed)

CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION:

Relative to old age pensions (Art. XII, Sec. 13):
 Yes--464,670 No--1,546,207 (Failed)

Requirements necessary to qualify initiative petitions (Art. II, Sec. 1h):
 Yes--406,612 No--1,485,919 (Failed)

Law passed by the general assembly submitted to the people by referendum petition:

Relative to civil service eligibility lists, certification, sick leave and layoffs in the classified service:

Yes--634,269 No--1,132,279 (Failed)

NOVEMBER 3, 1942

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Relative to vacancies in judicial office (Art. IV, Sec. 13):

Yes--954,704 (Passed) No--448,981

NOVEMBER 7, 1944

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To permit the use of temporary or substitute judges in the Supreme Court (Art. IV, Sec. 2):

Yes--1,429,635 (Passed) No--611,276

Jurisdiction of the Court of Appeals (Art. IV, Sec. 6):

Yes--1,279,216 (Passed) No--633,813

NOVEMBER 4, 1947

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To provide a bonus to veterans (Art. VIII, Sec. 2b):

Yes--1,497,804 (Passed) No--478,701

Six year term for judges of probate courts, and to eliminate the provision that their compensation be payable out of the county treasury (Art. IV, Sec. 7; Art. XVII, Sec. 2):

Yes--855,106 (Passed) No--692,061

To increase the number of members of the Sinking Fund Commission to include the Governor and the Treasurer of State (Art. VIII, Sec. 8):

Yes--782,158 (Passed) No--762,129

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

Relative to the prohibition of the expenditure of money from motor vehicles license taxes and gasoline taxes for other than highway and related purposes (Art. XII, Sec. 5a):

Yes--1,037,650 (Passed) No--669,718

NOVEMBER 8, 1949

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To provide that each county may have more than one probate judge (Art. IV, Sec. 7):

Yes--874,291 No--876,647 (Failed)

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

Providing that electors of the State of Ohio may vote for candidates only by separately indicating their vote for each candidate (Art. V, Sec. 2a):

Yes--1,007,693 (Passed) No--750,206

PROPOSED LAW BY INITIATIVE PETITION:

To permit the manufacture and sale of colored oleomargarine:

Yes--1,282,206 (Passed) No--799,473

NOVEMBER 6, 1951

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To provide that each county may have more than 1 probate judge (Art. IV, Sec. 7):

Yes--875,083 (Passed) No--696,672

To provide that the compensation of judges of the Supreme Court, the Court of Appeals, Probate Court, and the Court of Common Pleas, and of other courts inferior to the Court of Appeals, may be increased or diminished during their term of office (Art. IV, Sec. 14):

Yes--849,677 No--1,107,646 (Failed)

PROPOSED LAW BY INITIATIVE PETITION:

To increase unemployment compensation:

Yes--865,326 No--1,481,339 (Failed)

NOVEMBER 6, 1956

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To pay a bonus to veterans of the Korean conflict (Art. VIII):

Yes--2,202,510 (Passed) No--889,245

Increasing the terms of members of the State Senate to four years (Art. II, Sec. 2 and Art. XI, Sec. 1, 6, 9, 10 and 11):

Yes--1,636,449 (Passed) No--1,214,643

NOVEMBER 5, 1957

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To permit the appointment to state offices of persons not possessing the qualifications of an elector of the state (Art. XV, Sec. 4):

Yes--696,372 No--1,040,638 (Failed)

To permit new residents of the state, who have not yet attained the qualifications of electors by one year's residence, to vote for President and Vice President only (Art. V. Sec. 1):

Yes--1,072,396 (Passed) No--658,244

To permit the electors of counties to adopt county charters (Art. X, Sec. 3):

Yes--832,912 (Passed) No--799,094

NOVEMBER 4, 1958

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To permit the electors of the counties to form metropolitan federations (Art. X, Sec. 5):

Yes--1,108,383 No--1,410,277 (Failed)

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

To forbid labor contracts which established union membership as a condition for continuing employment (called "right to work") (Art. I, Sec. 1a):

Yes--1,160,324 No--2,001,512 (Failed)

NOVEMBER 3, 1959

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To remove the limitation on the sale of water and sewage services by municipalities outside their corporate limits (Art. XVIII, Sec. 6):

Yes--1,085,378 (Passed) No--775,610

To permit the General Assembly to create additional judgeships in Courts of Appeals where the press of business requires (Art. IV, Sec. 6):

Yes--1,028,914 (Passed) No--809,957

NOVEMBER 7, 1961

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To establish a different method of filling vacancies in the General Assembly (Art. II, Sec. 2):

Yes--1,251,105 (Passed) No--650,064

Continuity of state government in case of emergency caused by enemy attack (Art. II, Sec. 42):

Yes--1,394,429 (Passed) No--516,992

To increase the age limits for the militia, provide for calling out the militia in time of disaster, and to conform the Constitution of Ohio to federal law (Art. IX, Secs. 1, 3 and 4):

Yes--947,130 (Passed) No--944,705

To provide for appointments being made subject to the advice and consent of the Senate (Art. III, Sec. 21):

Yes--1,168,831 (Passed) No--642,512

NOVEMBER 6, 1962

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

To limit the power of the state to forbid the sale of certain goods and services on Sunday (Art. I, Sec. 21):

Yes--1,274,792 No--1,697,433 (Failed)

NOVEMBER 5, 1963

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To raise the public debt limit by 250,000,000 dollars to permit the state to issue bonds in that amount for public improvements (Art. VIII, Sec. 2f):

Yes--1,397,971 (Passed) No--922,687

MAY 5, 1964

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To raise the public debt limit by 500,000,000 dollars to permit the state to issue bonds in that amount for highways (Art. VIII, Sec. 2g):

Yes--1,011,817 (Passed) No--538,684

MAY 4, 1965

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To guarantee loans to residents attending institutions of higher education (Art. VI, Sec. 5):

Yes--847,927 (Passed) No--438,945

Bond issue for development (Art. VIII, Sec. 2h):

Yes--715,642 (Passed) No--548,557

To apportion the House of Representatives (Art. XI, Secs. 1, 3, 8, 10 and 11; Art. XI, Secs. 4 and 5):

Yes--595,288 No--681,283 (Failed)

To guarantee loans for industrial development (Art. VIII, Sec. 13):

Yes--711,031 (Passed) No--542,802

NOVEMBER 2, 1965

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To authorize the same person to serve as judge of more than one court in counties of less than 40,000 population (Art. IV, Sec. 23):

Yes--1,194,966 (Passed) No--1,073,671

To authorize the creation of an urban service authority (Art. X, Secs. 5 and 6):

Yes--892,657 No--1,346,597 (Failed)

PROPOSED LAW BY INITIATIVE PETITION:

To amend the school foundation program and to increase taxes to support it:

Yes--805,762 No--1,717,724 (Failed)

NOVEMBER 2, 1971

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To require newspaper in lieu of mail notice of laws, proposed laws, or proposed amendments to the constitution (Art. II, Sec. 1g):
 Yes--1,645,961 (Passed) No--900,549

NOVEMBER 7, 1972

MANDATORY SUBMISSION OF CONSTITUTIONAL QUESTION:

Shall there be a convention to revise, alter or amend the constitution:
 Yes--1,291,267 No--2,142,534 (Failed)

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

Conditions for Prohibitions Upon the Levy of a Tax on Income, Except a Municipal Income Tax, or Increasing the Rates Thereof, Without the Approval of a Majority of the Voting Electors (Art. XII, Sec. 8):
 Yes--1,164,653 No--2,571,516 (Failed)

MAY 8, 1973

CONSTITUTIONAL AMENDMENTS PROPOSED BY GENERAL ASSEMBLY:

To authorize the state to conduct lotteries, the net proceeds of which shall be paid into the general revenue fund of the state (Art. XV, Sec. 6):
 Yes--973,956 (Passed) No--547,655

To permit the obtaining of possession before payment in the taking of property for water and sewage purposes (Art. I, Sec. 19):
 Yes--405,035 No--993,245 (Failed)

To repeal a section of the Ohio Constitution relative to disqualification from holding public office (Art. II, Sec. 5):
 Yes--530,232 No--848,743 (Failed)

To repeal a section of the Ohio Constitution relative to a Supreme Court Commission (Art. IV, Sec. 22):
 Yes--563,919 No--692,623 (Failed)

*Relative to Amendments to Court rules of practice and procedure (Art. IV, Sec. 5):
 Yes--580,106 No--679,223 (Failed)

*Relative to the Compensation of Judges (Art. IV, Sec. 6):
 Yes--646,384 No--677,787 (Failed)

Relative to the administration, organization and procedures of the General Assembly (Proposing to amend Sections 4, 6, 7, 9, 11, 14 and 16 of Art. II, to enact new Sections 8 and 15 or Art. II, and to repeal Sections 8, 15, 17, 18, 19 and 25 of Art. II):
 Yes--680,870 (Passed) No--572,980

NOVEMBER 6, 1973

CONSTITUTIONAL AMENDMENTS PROPOSED BY GENERAL ASSEMBLY:

To permit agricultural land to be valued for taxation in accordance with its agricultural use (Art. II, Sec. 36):
 Yes--1,810,630 (Passed) No--567,189

To authorize the General Assembly to provide by law for the amount of income which is exempt from taxation (Art. XII, Sec. 8):
 Yes--1,299,882 (Passed) No--883,123

Relative to the Administration and Organization of the Courts of Ohio
(Art. IV, Secs. 1, 4, 5 and 6):

Yes--1,317,379 (Passed) No--778,466

To authorize the issuance of bonds or notes to provide a veterans bonus for
Vietnam and other military service (Art. VIII, Sec. 2j):

Yes--1,650,120 (Passed) No--647,629

*Presented as separate questions request of legislature.

MAY 7, 1974

CONSTITUTIONAL AMENDMENTS PROPOSED BY GENERAL ASSEMBLY:

To equalize the compensation of Public Officers and Members of the General
Assembly (Art. II, Secs. 20 and 31):

Yes--611,726 No--747,518 (Failed)

To permit increases in the compensation of Public Officers with more than
two years remaining in their terms (Art. II, Sec. 20a):

Yes--365,921 No--992,978 (Failed)

To provide for preparation of ballot language on constitutional amendments
proposed by the General Assembly, to provide procedures for timely
challenges to such language, and to provide information to voters about such
amendments (Art. XVI, Sec. 1):

Yes--964,885 (Passed) No--376,022

NOVEMBER 5, 1974

CONSTITUTIONAL AMENDMENTS PROPOSED BY GENERAL ASSEMBLY:

To permit laws reducing real estate taxes on the homesteads of permanently
and totally disabled residents (Art. XII, Sec. 2):

Yes--2,266,355 (Passed) No--492,813

To repeal a section of the Ohio Constitution which requires the Governor to
appoint a Superintendent of Public Works for a one-year term (Art. VII, Sec.
12):

Yes--1,463,408 (Passed) No--995,748

To include the following among the purposes for which public industrial
development revenue bonds may be issued and loan guarantee programs
undertaken, without obligating or pledging moneys raised by taxation: 1.
The preservation of existing jobs; 2. The control of air, water and thermal
pollution; 3. The disposal of solid waste, and 4. The construction of
electric and gas utility services facilities for pollution control or solid
waste disposal (Art. VIII, Sec. 13):

Yes--1,613,444 (Passed) No--882,778

NOVEMBER 4, 1975

CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION:

To create and preserve jobs by the authorization of tax incentives to
industrial plants (Art. XII, Sec. 13):

Yes--573,874 No--2,164,957 (Failed)

To authorize the issuance of bonds and notes in an amount not to exceed one
billion seven hundred fifty million dollars (\$1,750,000,000) to be paid from
an additional levy of nine-tenths (9/10) of one cent (1¢) per gallon
gasoline tax, commencing April 1, 1976 and from other highway funds and the
general revenue fund if the additional gasoline tax moneys are insufficient,
for the development, restoration, and upgrading of highways and other
transportation facilities (Art. VIII, Sec. 2k):

Yes--439,041 No--2,304,854 (Failed)

Relative to the authority of the state, municipal corporations and counties
to provide assistance with respect to housing and nursing, extended care and
other health facilities (Art. VIII, Sec. 14):

Yes--869,437 No--1,882,454 (Failed)

To authorize the issuance of bonds and notes in the amount not to exceed two billion seven hundred fifty million dollars (\$2,750,000,000), with the principal and interest to be paid by an additional levy of seven-tenths (7/10) of one (1) per cent sales and use tax commencing July 1, 1976, and from the general revenue fund, if such additional tax moneys are insufficient, for capital improvements for cities, villages, counties, and other subdivisions and for other capital improvements including energy facilities and heart and cancer facilities (Art. VIII, Sec. 21):

Yes--487,326

No--2,219,093 (Failed)

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To authorize laws to be passed which permit land that is devoted exclusively to outdoor recreation to be valued for tax purposes at its current value for recreational use, except land which is utilized and controlled or owned by an organization or person who discriminates against or violates the civil rights of individuals (Art. II, Sec. 36a):

Yes--1,014,425

No--1,539,423 (Failed)

To require the General Assembly to provide by law methods to give each candidate's name reasonably equal treatment on the ballot by rotation or other methods appropriate to the voting procedure used (Art. V, Sec. 2a):

Yes--1,619,219 (Passed)

No--915,599

To require delegates to national conventions of political parties to be chosen by the voters in a manner provided by law (Art. V, Sec. 7):

Yes--1,653,931 (Passed)

No--906,156

To permit the state, or any city, village, county, township or regional transportation authority to give or loan its credit to aid federal corporations and state agencies for reorganization of rail systems in the state. Laws may be passed to reduce the taxation on property used to provide the state with rail transportation service and to permit the state to reimburse local governments for revenue lost as a result of such tax reductions. Moneys raised by taxation shall not be obligated or pledged for the payment of bonds or other obligations issued pursuant to this section (Art. VIII, Sec. 14):

Yes--871,726

No--1,614,597 (Failed)

To permit the general assembly to authorize and regulate the operation of bingo conducted by charitable organizations for charitable purposes (Art. XV, Sec. 6):

Yes--1,405,453 (Passed)

No--1,205,009

JUNE 8, 1976

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To require the Lieutenant Governor to be elected jointly with the Governor, and to provide for the duties of the Lieutenant Governor (Art. III, Sec. 3; Art. V, Sec. 2a; adopt Art. III, Sec. 1a, 1b; repeal Art. III, Sec. 16):

Yes--1,085,175 (Passed)

No--689,244

To provide rail transportation services (Adopt Sec. 14 of Art. VIII):

Yes--775,697

No--953,322 (Failed)

To authorize issuance of bonds for projects to conserve energy or energy resources (Art. VIII, Sec. 13):

Yes--819,424

No--833,454 (Failed)

Relative to the qualifications of electors and to remove unconstitutional and unnecessary language (Art. V, Secs. 1 and 4; repeal Art. V, Secs. 3 and 5):

Yes--975,196 (Passed)

No--743,060

Relative to elections, terms of office and vacancies and to remove unnecessary language (Art. XVII, Secs. 1 and 2):

Yes--954,446 (Passed)

No--668,159

To require political divisions to make provisions for payment of debt from taxation or other sources and to specify property tax limitations (Adopt Art. XII, Sec. 7; repeal Art. XII, Sec. 11):

Yes--675,012 No--890,896 (Failed)

To require a return of not less than 50% of the estate taxes to political subdivisions, etc. (Art. XII, Secs. 4 and 9):

Yes--951,310 (Passed) No--699,823

To consolidate into one section provisions for imposition of taxes and to clarify language (Adopt Art. XII, Sec. 3; repeal Art. XII, Secs. 7, 8, 10 and 12):

Yes--918,450 (Passed) No--712,489

NOVEMBER 2, 1976

CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION:

Relative to limiting the rates which may be charged to residential consumers for fixed amounts of gas and electricity (Adopt Art. XIX):

Yes--1,247,388 No--2,334,816 (Failed)

Relative to providing for representation of residential utility regulatory actions affecting their interests (Adopt Art. XX):

Yes--1,092,781 No--2,557,265 (Failed)

Relative to establishing procedures for legislative hearings and approval of safety features of nuclear power plants and related facilities (Adopt Art. XV, Sec. 11):

Yes--1,150,360 No--2,462,000 (Failed)

Relative to simplifying the procedures for initiative and referendum (Adopt Sec. 1 of Art. II and Art. XIV; repeal Secs. 1a, 1b, 1c, 1d, 1e, 1f and 1g of Art. II):

Yes--1,175,410 No--2,407,960 (Failed)

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To provide for certain provisions in regard to the Governor and Lieutenant Governor (Adopt Secs. 15, 16 and 17 of Art. III; repeal Secs. 15 and 17 of Art. III):

Yes--2,388,184 (Passed) No--1,048,967

To eliminate from the Constitution obsolete and unnecessary provisions (Repeal Secs. 2, 5 and 8 of Art. XV):

Yes--2,284,178 (Passed) No--1,129,165

To require the declaration of election results for state executive officers at the next regular session of the General Assembly (Art. III, Sec. 3; repeal Sec. 4 of Art. III):

Yes--2,297,422 (Passed) No--1,103,822

NOVEMBER 8, 1977

CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION:

To provide that a person is entitled to vote if he has been registered for thirty days. Elector failing to vote at least once in four consecutive years must register again before voting. (Amends Sec. 1 of Art. V):

Yes--1,964,361 (Passed) No--1,225,852

Prohibits use of leghold traps or any trapping device causing prolonged suffering (Adopts Art. XIX):

Yes--1,169,068 No--2,027,642 (Failed)

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

Authorizes state, municipal corporations and counties to lend aid and credit and issue bonds or notes for housing; validates bond authority of Sub. H.B. 870 (Amends Art. VIII by adopting Sec. 14):

Yes--1,120,885 No--1,773,779 (Failed)

Revises limitations upon state indebtedness (Adopt Sec. 1 of Art. VIII; repeal Secs. 1, 2, 2b, 2c, 2d, 2e, 2f, 2g, 2h, 3, 7, 9 and 10 of Art. VIII and Sec. 6 of Art. XII):

Yes--759,327

No--1,999,791 (Failed)

JUNE 6, 1978

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Requires the Ohio Ballot Board to write ballot language for the state issues; limits advertising of proposals and make requirements for circulating and signing initiative and referendum petitions (Amends Sec. 1g of Art. II):

Yes--720,661 (Passed)

No--379,067

NOVEMBER 7, 1978

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To modify the procedures by which the voters of a county may adopt, amend, or repeal a charter form of county government (Amends Sec. 4 of Art. X):

Yes--1,297,846 (Passed)

No--1,039,259

Allows the General Assembly to regulate prison labor by law; removes Constitutional restrictions on sale of prison-made goods (Amends Sec. 41, of Art. II):

Yes--1,281,941 (Passed)

No--1,083,814

NOVEMBER 6, 1979

PROPOSED LAW BY INITIATIVE PETITION:

To provide mandatory deposits on all bottles and prohibits sale of beverages in metal cans that have detachable pull-tabs.

