

IN THE SUPREME COURT OF OHIO

STATE EX REL. RESPONSIBLEOHIO, et al :
: **Case No. 2015-1411**
: **Relator,** :
: **Original Action in Mandamus**
: **v.** : **Expedited Election Case**
THE OHIO BALLOT BOARD, et al., :
: **Respondents.** :

MERIT BRIEF OF STATE RESPONDENTS

MICHAEL DEWINE (0009181)
Ohio Attorney General

ANDY DOUGLAS (0000006)
LARRY H. JAMES (0021773)
Crabbe, Brown & James, LLP
500 South Front Street
Suite 1200
Columbus, Ohio 43215
Tel: 614- 228-5511; Fax: 614-228-4559
adouglas@cbjlawyers.com
ljames@cbjlawyers.com

ZACHERY P. KELLER (0086930)
JORDAN S. BERMAN (0093075)
RYAN L. RICHARDSON (0090382)
Assistant Attorneys General
Constitutional Offices Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: 614-466-2872; Fax: 614-728-7592
zachery.keller@ohioattorneygeneral.gov
jordan.berman@ohioattorneygeneral.gov
ryan.richardson@ohioattorneygeneral.gov

DONALD J. MCTIGUE (0022849)
MARK A. MCGINNIS (0076275)
J. COREY COLOMBO (0072398)
DEREK S. CLINGER (0092075)
McTigue McGinnis & Colombo, LLC
545 East Town Street
Columbus, Ohio 43215
Tel: 614-263-7000; Fax: 614-263-7078
dmctigue@electionlawgroup.com
mmcginis@electionlawgroup.com
ccolombo@electionlawgroup.com
dclinger@electionlawgroup.com

*Counsel for Respondents
The Ohio Ballot Board and
Secretary of State Jon Husted*

Counsel for Relators

TABLE OF CONTENTS

Table of Authorities	iii
Introduction.....	1
Statement of the Case and Facts	5
Standard of Review.....	7
Argument	8
I. The Court may only invalidate ballot language that misleads, deceives, or defrauds voters.....	9
II. Given the length and complexity of the proposed amendment, it was necessary to significantly shorten and paraphrase the amendment’s content to provide a reasonable ballot description.	11
III. The ballot language and title fairly inform voters about what they are voting on; they do not mislead, deceive, or defraud voters.	14
A. The ballot language and title accurately reflect that the proposed amendment grants exclusive rights to a select few.....	14
B. The ballot language details the essential parts of the proposed amendment.....	21
C. The ballot language is not misleading or unfairly prejudicial to the proposed amendment.	26
IV. Relators fail to present viable alternatives.....	38
V. Relators unreasonably delayed in bringing their ballot language challenges; the doctrine of laches, therefore, bars Relators’ ballot language claim.....	43
Conclusion	48

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Blankenship v. Blackwell</i> , 103 Ohio St.3d 567, 2004-Ohio-5596, 817 N.E.2d 382	46
<i>Burson v. Freeman</i> , 504 U.S. 191 (1992).....	12
<i>Cantrell v. Trinkle</i> , 197 Ohio App. 3d 82, 2011-Ohio-5288, 966 N.E.2d 288 (2d Dist.)	28
<i>Columbus Bar Assn. v. Potts</i> , 65 Ohio St. 3d 297, 603 N.E.2d 986 (1992), reinstatement granted, 77 Ohio St.3d 1227, 673 N.E. 2d 1378 (1996)	28
<i>In re Application of Ohio Power Co.</i> , 140 Ohio St.3d 509, 2014-Ohio-4271, 20 N.E.3d 699	34
<i>Jurcisin v. Cuyahoga Cty. Bd. of Elections</i> , 35 Ohio St.3d 137, 519 N.E.2d 347 (1988)	<i>passim</i>
<i>Lubin v. Panish</i> , 415 U.S. 709 (1974).....	12
<i>Nev. Comm’n on Ethics v. Carrigan</i> , 131 S. Ct. 2343 (2011).....	36
<i>Paschal v. Cuyahoga Cty. Bd. of Elections</i> , 74 Ohio St.3d 141, 656 N.E.2d 1276 (1995)	44, 47
<i>Purcell v. Gonzalez</i> , 549 U.S. 1 (2006).....	12
<i>Smith v. Scioto Cty Bd. of Elections</i> , 123 Ohio St.3d 467, 2009-Ohio-5866, 918 N.E.2d 131	43, 44
<i>State ex rel. Bailey v. Celebrezze</i> , 67 Ohio St.2d 516, 426 N.E.2d 493 (1981)	9, 10, 11, 35
<i>State ex rel. Brown v. Ashtabula Cty. Bd. of Elections</i> , 142 Ohio St.3d 370, 2014-Ohio-4022, 31 N.E.3d 596	7
<i>State ex rel. Chillicothe v. Ross Cty. Bd. of Elections</i> , 123 Ohio St.3d 439, 2009-Ohio-5523, 917 N.E.2d 263	43
<i>State ex rel. Cincinnati for Pension Reform v. Hamilton Cty. Bd. of Elections</i> , 137 Ohio St.3d 45, 2013-Ohio-4489, 997 N.E.2d 509	<i>passim</i>

Cases	Page(s)
<i>State ex rel. Cooker Restaurant Corp. v. Montgomery Cty. Bd. of Elections</i> , 80 Ohio St.3d 302, 686 N.E.2d 238 (1997)	8
<i>State ex rel. Goodwin v. Indus. Comm'n of Ohio</i> , 10th Dist. Franklin No. 99AP-655, 2000 WL 297247 (Mar. 23, 2000)	28
<i>State ex rel. Kilby v. Summit Cty. Bd. of Elections</i> , 133 Ohio St.3d 184, 2012-Ohio-4310, 977 N.E.2d 590	22, 31
<i>State ex rel. Landis v. Morrow Cty. Bd. of Elections</i> , 88 Ohio St.3d 187, 724 N.E.2d 775 (2000)	44
<i>State ex rel. Polo v. Cuyahoga Cty. Bd. of Elections</i> , 74 Ohio St. 3d 143, 656 N.E.2d 1277 (1995)	44
<i>State ex rel. Purdy v. Clermont Cty. Bd. of Elections</i> , 77 Ohio St.3d 338, 673 N.E.2d 1351 (1997)	12
<i>State ex rel. Voters First v. Ohio Ballot Bd.</i> , 133 Ohio St.3d 257, 2012-Ohio- 4149, 978 N.E.2d 119	<i>passim</i>
<i>State v. Arnold</i> , 5th Dist. Guernsey No. 11 CA 19, 2012-Ohio-3322	28
<i>State, ex rel. Commrs. of the Sinking Fund, v. Brown</i> (1957), 167 Ohio St. 71[, 146 N.E.2d 287]	10, 12, 37
<i>Timmons v. Twin Cities Area New Party</i> , 520 U.S. 351 (1997).....	36
<i>Wellington v. Mahoning Cty. Bd. of Elections</i> , 117 Ohio St. 3d 143, 2008-Ohio-554, 882 N.E.2d 420	35
 Statutes	 Page(s)
21 U.S.C. § 812(c)	42
21 U.S.C. § 841(a)(1).....	42
21 U.S.C. § 844(a)	42
52 U.S.C. § 20302(a)	4
O.R.C. § 3501.05(H).....	5, 10, 47
O.R.C. § 3505.06(E)	5

Statutes	Page(s)
O.R.C. § 3505.061(A).....	5
O.R.C. § 3511.04	7, 45, 46
O.R.C. § 3519.01(A).....	6, 42
O.R.C. § 3519.21	10
O.R.C. § 4303.02-4303.05	41
O.R.C. § 4303.181(J)	42
 Other Authorities	 Page(s)
<i>Ballot Language Issue 2</i> , http://www.sos.state.oh.us/sos/upload/ballotboard/2015/2-Language.pdf	19
Black’s Law Dictionary (7 Ed. 1999) 83	35
Ed. Bd., <i>Legislature throws roadblock in way of legal pot plans</i> , Canton Repository (Jul. 7, 2015);.....	17, 28
<i>Dictionary.com</i> , http://dictionary.reference.com/browse/monopoly	17
Ed. Bd., <i>Block Ohio marijuana monopoly – state constitution is not a stock portfolio</i> , Cleveland Plain Dealer (Jun. 30, 2015)	17
Ed. Bd., <i>Fighting the drug cartel</i> , The Columbus Dispatch (Aug. 23, 2015)	18
Ed. Bd., <i>Fighting words</i> , The Columbus Dispatch (Aug. 30, 2015)	18
Ed. Bd., <i>High on the profits from pot</i> , Akron Beacon Journal (Dec. 31, 2014)	28
Ed. Bd., <i>Issue 2 is more than just insurance against a proposed marijuana-growing cartel</i> , Cleveland Plain Dealer (Aug. 29, 2015)	18
Ed. Bd., <i>Legislature throws roadblock in way of legal pot plans</i> Canton Repository (Jul. 7, 2015).....	17, 28
Ed. Bd., <i>Marijuana referendum games-playing in Ohio raises concerns</i> , Cleveland Plain Dealer (Dec. 26, 2014)	28
Ed. Bd., <i>No cartel</i> , Toledo Blade (Feb. 15, 2015)	18
Ed. Bd., <i>No on ResponsibleOhio’s flawed Issue 3 seeking to legalize marijuana by creating constitutionally protected monopolies</i> (Aug. 29, 2015)	16, 17

Ed. Bd., <i>Ohio should slam door on proposed marijuana cartel</i> Youngstown Vindicator (Jul. 21, 2015)	18
Ed. Bd., <i>What they want is a marijuana monopoly</i> , Akron Beacon Journal (Feb. 5, 2015)	17
Ed., <i>Proponents of marijuana monopoly find plain speaking is objectionable</i> , Columbus Dispatch (Aug. 30, 2015)	29
<i>Husted Issues Titles for Statewide Ballot Questions</i> (August 25, 2015), http://www.sos.state.oh.us/sos/mediaCenter/2015/2015-08-25.aspx	7
<i>LPO Opposes Responsible Ohio Cannabis Initiative</i> , Libertarian Party (May 2, 2015), https://www.lpo.org/news/683-lpo-opposes-responsible-ohio-cannabis- initiative	16
<i>Merriam-Webster</i> , http://www.merriam-webster.com/dictionary/cartel	18
<i>Merriam-Webster</i> , http://www.merriam-webster.com/dictionary/monopoly ;	17
<i>Merriam-Webster</i> , http://www.merriam-webster.com/dictionary/recreational	29
Ohio Constitution Article II, Section 1g	5
Ohio Constitution Article XVI, Section 1	<i>passim</i>
<i>Oxford Dictionaries</i> , http://www.oxforddictionaries.com/us/definition/american_english/endow	20
<i>Oxford Dictionaries</i> , http://www.oxforddictionaries.com/us/definition/american_english/exclusive	17
<i>Secretary of State Certifies Signatures for Responsible Ohio Marijuana Constitutional Am.</i> (Aug. 12, 2015), http://www.sos.state.oh.us/sos/mediaCenter/2015/2015-08-12.aspx	6
<i>U.S. Census Bureau</i> , http://quickfacts.census.gov/qfd/states/39000.html	25
Wikipedia, https://en.m.wikipedia.org/wiki/Exclusive_ right	17

INTRODUCTION

For Ohio's ballot initiative process to work, voters must understand what they are voting on. This case is about the process for providing voters such information, the process for describing and titling a proposed amendment on the ballot. But in considering the process for crafting ballot language, neither the parties nor this Court start with a blank slate. Instead, the Ohio Constitution *expressly assigns* the drafting of ballot language to the Ohio Ballot Board. Here, the Ballot Board exercised its drafting discretion and properly performed its constitutional duty. The Ballot Board took a *lengthy and complex* proposed marijuana amendment, and it provided voters with a *fair and manageable* description – so that voters will know what they are actually voting on.

Reducing Relators' super-sized amendment to a digestible, comprehensible format was no small task. The full text of the proposed amendment is over eleven pages long, mostly single spaced. If passed, it will expand the Ohio Constitution by more than ten percent. Even Relators' 2,740-word summary of their own proposal (Compl. Ex. 6) is twenty-eight paragraphs of dense legalese, spanning over four pages, in reduced font. Beyond pure length, the content of the amendment is enough to give even a seasoned lawyer pause. The proposed amendment covers, in detail, an agglomeration of topics. And, given its intricacy, simply cutting and pasting its language was not a realistic or appropriate ballot option. Consistent with state law, the Ballot Board was *required to condense* the proposed amendment for purposes of a statewide ballot description.

But such shortening inherently requires judgment calls. It requires judgment calls on how much or how little information to include on different topics. It requires judgment calls on which details to omit. It requires judgment calls on when to use the precise language of the amendment and when to make amendment language more accessible (*e.g.*, by using common

terms). These are difficult decisions with no clear answers (particularly when faced with a complex proposed amendment). And, no matter how ballot language is phrased, someone—whether proponent or opponent—is likely to be unhappy with at least some aspect.

Recognizing the importance of these tasks, the Ohio Constitution places these decisions in the hands of the Ballot Board (consisting of the Secretary of State and four members appointed by Republican and Democratic legislators). Even this Court must give the Board considerable deference. The Constitution explicitly prohibits the Court from invalidating ballot language “*unless it is such as to mislead, deceive, or defraud the voters.*” (Emphasis added.) Ohio Constitution Article XVI, Section 1. This is a heavy standard, requiring the Court to find an active intent to lead voters astray. Thus, the issue before the Court is not whether the ballot language is perfect, whether Relators like the language, or even whether this Court would have summarized the proposed amendment differently. The issue is whether the ballot language misleads, deceives, or defrauds voters. It does not.

Applying this deferential standard, the Court should deny Relators relief for multiple reasons. *First*, the ballot language provides voters with an accurate, manageable description of a lengthy proposed amendment. Given the proposed amendment’s size and complexity, it was necessary to significantly shorten the amendment’s content for purposes of the statewide ballot. The State has inherent interests in effectively informing voters and avoiding confusion. The ballot language—which reduces the proposed amendment from a complex legal document into a more readable form—serves these interests. Moreover, for practical purposes, such as bilingual ballots and the mailing of absentee ballots, Boards of Elections and voters need a ballot description that is reasonable in length (not burdensomely long).

Second, the ballot language and title provide fair, plain-speak descriptions of the proposed amendment. The State Respondents will address Relators’ specific challenges below, but a few points deserve initial mention. The ballot language and title accurately reflect that—beyond purportedly legalizing marijuana—the proposed amendment grants exclusive rights to a limited, pre-selected group of landowners. Or, in other terms, it grants a monopoly. This is an *essential* part of the amendment. The proposed amendment preordains, and would memorialize in the Ohio Constitution, ten facilities—down to the property parcel number—for marijuana growth, cultivation, and extraction. Prop. Am. § 12(F) (Compl. Ex. 1). Although Relators apparently wish to obscure this information, Ohio voters should know. Ohio voters should know that their vote is not only about (i) the authorization of marijuana for recreational and medical purposes, but also about (ii) whether to grant a narrow group exclusive marijuana (commercial) growth rights and privileges. After all, an Ohio voter could reasonably agree with legalization, but still vote no because of the special economic benefits the proposal grants, via Ohio’s Constitution, to a chosen few.

Along related lines, the ballot language does not contain material omissions and is evenhanded in its treatment of the amendment. For example, despite Relators’ protestations, there is nothing inappropriate about using the phrase “recreational use” within the ballot language. This is a commonly used way of distinguishing between using marijuana for medical purposes and using marijuana for pleasure (both of which the amendment purports to authorize). Anyone remotely familiar with the marijuana debate understands that there is a difference between the two categories, and distinct reasons for or against each type of use. Relators’ preferred phrase, “personal use”, does not highlight the distinction (as it could refer to either

use). While Relators may have strategically avoided the term recreational, that does not prohibit the Ballot Board from using the common language.

Third, Relators fail to provide a viable option for the ballot language. Although it is the Ballot Board's duty to draft ballot language (not Relators), it is still telling that Relators fail to set forth a realistic alternative. Relators submitted two proposals to the Ballot Board. The first proposal (Compl. Ex. 5) was far too short (a single sentence), while the second (Compl. Ex. 6) was far too long (twenty-eight paragraphs of legal jargon). As a last resort, Relators also suggest that the ballot language should simply cut and paste the "summary" they embedded within the proposed amendment.¹ See Prop. Am. § 12(A). But this summary has multiple problems; perhaps most glaringly, it *completely omits* the special rights the proposed amendment grants. This description might be Relators' preferred poll-tested sales pitch, but the Ballot Board was not required to accept it.

Fourth, the doctrine of laches bars the Relators' ballot language challenges. The record reflects that Relators were aware of their basic challenges, as well as the applicable legal standards, at the time of the August 18, 2015 Ballot Board meeting. They still waited nine days to bring these challenges. Although this delay might seem relatively short, in the context of elections administration it is significant. Federal law requires ballot language to be finalized by September 19 (*i.e.*, forty-five days before the general election) *at the latest* for mailing to uniformed services and overseas voters. 52 U.S.C. § 20302(a). Under these specific circumstances, a nine-day delay falls short of the utmost diligence that this Court requires.

On a final note, it is important to remember that the ballot language at issue *does not* cut off debate or prevent voters from obtaining further information. The full text of the proposed

¹ This embedded language is the first of its kind, attempting to integrate a proponent-written "summary" into the text of the Ohio Constitution.

amendment (which is 6,600 words), along with arguments for the proposed amendment that Relators submitted and the Ballot Board adopted, will be printed in a newspaper of general circulation for three weeks in each county. The proposed amendment is now available on the Secretary's website. And it will also be available at all polling locations on Election Day. Additionally, proponents (Relators) have already begun publicly advertising their positions.

In short, the ballot language and title provide a fair and manageable description of a lengthy and complicated amendment; a description that does not mislead, deceive, or defraud voters. Because the Ballot Board and Secretary performed their duties, and acted within their discretion, the Court should deny Relators' request for an extraordinary writ.

STATEMENT OF THE CASE AND FACTS

Relators bring this action against Respondents the Ohio Ballot Board and Ohio Secretary of State Jon Husted (collectively, "the State Respondents") regarding their duties to draft ballot language and a ballot title for Relators' proposed amendment.

The Ballot Board consists of five people, the Secretary and four legislatively-appointed members. *See* R.C. 3505.061(A). Of the four appointed members, only two can be from the same political party. Ohio Constitution Article XVI, Section 1. When petitioners successfully place a proposed amendment to the Ohio Constitution on the ballot, the Ballot Board prescribes ballot language "identify[ing] the substance of the proposal to be voted upon." *Id.*; *see also* Ohio Constitution Article II, Section 1g (incorporating Article XVI, Section 1 standards for voter-initiated proposals); R.C. 3505.06(E) ("A condensed text that will properly describe the question, issue, or an amendment proposed by other than the general assembly shall be used * * *."). The Ballot Board must certify such language no later than seventy-five days before the relevant election. Ohio Constitution Article XVI, Section 1. The Secretary must also prepare a ballot title for statewide initiatives. R.C. 3501.05(H).

This case relates to the performance of these duties for purposes of Relators' proposed amendment, Issue 3 on the November 2015 general election ballot. A brief timeline of preliminary events includes the following:

- March 3, 2015 – Relators submitted a copy of their proposed amendment (Compl. Ex. 1) and a summary of the proposed amendment (Compl. Ex. 2) to the Ohio Attorney General;
- March 13, 2015 – The Attorney General concluded, pursuant to R.C. 3519.01(A), that Relators summary (Compl. Ex. 2) of its proposed amendment was “fair and truthful” (Compl. Ex. 3);²
- March 2015 through August 2015 – Relators collected signatures for purposes of placing the proposed amendment on the ballot;
- August 12, 2015 – The Secretary certified that Relators had collected enough signatures to place their proposed amendment on the ballot. *See Secretary of State Certifies Signatures for Responsible Ohio Marijuana Constitutional Am.* (Aug. 12, 2015), <http://www.sos.state.oh.us/sos/mediaCenter/2015/2015-08-12.aspx>.

The Ballot Board held a public meeting on August 18, 2015 to consider and approve November 2015 ballot language for all of the statewide initiatives. *See* Compl. Ex. 9 (partial transcript of Ballot Board proceedings, hereinafter “Tr.”). Before the meeting, the Secretary’s staff met with both proponents and opponents of the amendment and drafted proposed ballot language, which they circulated to both sides. Compl. Ex. 4. At the meeting, the Ballot Board received extensive public comments regarding the proposed ballot language from both sides. *See* Tr. 55-99. Speakers included two attorneys for Relators. *Id.* at 55-78. Both proponents and opponents were also able to submit written documents to the Board in support of their testimony. *See, e.g.,* Compl. ¶ 19.

² As discussed further below, Argument § IV, the Attorney General’s review was limited in scope.