Yes--768,898

No--2,019,834 (Failed)

JUNE 3, 1980

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To authorize public financing of electric generating facilities by allowing non-profit corporations to become political subdivisions to operate electric utilities; permits the legislature to pass laws regulating such utilities; allows such political subdivisions to issue bonds (Art. VIII, Sec. 14):

Yes--793,256

No--1,124,596 (Failed)

To authorize the State, municipal corporations and counties to borrow money for the purpose of making available lower cost financing of privately owned housing for persons of low and moderate income (Art. VIII, Sec. 14 (or 15)):

Yes--797,020

No--1,137,028 (Failed)

To authorize the issuance of bonds and notes for construction, restoration or other permanent improvements of bridges, highways, roads, streets and highway rest areas (Art. VIII, Sec. 2k):

Yes--815,011

No--1,084,438 (Failed)

To change the method by which copies of proposed municipal or county charters, or changes to existing charters, are delivered to registered voters (Art. X, Sec. 4 and Art. XVIII, Sec. 8):

Yes--868,199

No--956,204 (Failed)

NOVEMBER 4, 1980

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To authorize the general assembly to classify real property for tax purposes (Art. XII, Sec. 2a):

Yes--1,973,344 (Passed)

No--1,751,277

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Permit the state to finance or assist local governments in financing the construction of improvement of roads and bridges, waste water treatment systems, water supply systems, solid waste disposal facilities, and storm water and sanitary collection, storage, and treatment facilities (Art. VIII, Sec. 2k):

Yes--1,674,913 (Passed) No--689,383

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

Change the way Ohio selects its Supreme Court and Appeals Court Judges by abolishing the direct election method and replacing it with an appointment system. (Adopt Sec. 7 and amend Secs. 6 and 13 of Art. IV.

Yes--878,683 No--1,600,588 (Failed)

NOVEMBER 7, 1989

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Whenever there is a vacancy in the office of the Lieutenant Governor, the Governor shall nominate a Lieutenant Governor who shall take office upon confirmation by vote of a majority of the members elected to each house of the general assembly (Art. III, Sec. 17a)

Yes--1,641,719 (Passed) No--873,114

NOVEMBER 6, 1990

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To allow the state and political subdivisions to provide or assist in providing housing and housing assistance by grants, loans, subsidies, guarantees, or other means as determined by the general assembly. The state may provide funding by issuing obligations, including obligations backed by appropriations of state revenues, but the state's full faith and credit shall not be pledged to retire obligations issued for this purpose. (Art. VIII, Sec. 16)

Yes--1,705,528 (Passed) No--1,517,466

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To permit the general assembly to allow surviving spouses of persons who were receiving a homestead tax reduction at the time of death to continue receiving the reduction if the surviving spouse: (Article XII, Sec. 2)

November 6, 1990

1. Is 60 years old or older, and
2. Continues to live in a qualifying homestead.

Yes--2,967,935 (Passed) No--372,950

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

1. To authorize the licensing of a casino resort hotel, including games by electronic and mechanical devices, for profit, in the City of Lorain as a pilot project for a period not yet specified, but for not less than five years, if approved by the voters of the City of Lorain pursuant to laws required to be enacted by the general assembly.
2. To allow the voters of the City of Lorain to vote on the continuation of the casino after the expiration of the pilot period.
3. If after three years the Lorain pilot project is determined by the general assembly to be a success, then the state shall be divided into seven districts. A license to establish a single casino facility in each district may be issued if approved by the voters both in the district and in the political subdivision in which the facility would be located.

NOVEMBER 7, 1995

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To limit the governor's authority to reduce criminal sentences by requiring the governor to follow regulations prescribed by law when granting commutation to a person convicted of a crime.

Yes--1,816,213 (Passed) No--742,590

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

In order to preserve and expand public infrastructure of local governments and the state including highways and to improve Ohio's economic well-being.

Yes--1,408,834 (Passed) No--865,698

NOVEMBER 5, 1996

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

To Authorize the establishment of River Boat Casino Gambling in Ohio.

Yes--1,639,955 No--2,659,076 (Failed)

NOVEMBER 4, 1997

CONSTITUTIONAL AMENDMENT PROPOSED BY GENERAL ASSEMBLY

To Provide that a Court may Deny Bail to a Person Charged with a Felony Offense where the Proof is evident or the presumption great that the Person Committed the Offense and that the person Poses a Substantial Risk of Serious Physical Danger to Others.

(Art. I, Sec. 9)

Yes--2,168,949 (Passed) No--803,658

Am. S.B. No. 45--Relating to and Amending Ohio's Workers' Compensation Laws.

Yes--1,305,040 No--1,730,502 (Failed)

MAY 5, 1998

CONSTITUTIONAL AMENDMENT PROPOSED BY GENERAL ASSEMBLY

To adopt Sections 2(n) and 17 of Article VIII of the Constitution of the State of Ohio to authorize the state to issue bonds and other obligations to pay for or assist in paying for capital facilities of local public school districts and state-supported and state assisted institutions of higher education.

Yes--714,823 No--1,101,625 (Failed)

EDUCATION LEGISLATION SUBJECT TO VOTER APPROVAL
(PROPOSED BY THE GENERAL ASSEMBLY)

To enact the provisions of House Bill 697 levying a statewide one percent sales and use tax, to be used one-half for school operations, education technology, school facilities and debt service for school facilities, and one-half for additional property tax relief for homesteads.

Yes--383,913 No--1,527,536 (Failed)

November 3, 1998

PROPOSED LAW BY INITIATIVE PETITION:

To amend Ohio Revised Code sections 1531.01 and 1531.02 to prohibit the hunting or taking of mourning doves in Ohio.

Yes--1,348,533 No--1,976,981 (Failed)

NOVEMBER 2, 1999

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY

To adopt sections 2(n) and 17 of Article VIII of the Constitution of the State of Ohio to authorize the issuance of bonds and other obligations to pay cost of construction, renovation and repair of facilities for Ohio's public schools and state-supported colleges and universities.

Yes--1,303,830 (Passed) No--840,240

NOVEMBER 7, 2000

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Resolution of the General Assembly of Ohio)

Authorize the state to issue bonds and other obligations to pay the costs of projects for environmental conservation and revitalization purposes.

Yes--2,197,773 (Passed) NO--1,628,716

NOVEMBER 5, 2002

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Initiative Petition)

In order to provide for persons charged with or convicted of illegal possession or use of a drug, in certain circumstances, to choose treatment instead of incarceration. (Drug treatment in lieu of incarceration)

Yes--1,012,682 No--2,048,770 (Failed)

NOVEMBER 4, 2003

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Resolution of the General Assembly of Ohio)

To adopt Section 2p of Article VIII to create jobs and stimulate economic growth in Ohio; to support science and technology based research and development purposes...

Yes--1,195,706 No--1,235,323 (Failed)

NOVEMBER 2, 2004

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Initiative Petition)

Only a union between one man and one woman may be a marriage valid in or recognized by this state and its political subdivisions. This state and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage.

Yes--3,329,335 (Passed) No--2,065,462

NOVEMBER 8, 2005

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Resolution of the General Assembly of Ohio)

To adopt Section 2p of Article VIII of the Constitution of the State of Ohio for the purpose of creating and preserving jobs and stimulating economic growth.

Yes--1,512,669 (Passed) No--1,282,571

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 2
(Proposed by Initiative Petition)

To adopt Section 6 of Article XVII of the Constitution of the State of Ohio in order to expand to all electors the choice to vote by absentee ballot in all elections.

Yes--1,065,109 No--1,840,658 (Failed)

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 3
(Proposed by Initiative Petition)

To adopt Section 5 of Article XVII of the Constitution of the State of Ohio in order to establish revised limits on political contributions, establish prohibitions regarding political contributions and provide for revised public disclosure requirements of campaign contributions and expenditures.

Yes-955,334 No-1,927,502 (Failed)

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 4
(Proposed by Initiative Petition)

To amend Article XI of the Constitution of the State of Ohio to provide for the creation of a state redistricting commission with responsibility for creating legislative districts.

Yes-871,898 No-2,005,952 (Failed)

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 5
(Proposed by Initiative Petition)

To adopt Section 4 of Article XVII of the Constitution of the State of Ohio to create a newly appointed board to administer elections.

Yes-854,918 No--2,001,983 (Failed)

NOVEMBER 7, 2006

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 2
(Proposed by Initiative Petition - Minimum Wage)

To adopt Section 34a of Article II of the Constitution of the State of Ohio to raise the state minimum wage rate.

Yes-2,205,850 (Passed) No-1,687,996

PROPOSED CONSTITUTIONAL AMENDMENT - ISSUE NO. 3
(Proposed by Initiative Petition - Ohio Learn & Earn)

To adopt Section 12 of Article XV of the Constitution of the State of Ohio to provide moneys for scholarships/education funding by permitting limited gaming.

Yes-1,753,452 No-2,286,840 (Failed)

PROPOSED CONSTITUTIONAL AMENDMENT - ISSUE NO. 4
(Proposed by Initiative Petition - Smoke Less)

To adopt Section 12 of Article XV of the Constitution of the State of Ohio to provide a smoking ban in enclosed areas with certain exceptions.

Yes-1,450,164 No-2,590,448 (Failed)

PROPOSED LAW BY INITIATIVE PETITION (SMOKE FREE) - ISSUE NO. 5

To enact Chapter 3794. of the Ohio Revised Code to restrict smoking in places of employment and most places open to the public.

Yes-2,370,314 (Passed) No-1,679,833

NOVEMBER 4, 2008

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Resolution of the General Assembly of Ohio)

To provide for earlier filing deadlines for statewide ballot issues.

Yes - 3,397,389 (Passed) No- 1,550,365

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 2
(Proposed by Resolution of the General Assembly of Ohio)

To authorize the state to issue bonds to continue the Clear Ohio program for environmental revitalization and conservation.

Yes - 3,574,294 (Passed) No - 1,585,410

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 3
(Proposed by Resolution of the General Assembly of Ohio)

To protect private property rights in ground water, lakes and other watercourses.

Yes - 3,631,380 (Passed) No - 1,415,933

REFERENDUM - Issue No. 5

Legislation making changes to check cashing lending sometimes known as "payday lending" fees, interest rates and practices.

Yes - 3,396,968 (Passed) No - 1,943,721

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 6
Proposed by initiative petition for a casino near Wilmington in Southwest Ohio and distribute to all Ohio counties a tax on the casino.

Yes - 2,092,074 No - 3,466,574 (Failed)

NOVEMBER 3, 2009

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Joint Resolution of the General Assembly of Ohio)

To authorize the state to issue bonds to provide for compensation to veterans of the Persian Gulf, Afghanistan, and Iraq conflicts.

Yes - 2,277,521 (Passed) No- 876,520

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 2
(Proposed by Joint Resolution of the General Assembly of Ohio)

To create the Ohio Livestock Care Standards Board to establish and implement standards of care for livestock and poultry.

Yes - 2,020,851 (Passed) No- 1,148,538

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 3
(Proposed by Initiative Petition)

To allow for one casino each in Cincinnati, Cleveland, Columbus, and Toledo and distribute to all Ohio counties a tax on the casinos.

Yes - 1,713,288 (Passed) No- 1,519,636

May 4, 2010

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Joint Resolution of the General Assembly of Ohio)

To extend the Ohio Third Frontier Program by authorizing the issuance of additional general obligation bonds to promote economic growth.

Yes - 1,050,265 (Passed) No- 650,988

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 2
(Proposed by Joint Resolution of the General Assembly of Ohio)

To change the location of the Columbus casino facility authorized by previous statewide vote.

Yes - 1,154,504 (Passed) No- 534,013

November 8, 2011

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Joint Resolution of the General Assembly)

To increase the maximum age at which a person may be elected or appointed judge, to eliminate the authority of the General Assembly to establish courts of conciliation, and to eliminate the authority of the governor to appoint a Supreme Court Commission

Yes - 1,273,536 No- 2,080,207 (Failed)

REFERENDUM - Issue No. 2
(Law passed by the general assembly submitted to the people by referendum petition)

Referendum on new law relative to government union contracts and other government employment contracts and policies

Yes -1,373,724 No- 2,202,404 (Failed)

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 3
(Proposed by Initiative Petition)

To preserve the freedom of Ohioans to choose their health care and health care coverage

Yes - 2,268,470 (Passed) No- 1,190,385

COMPILED BY:

Jon Husted
SECRETARY OF STATESUMMARY OF ACTION ON CONSTITUTIONAL AMENDMENTS
1913 - 2014
(updated 6/11/2014)

YEAR	SUBMITTED BY INITIATIVE PETITION		SUBMITTED BY GENERAL ASSEMBLY		YEAR	SUBMITTED BY INITIATIVE PETITION		SUBMITTED BY GENERAL ASSEMBLY	
	ADOPTED	REJECTED	ADOPTED	REJECTED		ADOPTED	REJECTED	ADOPTED	REJECTED
1913		1	1	3	1963			1	
1914	1	3			1964			1	
1915		3		1	1965			4	2
1916					1966				
1917		1			1967			1	2
1918	3		1		1968			4	1
1919		2		1	1969			1	1
1920					1970			3	
1921			1	2	1971			1	
1922		3			1972		1		
1923			2	1	1973			6	5
1924					1974			4	2
1925				3	1975		4	3	2
1926		1		1	1976		4	8	3
1927					1977	1	1		2
1928		1			1978			3	
1929			1		1979				
1930			1		1980			1	4
1931				1	1981		2		
1932					1982		1	1	1
1933	2		1		1983		3		
1934		2			1984				
1935					1985			1	
1936	1		1		1986				
1937					1987		1	2	
1938		1			1988				
1939		2		1	1989			1	
1940					1990		1	2	
1941					1991				
1942			1		1992	3	1		1
1943					1993			1	
1944			2		1994	1		3	
1945					1995			2	
1946					1996		1		
1947	1		3		1997			1	
1948					1998		1		2
1949	1			1	1999			1	
1950					2000			1	
1951			1		2001				
1952					2002		1		
1953			9		2003				1
1954			1	1	2004	1			
1955			1	2	2005	0	4	1	0
1956			2		2006	2	2		
1957			2	1	2007				
1958		1		1	2008		1	3	
1959			2		2009	1	0	2	0
1960					2010	0	0	2	0
1961			4		2011	1	1	0	1
1962		1			2012		1		1
					2013				
					2014			1	
					GRAND TOTAL	19	53	103	51

THE PLAIN DEALER

OHIO'S LARGEST NEWSPAPER

THOMAS VAIL
Publisher and Editor

ROY O. KOPP
Business Manager

THOMAS R. GUTHRIE
Executive Editor

Net paid circulation for twelve months ended March 31, 1973
DAILY 409,281 SUNDAY 514,756

As filed with the Audit Bureau of Circulations, subject to audit.

Page 4-AA

Cleveland, Ohio

Sunday, May 6, 1973

Plain Dealer Recommendations

The experts predict a low voter turnout Tuesday in Ohio, which would be unfortunate. The issues on the ballot are important and deserve the consideration of an interested citizenry.

Of particular importance is Issue 1, which would allow the state to conduct lotteries. Cleveland voters are being asked to approve Issue 9, which would reduce City Council from 33 to 15 members. The Plain Dealer urges a "yes" vote on both issues.