After a short recess, Senator Faber—one of the four appointed members of the Ballot Board—proposed amendments to the Secretary’s initially submitted language. Tr. 99. Senator Faber detailed these amendments for the record. *Id.* at 99-102. The Ballot Board then allowed additional public comment from Relators’ counsel. *Id.* at 103-11.

The Ballot Board ultimately voted in favor of the proposed language (incorporating Senator Faber’s amendments) by a vote of three to two. *Id.* at 116-17. The approved ballot language is attached to the Complaint as Exhibit 7. It is roughly a page and a half long, and consists of nine bullet points condensing the proposed amendment.

On August 25, 2015, the Secretary issued the ballot titles for the three statewide initiatives. *Husted Issues Titles for Statewide Ballot Questions* (August 25, 2015), <http://www.sos.state.oh.us/sos/mediaCenter/2015/2015-08-25.aspx>. The title for Issue 3 is “Grants a monopoly for the commercial production and sale of marijuana for recreational and medicinal purposes.” *Id.* The title for Issue 2—the General Assembly initiated amendment closely related to Issue 3—is “Anti-monopoly amendment; protects the initiative process from being used for personal economic benefit.” *Id.*

Relators filed this expedited elections case on August 27, 2015. They seek a writ of mandamus invalidating both the ballot language and ballot title for Issue 3. Importantly, Boards of Elections must have ballots ready for mailing no later than the forty-fifth day before the election. *See* R.C. 3511.04 (setting deadline for mailing absentee ballots to uniformed services and overseas voters). For the November 2015 election this deadline is September 19, 2015.

STANDARD OF REVIEW

“A writ of mandamus is an extraordinary remedy, exercised by this court with caution and issued only when the right is clear.” *State ex rel. Brown v. Ashtabula Cty. Bd. of Elections*, 142 Ohio St.3d 370, 2014-Ohio-4022, 31 N.E.3d 596, ¶ 11. To justify such extraordinary relief,

Relators “must establish a clear legal right to the requested relief, a corresponding clear legal duty on the part of the board to provide it, and the lack of an adequate remedy in the ordinary course of the law.” *State ex rel. Voters First v. Ohio Ballot Bd.*, 133 Ohio St.3d 257, 2012-Ohio-4149, 978 N.E.2d 119, ¶ 22. Relators “must prove these requirements by clear and convincing evidence.” *State ex rel. Cincinnati for Pension Reform v. Hamilton Cty. Bd. of Elections*, 137 Ohio St.3d 45, 2013-Ohio-4489, 997 N.E.2d 509, ¶ 20.

In this case, Relators do not contend that the State Respondents actually failed to perform their constitutional or statutory duties. They are simply displeased with the outcome. Under these circumstances, “the dispositive issue is whether the ballot board abused its discretion and clearly disregarded applicable law in adopting the ballot language of the proposed constitutional amendment.” *Voters First* at ¶ 23. “An abuse of discretion implies an unreasonable, arbitrary, or unconscionable attitude.” *State ex rel. Cooker Restaurant Corp. v. Montgomery Cty. Bd. of Elections*, 80 Ohio St.3d 302, 305, 686 N.E.2d 238 (1997). Moreover, in the context of ballot language cases like this one, the Constitution further refines the standard. As discussed below, the Court may *only* invalidate language that misleads, deceives, or defrauds voters. Ohio Constitution Article XVI, Section 1.

ARGUMENT

An extraordinary writ is inappropriate here because the State Respondents did not abuse their discretion or clearly disregard the law in preparing ballot language and a ballot title for Issue 3. The ballot language properly describes the substance of the proposed amendment in a fair and manageable manner, and it does not mislead, deceive, or defraud voters. Similarly, the ballot title presents an accurate statement of the proposed amendment. Relators’ requests for relief, therefore, should be denied.

I. **The Court may only invalidate ballot language that misleads, deceives, or defrauds voters.**

Relators' challenges require the Court to evaluate the ballot language and ballot title the State Respondents prepared for Issue 3. Both areas require deferential review.

Ballot Language. When considering ballot language, the question before the Court is a narrow one. This Court is constitutionally prohibited from invalidating ballot language “*unless it is such as to mislead, deceive, or defraud the voters.*” (Emphasis added.) Ohio Constitution Article XVI, Section 1. Consequently, it is not pertinent “whether the members of this court might have used different words to describe the language used in the proposed amendment * * *.” *Voters First* at ¶ 25 (quoting *State ex rel. Bailey v. Celebrezze*, 67 Ohio St.2d 516, 519, 426 N.E.2d 493 (1981)). Rather, the Court need only decide—applying the above constitutional standard—“[‘]whether the language adopted by the ballot board properly describes the proposed amendment.” *Id.* (quoting *Bailey* at 519).

In *Bailey*, this Court adopted a three-part test to evaluate ballot language:

First, a voter has the right to know what it is he is being asked to vote upon. *State, ex rel. Burton, v. Greater Portsmouth Growth Corp.* (1966), 7 Ohio St.2d 34, 37[, 218 N.E.2d 446]. Second, use of language which is “in the nature of a persuasive argument in favor of or against the issue * * * ” is prohibited. *Beck v. Cincinnati* (1955), 162 Ohio St. 473, 474–475[, 124 N.E.2d 120]. And, third, “the determinative issue * * * is whether the cumulative effect of these technical defects [in ballot language] is harmless or fatal to the validity of the ballot.” *State, ex rel. Williams, v. Brown* (1977), 52 Ohio St.2d 13, 19[, 368 N.E.2d 838]; *State, ex rel. Commrs. of the Sinking Fund, v. Brown* (1957), 167 Ohio St. 71[, 146 N.E.2d 287].

Voters First at ¶ 26 (quoting *Bailey* at 519). In applying this test, the Court’s inquiries have included (a) whether ballot language omits material information that is an “essential part” of the proposed amendment and (b) whether ballot language contains improperly prejudicial language “meant to sway the voters’ opinions of the measure in a specific direction * * *.” *Cincinnati for Pension Reform* at ¶¶ 37, 58.

Importantly, the Court must be cautious in applying the *Bailey* framework and evaluating ballot language for omissions or potential prejudice. After all, the three-part *Bailey* test is simply a gloss on the *express* constitutional standard; a standard that allows the Ballot Board considerable discretion. If the Court travels too far down the path of critiquing omissions, phrasing, and word choice, then what starts as a deferential constitutional standard quickly becomes *de novo* review of the ballot language. *See id.* at ¶ 52 (recognizing that any “strict requirement that boards cannot draft ballot language using nouns or verbs that do not appear in the proposed amendment would unduly restrict a board’s discretion as it carries out its duties”); *cf. also State, ex rel. Commrs. of Sinking Fund, v. Brown*, 167 Ohio St. 71, 74, 146 N.E.2d 287 (1957) (“In criticizing the précis prepared by the respondent Secretary of State, it might be well to recall the wise observation * * * ‘there is no end to the difficulty in choosing language which will awaken in the reader the very same thought that was in the mind of the writer.’”).

At bottom, “[t]he *sole issue* before this court is whether the proposed ballot language ‘is such as to mislead, deceive, or defraud the voters.’” (Emphasis added.) *Bailey* at 518 (quoting Ohio Constitution Article XVI, Section 1).

Ballot Title. The Secretary’s title for the proposed amendment requires a similar analysis. Under Ohio law, it is the Secretary’s duty to prepare ballot titles for statewide ballot initiatives. R.C. 3501.05(H). The ballot title “shall give a true and impartial statement of the [proposed amendment] in such language that the ballot title shall not be likely to create prejudice for or against the measure.” R.C. 3519.21. In examining ballot titles this Court has looked to the same components enunciated in *Bailey*. *See Jurcisin v. Cuyahoga Cty. Bd. of Elections*, 35 Ohio St.3d 137, 141-42, 519 N.E.2d 347 (1988) (holding that ballot title for city charter amendment satisfied the *Bailey* test).

Thus, incorporating general mandamus requirements, the question in this case is whether (applying the *Bailey* framework) the Secretary abused his discretion or clearly disregarded the law in preparing a title for Issue 3.

II. **Given the length and complexity of the proposed amendment, it was necessary to significantly shorten and paraphrase the amendment’s content to provide a reasonable ballot description.**

Before addressing Relators’ specific language objections, it is important to recognize the difficult challenge—for purposes of drafting ballot language—that Relators’ lengthy amendment posed. Under the present circumstances, the Ballot Board faced the balancing act of (i) providing enough information so that voters would be informed, but not (ii) so much information that they would be overwhelmed.

When drafting ballot language, the Ballot Board is empowered to shorten and/or paraphrase a proposed amendment. The Ohio Constitution specifically states that the ballot language “*need not contain the full text nor a condensed text of the proposal.*” (Emphasis added.) Ohio Constitution Article XVI, Section 1. This makes sense. Proposed amendments will often be long and contain technical or complex information (as is the case here). Thus, sticking mechanically to the text of a proposed amendment may actually defeat the ballot goal of providing a clear, concise description. *See Jurcisin* at 142 (“Additional language may have made the summary more complete as to some aspects of the charter amendment, *but would also have defeated the purpose of the summary in providing a clear, concise description of the amendment to the voters.*”) (emphasis added). This Court has cogently described the dilemma of too much information:

Of course a greater degree of accuracy of expression would have resulted if the ballot had contained the lengthy involved technical terms of the entire amendment, but this is the very difficulty sought to be avoided by the statute which expressly states that the ‘ballot need not contain the full text of the proposal’ and that a ‘condensed text’ may be substituted therefor.

Brown 167 Ohio St. at 74; *Jurcisin* at 142 (same).

In making decisions regarding ballot language, the State has compelling election interests at stake: “A State indisputably has a compelling interest in preserving the integrity of its election process.” *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006) (quoting *Eu v. San Francisco Cty. Democratic Central Comm.*, 489 U.S. 214, 231 (1989)). And, of particular relevance here, the State has significant interests in preventing voter confusion and keeping its ballot manageable. See, e.g., *State ex rel. Purdy v. Clermont Cty. Bd. of Elections*, 77 Ohio St.3d 338, 344, 673 N.E.2d 1351 (1997) (listing various important state election interests including “avoiding voter confusion” and “ballot overcrowding”); *Burson v. Freeman*, 504 U.S. 191, 199 (1992) (recognizing “that a State has a compelling interest in protecting voters from confusion”); *Lubin v. Panish*, 415 U.S. 709, 715 (1974) (“[T]he State’s interest in keeping its ballots within manageable, understandable limits is of the highest order.”).