To assist voters, The Plain Dealer lists here its recommendations in statewide and local contests:

Ohio

- Issue 1 (state lottery) Vote "Yes"
- Issue 2 (compensation for sewer land)..... Vote "Yes"
- Issue 3 (public office disqualification)..... Vote "Yes"
- Issue 4 (Supreme Court commission)..... Vote "Yes"
- Issue 5 (amending court rules)..... Vote "No"
- Issue 5-A (judges' pay)..... Vote "Yes"
- Issue 6 (General Assembly reorganization)..... Vote "Yes"

Cleveland

- Issue 9 (City Council reduction)..... Vote "Yes"

Bay Village

- Issue 10 (council requirements)..... Vote "Yes"
- Issue 10-A (successor to mayor)..... Vote "Yes"
- Issue 10-B (finance director's duties)..... Vote "Yes"

Garfield Heights

- Issue 13 (income tax increase)..... Vote "For"

Lyndhurst

- Issue 14 (ward council system)..... Vote "Yes"

University Heights

- Issue 22 (council rotation)..... Vote "No"

Bedford Schools

- Issue 11 (\$4.5-million bond issue)..... Vote "For"
- Issue 11-A (4-mill added levy)..... Vote "For"

Chagrin Falls Schools

- Issues 23 (10.3-mill renewal levy)..... Vote "For"

Garfield Heights Schools

- Issue 25 (1-mill added levy)..... Vote "For"
- Issue 25-A (2-mill added levy)..... Vote "For"

Lakewood Schools

- Issue 24 (4.9-mill added levy)..... Vote "For"
- Issue 24-A (1-mill added levy)..... Vote "For"

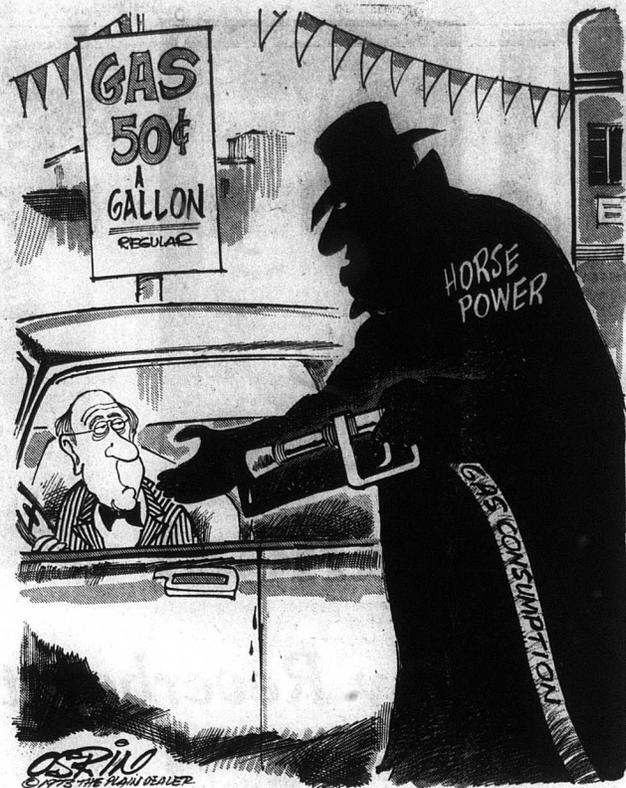
Mayfield Schools

- Issue 16 (\$1.28-million bond issue)..... Vote "For"

North Royalton Schools

- Issue 18 (\$4.9-million bond issue)..... Vote "For"
- Issue 18-A (1.5-mill added levy)..... Vote "For"

The Plain Dealer also endorses the Chardon School District's \$2.7-million bond issue and the Kenston School District's \$1.47-million bond issue, both in Geauga County. The issues are not listed on the ballot by numbers.



"Fill 'er up."

Washington Window

White House Used Kleindienst

By Richard G. Zimmerman
Plain Dealer Washington Bureau Chief

WASHINGTON — The extent to which the White House ruthlessly tried to manipulate and dramatize the staff housecleaning announced Monday is vividly revealed in the manner in which former Atty. Gen. Richard G. Kleindienst and the former acting FBI

others clearly and directly tied him to Watergate in the public's mind.

Kleindienst's resignation, of course, was included with the others to make the housecleaning all the more dramatic. The same fate had been set for Gray: His resignation also was to be delayed until Monday to add to the drama—no matter that the joint announcement would also more closely associate him with Watergate.

The inclusion of Kleindienst's name

Publisher's

Nixon Brandt

By H

Notes on pers
President Nixon
White House ap
same as he usual
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for generations to

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same proportion
his usual perfor
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APPENDIX
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**OFFICIAL
QUESTIONS AND ISSUES BALLOT**
STATE BALLOT BOOK NO. 101

<p>1 SHOULD COUNTY BOND BE INCREASED TO \$100,000,000 TO COVER THE COST OF THE STATE ROAD AND BRIDGE PROGRAM?</p> <p>Should a majority of the voters of this county vote in favor of this question, the county board of commissioners shall be authorized to issue bonds to the amount of \$100,000,000 to cover the cost of the state road and bridge program.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>2 SHOULD COUNTY BOND BE INCREASED TO \$100,000,000 TO COVER THE COST OF THE STATE ROAD AND BRIDGE PROGRAM?</p> <p>Should a majority of the voters of this county vote in favor of this question, the county board of commissioners shall be authorized to issue bonds to the amount of \$100,000,000 to cover the cost of the state road and bridge program.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>3 SHOULD COUNTY BOND BE INCREASED TO \$100,000,000 TO COVER THE COST OF THE STATE ROAD AND BRIDGE PROGRAM?</p> <p>Should a majority of the voters of this county vote in favor of this question, the county board of commissioners shall be authorized to issue bonds to the amount of \$100,000,000 to cover the cost of the state road and bridge program.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>4 SHOULD COUNTY BOND BE INCREASED TO \$100,000,000 TO COVER THE COST OF THE STATE ROAD AND BRIDGE PROGRAM?</p> <p>Should a majority of the voters of this county vote in favor of this question, the county board of commissioners shall be authorized to issue bonds to the amount of \$100,000,000 to cover the cost of the state road and bridge program.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>5 SHOULD COUNTY BOND BE INCREASED TO \$100,000,000 TO COVER THE COST OF THE STATE ROAD AND BRIDGE PROGRAM?</p> <p>Should a majority of the voters of this county vote in favor of this question, the county board of commissioners shall be authorized to issue bonds to the amount of \$100,000,000 to cover the cost of the state road and bridge program.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>5A SHOULD COUNTY BOND BE INCREASED TO \$100,000,000 TO COVER THE COST OF THE STATE ROAD AND BRIDGE PROGRAM?</p> <p>Should a majority of the voters of this county vote in favor of this question, the county board of commissioners shall be authorized to issue bonds to the amount of \$100,000,000 to cover the cost of the state road and bridge program.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>6 SHOULD COUNTY BOND BE INCREASED TO \$100,000,000 TO COVER THE COST OF THE STATE ROAD AND BRIDGE PROGRAM?</p> <p>Should a majority of the voters of this county vote in favor of this question, the county board of commissioners shall be authorized to issue bonds to the amount of \$100,000,000 to cover the cost of the state road and bridge program.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>CITY OF TOLEDO LOCAL COUNTY BOND ELECTION MAY 5, 1954</p> <p>Should a majority of the voters of this city vote in favor of this question, the city board of commissioners shall be authorized to issue bonds to the amount of \$100,000,000 to cover the cost of the state road and bridge program.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Carul, Harold, Ardy And...

If you have a child who is... (text continues with details about child care and education, mentioning names like Carul, Harold, and Ardy).

Press Viger Revived

It has been reported that... (text discusses the revival of the press viger and its implications for the community).

The Frequency's Nutrient

Frequency is a nutrient... (text discusses the importance of frequency in various contexts, possibly related to health or education).

The Food Column

The food column... (text discusses food-related issues, possibly a column header for a specific section).

For First Time In His Life, Connally Makes Move That May Help Others More Than It Helps Him

John Connally... (text begins the article about John Connally's move, mentioning his background and the significance of his decision).



John Connally... (caption text for the portrait)

... (continuation of the article about John Connally's move, discussing the impact on others and his personal situation).



APPENDIX C

Nixon System Of Operation Heart Of Issue

Richard Nixon... (text discusses the Nixon system of operation and its impact on the political landscape, mentioning the 'Heart of Issue').



Richard Nixon... (caption text for the portrait)

THE BLADE
PUBLISHED BY THE BLADE PUBLISHING COMPANY
COLUMBUS, OHIO

... (continuation of the article about the Nixon system, discussing its long-term effects and the role of the media).

THE BLADE'S RECOMMENDATIONS

OFFICIAL QUESTIONS AND ISSUES BALLOT VOTE BALLOT WITH AN "X"

1 PROPOSED CONSTITUTIONAL AMENDMENT
TO AUTHORIZE THE STATE TO CONDUCT
LOTTERIES, THE NET PROCEEDS OF WHICH
SHALL BE PAID INTO THE GENERAL REVENUE
FUND OF THE STATE

(Proposed by Resolution of the General Assembly of Ohio)
A majority affirmative vote is necessary for passage.

2 PROPOSED CONSTITUTIONAL AMENDMENT
TO PERMIT THE OBTAINING OF POSSESSION
BEFORE PAYMENT IN THE TAKING
OF PROPERTY FOR WATER AND SEWERAGE
PURPOSES

(Proposed by Resolution of the General Assembly of Ohio)
A majority affirmative vote is necessary for passage.

	Yes	Shall section 6, Article XV of the Constitution of Ohio be amended to permit the General Assembly to authorize an agency of the state to conduct lotteries, the net proceeds of which shall be paid into the General Revenue Fund of the State?
X	No	

EFFECTIVE DATE AND REPEAL

If adopted, this amendment shall take effect July 1, 1973, and the existing section shall be repealed from such effective date.

X	Yes	Shall section 19 of Article I of the Ohio Constitution be amended to permit the taking, before payment, of private property by public agencies for the purpose of constructing and maintaining sanitary sewers and water lines?
	No	

EFFECTIVE DATE AND REPEAL

If adopted, this amendment shall take effect immediately, and the existing section shall be repealed from such effective date.

Light vote seen Tuesday

By JAMES RIPLEY
Citizen-Journal Staff Writer

The transit levy, a constitutional amendment to allow a state lottery, and the Columbus City Council race are expected to generate the most interest as local voters prepare to go to the polls Tuesday.

Election officials, however, are predicting a mediocre turnout in both the county and state because of lack of controversial issues in the off-year primary.

VOTER TURNOUT could be further diminished if the "chance of showers" forecast by the National Weather Service at Port Columbus International Airport materializes.

Weathermen also are pre-

dicting a high in the 60's and a low in the 50's. The polls will be open from 6:30 a.m. to 6:30 p.m. at all county polling places.

HAROLD HOLZWORTH, director of the Franklin County Board of Elections, is expecting about 30 percent or about 74,500 of the city's 248,500 registered voters to trek to the polls.

Less than 30 percent of the county's 385,000 voters are expected to vote on seven state issues and various local tax levies.

SECRETARY of State Ted W. Brown predicts only 1.68 million of Ohio's 5.24 million registered voters will take time out to visit the polls Tuesday.

A "close" victory is fore-

cast for the 8-mill real estate levy to finance purchase of the Columbus Transit Co.

ALTHOUGH a similar levy failed last year, Robert Holland, president of the Central Ohio Transit Authority, said the measure will pass, because "we have a crisis today."

He was referring to notice by the CTC that it will go out of business, halting bus service, June 30.

A REYNOLDSBURG precinct in Licking County

Continued On Page 2, Col. 5

MARRIAGE OF AIRM CRUISE.

The agreement was signed Saturday night by AIM leader Leonard Crow Dog and Frank Fools Crow, a traditional chief of the Oglala Sioux tribe. Federal signers included Hellstern and Kent Frizzell, Interior Department solicitor.

ANNOUNCEMENT came one day after a letter from the White House was hand delivered to Fools Crow by Washington lawyer Hank Adams.

The letter confirmed an agreement that five White House representatives would meet with AIM leaders and Sioux traditional chiefs on the Pine Ridge Reservation the third week of May providing Wounded

Continued On Page 2, Col. 3

dancing in the streets, fireworks, bonfires and a plea for peace with the Arab neighbors it has been fighting since its birth.

Military buglers and muffled drums sounded taps at the tomb of the Unknown Soldier on Mt. Herzl to end solemn Memorial Day observances for Israel's 9,920 war dead.

THEN A two-minute blast on air raid sirens signaled the official opening of Israel's birthday celebrations.

Thousands of tourists and Israelis have flocked to Jerusalem. The celebrations will be capped here Monday by a military parade.

ON THE EVE of the anniversary, Prime Minister Golda Meir disclosed in a broadcast interview that Is-

rael is

from Cairo. Mrs. Meir said the proposal was made through an intermediary she would not identify. She said the person approached her after a stay in Egypt this year.

"We have not missed any opportunity of transmitting through them, and in secret fashion and not from rostrums (to) tell him (Egyptian President Anwar Sadat) that we really want peace..." she said.

DEPUTY PRIME minister Yigal Allon, speaking at Safad, scene of some of the bitterest fighting in the 1948 war of independence, said Israel "will not rest until the cherished peace has been established between us and our neighbors."

"We will do all so that

said.

FOREIGN MINISTER Abba Eban, speaking during Memorial Day observances at Kibbutz Anavim near Jerusalem, said Israel must be determined "not to forego any change, so that the principle of peace always remains at the center of our policy whether our neighbors are willing or not—the striving for peace is our duty."

Earlier in the day, Mrs. Meir and members of her cabinet put wreaths at soldier memorials throughout the country.

Armed policemen and troops were out in force in the flag-bedecked streets as part of what a police spokesman called the heaviest security this holy city has seen.

wrote in his own words: "I am in good hope to be free not clear whether contained anyt

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Continued On I

Today's

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Told Arnold Palmer where to go

Youngest controller at Bolton Field

By HARRY FRANKEN
Citizen-Journal Staff Writer

Hear the one about the teenage girl who told Arnold Palmer where to go with his \$1 million jet airplane?

Now she's giving instructions to pilots in Columbus. Miss Karen Frowen is serving a term of duty as an air traffic controller in the tower at Bolton Field, just southwest of Columbus.

THE YOUNG brunette, who has been 20 since her birthday in March, was the youngest FAA licensed female air traffic controller in the United States when she passed her Federal Aviation Administration examination at 19.

She started her training while participating in the aviation science and flying club of the Greater Latrobe Area High School in Latrobe, Pa.

AFTER EXPRESSING an interest in Air Traffic Control, the Barton School of Aviation Technology agreed to give her instructions as "a community service and experiment."

She passed the control tower written examination at the age of 18 — the youngest at which she could take this test. She was approved as a controller after 10 months of training on the job at the Latrobe airport.

GOLFER PALMER bases his Learjet at the airport and is a member of the Westmoreland County Airport Authority. During the time Karen was in training,

Palmer's call sign of "One Alpha Papa" was familiar to her.

When Karen completed her training for a facility rating at Latrobe she was hired by Barton's Air Traffic Control Specialists Inc. and given a shift assignment.

WHEN A TEMPORARY vacancy opened up in Columbus, she came to Bolton Field to increase her experience. Bolton, she says, has more traffic than Latrobe — which the natives pronounce Lay-Trobe.

Karen will be handling traffic here at least until the middle of May. The Bolton traffic includes everything from small business jets, to slow moving police helicopters and the traffic pattern is filled with training planes on evenings and week-ends.

AFTER HER TOUR of duty here, she will either go back to Latrobe or go to one of the other fields where Barton specialists handle the tower operation. This could be Anderson or Elkhart, Ind.

Karen likes the work and expects to stay in it. She also plans to earn her pilot's rating when she finds time. She says she may eventually move on to one of the larger airports where FAA personnel act as controllers.

While there are some male operators in their teens in the military, it is rare to find a controller under 21 at a civilian airport. Pilots at Bolton Field say young Karen Frowen is among the best.



CLEARED FOR LANDING — Karen Frowen, FAA licensed female air traffic controller in the States is now working at Bolton Field ne (Photo by C-J Photographer Herb Workman)

The News This Morning

THE CITY—

Lottery issue discussed. Page 17
Bus levy endorsements mount. Page 15
Tree planting honors servicemen. Page 4

THE STATE—

Approval of court rules expected. Page 8
Hundreds depend on halfway houses. Page 23

THE NATION—

Europe wary of Nixon trip. Page 16
Volcano erupts in Hawaii. Page 3

THE WORLD

Israel marks 25th anniversary. Page 21
Truce keepers' helicopter fired upon. Page 16

IN SPORTS—

New York takes 2-1 lead in National Basketball Association's final series; San Francisco, Chicago Cub players engage in bean ball war; Wilbur Wood pitches seventh straight American League victory. Pages 25-29.

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Big crowd expected at Dem dinner

More than 3,000 tickets have been sold for the Ohio Democratic Party's \$100-a-plate fund raising dinner May 12 at the Ohio Expositions Center here, officials said Saturday.

David A. Meeker, executive director of the Ohio Democratic Party, attributed the large volume of early ticket sales to a mail and telephone solicitation operation.

The promise of cooler weather also helped sales, he said.

"Last year the governor jokingly told the audience they got a steak and a sauna for their \$100," he said.

"This year we have moved the dinner up three weeks for cooler weather and the 45 large air conditioners in the building have all had larger motors installed."

Pearl Harbor raid survivors sought

Central Ohio Chapter 4 of Pearl Harbor Survivors Association is trying to locate survivors of the Japanese attack on Pearl Harbor Dec. 7, 1941. Persons eligible for membership in this non-profit, non-political registered war veterans association may write to John E. Platt, secretary-treasurer, P.O. Box 27187, Columbus, for full information.

Singer Frankie Laine has been named as the 1973 Mental Health Association's annual membership drive.