In this case, the Ballot Board’s judgment calls in reducing the proposed amendment’s length were not just legally allowable, *they were necessary*. The proposed amendment is long and complex. See Prop. Am. (Compl. Ex. 1). It covers roughly eleven pages, single spaced (including twelve subsections). *Id.* Its scope is ambitious. Among other things, it would authorize for use both recreational and medicinal marijuana; designate ten specific locations for marijuana growth and cultivation; and create a brand new regulatory scheme and commission. Even Relators’ 2,740-word summary of their proposed amendment is remarkably unwieldy. See Compl. Ex. 2. This twenty-eight paragraph description covers approximately four pages single spaced, in miniscule font. Both the proposed amendment itself and Relators’ summary are rife with technical and legal phrasing (e.g., Compl. Ex. 2, ¶ 20, “Initial regulations required to be adopted by specific dates are to be promulgated notwithstanding other provisions of law

regarding promulgation of administrative rules * * *.” Huh?). *See* Prop. Am.; Compl. Ex. 2. Both documents also employ repeated use of complex and previously unknown acronyms (*e.g.*, MGCE = Marijuana Growth, Cultivation & Extraction facilities). *See id.*

Accordingly, the Ballot Board was required to significantly shorten and paraphrase the proposed amendment to provide for a manageable, non-confusing ballot. Cutting and pasting Relators’ proposed amendment, or even select segments, would have resulted in both a confusing ballot and information overload. On the other hand, the Ballot Board’s page and a half, nine bullet-point summary strikes the appropriate balance between too much and not enough information for voters; and provides this information in a readable format.

The current ballot language also serves other practical interests by keeping the ballot a reasonable length. Lengthy ballots cause problems for Boards of Elections and voters. As just one example, lengthy ballots result in increased costs for both Boards and voters for mail-in absentee voting. *See* McDonald Aff. ¶ 9. Moreover, some Ohio counties, such as Cuyahoga County, have bilingual ballots. *See* McDonald Aff. ¶¶ 3-4. Inputting Relators’ proposed twenty-eight paragraph summary on the ballot would result in a ballot of significantly increased size: “State Issue 3 ballot language would encompass ten (10) columns across three (3) sides of two (2) ballot cards * * *.” *Id.* at ¶ 5; *see also* McDonald Aff. Attached Ex. 2 (test ballot). It would force Issue 3 language to start on the front of one ballot card and end on the back of a separate ballot – violating ballot layout and usability “best practices” and resulting in never-experienced circumstances for pollworkers. *See* McDonald Aff. ¶¶ 6-7. J. Patrick McDonald, Director of the Cuyahoga County Board of Elections, estimates that the additional ballot card—necessary for Relators’ summary—would cost the Board approximately \$200,000 in printing alone. *Id.* at ¶ 8.

Again, the Ballot Board’s concise description provides a better, more practical, ballot option. *See id.* at ¶ 5; McDonald Aff. Attached Ex. 3.

Recognizing that the Ballot Board needed to shorten and simplify the proposed amendment provides helpful context. Relators’ lengthy and complex proposed amendment *forced* the Ballot Board to make judgment calls to shorten and describe the amendment. Under the Ohio Constitution, the Ballot Board is entrusted to make these judgment calls. Relators are apparently displeased with these discretionary choices, but that does not entitle them to relief.

III. The ballot language and title fairly inform voters about what they are voting on; they do not mislead, deceive, or defraud voters.

Relators’ challenges to the ballot language fail for three general reasons. First, both the ballot language and title correctly reflect that the proposed amendment not only legalizes marijuana, but also grants exclusive economic rights (*i.e.* a monopoly) to a hand-picked group of landowners. Second, the ballot language includes the essential components of the proposed amendment, and makes appropriate decisions as to what details to include and exclude. Third, the ballot language provides a fair, non-prejudicial description of the proposed amendment.

A. The ballot language and title accurately reflect that the proposed amendment grants exclusive rights to a select few.

In considering whether to vote for or against a proposed amendment, voters can reasonably ask, “Who benefits?” Here, there is a concrete answer. The proposed amendment specifically assigns the rights to grow and cultivate marijuana (for commercial purposes) to the owners of ten specific properties. Prop. Am. § 12(F). Relators’ contention that additional sites *may* eventually be added at an unspecified future date is immaterial to this fact. Accordingly, both the title and language the State Respondents prepared for Issue 3 properly explain that the proposed amendment grants exclusive rights—for marijuana growth and cultivation—to a small, pre-selected group. In attempting to pass their amendment, Relators seek to deemphasize this

aspect. But granting these special economic benefits (through Ohio’s Constitution) is an essential part of the proposed amendment, likely to be important to most voters. Voters need to know this information.

Relators do not actually dispute that the proposed amendment grants special economic benefits; nor could they. The proposed amendment makes clear that marijuana growth, cultivation, and extraction “for sale and medical use within [Ohio] shall be lawful *only* at licensed [Marijuana Growth, Cultivation & Extraction (“MGCE”)] facilities.” (Emphasis added.) Prop. Am. § 12(F). It then provides that, subject to a few limited conditions, “*there shall only be ten MGCE facilities * * **” (Emphasis added.) *Id.* The proposed amendment specifically designates the ten real properties that shall operate such facilities. To make sure there is no confusion as to who gets to reap the rewards of being a licensed MGCE facility, the proposed amendment identifies these properties down to their tax parcel numbers. *Id.*

The ballot title and language accurately describe this aspect of the proposed amendment. Taken in combination, the above provisions within § 12(F) allow an exclusive, predetermined group (those who own the ten designated properties) to corner the market on marijuana growth and cultivation – with constitutional blessing. The ballot title, therefore, accurately states that the proposed amendment grants a monopoly. And the ballot language further explains that the proposed amendment would “[e]ndow exclusive right for commercial marijuana growth, cultivation, and extraction to self-designated landowners who own ten predetermined parcels of land * * *.” Compl. Ex. 7. These are accurate statements; this is the effect of § 12(F).

And these exclusive rights are an essential component of the proposed amendment. Granting special economic rights through the Ohio Constitution is no small matter. The Court need not take the State Respondents’ word for it. As just one example, the Editorial Board of the

Cleveland Plain Dealer expressed this same thought. *See* Ed. Bd., *No on ResponsibleOhio's flawed Issue 3 seeking to legalize marijuana by creating constitutionally protected monopolies*, Cleveland.com (Aug. 29, 2015), http://www.cleveland.com/opinion/index.ssf/2015/08/responsibleohios_issue_3_is_th.html#incart_2box_opinion_index.ssf. The Editorial Board stated:

Set aside whether marijuana should be legalized in Ohio for recreational or other uses. That simple question will not be up for a vote this November.

What will be on the Nov. 3 ballot is Issue 3 -- a measure that would enshrine within the Ohio Constitution a legal cartel for the cultivation of marijuana that could only be changed by a future vote of the people.

* * *

Even if it is the inclination of the people of Ohio to legalize weed, giving ten business groups the exclusive right -- as part of the Ohio Constitution -- to grow cannabis in large volume is not the way to go about doing it.

*Id.*³ Even those one might expect to favor the amendment have opposed it on such grounds. *See, e.g., LPO Opposes Responsible Ohio Cannabis Initiative*, Libertarian Party (May 2, 2015), <https://www.lpo.org/news/683-lpo-opposes-responsible-ohio-cannabis-initiative> (“Because the Libertarian Party has supported re-legalizing cannabis since the party’s inception in 1971, the LPO’s decision to oppose this particular measure is very significant. The party’s objection to the proposal stems from the crony-capitalist nature of the proposed legislation.”).

Relators’ arguments against the ballot title and language are unpersuasive. Contrary to Relators’ positions, the proposed amendment grants a monopoly within the term’s common

³ The amicus brief of Frank Wood and DGF, LLC (a company created to benefit from the proposed amendment) extols the purported virtues of limiting the number of marijuana growth licenses. But whether the above exclusive rights are a good thing is irrelevant to the constitutionality of the ballot language. What matters is that the voters are informed about this aspect of the amendment, so that they can decide. Moreover, this amicus brief downplays the important distinction between granting a limited number of licenses, and enshrining in the Constitution the assignment of these licenses to an exclusive group of pre-selected recipients.

meaning. Clinging desperately to the prefix “mono”, Relators argue that monopoly can only be applied to a single entity (as opposed to a small group). *See* Rel. Br. 41. But this rigid approach ignores common use and meaning of the word. Tellingly, the first definition within Merriam-Webster’s Online Dictionary simply defines monopoly as “exclusive ownership through legal privilege, command of supply, or concerted action * * *.” “Monopoly”, *Merriam-Webster*, <http://www.merriam-webster.com/dictionary/monopoly>; *see also* “Monopoly”, *Dictionary.com*, <http://dictionary.reference.com/browse/monopoly> (second definition, “an exclusive privilege to carry on a business, traffic, or service, granted by a government”); *cf. also* “Exclusive”, *Oxford Dictionaries*, http://www.oxforddictionaries.com/us/definition/american_english/exclusive (definition three, “[c]atering or *available to only a few, select people*; high class or expensive”) (emphasis added). Other sources confirm this common use and meaning of the word. *See, e.g.*, “Exclusive Right,” Wikipedia, https://en.m.wikipedia.org/wiki/Exclusive_right (“[A]n exclusive right is a de facto, non-tangible prerogative existing in law (that is, the power or, in a wider sense, right) to perform an action or acquire a benefit and to permit or deny others the right to perform the same action or to acquire the same benefit. A ‘prerogative’ is in effect an exclusive right. The term is restricted for use for official state or sovereign (i.e., constitutional) powers. *Exclusive rights are a form of monopoly.*”) (emphasis added).

At least six different Ohio newspapers have used the term monopoly in describing the proposed amendment.⁴ Moreover, to the extent there is any actual concern of confusion over the

⁴ Ed. Bd., *What they want is a marijuana monopoly*, Akron Beacon Journal (Feb. 5, 2015), <http://www.ohio.com/editorial/editorials/what-they-want-is-a-marijuana-monopoly-1.564613>; Ed. Bd., *Legislature throws roadblock in way of legal pot plans*, Canton Repository (Jul. 7, 2015), <http://www.cantonrep.com/article/20150706/OPINION/150709616/0/SEARCH>; Ed. Bd., *No on Responsible Ohio’s flawed Issue 3 seeking to legalize marijuana by creating constitutionally protected monopolies*, Cleveland Plain Dealer (Aug. 29, 2015), http://www.cleveland.com/opinion/index.ssf/2015/08/responsibleohios_issue_3_is_th.html; Ed.

prefix and application of the term, the ballot title is not mutually exclusive from the ballot language; and the ballot language makes clear that the proposed amendment grants rights for marijuana “growth, cultivation, and extraction” to the “landowners” (multiple) of ten locations. (Emphasis added.) Compl. Ex. 7.