The Columbus Academy's summer and day camp session will begin and is open to both boys and girls in Grades 5 through 12.

Free hearing screening tests conducted by the Hearing and Center of Columbus and Central Ohio will be held at the following locations: May 23, 24 and 25, Eastland Shopping Center; May 31 and June 1, Wood Square Shopping Center. Testing is from noon to 9 p.m.

Metropolitan Park District No. 1 will conduct a day-long wildflower tour on May 13. Registration is 10 a.m. to 4 p.m. and can be made by call at 852-1796.

A special wildlife observation program is scheduled for 9 p.m. at Beach-Marble Lodge in Blacklick, Columbus, Ohio.

Pavener, knighted for his service in 1969, is one of the historians of architecture and art. Reynoldsburg Middle School's annual Scholarship Program is on May 7 in the school auditorium.

Columbus Town Meeting

Pros and cons of state lottery issue are debated

The arguments for and against a state lottery were aired on Columbus Town Meeting Sunday.

Speakers were State Sen. Ronald M. Mottl (D-Parma), State Rep. Michael D. Stinziano (D-Columbus), Dr. Paul M. Minus, professor of church history, Methodist Theological School and chairman of Ohioans Against the Lottery, and Dr. Frederick D. Stocker, professor of economics and public administration, Ohio State University.

Mottl, sponsor of Issue No. 1 on the ballot Tuesday, said a state lottery would raise \$75 million to \$100 million for the Ohio General Fund. Issue 1 would amend

the Ohio Constitution to permit a lottery.

He said thousands of Ohioans are spending millions of dollars on lottery tickets from other states.

Mottl argued a state lottery would "put a crimp in" the numbers racket, provide funds for a bonus for Vietnam War veterans or other state needs without a tax increase and "thousands of Ohioans would have a lot of fun."

He called it a voluntary tax in that those who chose not to play a lottery would not pay it and said it would get rid of much police bribery by organized crime. Mottl said it is a "mild

extension" of parimutuel betting.

Minus said a state lottery would produce relatively little state income and a lot of social harm. All four panelists agreed the income would be one per cent or less of the total state budget. Minus said the state does not need more revenue, that a lottery would hit the poor hardest and the odds against anyone winning in the lottery are "enormous."

In other states, he said, people are finding that the numbers are a better gamble despite state promotion of the lottery. Money won on numbers may be hidden from the income tax collectors, he pointed out, and the state lottery cannot compete

with illegal gambling rackets.

Minus said a state lottery is the wrong way to fight illegal gambling which should be stamped out by strict law enforcement.

Stinziano said the state certainly could use more money for increased services and people do not want their taxes increased. He said he does not view a lottery as a tax but more in the nature of a fishing or hunting license which one might purchase only if he wanted to. He doubts if Ohio would promote gambling if the lottery is approved and agreed with other

panelists that the role of government is to regulate gambling, not promote it.

Stocker said the closer one looks at the lottery the worse it appears. It has no positive social value and Ohioans should ask themselves if gambling is merely harmless. If so, why not just make gambling legal. This would serve the purpose without the state making it a civic duty.

He argued it would be a tax, and a very high one, taxing those who bought tickets about 60 per cent of each purchase. Stocker called it a "protective tariff for illegal gamblers."

POLITICAL ADVERTISEMENT

JOHN W. PECK for Columbus City Council

- Realtor
- Selected as one of five Outstanding Young Men in Ohio, 1973
- Selected as Outstanding Young Man in Columbus, 1972
- Graduate of Ohio State University
- Married, one child
- Age 34

Combining Youth With Experience

ENDORSED BY The Franklin County Republican Executive Committee
 34 N. HIGH ST., William H. Schneider, Chairman

POLITICAL ADVERTISEMENT

authorities to
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o defend them-
ling the army

Skills in Competition

By RAY LAMBERT
Of The Dispatch Staff

VANDENBERG AIR FORCE BASE, Calif.—The cheering group of young people in an auditorium here could have been college students warming up for the hottest football game of the year.

However, the men have one of the most awesome

duties in the world — monitoring the Strategic Air Command's stock of ICBMs buried in various locations around the U.S. and, if necessary, launching the missiles toward enemy tar-

gets thousands of miles away.

Some 300 missilemen and their superiors had just completed "Operation Olympic Arena here, or SAC's annual missile combat competi-

See MISSILE on Page 3A



S SILO — Former missile
new commander Capt. Dennis
now assigned to the Public In-
Office at Lockbourne Air
se, explains a Titan II silo
Thomas W. Fry, an Air Force

Association officer from Beaver Falls,
Pa. The model is inside a Titan launch
simulator used to test combat launch
crews during Strategic Air Command
competition at Vandenberg Air Force
Base, Calif. (Dispatch Photo)

ed by Kissinger and the
See SOVIET on Page 6A See MT. EVEREST Page 6A

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PSYCHIATRISTS ARE Increasingly Treating Children for Emotional Problems	Page 17A
LAND MINES Kill Three British Soldiers in Northern Ireland	Page 19A
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SERIES BEGINS on Family Planning, Popula- tion Control Controversy	Page 4C
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Horoscope	53-B4		

When calling The Dispatch use these numbers:
Circulation 461-5100 Classified 461-5555
Other Depts. 461-5000

250 Death Toll Feared in River

DACCA, Bangladesh (AP)—At least 250 persons were feared dead Saturday night when two motor launches were reported to have collided several miles south of Dacca on the Sitalakhya River.

Two college professors who swam to safety said the two boats collided in mid-stream near the city of Narayanganj. They said one of the boats, with a reported 300 persons aboard, sank.

See BUS on Page 4A



Warmer today. High near 70. Cloudy tonight and tomorrow. Low tonight in upper 40s. High tomorrow in mid 70s.

Sun rises 6:25 a.m. Mon. sets 8:32 p.m. (Map, Data on Page 47A)

LOUISVILLE, Ky. (AP)—Secretariat set a new Kentucky Derby record Saturday as he charged out of the pack to win the 99th running of the Churchill Downs classic in 1 minute, 59 and 2/5 seconds.

Details on Page 1B

The 1972 Horse of the Year moved past Sham in the final sixteenth of a mile and beat by three-fifths of a second Northern Dancer's record for the 1 1/4-mile Derby.

Less Than Third of Eligible Voters Expected to Cast Ballots Tuesday

By GENE JORDAN
Dispatch Public Affairs Editor

Less than one-third of the Ohioans eligible to vote are expected to go to the polls Tuesday.

All of Ohio's 12,614 precincts will be open from 6:30 a.m. until 6:30 p.m.

HOWEVER, IN 27 counties the only issues facing voters will be the seven proposed amendments to the Ohio Constitution.

Voters in the other 61 counties will have local issues to decide. There will be a total of 150 tax levies, 71 bond issues and 65 miscellaneous issues on the ballots in school districts and municipalities.

Candidates will be scarce. Columbus voters will pick six from a field of seven City Council candidates to

appear on the November ballot.

OTHER LARGE cities, including Cincinnati, Cleveland, Akron and Toledo, will hold primary elections later.

As a result of the short ballots, Secretary of State Ted W. Brown is predicting only 1.68 million of the states estimated 5.32 million voters will go to the polls.

The only statewide issue that has generated any interest, and that less than expected, is the proposal to amend the constitution to allow a state-operated lottery.

A bill to establish a lottery planning commission is pending in the General Assembly. Net revenue from

the lottery would be placed in the state's general fund.

The lottery question appears on the ballot as Issue 1.

OTHER CONSTITUTIONAL amendments on the ballot include:

- Issue 2: Allows governmental units to appropriate property for sewer and water lines prior to payment of payment to property owner.

- Issue 3: Removes from the constitution language prohibiting embezzlers of public funds from holding public office unless the embezzled funds are repaid. The subject is now covered in state statutes.

- Issue 4: Deletes from the constitution authority

See SMALL on Page 4A

APPENDIX
E

The Dispatch

AN INDEPENDENT NEWSPAPER FOUNDED JULY 1, 1871 — EVENING AND SUNDAY

Dispatch Supports COTA, Spurns State-Run Lottery

THE DISPATCH reiterates its support of the COTA—Central Ohio Transit Authority—issue because we believe strongly Columbus and all of Franklin County need mass transportation.

Basically, we endorse purchase of the Columbus Transit Co. from proceeds of an eight-tenths of a mill levy because many people depend on mass transportation to go to and from work, attend school and do all their intra-city traveling.

THERE ALSO are other reasons—the sudden addition of 12,000 more cars a day in downtown Columbus without adequate parking facilities, increased traffic congestion and the threat of a gasoline shortage.

We take this opportunity to restate our position on seven proposed state constitutional amendments which will be on the ballot.

ISSUE NO. 1. We oppose this proposal which would authorize a lottery to be operated by the state. It establishes the State of Ohio as a gambling syndicate and seeks to cloak the lottery with the aura of respectability by legalizing it.

ISSUE NO. 2. This would extend "quick take" procedures for obtaining easements to municipalities and counties for water and sanitary sewer line routes. This would eliminate

many delays in pending projects. We recommend a "yes" vote.

ISSUE NO. 3. Although sponsors contend it is covered elsewhere in the law, we oppose the proposal to repeal a part of the constitution which disqualifies convicted embezzlers of public funds from holding public office.

ISSUE NO. 4. We favor the repeal of an obsolete section, last used in 1865, which established a Supreme Court Commission to deal with a backlog of cases.

ISSUE NO. 5. This proposal would permit amendments by the Ohio General Assembly to rules and procedures submitted by the Ohio Supreme Court. This would retain legislative responsibilities where they belong. We support it.

ISSUE NO. 5A. We also endorse this amendment proposal to bring municipal and county courts under the same constitutional provisions as other courts relating to compensation. All judges in the same court would receive uniform pay.

ISSUE NO. 6. To this potpourri of proposals dealing with the state legislature, we recommend a "no" vote although it includes some worthwhile items.

WE TAKE exception to the effort to make annual legislative sessions a requirement of the constitution. We see it as a foot in the door for fulltime legislators and justification for increased salaries and staffs.

Judicial Populism Is Curbed

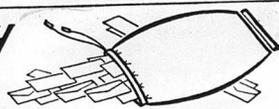
CONGRESSIONAL efforts to write badly needed ground

years ago in English equity courts. They helped bring together a large number of "similarly

NEEDS ADJUSTING



THE DISPATCH MAIL BAG



Believes Lottery Will Undermine Citizen Confidence in Government

To the Editor:

My thanks to The Dispatch for its strong April 29 editorial against Issue 1 — the state lottery proposal.

The Dispatch has clearly outlined the liabilities: It is

Mail Bag Rules

Mail Bag letters must be HAND-SIGNED with the writer's full name and address. We will print only initials or

amendment to the federal Constitution, a legislature is obligated to the voters of the state to provide them with a vote by all its members.

THE ERA issue has now been enlarged to include the unfair, undemocratic

SUNDAY, MAY 6, 1973

C

PUBLIC HURT

Why Immunity of Critics On Powerful Labor Unions

By WILLIAM F. BUCKLEY JR.
Washington Star Syndicate

There is the usual talk about the unavailability of summer jobs with the inevitable suggestion that the federal government ought to collect more taxes so as to subsidize more jobs for teenagers and college students. In New York City, the minimum wage is \$1.85 per hour, which makes for an unappetizing \$74 per week.



Buckley

THAT'S HARDLY enough to sustain a young person traveling to New York to work for the summer, let alone a means for salting away money to help with expenses during the ensuing academic year.

Seventy-four dollars per week is attractive only if your parents live in New York and you can get free room, or room and board; or if the alternative is no work at all and no money at all.

In conversation with a friend in San Francisco last week I learned about his attractive son, who after a very brief dalliance in college, opted out. Instead, he took a job — the first job that came to mind.

BUT THE young man, 20, for all that he was an academic dullard, has his eyes on the main economic chance. He elected to work in a garage washing trucks and performing minor maintenance such as changing tires.

"What he was called on to do," says his father, an industrious self-made man with a high sense of irony, "requires no training at all, none whatsoever."

Whereupon he pulled out of his pocket a duplicate of the weekly statement that accompanied his son's most recent paycheck. Hours worked: 40. Overtime hours worked: 9.5. Regular pay: \$236.80. Overtime pay: \$84.36. Gross wages: \$321.16. Let even the worldly whistle with

the criticism of inequity grant such immunities to labor unions that are ripping off whole industries the benefit of their own

DURING THE re-paign Sen. George made much of the support of the Ford president of the Ford remember figuring it though the sum is er up around a half-million — (a) it came to 17 Ford car sold during and (b) the salary w the directors of the co of (c) funds that belong to stockholders.

It needs to be stressed that, by contrast, a labor union maneuver nearly six dollars a 20-year-old boy, it is raw power at the expense of the public.

IF IN THE New employers are not a more than \$1.85 for labor, the economic operation is very public.

The Teamsters Union exercise of monopoly holds up an entire forces it to pay utterly wages, drives up the trucking accordingly presses all businesses sumers—who rely on

The unions that money per hour are of their accomplishments the rank and file, even Hoffa was, is and even

BUT IT requires ignorance of the economic and of the implications of power to applaud the accomplishments of such Hoffa.

Unfortunately, it that people "resent" college dropout gross



Ohio voters should pass Issue 3, amending the state Constitution to allow casino gambling in Cleveland and three other cities -- editorial

The Plain Dealer Editorial Board By **The Plain Dealer Editorial Board**

on October 11, 2009 at 5:10 AM, updated October 13, 2009 at 10:16 AM

Let's be frank: Ohioans go to casinos and they gamble.

But because this state's Constitution forbids casinos, they do not do so in Ohio, where at least some of their losses would translate into jobs for their neighbors and revenue for critical public services. Instead, they leave an estimated \$1.4 billion a year on the gaming tables of nearby states. That puts people to work in Pennsylvania, West Virginia, Michigan, Indiana and New York, and it helps those states pay for schools and roads -- and for programs to counsel and treat gambling addicts.

Gov. Ted Strickland and legislative leaders of both parties acknowledged that reality earlier this year when they tried to balance the state's budget by allowing the Ohio Lottery Commission to put slot machines at racetracks, effectively turning horse parlors into casinos. A former Methodist minister, Strickland did not pretend he was happy about that prospect -- delayed at least for now by the Ohio Supreme Court -- but he was persuaded by the need to hang on to some of the money that Ohioans so willingly spend just across the state line.

Now Ohio voters have another chance to amend the Ohio Constitution's language on gaming and to keep some of that cash here. Issue 3 on this fall's ballot would license one casino in each of Ohio's four largest cities, Cleveland, Columbus, Cincinnati and Toledo. The Cleveland and Cincinnati casinos would be built and operated by a company headed by Dan Gilbert, owner of the Cavaliers and Quicken Loans.

After a great deal of discussion and soul-searching, this newspaper has decided to support Issue 3.

It was not an easy decision. Our editorial page has long been reluctant to embrace gambling as a solution to any of Ohio's or Cleveland's economic problems. We understand that while casinos may bring glitz and gold, they invariably are accompanied by heavy social costs. We are also extremely skeptical of any initiative that enshrines a monopoly for any individual or business in the state Constitution and sets regulations for that enterprise in a way that can be changed only by yet another statewide vote of the people.

We would have preferred to see leaders of both parties and various gaming interests unite behind an amendment that would lift the constitutional ban and establish a rational, transparent process for allocating casino licenses, determining locations and setting rates of taxation.

**APPENDIX
F**

Appx. 35

But after waiting in vain for such leadership to emerge following the defeat of two gaming initiatives since 2006 alone, we frankly have no confidence it will happen. And so we are left with this imperfect vehicle.

From the parochial standpoint of Cleveland and Northeast Ohio, passing Issue 3 will allow for another building block in the re-imagining of downtown. Gilbert's casino, which he promises will be far more elaborate than the \$250 million construction budget required by Issue 3, would put more cranes along the city's skyline at roughly the same time as the medical mart and convention center are being built nearby on the Mall.

All those construction jobs will stimulate our local economy. Once the casino, the medical mart and the convention center are done, they should complement one another -- and downtown's existing assets -- to help draw more visitors to Cleveland. Those visitors, in turn, will fuel the vigorous foot traffic needed to support downtown's restaurants and clubs, entice more retail investment and draw more young professionals to live and work in the region's economic center.

It is this confluence of opportunities that leads us to hope Gilbert's gaming hall will not do what so many big-city casinos have done: undermine everything around them. Most casinos use a business model that depends on keeping customers in their buildings as long as possible. They offer deeply discounted food, drinks and entertainment, because if people stay longer, they gamble more and lose more. It is very difficult for surrounding businesses to compete with that.

Gilbert insists he will craft a business plan that actually benefits the rest of downtown. He has already persuaded an impressive coalition of labor, business and civic leaders, including the Greater Cleveland Partnership and the black business owners of the Presidents' Council, to support his vision. Given his own significant investments downtown -- including a Quicken Loans office with 300 employees -- we expect him to reach out to other stakeholders to develop a true win-win strategy. We also expect the city to use some of its casino earnings to help sustain and grow downtown.

At the state level, the legislature must create a credible gaming commission that can enforce professional standards and guard against corruption. State officials will also have to step up vigorously to seal any loopholes in Issue 3 and make wise use of money earmarked to aid gambling addicts.

Issue 3 is a gamble. But business as usual will not work for Cleveland or for Ohio. That alone makes Issue 3 a worthy bet.