Relators’ semantics-driven argument defies common sense and stretches far beyond the “abuse of discretion” deference the Court must afford the Secretary in performing his statutory duty to assign a ballot title. Was the Secretary really required—for fear of mandamus relief—to put the obscure term “oligopoly” on a statewide ballot? Would Relators prefer the term cartel?⁵ See, e.g., “Cartel”, *Merriam-Webster*, <http://www.merriam-webster.com/dictionary/cartel> (second definition, “a combination of independent commercial or industrial enterprises *designed to limit competition* or fix prices”) (emphasis added).

Beyond being consistent with common language use, the ballot title signals to voters the interplay between Issue 3 and the closely-related Issue 2. The General Assembly initiated

Bd., *Block Ohio marijuana monopoly – state constitution is not a stock portfolio*, Cleveland Plain Dealer (Jun. 30, 2015), http://www.cleveland.com/opinion/index.ssf/2015/06/keep_ohio_constitution_from_be.html; Ed. Bd., *Fighting words*, The Columbus Dispatch (Aug. 30, 2015), <http://www.dispatch.com/content/stories/editorials/2015/08/30/fighting-words.html>; Ed. Bd., *No cartel*, Toledo Blade (Feb. 15, 2015), <http://www.toledoblade.com/Featured-Editorial-Home/2015/02/15/No-cartel.html>; Ed. Bd., *Ohio should slam door on proposed marijuana cartel*, Youngstown Vindicator (Jul. 21, 2015), <http://www.vindy.com/news/2015/jul/21/ohio-should-slam-door-on-proposed-mariju/?print>.

⁵ At least four different Ohio newspapers have used the term “cartel” in relation to the proposed amendment. See Ed. Bd., *Issue 2 is more than just insurance against a proposed marijuana-growing cartel*, Cleveland Plain Dealer (Aug. 29, 2015), http://www.cleveland.com/opinion/index.ssf/2015/08/issue_2_must_pass_as_insurance.html; Ed. Bd., *Fighting the drug cartel*, The Columbus Dispatch (Aug. 23, 2015), <http://www.dispatch.com/content/stories/editorials/2015/08/23/1-fighting-the-drug-cartel.html>; Ed. Bd., *No cartel*, Toledo Blade (Feb. 15, 2015), <http://www.toledoblade.com/Featured-Editorial-Home/2015/02/15/No-cartel.html>; Ed. Bd., *Ohio should slam door on proposed marijuana cartel*, Youngstown Vindicator (Jul. 21, 2015), <http://www.vindy.com/news/2015/jul/21/ohio-should-slam-door-on-proposed-mariju/?print>.

Issue 2—the “Anti-monopoly amendment” (the title of which is not at issue in this action)—to prohibit private petitioners from using Ohio’s constitutional initiative process for personal economic benefit. *See Ballot Language Issue 2*, <http://www.sos.state.oh.us/sos/upload/ballotboard/2015/2-Language.pdf>. That initiative would prohibit any proposed constitutional amendment from granting special commercial rights or interests to private groups. And the initiative provides that it would override any other proposed amendment in the November 2015 election. When voting on these two proposed amendments in November, voters must understand that Issues 2 and 3 are both interrelated and in tension. The Secretary’s corresponding ballot titles help voters understand this relationship.

Similar to the ballot title, the ballot language correctly describes that the proposed amendment would “endow exclusive rights for commercial marijuana growth, cultivation, and extraction” to a select group of landowners. Compl. Ex. 7. Trying to obscure this point, Relators reference some limited conditions/requirements the amendment places on the ten specially designated facilities. *See Rel. Br. 19*. Critically, Relators focus on *small exceptions* within the proposed amendment; the *general rules* are as follows:

- Rule 1 - marijuana growth, cultivation, and extraction “shall be lawful only at” licensed facilities (for commercial purposes);
- Rule 2 - there “shall be only ten” such facilities, and
- Rule 3 - those facilities shall be at Relators’ self-identified locations.

Prop. Am. § 12(F). The exceptions to these rules are minor. For example, Relators contend that the proposed Marijuana Commission has some ability to terminate/relocate one of the pre-selected facilities if (i) a facility fails to apply for a license; (ii) a facility fails to cure “material noncompliance” *after* it receives a warning from the Commission; or (iii) a facility terminates or indefinitely suspends its operations. *See Prop. Am. 12(F)*. Notably, the Commission’s authority

is limited in this area, as the above requirements are largely, if not completely, within the control of the ten facilities. Regardless, in the forest that is the proposed amendment, the above exceptions are deep in the weeds. The Ballot Board was not constitutionally required to highlight these limited, peripheral conditions in providing an overall picture of the amendment.

Moreover, the ballot language *does include* one of the exceptions that Relators emphasize. Specifically, in addition to mentioning the rights the proposed amendment grants, the first bullet point of the ballot language *also* indicates that an “additional location may be allowed for in four years.”⁶ Compl. Ex. 7; *see also* Prop. Am. § 12(F). This language tells voters that the number of marijuana facilities may change, and detracts from any hyper-technical reading of the phrase “exclusive rights.”

Finally, Relators resort to critiquing the Ballot Board’s word choice; but their critique simply reflects their personal preference. Relators contend that the word “endow” is too prejudicial. Rel. Br. 38. The term, however, is accurate. It means to “give or bequeath an income or property to (a person or institution) * * *.” “Endow”, *Oxford Dictionaries*, http://www.oxforddictionaries.com/us/definition/american_english/endow (first definition). Again, that is what the proposed amendment does; it gives exclusive economic rights to landowners of ten specific sites. But even setting this point aside, Relators’ argument is straying far from the deferential constitutional standard for evaluating ballot language. The question before the Court is not whether the Ballot Board chose the perfect verb. *Cincinnati for Pension*

⁶ Contrary to Relators’ suggestions, see Rel. Br. 20-21, the ballot language did not need to wander further into the thicket and explain peripheral details regarding annual review of marijuana supply and demand after this initial fourth year determination. *See* Prop. Am. § 12(F). Such information goes far beyond the core of the proposed amendment, and far beyond the applicable constitutional standard.

Reform, 137 Ohio St.3d 45, ¶ 52. The word “endow” does not mislead, deceive, or defraud voters regarding the effect of the amendment.

Accordingly, the ballot language and title accurately inform voters that the proposed amendment grants exclusive marijuana growth and cultivation rights (*i.e.* a monopoly) to a small group owning ten pre-selected locations. Any prejudice to Relators in this regard stems *from the content of their own amendment*. Relators’ objections must fail.

B. The ballot language details the essential parts of the proposed amendment.

Relators’ assertions that the ballot language omits material aspects of the proposed amendment are also without merit. Again, shortening Relators’ complex amendment—into a readable ballot description—necessarily involved judgment calls. *See, e.g., Jurcisin*, 35 Ohio St.3d at 142 (recognizing that adding too much information can “defeat[] the purpose of the summary in providing a clear, concise description of the amendment to the voters”). The ballot language makes appropriate judgment calls, detailing the core, essential information. Relators have not, and cannot, show that any omissions are such “as to mislead, deceive, or defraud the voters.” Ohio Constitution Article XVI, Section 1.

When evaluating whether ballot language satisfies the constitutional standard, this Court has asked whether ballot language omits *material* content of a proposed amendment. *See, e.g., Voters First*, 133 Ohio St.3d 257, ¶ 30. In *Voters First*, the Court held that it was permissible for ballot language to omit more peripheral details, but not information that “strikes at the very core of the proposed amendment[.]” *Id.* at ¶ 41. The Court reasoned that more peripheral omissions did not “prevent[] voters from knowing the substance of the proposal being voted upon or mislead[], deceive[], or defraud[] voters.” *Id.* at ¶ 44.

The Court further clarified the material omission standard in *Cincinnati for Pension Reform*. In that case, the Court considered whether an omission goes to the “core, essential

information” such that it “does not afford sufficient information for voters to decide whether this is the plan they wish to adopt.” *Cincinnati for Pension Reform*, 137 Ohio St.3d 45, ¶¶ 67, 75. The Court further acknowledged that, “[i]nvariably, a summary will have to omit some important but nonessential information.” *Id.* at ¶ 75; *see also State ex rel. Kilby v. Summit Cty. Bd. of Elections*, 133 Ohio St.3d 184, 2012-Ohio-4310, 977 N.E.2d 590, ¶ 24 (holding that ballot summary of amendment could omit information—regarding effective date—because that information did not involve the “critical substance” of the proposed amendment).

Importantly, materiality (at least within the current context) is a *relative* concept. In *Cincinnati for Pension Reform*, for instance, this Court held that an omission was not material because the information’s importance was “*relatively small compared to the overall impact of the total amendment.*” (Emphasis added.) *Cincinnati for Pension Reform* at ¶ 75. When faced with a long and complex amendment, not everything can be included in ballot language. Thus, not every piece of information gets to be material, even if it might be important to some voters. *Id.* (acknowledging ballot language will often exclude “some important but nonessential information”).

Here, although Relators complain of supposed omissions, they fail to show that the ballot language omits any core, essential information such that it misleads, deceives, or defrauds voters. Relators, for example, allege that the ballot language lacks sufficient references regarding medical marijuana. *See* Compl. ¶¶ 66-67. This argument fails to acknowledge, however, that there is a reference to medical marijuana *in the ballot title itself*. Rel. Br. Ex. 11 (ballot title highlighting the amendment allows production and sale of marijuana “for recreational *and medicinal purposes*”). This prominent title language, as well as the ballot language’s additional references to medical marijuana and medical marijuana dispensaries in three bullet points

(bullets four through six), shows the topic is not omitted. Totaling the above references, the ballot language and title use the phrase medical/medicinal marijuana the *same* number of times as recreational (its natural counterpoint). These multiple references “disclose[] this effect of the amendment.” 35 Ohio St.3d at 142. The average voter would read the ballot title and language and be aware of its medical marijuana component.

Relators also call for an unrealistic level of detail on medical marijuana (in the context of summarizing their *entire* amendment for the ballot) that would be an impractical requirement. Relators apparently take umbrage, see Rel Br. 25, with the decision not to list the various medical conditions or categories of conditions specified within the proposed amendment. These conditions are:

cancer, glaucoma, positive status for human immunodeficiency virus, or acquired deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Chron’s disease, sickle-cell anemia, ulcerative colitis, dementia, Alzheimer’s disease, or treatment for such conditions; a chronic or debilitating disease or medical condition, or treatment for such conditions, which produces, for a specific patient, one or more of the following, and which, in the professional opinion of the patient’s physician, foreseeably may be alleviated by the use of medical marijuana: cachexia, post-traumatic stress disorder, severe pain, severe nausea, seizures, including those that are characteristic of epilepsy, or persistent muscle spasms, including those that are characteristic of multiple sclerosis.

Prop. Am. § 12(L)(4).

Given all that the Ballot Board had to describe, however, going into detail on these conditions (and the other details Relators desire, see Compl. ¶¶ 65-71) would have significantly increased the size of the ballot language. And the ballot language *already* provides that medical marijuana only applies to persons “who [have] a certification for a *debilitating medical condition.*” (Emphasis added.) Compl. Ex. 7 (bullet four). The average voter understands that obtaining medical treatment comes with fine print (*e.g.*, having a qualifying medical condition,

parental consent for minors). These are the types of “peripheral details” the Ballot Board can acceptably exclude. *See Cincinnati for Pension Reform* at ¶ 60.

Relators’ omission arguments regarding taxes are similarly unavailing. The ballot language provides sufficient, accurate details regarding taxation of marijuana under the proposed amendment. The ballot language outlines both the special 15% tax rate that will apply to marijuana growth, cultivation, and extraction and the special 5% tax rate on gross revenue of retail marijuana sale. Compl. Ex. 7 (bullet seven). The ballot language then provides an overview of the different places such taxes will go. *Id.* Nevertheless, Relators continue the assault on brevity. Looking at Complaint Exhibit 6 (Relators’ proposal), they seek to replace the Ballot Board’s concise, 62-word tax description (bullet point seven) with a verbose, 365-word description (Compl. Ex. 6 ¶¶ 7-8) – detailing the proposed amendment’s scheme down to the sub-distributions of the special taxes. The Ballot Board was not required to do this. Rather, it must have some discretion as to the amount of detail on information that is not core and essential. *See Cincinnati for Pension Reform* at ¶¶ 73-75 (omitting details of tax prohibition was proper because “the amount of money involved is relatively small compared to the overall impact of the total amendment”).

As previewed above, omitting details regarding limited conditions the proposed amendment places on the ten designated “MGCE” facilities also does not go to the “critical substance” of the amendment. In providing that the amendment would grant exclusive rights to ten facilities, the ballot language did not need to highlight the minimal points that such facilities must apply for a license and can voluntarily suspend their operations. *See Prop. Am. 12(F)*. Applying a common sense reading to the ballot language, a reasonable voter could expect that

the exclusive rights of landowners are contingent on those landowners expressing an interest in having a license to grow marijuana and continuing their operations.

Similarly, the ballot language's reference to the number of stores where the amendment would "permit retail sale" is appropriate. The 1,100 figure Relators object to is derived from current population data and the "ratio of one to ten thousand" expressly stated in the proposed amendment. Prop. Am. § 12(H); *see also* "State & County Quickfacts, Ohio", *U.S. Census Bureau*, <http://quickfacts.census.gov/qfd/states/39000.html> (estimating Ohio's 2014 population at 11,594,163). This figure provides helpful context as to the number of stores that would be possible under the amendment. And, given the sheer quantity of stores the ratio permits, describing it as any sort of cap or limitation would have been confusing for voters. This language, providing the number of stores at which the amendment would "permit" sales, does not guarantee to voters their existence. And a reasonable voter would not assume from the language that there will be no type of licensure or approval process. Accordingly, these provisions do not mislead, deceive, or defraud voters.

Finally, Relators' concerns over the ballot language's word-choice omissions are not enough to support their claims. For example, Relators criticize the ballot language for referencing "marijuana testing facilities" without specifically referring to "research." Compl. ¶¶ 82-84. Once again, this type of minute critique goes well beyond the constitutional standard. Furthermore, Relators' own labeling contradicts their argument. The proposed amendment states that the phrase "Marijuana Testing Facility" refers to a facility cultivating marijuana "for the explicit and limited purposes of engaging in research * * *." Prop. Am. § 12(L)(12). Here, the Ballot Board could reasonably rely on the proposed amendment's own terminology; it is not misleading voters in its language selection.

On the whole, Relators' omission arguments are particularly questionable in light of their own proposals. Relators are highly critical of the Ballot Board's exclusion of certain details, but they do not apply the same standards to themselves. Two of Relators' three language proposals, Compl Ex. 5 and Prop. Am § 12(A), omit some if not all of the details for which they fault the Ballot Board. For example (as discussed further below in Argument § IV), Relators' internal summary within § 12(A) of their proposal fails to provide any mention of the rights and licensing conditions applying to the ten MGCE facilities. Relators' Exhibit 5 proposal omits *nearly all* of the proposed amendment's details, including but not limited to: establishment of MGCE facilities; limitations on retail stores; allocation of special taxes on marijuana; and the purpose of marijuana testing facilities. Thus, although Relators argue that these types of details are critical, they present summaries reflecting that they are not. If Relators do not consistently view these issues as essential, then why should the Court?

Because the ballot language sufficiently informs the voters of the core, essential information within the proposed amendment, it does not mislead, deceive, or defraud voters. Relators insist on an impractical level of detail for an overall ballot summary. As the ballot language "expressly and fairly represents the meaning and substance of the proposed amendment," it should be upheld. *Jurcisin*, 35 Ohio St.3d at 142.

C. The ballot language is not misleading or unfairly prejudicial to the proposed amendment.

Relators also erroneously contend that the ballot language is misleading and unfairly prejudicial. It is not. The ballot language fairly and accurately presents the substance of the proposed amendment. Relators' real problem with the language is that it does not adopt the favorable spin they want to put on their proposal to encourage its passage. To be sure, the ballot language's presentation in some instances differs from the presentation Relators strategically

chose – in some instances it uses different words; in some instances it presents topics in a different order or combination; and in some instances the ballot language discloses important information that proponents would prefer to obfuscate. But these differences are entirely appropriate and reflect the permissible exercise of the Ballot Board’s discretion.

The Ballot Board has no obligation to incorporate the tactical choices and persuasive bent the proponents of an amendment advocate. Despite Relators’ comparison between the State Respondents’ language/title and their own, it cannot follow that language created in a focus-group—the very picture of language that is intended to “persuade”—must be standard by which the Ballot Board’s condensed language is judged.⁷ To the contrary, the Board’s job is to create ballot language that tells voters what they need to know to make an informed decision on the amendment. That is what the ballot language here does. Relators may disagree with some of the judgment calls the Ballot Board was required to make. As with their other categories of argument, however, Relators fail to demonstrate that the ballot language misleads, deceives, or defrauds voters.

1. The Ballot Board has the discretion to describe the proposed amendment in the manner it believes will effectively and efficiently inform voters about what they are voting for.

Relators’ “prejudice” arguments hinge largely on the false premise that the ballot language must describe the proposed amendment in precisely the same manner—using the identical terminology—as the amendment itself. This Court has already rejected this argument. Specifically, in *Cincinnati for Pension Reform*, this Court explained, “[a] strict requirement that boards cannot draft ballot language using nouns or verbs that do not appear in the proposed amendment would unduly restrict a board’s discretion as it carries out its duties.” 137 Ohio St.3d 45, ¶ 52. Nor is the Board required to present information in the same order or manner of

⁷ “Polling will dictate the actual phrasing of the Amendment.” Page 8, Attached Prospectus.

presentation as the proposed amendment. *Id.* at ¶ 49 n.2 (rejecting argument that ballot language was misleading because it “shift[ed] the order of the presentation”). Instead, the Ballot Board must exercise its discretion to determine the presentation that will accurately inform voters what they are voting for.

Here, the language selections Relators challenge were necessary to efficiently describe the proposed amendment in a way voters would readily understand. The Ballot Board’s discretionary choices do not render the ballot language invalid.

For example, the use of the term “recreational” rather than Relators’ preferred term “personal” is proper. This phrasing aligns the ballot language with the language most voters will understand. Relators’ argument that the term “recreational” is “incorrect[] and prejudicial[]”, Rel. Br. 37, is disingenuous at best. The term “recreational” is widely used and understood in connection with the marijuana legalization debate to distinguish non-medical marijuana use from medical use. Courts (including this Court) and newspapers, as just two examples, have used the term “recreational” to describe non-medical use of marijuana.⁸ *See, e.g., Columbus Bar Assn. v. Potts*, 65 Ohio St. 3d 297, 298, 603 N.E.2d 986, 987 (1992) reinstatement granted, 77 Ohio St.3d 1227, 673 N.E.2d 1378 (1996) (“He started using alcohol, marijuana and other drugs recreationally in his undergraduate years.”); *State v. Arnold*, 5th Dist. Guernsey No. 11 CA 19, 2012-Ohio-3322, ¶ 5 (referring to appellant’s statement that he “uses marijuana recreationally”); *Cantrell v. Trinkle*, 197 Ohio App. 3d 82, 2011-Ohio-5288, 966 N.E.2d 288, ¶ 47 (2d Dist.)

⁸ *See also, e.g.,* Ed. Bd., *High on the profits from pot*, Akron Beacon Journal (Dec. 31, 2014), <http://www.ohio.com/editorial/editorials/high-on-the-profits-from-pot-1.554338>; Ed. Bd., *Legislature throws roadblock in way of legal pot plans*, Canton Repository (Jul. 7, 2015), <http://www.cantonrep.com/article/20150706/OPINION/150709616/0/SEARCH>; Ed. Bd., *Marijuana referendum games-playing in Ohio raises concerns*, Cleveland Plain Dealer (Dec. 26, 2014), http://www.cleveland.com/opinion/index.ssf/2014/12/marijuana_referendum_games-pla.html.

(“Finally, the use of alcohol and the recreational use of marijuana, outside the presence of the child, without more, do not establish detriment.”); *State ex rel. Goodwin v. Indus. Comm'n of Ohio*, 10th Dist. Franklin No. 99AP-655, 2000 WL 297247, at *1 (Mar. 23, 2000) (referring to “recreational usage” of drugs and alcohol).

Recreational is the very definition of non-medical use: “*of a drug: used for pleasure instead of for medical purposes * * **” (Emphasis added.) “Recreational”, *Merriam-Webster*, <http://www.merriam-webster.com/dictionary/recreational>.

Indeed, as one newspaper article aptly pointed out, the meaning of the term recreational in the context of the marijuana debate is far more readily understood than Relators’ preferred “personal use”:

Recreational is an accurate and necessary description to distinguish non-medicinal use of marijuana. *Personal use*, the phrase preferred by ResponsibleOhio, fails because it is vague. Personal use could cover both medicinal and non-medicinal use of marijuana. Whereas informing voters that Issue 3 would authorize medicinal and recreational use of marijuana makes it crystal clear that two separate forms of use would be authorized.