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OPINION

Election endorsements: issues and offices

Written by Michael Miller | Editor in Chief Emeritus | mmiller@toledofreepress.com

“If God wanted us to vote, he would have given us candidates.”

— Jay Leno

There may be a lot to complain about as Toledo faces the Nov. 3 election, but a lack of candidates isn’t one of them. The Sept. 15 primary gave us a wide field of mayoral and city council hopefuls, and there are many quality choices on the ballot as we face some tremendously important decisions.

After reporting on all the races, discussing the issues in-house with our editing team and consulting with a number of community leaders, *Toledo Free Press* offers the following endorsement suggestions. Agree or disagree, but do the one thing that matters on Nov. 3: vote.

The issues

Yes on Issue 1: State Issue 1 would “authorize the state to issue up to \$200 million of bonds to provide compensation to veterans of the Persian Gulf, Afghanistan and Iraq conflicts, and to pay for the administration of the Persian Gulf, Afghanistan and Iraq Conflicts Compensation Bond Retirement Fund and the Persian Gulf, Afghanistan and Iraq Conflicts Compensation Fund.”

There’s no cogent argument against supporting this issue, which is just the beginning when it comes to taking care of our veterans.

No on Issue 2: Issue 2 would “create the Livestock Care Standards Board to prescribe standards for animal care and well-being.”

The idea of trying to protect farm animals and to protect us as consumers on face value is a good thing. While the intentions of Issue 2 may be to do that, it’s the lack of clear guidelines in how Issue 2 would make that happen that has given us pause. One glaring example: while it’s stated that “family farms” would have representation on the 13-member Livestock Care Standards Board that Issue 2 would create, there is no definition of exactly what a “family farm” is. There would need to be additional legislation created by the Ohio General Assembly, to not only define what a “family farm” is but to also create laws related to Issue 2.

We understand one of the unspoken premises behind Issue 2 is it would make it difficult for a ballot issue similar to California’s Proposition 2 to ever pass here in Ohio. We believe the General Assembly could address any necessary changes to Ohio’s Animal Cruelty laws without requiring a constitutional amendment.

Yes on Issue 3: Issue 3 would “authorize only one casino facility at a specifically designated location within each of the cities of Cincinnati, Cleveland, Columbus and Toledo and levy a fixed tax of 33 percent of gross casino revenue received by each casino operator of the four casino facilities.”

These casinos are a major attraction, a world-class operation that would put Toledo in the rare position of getting its share along with the state’s “Three C” cities. It would boost the region’s self-esteem to have such a big league draw, and we have to give our citizens (and law enforcement officials) enough credit to believe the attendant challenges will be met with intelligence and careful preparation.

Yes on Issue 4: The levy, a replacement, funds Area Office on Aging (AOoA) programs for those with Alzheimer’s disease and dementia as well as their caregivers; meals to homebound and frail elderly; health care services to help Lucas County senior citizens remain independent and at home; medical transportation; outreach and chore services; as well as funding 13 senior centers across Lucas County.

**APPENDIX
G**

Appx. 37

As the state cuts back and philanthropic giving struggles to regain previous levels, this growing population will continue to need the community's help. A yes vote on Issue 4 will help AOoA maintain its services and adjust to help this significant portion of our neighbors, friends and family.

TPS Board of Education

There are three seats to fill on the Toledo Public Schools (TPS) board. We believe the two best candidates are Darlene Fisher and Bob Vasquez. The supporters of each of these candidates may be surprised that the other meets our standards, but balance and open conversation is the crux of the process. Fisher has proven herself to be focused on issues that have direct impact on students: school supplies, financial transparency and the preservation of existing facilities such as Scott High School. Vasquez has worked to reach out to the community and has the seeming full support of the unions. The hope is these wildly divergent candidates can unite the board.

Toledo Municipal Judge

All three of the candidates running for the one Toledo Municipal Court judge seat — Bill Connelly, Mark Davis and Ian English — have the professional experience to be a judge. Connelly and English expressed their desire to prevent some of the felony cases they see as prosecutors from taking place by striving to keep misdemeanor offenders from becoming repeat offenders. Davis cites his experience in the practice of criminal and civil law.

While we as a community would be well served by any of these three men being elected to judge, our endorsement is for Ian English with Connelly a razor-thin second. English acknowledges the distance some in our community feel from the court system. His willingness to engage the community is needed in this region.

Toledo City Council

With six open seats on Toledo City Council, the new mayor will have a potentially very different group to work with. There are sinners and saints running, but the four candidates we have the most faith in are Rob Ludeman, Joe McNamara, Adam Martinez and George Sarantou. Ludeman and Sarantou bring established business voices to council McNamara has continued to grow and mature as a leader; his drive for the failed Issue 2 is one example that he understands the right thing to do is not always the most politically popular thing to do. Martinez brings a fresh mind, and his experience as a Community Development Corporation director should help him understand where politics has its greatest impact: at the neighborhood level.

Toledo Mayor

After numerous weeks of conversation, monitoring debates and talking with the candidates, the consensus is: There is no consensus. Mike Bell and Keith Wilkowski offer potential for vast improvement in Toledo's future. As our endorsements are not anonymous, but very much linked to our names and faces, it would be dishonest for one of us to capitulate to a stance that is not fervently believed. As our decisions have not changed, neither have our basic arguments.

Tom Pounds: Mike Bell literally put his life on the line for Toledo and he has parlayed the respect and experience he earned into a career that took him to Columbus as the state's fire marshal. He is a proven leader with first-responder experience, and no one else has that inside view.

I believe Bell "knows what he doesn't know," and he will hire people who are experts in their fields, not try to over-reach and perform duties he is unqualified to attempt.

I believe Bell has a greater tendency to allow private enterprise to take its course, as his hands-off stances on the United Way building and Route 66 demonstrate.

Michael S. Miller: Keith Wilkowski understands Toledo's financial problem: "It's not that Toledoans aren't paying enough taxes, it's that there aren't enough Toledoans to pay taxes," he said.

Wilkowski has endorsements from many established political and business leaders, and while some see that as a detriment, I have a different take on it. Yes, Toledo needs a break from politics as usual, but how does a radical, cold turkey fracture with the establishment move the city forward? Wilkowski represents a bridge from the failed ways of

the past to a hopeful vision for the future, a natural transition from the arc of descent we are riding to a leveling period and then, hopefully, a progressively upward slope.

Thomas F. Pounds is publisher of Toledo Free Press. Michael S. Miller is editor in chief of Toledo Free Press.

This entry was posted on Friday, October 30th, 2009 at 2:00 am and is filed under [Lighting The Fuse, Opinion, Publisher's Statement](#).

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The Columbus Dispatch

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Dispatch endorsement: For State Issue 2

Measure would move Columbus casino to more advantageous site

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Sunday March 28, 2010 6:31 AM

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For State Issue 2 -

Ohioans should vote yes on **State Issue 2** in the May 4 primary.

This proposed amendment to the Ohio Constitution is the simplest ever to appear on the statewide ballot: an address change. But the effect of its passage would be substantial.

This amendment would change the location of the Columbus casino authorized by a statewide vote on a constitutional amendment in November. The 300,000-square-foot casino would be relocated from an 18.3-acre site in the Arena District to the 123-acre former GM/Delphi auto-parts plant on the Far West Side.

The amendment would make no other change in the casino plan approved as State Issue 3 in the fall. That plan authorized casinos in Cincinnati, Cleveland, Columbus and Toledo.

Because State Issue 3 specified the land parcels on which casinos could be built in each of the four cities, the only method of changing the Columbus site is through another statewide vote, even though the amendment affects only Columbus.

Issue 3 won big in the other three cities and was favored by a 53-47 ratio statewide. But it lost in central Ohio by an overwhelming 58-42 ratio. One reason for the poor showing in central Ohio was community sentiment that the location, on Nationwide Boulevard just west of Huntington Park, was inappropriate for a business that will be open 24 hours a day, seven days a week, attracting a projected 10,000 customers a day.

Fortunately, after the election, Penn National Gaming Inc. agreed to consider other locations in Franklin County. After several weeks of extensive community discussions over appropriate sites, the company chose the GM/Delphi plant location.

Business and civic organizations on the Far West Side strongly support the \$400 million casino project, as do business and labor groups throughout the region and state, including the Ohio AFL-CIO and the Columbus Chamber.

Unlike the Arena District site, the Far West Side location has ready freeway access, is accessible from all directions and is in an area desperately in need of redevelopment and jobs.

**APPENDIX
H**

Appx. 40



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State Issue 2 is endorsed by the Ohio Democratic and Ohio Republican parties and by Gov. Ted Strickland, a Democrat, and his Republican opponent, former U.S. Rep. John Kasich. The resolution to place the proposed amendment on the statewide ballot was approved by large majorities in Ohio's Senate and House.

Because most casino tax revenues will be shared by all 88 counties, all Ohioans have an interest in enabling the Columbus casino to be built as quickly as possible in an area that has broad community support.

For these reasons, *The Dispatch* strongly endorses State Issue 2.

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Editorial: Ohio voters should approve Issue 2 so Columbus can change casino site

The Plain Dealer Editorial Board By **The Plain Dealer Editorial Board**

on April 04, 2010 at 4:23 AM

ENDORSEMENT

Ohioans should vote "yes" on Issue 2, to let Penn National Gaming Corp. change the site of the Columbus casino that Ohio voters authorized in November. The other casinos the voters approved -- for Cleveland, Toledo and Cincinnati -- would not be affected.

Issue 2 would allow Penn National to build its Columbus-area casino on the site of a vacant General Motors-Delphi car-parts plant in western Franklin County, near where the Columbus Outerbelt (Interstate 270) crosses Interstate 70. Otherwise, the casino will go up downtown, near Nationwide Arena. Columbus political and business leaders, virtually unanimously, prefer the GM-Delphi site, and Penn National, bowing to political reality, is on board.

Normally, that would be that, but remember: The casino question was decided as an amendment to the Ohio Constitution -- a document that now lists specific tracts of land, identified by county auditors' parcel numbers, as destined for the construction of casinos.

That's not what state constitutions are for, but now that all of that verbiage is in the constitution, the merest tweak requires placing yet another constitutional amendment on the statewide ballot -- no matter how local the issue might seem to be.

That's why it would have been far preferable for the General Assembly to work up the courage to do its job, rather than punting issues of casino location and design to the voters of Ohio as constitutional questions.

As it now stands, the only way for Penn National to drop the arena-area site that the constitution requires is to ask Ohioans to approve a move. And that's all Issue 2 would do.

Columbus boosters promote what they call the Arena District as a family-oriented neighborhood. The once-seedy area, now booming, includes the site of the old Ohio Penitentiary. It is, of course, pertinent that the Nationwide insurance group, headquartered nearby, redeveloped the Arena District -- and that its 20-percent partner in the project is a Columbus Dispatch real-estate arm. That is, given the array of Columbus clout, local officials' support for a site switch is no shock.

**APPENDIX
I**

Appx. 42

But these facts also are pertinent: Whatever the politics, the developers neither wanted nor planned for a casino in a neighborhood their investments helped revive. And Franklin County -- unlike Cuyahoga, Lucas and Hamilton -- voted against casinos altogether. In a real sense, Issue 2 is about home rule.

What's more, among Issue 2's backers is the Ohio AFL-CIO. It also won lopsided approval in both the Republican-run state Senate (31-2) and the Democrat-run Ohio House (71-26).

Ohio voters should approve it, too, on May 4.

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7/11/09 Cincinnati Enquirer (Cincinnati, Ohio) A1
2009 WLNR 27882906

Cincinnati Enquirer, The (Cincinnati, OH)
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July 11, 2009

Section: News

Deal OKs slots for racetracks

July 11, 2009

Ohio budget logjam over

By Jon Craig

jcraig@enquirer.com

and the Associated Press

COLUMBUS – Slot machines would be allowed at horsetracks in Ohio – including two local ones – as part of a deal announced Friday that ends the state's budget stalemate.

Under the deal, Gov. Ted Strickland would sign an executive order authorizing electronic slot machines, also known as video lottery terminals or VLTs.

The General Assembly would include language in the \$54 billion, two-year state budget that clarifies state gambling law to protect the state from lawsuits.

Officials from River Downs and Lebanon Raceway, the two tracks in Greater Cincinnati, said the slots come just in the nick of time – the state's horse-racing industry was in such peril that the tracks were in danger of shutting down.

"What's happening now is we're going to be able to create a new industry alongside another industry that desperately needed help," said River Downs publicist John Englehardt.

But it's a blow to Kentucky's struggling horse-racing industry, which has been pushing for slots of its own.

Supporters of Kentucky's horse-racing industry vowed to keep fighting after a bill that would have allowed video gambling casinos at that state's tracks failed during last month's special session.

"So we're home less than three weeks since that day and already another state has had the leadership and initiative to do this and put themselves in a better position relative to Kentucky," Bob Elliston, the president of Turfway Park in Florence, said Friday evening.

The deal will allow Ohio to move forward with a balanced, two-year operating budget – a budget already 11 days overdue.

"I look forward to completing our work on a two-year state budget on Monday," said Senate President Bill Harris, a Republican from Ashland.

House Speaker Armond Budish, a Beachwood Democrat, announced Friday afternoon that the compromise had been reached among the Democrat-led House, Republican-led Senate and Strickland.

APPENDIX
J

The three had been locked in an impasse since the governor announced June 19 that he had changed his stance on lottery-run slots and would rely on them to help balance the budget.

That disagreement over slots delayed a state budget, which begins on July 1, for the first time since 1991. The state legislature instead passed two seven-day budgets to keep state government partially operating, but Strickland threatened that he would not sign a third interim budget.

By reaching a bipartisan compromise on slot machines at seven horsetracks, including River Downs in Anderson Township and Lebanon Raceway in Warren County, Budish said legislators could balance the \$54 billion state budget for 2010-11.

Strickland's budget plan had a projected deficit of \$3.2 billion before legislators agreed on about \$2 billion in program and spending cuts. Slot machines at horsetracks are estimated to bring in another \$933 million over two years, according to the governor's budget staff, although gambling opponents challenge those figures.

Friday's agreement calls for an executive order by Strickland instructing Ohio's Lottery Commission director to begin placing slot machines at Ohio's seven race-tracks.

This will be followed by legislative language in the state operating budget – Amendment Substitute House Bill 1 – acknowledging the lottery's authority to set up slot machines, provide for a statutory definition and other implementation requirements.

Legislators had disagreed whether an executive order could avoid lawsuits, or secure outside funding, to place slot machines at the tracks.

Other critics say it may open Ohio up to casino gambling, which Ohio voters have turned down in four state constitutional ballot issues since 1990. A new ballot issue is proposed for Nov. 3 asking voters to approve casinos at Cincinnati's Broadway Commons, Columbus' Arena District, Cleveland and Toledo.

David Zanotti, executive director of the anti-gambling Ohio Roundtable, said his group will follow through with threats to sue over the slots move.

"Last time I checked, he was elected governor, not king," Zanotti said. "It'll be interesting if the governor has the courage to take this stand in court and explain to the people of Ohio how in 1973 their vote (in favor of the Ohio Lottery) authorized casino-style gambling in racetracks in this state. I'm anxious to hear his testimony in court."

The evolution of the compromise

How a plan to allow lottery-run slots in Ohio has evolved since Gov. Ted Strickland first proposed it June 19:

GOVERNOR'S PROPOSAL

2,500 video lottery terminals at each of 7 Ohio horsetracks

Authorized by act of Legislature

Allow machine vendors refunds if casino gambling is legalized this fall

SENATE PROPOSAL

Unspecified number of terminals made available to highest bidder

Authorized by voters

Machines could be at tracks or other locations

THE COMPROMISE

2,500 terminals at horsetracks

Authorized by combination of governor's executive order, legislative language

Removes provision allowing vendor refunds if fall casino issue passes

Source: AP research

---- Index References ----

Company: ASHLAND INC; PNK (OHIO) LLC

News Subject: (Economic Policy & Policymakers (1EC69); Economics & Trade (1EC26); Public Finance (1PU60))

Industry: (Casinos (1CA80); Entertainment (1EN08); Gaming Industry (1GA25); Healthcare (1HE06))

Region: (Americas (1AM92); Arab States (1AR46); Kentucky (1KE38); Lebanon (1LE68); Middle East (1MI23); North America (1NO39); Ohio (1OH35); U.S. Midwest Region (1MI19); U.S. Southeast Region (1SO88); USA (1US73))

Language: EN

Other Indexing: (LEBANON RACEWAY) (Armond Budish; Bill Harris; Bob Elliston; David Zanotti; John Englehardt; Ted Strickland)

Edition: Final

Word Count: 802

End of Document

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NewsRoom

7/17/09 Columbus Dispatch (Ohio) 01A
2009 WLNR 13675927

Columbus Dispatch (OH)

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July 17, 2009

Section: News

A winning bet?

Ken Gordon

Many horsemen are confident that adding slot machines will rescue Ohio's horse-racing industry -- and thousands of backstretch jobs

No one knows how much money Ohio's horse-racing industry can expect to see -- and how soon -- now that the state has passed a budget allowing electronic slot machines at its seven racetracks.

But to the thousands who make their living racing horses in Ohio, those matters are mere details. The fine print behind the news was far less a concern than the headline: Slots, which Ohio horsemen have sought for most of the past decade, are on the way.

"It's going to save the industry," said Scott Mogan, a 50-year-old trainer from Ashville who has worked in racing for 35 years.