Ed., *Proponents of marijuana monopoly find plain speaking is objectionable*, Columbus Dispatch (Aug. 30, 2015), <http://www.dispatch.com/content/stories/editorials/2015/08/30/fighting-words.html>.

Consistent with common usage, the Ballot Board appropriately exercised its discretion to replace the vague term used in the proposed amendment with the term most voters will recognize and understand. This language will effectively explain to voters that the proposed amendment will regulate both medical and non-medical use of marijuana. Although the term “personal use” may present strategic benefits to Relators, the Ballot Board is not obligated to parrot their word choice. *See Cincinnati for Pension Reform* at ¶ 52. And Relators have not demonstrated that the word “recreational” is untruthful or otherwise misleading.

The Board similarly acted within its discretion when it opted to present information about the amount of marijuana that a person may “purchase, grow, possess, and share” together in a single paragraph rather than separating them into two separate paragraphs as the proposed amendment does. Relators prefer their presentation, but the Ballot Board has the duty to decide how to present information in a concise manner. The ballot language describes the combined amount of marijuana that a user may “purchase, grow, possess, and share * * *.” Compl. Ex. 7. *And within the very same sentence*, the ballot language distinguishes between the allowable eight ounces for “usable, homegrown marijuana” and the one ounce for “purchased marijuana * * *.” *Id.* This language is “not inaccurate, incorrect, or illegal” and is a valid exercise of the Ballot Board’s discretion.

2. The Ballot Board is entitled (indeed obligated) to emphasize significant information, even if the proposed amendment downplays such information.

Equally unpersuasive are Relators’ attacks on ballot language that they claim “inverts” the substance of the amendment. *See* Rel. Br. 15-17. Relators specifically challenge the ballot language regarding the proximity of marijuana facilities to various school and religious organizations and the restrictions on the General Assembly’s powers. In both cases, the ballot language highlights important, true information the proposed amendment artfully cloaks. The Ballot Board’s job is to identify and effectively communicate the information that will matter to voters. In some instances, this will mean excluding details. *See* Argument § III.B. In other instances, it will mean including important information implicit in a proposed amendment.

The Ballot Board exercised this precise judgment in describing the proposed amendment’s regulations on the proximity between marijuana facilities and educational/religious institutions. The ballot language appropriately and accurately informs voters that the proposed amendment would allow marijuana establishments to be located within 1,000 feet of any house

of worship, publicly owned library, playground, elementary or secondary school, or a state-licensed child day-care center built after January 1, 2015 or built after a marijuana operation applies for a license. Prop. Am. § 12(J)(1).

Relators do not actually deny this statement’s accuracy (as it is the logical consequence of the proposed amendment’s provisions).⁹ Instead, they object that the ballot language focuses on what the proposed amendment would permit, rather than what it would prohibit. *See* Rel. Br. 15-16. In Relators’ view, the Ballot Language should have referenced only that marijuana facilities are *prohibited* within 1,000 feet of schools or churches built prior to January 1, 2015 and before the application date – without communicating that the inverse is also true. But the Ballot Board is not bound by Relators’ strategic preferences regarding what information should be emphasized and what should be downplayed. To the contrary, subjective decisions regarding what information to include must be dictated by what the Ballot Board believes *voters* will deem important. To that end, the Ballot Board may highlight information or consequences of the proposed amendment where, as here, the ballot language is truthful. *See, e.g., Kilby*, 133 Ohio St.3d 184, ¶22 (rejecting arguments that ballot language was “a ‘sales pitch[,]” “electioneering,” or “persuasive argument” where the ballot language was accurate, and the proposed amendment “*would*” have the stated consequences). In this case, the fact that marijuana facilities could be located within 1,000 feet of schools and churches will likely matter to many voters; the ballot language was allowed to include this information.

⁹ Relators briefly contend that the General Assembly could pass laws completely prohibiting a marijuana establishment from being within 1,000 feet of educational/religious establishments. Rel. Br. 16. The Ballot Board’s job, however, is to describe the proposed amendment to voters, not what the General Assembly *might* attempt to do in the future. The point is that the proposed amendment’s terms allow for this proximity if these timing conditions are satisfied.

Relators employ similar—and likewise flawed—reasoning to challenge the ballot language regarding the powers of the General Assembly. *See* Rel. Br. 33-34. They fault the ballot language for focusing on the limits the proposed amendment would impose on the General Assembly, rather than, as they would prefer, what it authorizes. But, once again, Relators cannot escape that the proposed amendment does significantly restrict the General Assembly’s discretion to regulate marijuana. For example, the proposed amendment provides a list of the specific restrictions on the consumption and sale of marijuana and the use of vehicle, aircraft, trains, or motorboats, while under the influence of marijuana, and then states that the General Assembly “shall pass laws for enforcing” these specific restrictions. Prop. Am. § 12(J)(2). In the next section, the proposed amendment makes clear that its provisions will “supersede” any existing marijuana laws that conflict with the provisions of the proposed amendment, and that it prohibits the General Assembly from passing laws going forward that conflict with the provisions. Prop. Am. § 12(K).

In other words, the proposed amendment expressly tells the General Assembly which laws it can pass (in fact must pass), and which it cannot. This is a sea change from the virtually unfettered discretion the General Assembly currently possesses in this area.¹⁰ Accordingly, the ballot language correctly tells voters that the proposed amendment “[l]imits the ability of the legislature” to regulate marijuana. Compl. Ex. 7 (bullet nine).

¹⁰ *Cf.* Attached Prospectus. (“Success at the ballot in 2015 will ensure that marijuana legalization and regulation becomes a Constitutional right in Ohio, and cannot later be minimized by the political whims of the General Assembly.”).

3. The ballot language's statements regarding marijuana regulation are truthful and not misleading.

Finally, the ballot language provides accurate information as to the proposed amendment's (i) effect on state and local regulations and (ii) creation of a new regulatory commission. Relators' challenges on these grounds should, therefore, fail.

Relators do not show that the ballot language misleads, deceives, or defrauds voters regarding the applicability of state and local laws. On this topic, the proposed amendment dictates:

[N]o local zoning, land use laws, agricultural regulations, subdivision regulations, or similar provisions shall prohibit the development or operation of marijuana establishments, provided that no such marijuana establishment shall be located in a district zoned exclusively residential as of January 1, 2015 for MGCE facilities, or as of the date that an application for a license is first filed by a MPM facility retail marijuana store or not-for-profit medical marijuana dispensary.

Prop. Am. § 12(J)(10).

Far from misleading, the ballot language repeats a highly-similar description. It states the proposed amendment would:

Prohibit any local or state law, including zoning laws, from being applied to prohibit the development or operation of marijuana growth, cultivation, and extraction facilities, retail marijuana stores, and medical marijuana dispensaries unless the area is zoned exclusively residential as of January 1, 2015 or as of the date that an application for a license is first filed for a marijuana establishment.

Compl. Ex. 7 (bullet six).

Relators contend (incorrectly) that the language suggests that the marijuana facilities are unregulated by state and local laws. Not so. Instead, the ballot language merely states, accurately, that the amendment would ban state and local laws prohibiting the development or operation of marijuana establishments. Plaintiffs fail to explain how this ballot language—which uses identical language as the proposed amendment at various points—is misleading.

Relators' attack on the ballot language describing the new marijuana control commission is also unpersuasive. The proposed amendment creates a new government agency with regulatory duties that are enumerated in nearly two pages of dense, single-spaced text. Prop. Am. § 12(I). Unable to accommodate this protracted list of powers *and limitations*, the ballot language summarizes this section, stating the proposed amendment would “[c]reate a new state government agency called the marijuana control commission (with limited authority) to regulate the industry * * *.” Compl. Ex. 7 (bullet nine). The ballot language also details (following the guidance of *Voters First*) the make-up and appointment of this commission. *Id.*

Relators complain about the inclusion of the phrase “(with limited authority)”, but the powers of the commission are in fact limited. To name a few limitations, the proposed amendment restricts the commission from:

- creating any rules that would “prohibit the operation of marijuana establishments or home growing, either expressly or through regulations that make their operation unreasonably impracticable”;
- imposing certain license/renewal fees above pre-determined limits;
- denying a license renewal to marijuana establishments or registered home growing applicants “unless the Commission determines that the licensee has repeatedly failed to comply with its remedial orders.”

Prop. Am. § 12(I).

Additionally, suggesting the commission's power is unlimited, as Relators apparently want, conflicts with basic Ohio administrative agency law. The authority of a state agency is limited to the powers expressly or impliedly granted to it under Ohio law. *See In re Application of Ohio Power Co.*, 140 Ohio St.3d 509, 2014-Ohio-4271, 20 N.E.3d 699, ¶ 42 (“The commission is a creature of statute and can exercise only the authority conferred upon it by the General Assembly.”).

Under these circumstances, the Ballot Board’s description of the new marijuana commission is both accurate and a valid exercise of its constitutional discretion in preparing ballot language. See *Cincinnati for Pension Reform*, ¶¶ 49 (approving the addition of descriptive ballot language that was not “factually inaccurate” and did not “introduce a new subject that was outside the terms of the proposed amendment”).

* * *

In sum, the ballot language and title accurately and fairly describes the substance of a lengthy, and complex proposed amendment. To the extent the Ballot Board made judgment calls in shortening and paraphrasing the proposed amendments content, those decisions were well within the Board’s discretion. None of Relators’ assertions, either individually or cumulatively (as the third prong in *Bailey* outlines), meet their constitutional burden of showing that the ballot language “is such as to mislead, deceive, or defraud the voters.” Ohio Constitution Article XVI, Section 1.

Perhaps recognizing these weaknesses, Relators and Amici collectively offer three new arguments (outside the Complaint) in their briefs in an attempt to salvage their claims. They specifically assert that (1) the ballot language somehow violates their First Amendment rights; (2) proponents of a constitutional amendment are the “master” of the ballot and should be able to dictate its content; and, relatedly, (3) the Ballot Board’s duties are merely ministerial, and it lacks discretion to depart from the language of a proposed amendment. These last ditch efforts all fail.