As he spoke Wednesday from the backstretch at Scioto Downs, Mogan watched approvingly as his 14-year-old son, Zachary, donned a helmet and hopped into the sulky behind a handsome brown horse named Feel The Love for a morning exercise ride.

To Scott Mogan and most horsemen like him, the industry is much more than a job. It's a passion, a vocation that gets in the blood and is passed down through the generations.

That's what had Mogan so concerned in recent years. The Ohio racing industry had crumbled in the face of mounting competition from neighboring states that had legalized slot machines or casinos at their tracks. Horsemen suffered as the money dried up, and many have either quit the business or moved out of state.

"I grew up in central Ohio," Mogan said. "My family is here, my son is going to be a freshman at Teays Valley (High School). He's into sports and his friends are here, and my main concern was not having to move him.

"It was looking like that could happen if we couldn't get the slots here pretty quick."

That's why the passage of the state budget, permitting up to 2,500 slots at each of Ohio's four standardbred and three thoroughbred tracks, was hailed by horsemen as nothing less than salvation.

Millions in gambling revenue apparently is on its way, and just in time, horsemen say.

**APPENDIX
K**

"It was getting to where you couldn't make it in Ohio," said Geraldine (Geri) Rodak, a thoroughbred owner and trainer based near Mt. Sterling. "This is just such a relief for all of us."

Caution signs posted

Some horsemen say the rising tide of money back into Ohio will lift all boats, leading to a rejuvenation of the state's breeding program and the hiring of thousands more trainers, grooms and exercise riders.

There are concerns, however, among officials who represent the interests of horsemen in legislative and other matters that they did not have enough of a say in how much money from slots would be directed toward purse money and the promotion of live racing in the state.

Now, the Ohio Horsemen's Benevolent and Protective Association, which represents thoroughbred owners and trainers, and the Ohio Harness Horsemen's Association will have to negotiate with the tracks the percentage of the revenue's which will be used for purses.

Horsemen in surrounding states that have passed similar legislation receive between 12 and 15 percent of gaming revenues, the benevolent association said. But testimony during Ohio Senate hearings indicated that 4 percent of the gross gaming revenue would be sufficient for the racing industry.

"Four percent of VLT revenue's for horsemen simply isn't enough to revitalize the racing industry in Ohio," Dave Basler, Ohio HBPA executive director, said in a statement.

The legislation requires tracks to pay a \$65 million licensing fee to get the slots, including \$13 million by Sept. 15. There also is a provision requiring tracks to spend \$80 million on facility upgrades.

Sam Zonak, executive director of the Ohio State Racing Commission, said he thinks the tracks will come up with the money.

"I have said in the past that we could be losing all of our racetracks but one or two," Zonak said. "Now, I am confident that all seven will be able to put up the money and will be up and operating."

Stacy Cahill, general manager of Scioto Downs, would not comment, on orders from the track's corporate owner, MTR Gaming Group. Beulah Park owner Charles Ruma did not return phone calls and told general manager Mike Weiss not to comment.

Yesterday, church leaders vowed legal action, declaring the slots legislation unconstitutional.

"All the church groups were against it, and I didn't understand it," Rodak said. "I'm Catholic, and all the churches have bingo. My priest was always going to Atlantic City. What's the big deal?"

Optimism on backstretch

Certainly, there are battles ahead for legislators and track owners. But among the rank and file, there is nothing but optimism that the hard times are over.

It has been tough for them to watch their beloved industry wither.

Mary Ann Travis, a caretaker for Virgil Morgan Jr. Stables at Scioto Downs, recalls going to Sunday morning breakfasts with her family at the track's now-defunct backstretch restaurant.

"I've seen a lot of people leave," she said. "It used to be a lot of fun; now, it's just another day. It's dead, but it could be a family affair again if everything gets going back upstream."

Dan Ater, a Clarksburg, Ohio, native who owns 15 standardbreds, currently is in Canada with some of his horses, in pursuit of higher purses.

He said as recently as last week that he was considering selling the farm that's been in his family for three generations. His son, Kyle, a leading driver at Scioto, represents a fourth generation.

"I want to stay home," Ater said. "Here I am up in Canada paying their blacksmith, paying their tack shops, paying their people to work for you -- it doesn't seem right. There's nothing I'd rather do than stay home and support our economy."

kgordon@dispatch.com

---- Index References ----

News Subject: (Government (1GO80); Legislation (1LE97))

Industry: (Gaming Industry (1GA25); Entertainment (1EN08); Equestrian Events & Horse Racing (1EQ65); Travel & Tourism (1TR07); Casinos (1CA80); Sports (1SP75))

Region: (North America (1NO39); Ohio (1OH35); Americas (1AM92); USA (1US73))

Language: EN

Other Indexing: (HBPA; OHIO HARNESS HORSEMENS ASSOCIATION; OHIO STATE RACING COMMISSION; PROTECTIVE ASSOCIATION; SCIOTO; VIRGIL MORGAN) (Ater; Beulah Park; Caution; Charles Ruma; Dan Ater; Kyle; Mary Ann Travis; Mike Weiss; Mogan; Ohio; Rodak; Sam Zonak; Scott Mogan; Stacy Cahill; Yesterday; Zachary; Zonak)

Edition: Home Final

Word Count: 1144

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8/13/09 Plain Dealer (Clev.) B1
2009 WLNR 15832984

Cleveland Plain Dealer

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August 13, 2009

Section: Metro

State issues rules for running video slot machines at tracks

Mark Naymik

Slot machines will spin seven days a week, 24 hours a day at horse-racing tracks with multimillion-dollar makeovers.

That's the vision Gov. Ted Strickland has for a controversial plan to raise state revenue by allowing tracks to install thousands of video slot machines, according to a set of rules released Wednesday by the Ohio Lottery Commission.

The rules require the state's seven tracks to each spend \$80 million to improve their facilities within the next five years. The rules also offer some detail about how the licensing and oversight of the tracks will work, including the leveling of hefty fines against tracks that don't meet deadlines.

The rules come as the Strickland administration faces more pressure - from vendors, legislators, track owners and others - to provide details about how the state plans to integrate the slots, known as video lottery terminals, or VLTs, into the Ohio Lottery by May. The lottery commission is expected to vote on the rules on Aug. 17.

Strickland also decided Wednesday to use the Greek gaming company that operates the Ohio Lottery to initially set up slot machines at state's seven race tracks.

Intralot, which runs the state's \$2.4 billion online lottery games, including Mega Millions and Pick 4, has a contract option that allows it to bid first for installing the central computer system that will monitor the daily slots activity at the tracks.

But the state recently told Intralot to back off just as it was about to formally present its bid and a timeline for integrating the computer system.

The Strickland administration and lottery officials said Monday they were still trying to figure out the best deal for the state without sacrificing time.

The decision to use Intralot gives the company a two-year contract to create and run the central computer system. The state plans to seek bids from Intralot and other gaming companies to manage the slots long-term. This is the "hybrid" approach lottery officials hinted at earlier this week.

**APPENDIX
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The decision follows a recommendation by the recently formed VLT Advisory Committee, made up of several former lottery directors.

The group, which has had little to say until Wednesday, issued a two-page advisory explaining its decision to recommend Intralot.

Strickland hopes the decision to add slots - made through an executive order and without input from lottery officials - will generate \$933 million in lottery profits for Ohio over the two-year budget cycle, which began July 1. Any delays could produce a revenue shortfall for the state.

The office also confirmed the names of three administrators leading the integration: Amy Andres, chief of staff to the Department of Insurance chief Mary Jo Hudson; Office of Information Technology administrator Christian Selch; and Strickland policy adviser Terra Goodnight. Strickland spokeswoman Amanda Wurst said that all three have extensive project management experience.

An early draft of the governor's proposed timeline for integrating slots obtained by The Plain Dealer shows the state is pushing up against its own deadlines. The draft timeline shows, for instance, that it wants to settle its contract with Intralot by the end of the month and it wants to "draft, review, refine" its license agreements by Aug. 15.

Strickland plans to keep pressure on race tracks that want a piece of the lucrative slots business. The state, according to the draft rules, will fine any race tracks \$15 million if they fail to file an application to run slot machines by Sept. 15. The application fee is \$100,000 but its unclear how the state will impose a fine before the track enters into an agreement.

The state will also fine tracks up to \$100,000 a day if they fail to pony up their first installment toward a \$65 million license fee. The state is demanding that each track pay \$13 million on Sept. 15.

Some track owners - worried about the lack of specifics and the potential impact of a November casino ballot issue - have privately talked about balking at the first payment.

At least one track owner is ready to pay up.

"We just secured our financing," said Robert Griffin, president and CEO of MTR Gaming Group, which owns Scioto Downs track. "I look forward to being the first licensed track owner in the state in September."

To reach this Plain Dealer reporter: mnaymik@plained.com, 216-999-4849

Box

Track rules

The state released draft rules Wednesday for integrating slots at Ohio's seven horse-racing tracks. The rules include:

Separating the video lottery terminals from the racing wagering areas.

Allowing tracks to operate VLTs 24 hours a day, seven days a week.

Requiring all VLT players to be at least 18 years old.

Requiring each track with VLTs to spend \$80 million on improvements, including \$20 million during the first year.

Requiring tracks to provide educational materials on gambling addiction and to offer a program for problem gamblers.

Requiring tracks to monitor VLTs through a closed circuit television system.

Ohio Lottery Commission issues rules on operation of video slot machines at race tracks

---- **Index References** ----

Company: MTR GAMING GROUP INC; VLT AB

News Subject: (Public Finance (1PU60); Economic Policy & Policymakers (1EC69); Economics & Trade (1EC26); Sports Law (1SP70))

Industry: (Equestrian Events & Horse Racing (1EQ65); Travel & Tourism (1TR07); Casinos (1CA80); Gaming Industry (1GA25); Entertainment (1EN08); Sports (1SP75))

Region: (North America (1NO39); USA (1US73); Americas (1AM92); Ohio (1OH35))

Language: EN

Other Indexing: (DEPARTMENT OF INSURANCE; INTRALOT; MTR GAMING GROUP; OHIO; OHIO LOTTERY; OHIO LOTTERY COMMISSION; PLAIN DEALER; SCIOTO; VLT; VLT ADVISORY COMMITTEE; VLTS) (Amanda Wurst; Amy Andres; Christian Selch; Mary Jo Hudson; Mega Millions; Robert Griffin; Strickland; Ted Strickland; Terra Goodnight)

Edition: Final

Word Count: 1008

End of Document

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Rules on racetrack relocation laid out

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By **David Eggert**

The Columbus Dispatch • Friday October 21, 2011 10:26 AM

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Seven horse tracks now can apply to move within Ohio, a step some might take before adding slot machines billed as a savior for the racing industry.

Emergency rules approved yesterday by the State Racing Commission lay out the process for track owners to follow. The 3-0 vote by the panel came after an executive order by Gov. John Kasich, his second in a week designed to speed along the development of "racinos."

Hanging over yesterday's action was a lawsuit to be filed today by the Ohio Roundtable, a critic that argues that racetrack slots must first be approved by voters.

"If there's a lawsuit, everything comes to a halt is my understanding," commission Chairman Robert Schmitz told reporters.

The state's existing thoroughbred and harness tracks are concentrated primarily near the state's four largest cities, the same places where casinos are opening in 2012 and 2013.

With so many slots dollars up for grabs at the tracks — nearly \$1.3 billion a year by one estimate — the owners are looking to maximize their odds of success by locating in desirable areas and not cutting into their own interests.

Penn National Gaming — owner of casinos coming to Columbus and Toledo — hopes to relocate Beulah Park in Grove City to northern Dayton and its Toledo track to Youngstown. Columbus still would have Scioto Downs, whose owner, MTR Gaming Group, runs two casinos, in Pennsylvania and West Virginia.

Tracks must spend \$50 million to get a video-lottery-terminal license from the Lottery Commission, plus invest at least \$125 million on their facilities. It is undetermined, however, how much they will have to pay the state to relocate, Schmitz said.

Tracks probably will want to know that key piece of information before submitting applications.

Spokesman Bob Tenenbaum said Penn National is committed to moving to Dayton and Youngstown.

"We need a little time to review these rules. This is the first we've seen them," he said.

The new rules allow tracks to apply to build a temporary racino, but they must spend at least \$5 million on the facility — not including the cost of video lottery terminals that run \$20,000 to \$30,000 each.

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Tracks wanting to move also must list “incremental economic benefits” in their application: job-creation figures, capital investments, and tax revenue for schools and local communities.

Lebanon Raceway, located on Warren County-owned fairgrounds between Dayton and Cincinnati, is expected to move to the I-75 corridor because the county does not want slots on public property. The state is waiving the relocation fee for Lebanon if it moves no more than 20 miles.

Former state Rep. Todd Book, a member of the racing commission, recused himself from voting on the rules yesterday because of a potential conflict of interest. He said Intralot, which runs games for the lottery, has been talking to him about a VLT-related job at the company.

“I thought it’d be better for me to stay away from (a vote) and see what happens,” Book said.

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KASICH'S PUSH

Casino deal a win for almost everyone

DispatchPolitics by **Joe Vardon**

• For additional coverage of state and local government, visit DispatchPolitics.com

The Columbus Dispatch • Sunday June 19, 2011 10:48 AM

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Casinos deal a win for almost everyone

When Gov. John Kasich made it clear in April that he thought Ohio's casinos should have to pony up more cash, he knew he had no legal authority to make that happen.



REQUEST TO BUY THIS PHOTO

About two months, an expensive gambling expert, two construction-site work stoppages and a weeklong standoff later, Kasich effectively has squeezed casino operators for an extra \$220 million. When he started, he could count on only the \$50 million license fees and 33 percent tax on gross revenue for each casino outlined in the 2009 voter-approved constitutional amendment.

The Republican governor more than doubled what the state was set to receive from Penn National Gaming and Rock Ohio Caesars in licensing fees for their Columbus, Cincinnati, Cleveland and Toledo casinos.

Moelis and Co., the gambling consultant he hired to help him pull it off, is expected by administration officials to reach its maximum earnings of \$15.4 million off of Kasich's deal. The company's contract promised 3.25 percent of any added revenue Kasich secured, to a maximum of \$13 million, on top of the company's \$200,000 per month retainer over the yearlong pact.

Kasich succeeded by wielding an aggressive bargaining chip in the threat of higher taxes. He also agreed to a softer deal on fees and taxes related to slots at horse tracks in exchange for guaranteed, multimillion-dollar investments at those facilities.

"It's a good deal for the casinos and a good deal for the state," said casino expert and gambling newsletter editor Frank Fantini, who is based in Dover, Del. "One unqualified good move by the governor was to make it so if you want to have slots at the racetracks, you have to make a significant investment.

"What the governor did in Ohio was come up with a reasonable tax system."

Track owners installing slots will be required to invest at least \$150 million in their facilities, including the gambling devices, with a maximum credit of \$25 million for the value of existing facilities and land.

The Daily Briefing

• The blog from *The Dispatch's* public affairs team

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APPENDIX N

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They also will be required to pay a \$50 million license fee and a 33.5 percent tax on slot-machine revenue, netting the state \$350 million in license fees from its seven racetracks and an untold amount in taxes.

But some critics view the financial terms Kasich set for expanding slot machines as a key weakness.

When then-Gov. Ted Strickland and the legislature attempted to implement slots at tracks in mid-2009 to help solve the state's budget problems, he set a license fee of \$65 million and a 50 percent tax rate.

Moelis submitted a report to the governor last month that showed the average tax rate on slot machines in other states is about 48 percent.

"The question is, did we get enough in return for what we gave up?" said Dale Butland, spokesman for the liberal policy group Innovation Ohio.

Butland's group is headed by Janetta King, a former Strickland administration official.

"For the longest time, Gov. Kasich has been saying the 33percent tax rate is a really bad deal, and we agree with him," Butland said. "But if that's a bad deal, why did he extend the same bad deal to operators of VLTs (video lottery terminals)?"

Rob Nichols, Kasich's press secretary, said the agreement was constructed in such a way that "the state could maximize revenue and the tracks would be successful."

Nichols said the landscape has changed since Strickland and the legislature rolled slots fees and tax rates into the 2009 budget - before casino gambling was allowed.

"With VLTs and casinos, I don't think the tracks would've prospered well with a higher tax rate," said Matt Cullen, president and chief operating officer of Rock Ohio Caesars.

Caesars Entertainment, which is partnering with Cleveland Cavaliers owner Dan Gilbert to operate the Cleveland and Cincinnati casinos, also owns Thistledown racetrack near Cleveland.

Penn National, the Columbus and Toledo casino developer, owns the Beulah Park horse track in Grove City and Toledo Raceway. Penn wants to move those operations to the Dayton and Youngstown areas, respectively, to get them away from its new casinos.

Of course, neither Penn National nor Rock Ohio Caesars would have bargained with Kasich if not for the governor's move to craft tax language that would have cost the casinos tens of millions of dollars each year.

Kasich had inserted into the state budget a provision that applied Ohio's commercial-activity tax to casinos based on all revenue before winnings were paid out. Casino operators insisted that the tax should be applied only after payouts to winners were subtracted.

Rock Ohio was so frustrated over what Kasich's interpretation of the tax could do to its bottom line that it stopped construction in Cleveland and Cincinnati.

"The governor got his money in exchange for a bluff," Fantini said.

"Interpreting taxes that way is certainly not done anywhere else, and it made no sense."

While the Kasich administration thinks the courts would have upheld its interpretation of how the tax should be applied, multiple casino experts said the casino developers could have pursued a legal challenge and succeeded.

One of those experts, William N. Thompson, a public-administration professor at the University of Nevada, Las Vegas, said Kasich's deal is bad for Ohio because the money the governor extracted from Penn and Rock won't be there for them to pump back into their casinos.

But as part of the agreement, both developers pledged investments of at least \$700 million in their two projects - more than the \$500 million required by the 2009 constitutional amendment. Rock is planning an initial investment of \$900million.

"With the blend of investments, tax money and additional payments we've agreed to, we don't feel like they left any money on the table," Cullen said.

Of course, gambling opponents don't think Kasich's deal is good for Ohioans. The Ohio Roundtable might challenge the pact in court, saying the governor can't unilaterally change the terms of the 2009 constitutional amendment.

The conservative group also might fight allowing electronic slots at horse tracks without a vote of the people or changing the constitution. Strickland's plan, which eventually was dropped, was challenged because the proposed installation of slot machines was depicted as an expansion of the Ohio Lottery, the only form of gambling allowed in the constitution until the 2009 casino amendment.

jvardon@dispatch.com

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VIDEO LOTTERY SALES AGENT

LICENSING STATUS

DBA	Licensing Status	Business Address	Alternate Shipping Address
Scioto Downs	Operating License Expires May 22 2015	6000 South High Street, Columbus, OH 43207	
Thistledown	Operating License Expires April 21 2016	21501 Emery Road, Cleveland OH 44128	
Hollywood Gaming at Dayton Raceway	Operating License Expires August 26, 2017	777 Hollywood Blvd. Dayton, OH 45441	
Hollywood Gaming at Mahoning Valley Race Courses	Operating License Expires Sept. 15, 2017	777 Hollywood Ave. Youngstown, OH 44515	
Belterra Park Gaming and Entertainment Center	Operating License Expires April 28, 2017	6301 Kellogg Avenue Cincinnati OH 45320	
Miami Valley Gaming	Operating License Expires Dec. 6 2016	6000 State Route 63 Lebanon, OH 45036	
Hard Rock Rocksino	Operating License Expires Dec. 12 2016	10715 Northfield Rd. Northfield, OH 44067	

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[Penn Responsible Gaming Presentation to Ohio](#)

[Rock Ohio Caesars – Horsehoe Casino in Cleveland and Cincinnati](#)

[Penn National – Hollywood casino in Toledo](#)

[Penn National – Hollywood Casino in Columbus](#)

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Construction Progress – February 1, 2012

Contract sum to date:	164,372,575
Total project completed to date:	85%
MBE / WBE awarded to date:	\$ 35,900,000 *
Average daily # of construction workers on-site:	300
Note:	
* - MBE/WBE amount exceeds original goal by over \$14,000,000.	



Arial View



January 26, 2012 Tour



- Team member Training Room.



January 26, 2012 Tour – Team Member Dining Room



January 26, 2012 Tour – Epic Buffet



January 26, 2012 Tour – Gaming Floor



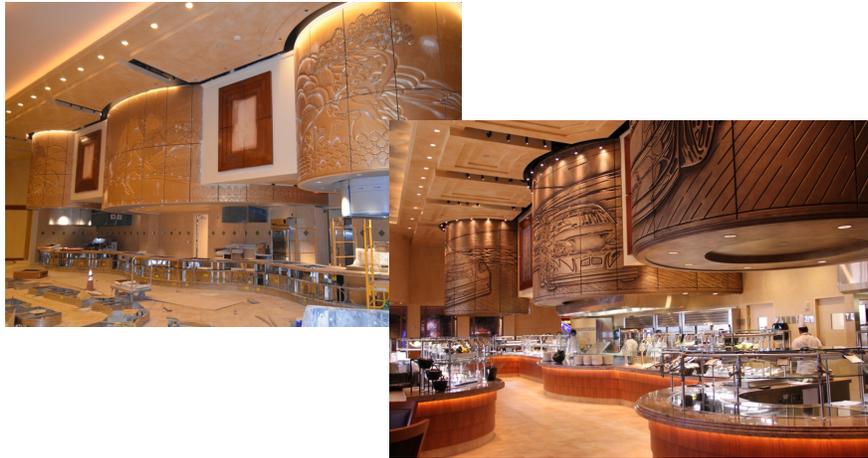
Comparative Photos (Final Cut Steak & Seafood House – photo #1)



Comparative Photos (Final Cut Steak & Seafood House – photo #2)



Comparative Photos (Epic Buffet)



Comparative Photos (Skybox Restaurant & Bar)



Comparative Photos (Serpentine Sign)



Comparative Photos (Poker Room)



Summary Timeline

- Surveillance:
 - System Programming/Testing: January 3-15, 2012
 - System Turnover to Property: January 16, 2012
- Food & Beverage:
 - Epic Buffet & Final Cut Steakhouse Partial Certificate of Occupancy: December 27, 2011
 - Team Member Dining Room Open: January 6, 2012
- Slots:
 - Carpet Installation: December 14, 2011 to February 10, 2012
 - Slot Bases Installation: December 19, 2011 to March 2, 2012
 - Order/Delivery: All games ordered and ready to ship (awaiting final Commission approval)
 - Estimated Installation: TBD (30 day duration)
- Table Games:
 - Artwork/layouts submitted to Commission for review & approval: December 21, 2011
 - Carpet Installation (Pit areas): To be completed by February 29, 2012
 - Order/Delivery: All games ordered and ready to ship (awaiting final Commission approval)
 - Estimated Installation: March 1-5, 2012
- Final Inspection/Certificate of Occupancy:
 - Certificate of Occupancy: March 15, 2012



Staffing Update

Status	Number
Active Team Members	69
Future Dated Offers	228
Completed Offers in 2 Weeks	<u>700</u>
Total	997

- All employees identified as key employees to date have submitted a complete key license application (14 in total).



Vendor Update

Status	Number	Percentage
MBE/WBE Vendors	23	10.50
All Other Vendors	<u>197</u>	<u>89.50</u>
Total	220	100.00



Public Safety Outreach

- Most recent meeting held on January 30, 2012 with the following attendees:
 - Captain Brad Weis – Toledo PD (Strategic Response – Hollywood Contact person for opening)
 - Thomas Wiegand – Toledo PD (Area Commander)
 - Chief Mark Hetrick – Perrysburg Township PD
 - Chief Thomas Cairl – Northwood PD
 - John Altman – Ohio Highway Patrol
 - Eric Reynolds – Deputy Chief, Wood County
 - Seven (7) other members of local law enforcement
- Topics included: Team member & guest safety, Traffic flow, Natural Disasters, Gangs, Miscellaneous crimes & threats.
- Bi-weekly meetings to occur going forward.





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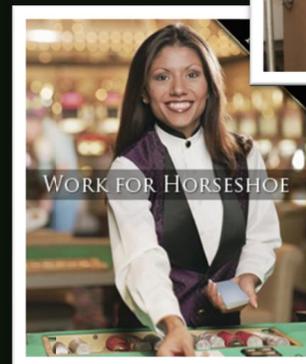
PROGRESS REPORT DECEMBER 7, 2011

Marcus Glover



AGENDA

- Construction & Inclusion
- Training
- Recruiting Efforts
- Community Involvement



CONSTRUCTION UPDATE

~600 workers daily / 2 shifts

Recently Completed

- Vertical transportation install
- Parking structure foundations

Ongoing

- Drywall/carpentry
- MEP
- Flooring

Coming Up

- FF&E begins
- Substantial casino completion
- Turnover to operations

March 2012 – Grand Opening



INCLUSION

(THROUGH OCTOBER 2011)

Cleveland

Total Contracts Awarded

- \$79.6 million
- 49.3% MBE/WBE

Cincinnati

Total Contracts Awarded

- \$82.1 million
- 35.7% MBE/WBE



DEALER TRAINING



- Dealer Training Begins Today for 700 Students
- 12-week Curriculum
- Location: Thistledown Racetrack
- 20+ Trainers from 14 Caesars Properties

BCI TRAINING – January

HIRING

- Round 2 Recruiting Begins Next Week
- 40 Unique Jobs/~800 Positions
- Online Postings: F&B, Slots, Security, Guest Service, Facilities, Finance and more ...
- Applicant Hiring Event in January



COMMUNITY ACTIVITIES



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- Ohio Legislative Black Caucus
- Urban League
- Hispanic Chamber
- Cuyahoga County Community College (Tri-C)
- Greater Cleveland Partnership – Economic Inclusion
- Mayor, City Council & Staff Regular Updates
- County Executive & Commission Updates
- Cleveland Police Patrolman's Association
- Cleveland Public Theater
- Positively Cleveland Tourism Summit
- City of Cleveland – Police, Fire & EMS



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Study says Ohio casinos, racinos supported close to 14K jobs, economic impact of \$2.2B in 2013

Numbers to improve with Austintown racino, others opening this year

By [Robert Connelly](#)

Sunday, December 21, 2014

By ROBERT CONNELLY

rconnelly@vindy.com

AUSTINTOWN

A recent study reports the Ohio gaming industry, casinos and racinos, had a total economic impact of approximately \$2.2 billion in 2013 and supported close to 14,000 jobs.

That study, performed by Oxford Economics for the American Gaming Association, was based on last year's numbers, when three of the four casinos and only one of the seven racinos were fully operational for the full year in the Buckeye State. The study was done state by state and nationwide.

Those numbers are expected to go up after more facilities opened this year, including Austintown's Hollywood Gaming at Mahoning Valley Race Course.

"Currently, we've created more than 400 jobs at the facility. I think that's really a great start," said Mike Galle, Hollywood Gaming general manager and vice president.

Hollywood Gaming still has positions open involving both gaming and racing. These positions can be found online at hollywoodmahoningvalley.com/careers.

That's on top of the 1,530 employees who worked construction at Hollywood Gaming, according to Turner Construction — the head contractor on the \$125 million project. Penn National Gaming Inc. paid \$125 million in license and track relocation fees to bring the company's total investment to \$250 million.

State Rep. Ronald V. Gerberry of Austintown, D-59th, talked about the impact on the workforce at the facility in the beginning and now. He listed all the job positions, from workers with the horses, gaming floor to veterinarians and valets.

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“All of those things are all contributors to economic growth in the area,” Gerberry said. “And just to watch the construction, it was incredible just the number of local trades people working out there. ... It’s had a tremendous impact so far and will continue.”

Statewide, the total labor income impact was \$546.65 million, of that \$291.6 million in direct labor income, and a total tax impact of \$672.5 million, of which \$356.5 million is in gaming taxes, the study said.

The study, released this month, used surveys from national casino operators; federal, state and private data sources for employment, revenue and expense numbers; and calculated direct, indirect and economic impacts statewide last year.

“Certainly, there was every expectation that these racinos were going to be job creators. If anyone’s had a chance to visit the track at Austintown, it’s a very labor-intensive job,” said Mark Munroe, a member of the state racing commission and chairman of the Mahoning County Republican Party.

He also noted how supportive Mahoning Valley residents have been of the track, from the video lottery terminal players to the patrons watching the live horse racing that began Nov. 24.

STUDY SPECIFICS

For the whole country, the study detailed an industry with an economic impact of \$340 billion supporting 1.7 million jobs and bringing in \$38 billion in tax revenues.

The analysis excluded parimutuel gaming, or wagering on horses; slots and video lottery terminals in noncasino locations; Native American casinos; card rooms and gaming manufacturer revenues and employment impacts.

Aran Ryan, executive director of Oxford Economics, based in the Philadelphia area, explained those exclusions were made so the study fell in line with parameters that the AGA uses for the “State of States” analysis that it releases yearly.

He said this was the first year it did the gaming study and plans to do it in coming years.

The figures Oxford produced for 2013 highlighted the jumps in economic impact that the Buckeye State has made since 2012, when some of the facilities were open after statewide Issue 3 passed in 2009. That made way for the casinos in Toledo, Columbus, Cincinnati and Cleveland.

Ryan specifically pointed to the statistics about ancillary spending, which is spending by patrons of the facilities at surrounding businesses who indicated a casino was the main purpose of their trip, and said “that was another piece previously underappreciated.”

He continued, “I think [the report] shows the full scope of the industry nationally.”

Ancillary spending across the Buckeye State was about \$84 million. The economic impact of horse racing in the Valley could be \$7.1 million, counting costs of horse feeding, blacksmiths, veterinarians and other needs, officials have estimated.

Galle said Hollywood Gaming continues to build partnerships in the community after opening the gaming floor to Valley residents Sept. 17. That includes a listing of area hotels that are partners on its

website. Those hotels in Austintown are: Best Western Meander Inn, Candlewood Suites, Comfort Inn, The Fairfield Inn & Suites, Hampton Inn, Holiday Inn Express & Suites and Sleep Inn. It also partners with the Boardman Holiday Inn and the Niles Residence Inn Marriott.

“We had a lot of rooms that were booked from our property to local hotels here in Austintown, and we’re definitely looking to expand those opportunities,” Galle said.

Economic Impacts

- The Lottery transferred \$728.6 million in Fiscal Year 2010, from the sale of online and instant tickets, to the Lottery Profits Education Fund for use by primary and secondary schools in Ohio.
- The Lottery distributed more than \$1.5 billion in prizes to holders of winning tickets, the majority whom reside in Ohio.
- The Lottery withheld approximately \$51 million in Federal taxes and \$12.2 million in State taxes from prize awards during the fiscal year ended June 30, 2010.
- More than 8,900 retailers sell lottery products made up of a variety chain retailers and independent stores. Lottery retailers selling lottery products received \$153.4 million in bonuses and commissions in Fiscal Year 2010.
- Retailer floor traffic increases as a direct result of lottery sales. The Lottery helps draw customers into retail establishments.
- On a weekly basis, an average of \$21 million is on deposit in Ohio financial institutions through its electronic transfer (EFT) collection system of more than 8,900 retailers across the state.
- For Fiscal Year 2011, the Lottery's operating budget is approximately \$130 million, which provides for a variety of goods and services that are procured from vendors here in the state of Ohio.
- The Lottery leases office and warehouse space in eleven major facilities throughout Ohio, totaling approximately 215,000 square feet. Total leases paid by the Ohio Lottery amounted to over \$1.4 million.
- The Lottery employs nearly 350 Ohioans throughout the state.
- The Lottery's major vendor, Intralot, operates out of another facility located in the state where in addition to operating the Ohio Lottery, it houses data-processing information for five other state lotteries.
- The Lottery purchases Multi Game Vending Machines from our vendor that are assemble in the state of Ohio.
- The Lottery contracts with Ohio-based advertising firms for radio, television, production, media placement, billboards and other marketing related services.
- Additional staff are employed by companies such as: Northlich Advertising, Marcus Thomas Advertising, WEWS, Mills James, and Hooven-Dayton strictly due to the Lottery's existence.
- The Lottery and vendor employees have a significant effect on spin-off jobs of local businesses, restaurants, etc.

**APPENDIX
T**

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Dayton Daily News

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Posted: 6:30 p.m. Tuesday, Nov. 20, 2012

Dayton racino gets plan board support



Ty Greenlees

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By Joanne Huist Smith

Penn National Gaming's development plan for the Hollywood Dayton Raceway got unanimous support from the City Plan Board on Tuesday.

The seven-member board recommended the City Commission approve Penn's application to amend the city zoning map to allow for construction of a racino on 119 acres at the southwest corner of Needmore and Wagner Ford roads. The plan will be presented to the City Commission for final consideration at 6 p.m. on Jan. 16.

"This is really a significant step in the process. Obviously, the Planning Commission approval is something we needed to move forward," Bob Tenenbaum, spokesman of Penn National said. "We hope the City Commission feels the same way."

Penn wants to break ground early next year and open the racino in 2014.

The project would feature a harness racetrack, an up-to-150,000-square-foot gaming building with a simulcast theater for on- and off-track wagering, self-bet/full bet mutual service stations and theater and box seating.

The clubhouse will have a sports bar with full-service, terraced and concourse dining. Hollywood Dayton also will have a live entertainment stage and miscellaneous food and beverage outlets.

The racino is expected to create 1,000 jobs at the facility or related businesses and 1,000 construction jobs throughout the life of the project.

"What we have seen with our other facilities...this really can serve as an economic development driver," Tenenbaum said.

The construction costs are estimated at \$125 million. The racetrack relocation fee is \$75 million and the video lottery terminal operator fee is \$50 million.

The first step in construction will be demolition of the foundation of the former Delphi plant, which can be done during the winter. Penn has applied for a city permit to do that. Environmental assessments, supervised by the city, also are under way.

While a major step forward, obstacles still remain for Penn. The gaming company's applications to state commissions to relocate Raceway Park from Toledo to Dayton and to become a video lottery sales agent still are pending. And, a hearing date has not been set on an appeal of a court ruling against an anti-gambling organization that is questioning Gov. John Kasich's authority to allow video lottery terminals at racetracks.

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**APPENDIX
U**

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- Dayton No. 1 on 'Queerest Cities in America 2015' list
- Vehicle flees from police; crashes in Meijer parking lot

- Amber Rose & 15 Celebs Who Slayed In Swimwear(Styleblazer)
- Republican Flattens Democratic Strategist On MSNBC Over False Claims Of Racism In Tea Party(Downtrend)
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Thistledown to add 1,150 video lottery terminals as part of \$88 million project

Pat Galbincea, The Plain Dealer By **Pat Galbincea, The Plain Dealer**

Email the author

on August 22, 2012 at 6:31 PM, updated January 24, 2013 at 8:28 AM

NORTH RANDALL, Ohio — Thistledown racetrack will add 1,150 video lottery terminals by spring and undergo other renovations as part of an \$88 million project planned by Rock Ohio Caesars LLC.

The Ohio Racing Commission gave Rock Ohio Caesars approval to obtain racing permits that will enable the company to apply for video terminal licenses from the Ohio Lottery Commission, said Jennifer Kulczycki, spokeswoman for Rock Gaming LLC.



Marvin Fong, The Plain Dealer

The sale of racing permits at Thistledown racetrack in North Randall to Rock Ohio Caesars was approved by the Ohio Racing Commission, clearing the way for the track to become a racino.

Once it receives the lottery commission's approval, Thistledown will transform into a "racino," similar to the changes unveiled at Scioto Downs in Columbus in June. Scioto Downs currently has 2,180 video terminal machines.

Enhancements to the racetrack in North Randall will be noticeable by the second quarter of 2013, Kulczycki said.

The transformations include turning the main floor of Thistledown's grandstand into a 57,000-square foot gaming space that will accommodate about 1,150 video lottery terminals, also known as VLTs. The area will also include a 60-seat restaurant, two food court outlets and a lounge for racino guests.

Kulczycki also said the track's 2,300 space parking lot will be renovated.

Kulczycki said the Rock Ohio C also plans to install new simulcast viewing equipment, update mutual teller windows and create a premium seating area. In addition, a second lounge and a 500-seat restaurant overlooking the racetrack will

Previous Plain Dealer coverage

- Thistledown agreement outlines area where track can move (**June 7, 2012**)
- Slotlike gambling will come to Thistledown, but racetrack may soon move (**June 6**)

**APPENDIX
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be updated. Thistledown is now owned jointly by Rock Ohio Caesars and Caesars Entertainment

A spokeswoman from the Ohio Lottery Commission's legal department said Thistledown has already applied for VLT licensing and the commission is reviewing it. She said it took six months to approve the VLTs at Scioto Downs. It was the first race track to apply earlier in the year. A second has since been approved.

- Ohio's first 'racino' opens in Columbus; several hundred wait in line for gaming (**June 1**)
- Hard Rock, Northfield Park unveil racino plans (**April 18**)
- Greater Cleveland's Thistledown racetrack would need time to get slots out of gate (**Sept. 22, 2011**)
- Casino gambling at Ohio's race tracks a matter of survival, horse-racing industry officials say (**April 2**)

The Ohio Lottery Commission is reviewing VLT licensing applications from four other racetracks in the state besides Thistledown. Of Ohio's eight horse racetracks, the only track that has not yet applied is Northfield Park in Northfield in northern Summit County.

Marcus Glover, regional senior vice president for Caesars Entertainment, said Thistledown's \$88 million project will add 300 new jobs to the track. The track currently employs 200 during the live racing season.

Past Plain Dealer articles have hinted at Thistledown moving from its current site and relocating near the Akron-Canton Airport, but Kulczycki said the current owners have no plans to move – for now.

"The investment we've made is at the racetrack in North Randall," Kulczycki said. "We announced back in June that we'd be investing in the track where it currently is. Some construction has already started and we're anticipating it will be completed next year in the spring, where we will then put in the VLTs."

But she added that an opportunity to relocate the racetrack through the development of a new combined racino facility "remains as an option for our company in the future, but neither a decision nor a timeline for a future move has been made."

Live and simulcast racing will continue at Thistledown through the construction period, she added.

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VLT Results for Fiscal Year 2012 (Revised)

Distribution of Net Win:

Month Ending	Credits Played	Credits Won	Promotional Play Credits	Net Win	Number of VLTs	Win/VLT per day	Distribution of Net Win:	
							Racino Commission	Ohio Lottery
July	\$0	\$0	\$0	\$0	0	\$0	\$0	\$0
August	0	0	0	0	0	0	0	0
September	0	0	0	0	0	0	0	0
October	0	0	0	0	0	0	0	0
November	0	0	0	0	0	0	0	0
December	0	0	0	0	0	0	0	0
January	0	0	0	0	0	0	0	0
February	0	0	0	0	0	0	0	0
March	0	0	0	0	0	0	0	0
April	0	0	0	0	0	0	0	0
May	0	0	0	0	0	0	0	0
June	122,671,970	109,925,139	1,671,152	11,075,679	1,787	207	7,365,327	3,710,352
TOTAL	\$122,671,970	\$109,925,139	\$1,671,152	\$11,075,679			\$7,365,327	\$3,710,352

Definition of Terms

Credits Played: The amount of onscreen credits wagered on a video lottery terminal (VLT). This amount represents cash, vouchers and promotions inserted into the VLTs.

Credits Won: The amount of onscreen credits won on a VLT. Also includes any progressive jackpot liability due to players.

Promotional Play Credits: The amount of promotional play for the month.

Net Win: The net revenues remaining after payout of prizes to players. (Credits Played less Credits Won and less Promotional Credits).

Average Number of VLTs: The average number of VLTs at the property.

Win/VLT per day: Net win for the month divided by the number of days in the month divided by the average number of VLTs.

Racino Commission: The portion of Net Win paid to the racino operator as compensation for operating the gaming facility.

Ohio Lottery: The portion of Net Win retained by the Ohio Lottery.



VLT Results for Fiscal Year 2013 - Revised

Month Ending	Credits Played	Credits Won	Promotional Play Credits	Net Win	Percent Payout	Average Number of VLTs	Win/VLT per day	Distribution of Net Win:		Unclaimed Credit Vouchers
								Racino Commission	Ohio Lottery	
July	\$142,476,251	\$127,773,736	\$2,874,622	\$11,827,893	91.70%	1,787	\$214	\$7,865,549	\$3,962,344	
August	153,878,759	138,047,191	2,705,299	13,126,269	91.47%	2,088	203	8,728,969	4,397,300	
September	160,411,305	143,871,242	3,280,221	13,259,842	91.73%	2,117	209	8,817,795	4,442,047	
October	128,191,782	114,776,070	3,154,810	10,260,902	92.00%	2,117	156	6,823,500	3,437,402	
November	122,079,469	109,107,193	3,124,285	9,847,991	91.93%	2,117	155	6,548,914	3,299,077	
December	119,725,747	106,676,618	3,170,786	9,878,343	91.75%	2,117	151	6,569,098	3,309,245	\$9,679
January	120,790,977	107,647,446	2,983,441	10,160,090	91.59%	2,116	155	6,756,460	3,403,630	5,133
February	124,501,000	110,774,673	2,741,929	10,984,398	91.18%	2,107	186	7,304,625	3,679,773	8,111
March	150,264,713	133,955,614	3,703,186	12,605,913	91.61%	2,107	193	8,382,932	4,222,981	8,548
April	228,869,129	204,727,262	4,823,778	19,318,089	91.56%	2,907	222	12,846,530	6,471,559	5,111
May	267,630,122	238,632,609	6,463,471	22,534,042	91.58%	3,205	227	14,985,138	7,548,904	3,132
June	277,221,500	247,014,663	8,485,857	21,720,980	92.16%	3,229	224	14,444,451	7,276,529	3,606
TOTAL	\$1,996,040,754	\$1,783,004,317	\$47,511,685	\$165,524,752				\$110,073,961	\$55,450,791	\$43,320

Note: Figures reported are unaudited.

Definition of Terms

Credits Played: The amount of onscreen credits wagered on a video lottery terminal (VLT). This amount represents cash, vouchers and promotions inserted into the VLTs.

Credits Won: The amount of onscreen credits won on a VLT. Also includes any progressive jackpot liability due to players.

Promotional Play Credits: The amount of promotional play for the month.

Net Win: The net revenues remaining after payout of prizes to players. (Credits Played less Credits Won and less Promotional Credits).

Percent Payout: Represents the actual amount of payout to patrons. This is calculated by dividing the net win by credits played, then subtracting from 100 percent.

Average Number of VLTs: The average number of VLTs at the property.

Win/VLT per day: Net win for the month divided by the number of days in the month divided by the average number of VLTs.

Racino Commission: The portion of Net Win paid to the racino operator as compensation for operating the gaming facility.

Ohio Lottery: The portion of Net Win retained by the Ohio Lottery.

Unclaimed Credit Vouchers: Funds available as unclaimed credit vouchers, as defined as over 180 days, shall be owed to the commission in accordance with ORC 3770:2-3-08.

*Thistledown conducted a controlled demonstration on April 2 from 5 pm - 11 pm. Opened on April 9 at 4:30 pm.



VLT Results for Fiscal Year 2014

Month Ending	Credits Played	Credits Won	Promotional Play Credits	Net Win	Percent Payout	Average Number of VLTs	Win/VLT per day	Distribution of Net Win:			
								Racino Commission	Ohio Lottery	Problem Gambling Services	Unclaimed Credit Vouchers
July	\$292,451,507	\$260,912,414	\$8,976,144	\$22,562,949	92.28%	3,229	\$225	\$14,929,339	\$7,558,588	\$75,022	\$3,310
August	297,996,802	266,285,771	8,805,176	22,905,855	92.31%	3,233	229	15,156,231	7,673,462	76,162	5,899
September	282,965,759	252,463,853	8,177,953	22,323,953	92.11%	3,248	229	14,771,202	7,478,524	74,227	5,182
October	284,909,316	254,353,378	6,439,750	24,116,188	91.54%	3,257	239	15,957,078	8,078,924	80,186	10,380
November	281,315,238	250,744,736	6,000,570	24,569,932	91.27%	3,256	252	16,257,310	8,230,927	81,695	19,474
*December	386,499,276	345,013,473	5,955,531	35,530,272	90.81%	5,286	217	23,509,493	11,902,641	118,138	12,638
January	433,914,337	387,493,775	7,228,695	39,191,867	90.97%	7,083	178	25,932,279	13,129,275	130,313	23,672
February	484,329,996	432,605,559	8,124,792	43,599,645	91.00%	7,079	220	28,848,795	14,605,881	144,969	19,463
March	582,864,314	521,417,373	10,524,914	50,922,027	91.26%	7,111	231	33,693,832	17,058,879	169,316	13,777
April	542,691,403	485,359,551	10,042,507	47,289,345	91.29%	7,091	222	31,290,177	15,841,931	157,237	15,553
*May	634,200,490	567,334,108	11,150,829	55,715,553	91.21%	8,577	210	36,865,589	18,664,710	185,254	11,084
*June	572,499,277	512,310,789	11,339,714	48,848,774	91.47%	8,585	190	32,322,012	16,364,339	162,423	87,594
TOTAL	\$5,076,637,715	\$4,536,294,780	\$102,766,575	\$437,576,360				\$289,533,337	\$146,588,081	\$1,454,942	\$228,026

Note: Figures reported are unaudited and rounded for presentation.

*Miami Valley conducted two controlled demonstrations: December 8 from 4 pm - 9 pm and December 10 from 6 pm - 9 pm. Opened on December 12 at 11 am.

*Hard Rock Racino conducted a controlled demonstration on December 16 from 6 pm - 10 pm. Opened on December 18 at 5 pm.

*Belterra Park conducted a controlled demonstration on April 29 from 8 am - 12 noon. The controlled demonstration revenue information is included in the May totals. Opened on May 1 at 4 pm.

* June total for unclaimed credit vouchers includes a correction for previous reporting periods.

Definition of Terms

Credits Played: The amount of onscreen credits wagered on a video lottery terminal (VLT). This amount represents cash, vouchers and promotions inserted into the VLTs.

Credits Won: The amount of onscreen credits won on a VLT. Also includes any progressive jackpot liability due to players.

Promotional Play Credits: The amount of promotional play for the month.

Net Win: The net revenues remaining after payout of prizes to players. (Credits Played less Credits Won and less Promotional Credits).

Percent Payout: Represents the actual amount of payout to patrons. This is calculated by dividing the net win by credits played, then subtracting from 100 percent.

Average Number of VLTs: The average number of VLTs at the property.

Win/VLT per day: Net win for the month divided by the number of days in the month divided by the average number of VLTs.

Racino Commission: The portion of Net Win paid to the racino operator as compensation for operating the gaming facility, less Problem Gambling Services disbursement.

Ohio Lottery: The portion of Net Win retained by the Ohio Lottery.

Problem Gambling Services: As of July 1, 2013, each racino shall disperse one-half of one percent of their commission to the Ohio Lottery for the purpose of providing funding support for programs that provide for gambling addiction and other related addiction services.

Unclaimed Credit Vouchers: Funds available as unclaimed credit vouchers, as defined as over 180 days, shall be owed to the commission in accordance with ORC 3770:2-3-08.

Casino Tax Distributions

Statewide Distribution		County Fund (51%)		Student Fund (34%)		Host City Fund (5%)	
Jul-12	\$ 19,760,132.67	Jul-12	\$ 10,077,667.67	Jul-12	\$ 6,718,445.11	Jul-12	\$ 988,006.63
Oct-12	\$ 39,439,630.66	Oct-12	\$ 20,114,211.65	Oct-12	\$ 13,409,474.42	Oct-12	\$ 1,971,981.53
Jan-13	\$ 52,417,622.00	Jan-13	\$ 26,732,987.22	Jan-13	\$ 17,821,991.48	Jan-13	\$ 2,620,881.10
Apr-13	\$ 62,935,379.00	Apr-13	\$ 32,097,043.29	Apr-13	\$ 21,398,028.86	Apr-13	\$ 3,146,768.95
Jul-13	\$ 70,645,627.00	Jul-13	\$ 36,029,269.77	Jul-13	\$ 24,019,513.18	Jul-13	\$ 3,532,281.35
Oct-13	\$ 70,244,213.09	Oct-13	\$ 35,824,548.68	Oct-13	\$ 23,883,032.46	Oct-13	\$ 3,512,210.65
Jan-14	\$ 68,691,396.00	Jan-14	\$ 35,032,611.96	Jan-14	\$ 23,355,074.64	Jan-14	\$ 3,434,569.80
Apr-14	\$ 66,267,980.41	Apr-14	\$ 33,796,670.01	Apr-14	\$ 22,531,113.34	Apr-14	\$ 3,313,399.02
Jul-14	\$ 68,189,741.00	Jul-14	\$ 34,776,767.91	Jul-14	\$ 23,184,511.94	Jul-14	\$ 3,409,487.05
Oct-14	\$ 69,174,951.62	Oct-14	\$ 35,279,225.33	Oct-14	\$ 23,519,483.55	Oct-14	\$ 3,458,747.58
Jan-15	\$ 63,838,236.85	Jan-15	\$ 32,557,500.80	Jan-15	\$ 21,705,000.53	Jan-15	\$ 3,191,911.84
Total	\$ 651,604,910.30	Total	\$ 332,318,504.29	Total	\$ 221,545,669.51	Total	\$ 32,580,245.50

OCCC (3%)		State Racing (3%)		Problem Gambling (2%)		Law Enforcement (2%)	
Jul-12	\$ 592,803.98	Jul-12	\$ 592,803.98	Jul-12	\$ 395,202.65	Jul-12	\$ 395,202.65
Oct-12	\$ 1,183,188.92	Oct-12	\$ 1,183,188.92	Oct-12	\$ 788,792.61	Oct-12	\$ 788,792.61
Jan-13	\$ 1,572,528.66	Jan-13	\$ 1,572,528.66	Jan-13	\$ 1,048,352.44	Jan-13	\$ 1,048,352.44
Apr-13	\$ 1,888,061.37	Apr-13	\$ 1,888,061.37	Apr-13	\$ 1,258,707.58	Apr-13	\$ 1,258,707.58
Jul-13	\$ 2,119,368.81	Jul-13	\$ 2,119,368.81	Jul-13	\$ 1,412,912.54	Jul-13	\$ 1,412,912.54
Oct-13	\$ 2,107,326.39	Oct-13	\$ 2,107,326.39	Oct-13	\$ 1,404,884.26	Oct-13	\$ 1,404,884.26
Jan-14	\$ 2,060,741.88	Jan-14	\$ 2,060,741.88	Jan-14	\$ 1,373,827.92	Jan-14	\$ 1,373,827.92
Apr-14	\$ 1,988,039.41	Apr-14	\$ 1,988,039.41	Apr-14	\$ 1,325,359.61	Apr-14	\$ 1,325,359.61
Jul-14	\$ 2,045,692.23	Jul-14	\$ 2,045,692.23	Jul-14	\$ 1,363,794.82	Jul-14	\$ 1,363,794.82
Oct-14	\$ 2,075,248.55	Oct-14	\$ 2,075,248.55	Oct-14	\$ 1,383,499.03	Oct-14	\$ 1,383,499.03
Jan-15	\$ 1,915,147.10	Jan-15	\$ 1,915,147.10	Jan-15	\$ 1,276,764.74	Jan-15	\$ 1,276,764.74
Total	\$ 19,548,147.30	Total	\$ 19,548,147.30	Total	\$ 13,032,098.20	Total	\$ 13,032,098.20

*Gross Casino Revenue is taxed at 33%, per the constitutional amendment that was approved by voters in 2009.

*Distributions to school districts from the Student Fund occur semi-annually rather than quarterly.

*The figures compiled in this chart come from the Ohio Department of Taxation and are for informational purposes only. Any questions should be directed to the Department at 614-752-7409.



**APPENDIX
X**