First, there is no First Amendment violation here. Notably, Relators did not plead a First Amendment claim in their Complaint, so neither they nor amici should be able to raise it for the first time in merit briefing.¹¹

Regardless, this argument is easily dismissed. The United States Supreme Court has squarely “rejected the notion that the First Amendment confers a right to use governmental mechanics to convey a message.” *Nev. Comm’n on Ethics v. Carrigan*, 131 S. Ct. 2343, 2351 (2011). Ballots do not serve as “forums for political expression.” *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 363 (1997). The ballot language, therefore, does not implicate Relators’ First Amendment rights, nor does it compel Relators to say anything about their proposed amendment. Rather, Relators are free to actively campaign for their amendment. Further, the Ballot Board accepted, without amendment, Relators’ proposed “Argument in Favor of the Amendment”, submitted by ResponsibleOhio, which will be printed—at taxpayer expense—for three consecutive weeks in a newspaper of general circulation in each of Ohio’s eighty-eight counties. The State, by contrast, has significant, compelling interests in providing—on its own ballot—a manageable, and informative ballot description. *See* Argument § II.

¹¹ Moreover, Relators do little to develop their First Amendment argument, confining it a single, conclusory paragraph, for which they offer no citation. *See* Rel. Br. 45-46. The amicus brief of Taylor Rath Deutschle, Andrew Goldsmith, Lisa Ann Laufer, and Jeff Ungar provides a more expansive discussion, but their unpled theory is equally without merit.

On a separate note, presuming Taylor Rath Deutschle (identified as an amici) is the same person as Relator Taylor Deutschle, it is improper for Relator Deutschle to be filing an amicus brief in the first place. It is axiomatic that a party cannot file an amicus brief on its own behalf. The definition of an “amicus curiae” is “[a] person who is not a party to a lawsuit but who petitions the court or is requested by the court to file a brief in the action because that person has a strong interest in the subject matter.” (Emphasis added.) Black’s Law Dictionary (7 Ed. 1999) 83; *see also, Wellington v. Mahoning Cty. Bd. of Elections*, 117 Ohio St. 3d 143, 2008-Ohio-554, 882 N.E.2d 420, ¶ 53 (quoting *Lakewood v. State Emp. Relations Bd.*, 66 Ohio App.3d 387, 394, 584 N.E.2d 70 (1990)) (“[A]mici curiae are not parties to an action and may not, therefore, interject issues and claims not raised by the parties.”)).

The remaining two, closely-related amici arguments are also meritless. Although Relators (and other petitioners) certainly have a right to draft a proposed amendment; they do not become the “masters” of Ohio’s ballot. Such an assertion contradicts the Ohio Constitution, this Court’s authority, and common sense. *See, e.g.*, Ohio Constitution Article XVI, Section 1. Amici’s brief is also bereft of any legal authority for this point. If a petitioner had a right to control ballot language, then there would be no need for an independent government authority to draft such language (as the Constitution provides). Proponents could simply place their preferred slogan on the ballot.

Fortunately, the Ohio Constitution empowers the Ballot Board with more than just “ministerial” authority. It entrusts to the Ballot Board wide latitude to condense and describe proposed amendments, so that voters will understand what they are voting on. That is what happened here.

Nothing about this case stops debate on Issue 3. In addition to the ballot language itself, there are both for and against positions for Issue 3 that will be printed for three consecutive weeks in newspapers. And, as the Court is likely aware, those for and against the proposed amendment have already begun publicly advertising their messages. The State Respondents have in no way controlled or limited such speech. Moreover, the full text of the proposed amendment is already widely available—for example, it is posted on the Secretary/Ballot Board’s website—and will be available at polling locations on Election Day. *See Brown*, 167 Ohio St. at 73-74 (“[T]he possibility of misunderstanding seems remote especially when it is remembered that the *full* text of the amendment was published in at least one newspaper in each county once a week for five consecutive weeks preceding the election, and that the *full* text was duly posted in every polling place.”).

Ultimately, because the ballot language and title properly describe the proposed amendment, Relators have not met (or come near) their high constitutional standard. The request for a writ of mandamus should be denied.

IV. **Relators fail to present viable alternatives.**

In addition to failing on the substance of their challenges, Relators also fail to present a practical ballot option that is close to sufficient.

Relators made three different language proposals to the Ballot Board (and now to this Court); all of which fall significantly short of providing an informative, but manageable, ballot description. To be clear, it is the Ballot Board's constitutional duty to draft and adopt ballot language. Shifting that duty into the hands of an amendment's sponsors, such as Relators here, creates undue risks. For example, it creates risks that proponents will (a) omit important, but politically disadvantageous, information, or (b) overemphasize aspects of the proposed amendment that are advantageous.

This being said, the juxtaposition of Relators' own proposed language—viewing the judgment calls *they made* in describing their complex amendment—is extremely telling in this case. Upon examination, none of their three proposals (or their proposed title) provides a realistic alternative.

Proposal 1 (a single sentence). Relators' first proposal consists of just a single sentence.

Compl. Ex. 5. It provides:

The proposed amendment would provide for the legalization of the use of medical marijuana by patients with debilitating medical conditions if a medical marijuana certification has been provided by the patient's treating physician and the use of marijuana and marijuana-infused products for personal use in amounts of one ounce or less by individuals 21 years of age or older.

Id.

Needless to say, this proposed language barely captures a fraction of the substance within Relators' eleven-page proposed amendment. In fact, this proposed language barely captures a fraction of the issues *Relators raise in this lawsuit*. As just a few examples, the proposed language does not address:

- the exclusive rights the amendment grants to certain marijuana growers;
- cultivation and possession of homegrown marijuana;
- the establishment of marijuana testing facilities;
- the special tax on marijuana growth and sales; or
- the creation of a new regulatory scheme and commission.

See Compl. Ex. 5.

At the same time, the single sentence somehow manages to include too much. Specifically, reading the above language, a voter would think that medical marijuana is the central feature of the proposed amendment. But, although the proposed amendment would certainly authorize use of medical marijuana, this is only one of its many aspects. Notably, the two medical-marijuana-specific provisions of the proposed amendment (Prop. Am. §§ 12(B), (C)), only account for roughly one of its eleven pages.

In short, rather than describing the amendment's content, Relators' first proposal simply gives up. If the Ballot Board had adopted this proposal, it would have failed to perform its role in the ballot process, and it would have done a disservice to Ohio voters.

Proposal 2 (twenty-eight paragraphs of legalese). Relators' second proposal (Compl. Ex. 6) fares no better.

As previously highlighted (see Introduction and Argument Section II), this summary fails to provide a manageable ballot option. *See* Compl. Ex. 6; *see also* Compl. Ex. 2 (near-identical

twenty-eight paragraphs). To their credit, Relators honestly dubbed this proposal the “Long Version”. Compl. Ex. 6. It consists of over five pages of text, in small (9.5) font. *Id.* Its language is *dense* – blanketed with acronyms, legalese, and complicated phrasing. A few excerpts:

¶ 1 (in part) – “Establishing the Ohio Marijuana Control Commission (“Commission”) to regulate the acquisition, growth, cultivation, extraction, production, processing, manufacture, testing, distribution, retail sales, licensing, and taxation of medical marijuana, marijuana and marijuana-infused products and the operations of marijuana establishments, and the growth and cultivation of homegrown marijuana, as defined in the Amendment. * * *”

¶ 3 (in part) – “The Commission would be required to regulate the chemical content and potency of marijuana-infused products and create a special division within the Commission to assist in promulgation of standards regulating the manufacture, packaging and advertising of marijuana-infused products* * *.”

¶ 20 (in full) – “Providing a timeline for initial implementation of the Amendment, including for appointment of the members of the Commission, the issuance of initial provisional licenses to MGCE facilities at the 10 designated sites based on required affidavits and payment of a \$100,000 license fee, inspection of such MGCE facilities within six months of issuance of such initial licenses, promulgation of initial regulations for MGCE facilities, MPM facilities, MMDs and RMSs, issuance of forms and procedures for precinct special elections, and the holding of a special election in May of the year following adoption of the Amendment for submission to voters of a precinct the question of approval of a location of a RMS. Initial regulations required to be adopted by specific dates are to be promulgated notwithstanding other provisions of law regarding promulgation of administrative rules, but the Commission must provide an opportunity for public input.”

¶ 28 (in full) – “Providing that the provisions of the Amendment are self-executing except as specified in the Amendment, and that they supersede conflicting state and local laws, charters, regulations, and state constitutional provisions, except where otherwise indicated in the text. The General Assembly is authorized to enact laws implementing the provisions of the Amendment that are not in conflict with those provisions. Provide that the Amendment's provisions do not require the violation of federal law or purport to give immunity under federal law.”

Id.

While the first proposal was far too short, this is far too long. The average voter, *or lawyer*, would be hard-pressed to fight through this proposed language and still be able to vote within a reasonable timeframe on Election Day. Moreover, inputting this summary into a ballot would increase absentee mailing costs, and be unreasonable in terms of both ballot size and format. *See generally* McDonald Aff. Certainly, the Ballot Board was not required to accept this XXL proposal (or anything close to it).

Proposal 3 (the implanted summary). As a last resort, Relators suggest that the ballot language should simply consist of the “summary” they embedded within their proposed amendment. Prop. Am. § 12(A). Although this summary is admittedly a relatively better option than the first two, this is not really saying a great deal. There are still a number of problems with this approach.

Perhaps most importantly, § 12(A) *completely omits* the fact that the proposed amendment grants exclusive rights for marijuana growth and cultivation to owners of ten hand-picked locations. As discussed above, Argument § III.A, this is an essential part of the proposed amendment that has already been the subject of much debate (and a General-Assembly initiated counter-amendment). But there is no mention of this feature within Relators’ proposal. *Compare* Prop. Am. § 12(A); *with* Prop. Am. § 12(F).

On top of this glaring material omission, there are also other problems with § 12(A)’s description. For instance, the summary describes the 1,000 foot limit between marijuana establishments and churches/schools, but fails to mention the time constraints on this limit, and the fact that, under certain condictions, marijuana facilities may ultimately be located within 1,000 feet of such buildings. *Compare* Prop. Am. § 12(A); *with* Prop. Am. § 12(J)(1). Moreover, the summary omits important information regarding the quantity of marijuana

allowed through commercial sale (one ounce) or homegrown use (eight ounces of usable marijuana). *See* Prop. Am. § 12(D).

The summary also *inserts* language that does not appear anywhere else in the proposed amendment: “This section establishes the Ohio Marijuana Control Commission (“Commission”) to regulate the state’s marijuana industry in a manner similar to the state’s regulation of alcohol.” Prop. Am. § 12(A). Significantly, this insertion is an implicit argument for the amendment (this is going to be just like alcohol). Beyond being argumentative, Relators’ comparison is also—at least in certain respects—inaccurate. As one example, Ohio *does not* limit the number of alcohol manufacturers or distributors in the state at all, much less base it on consumer demand and ability to meet that demand. *See generally* R.C. 4303.02-4303.05 (outlining alcohol manufacturing permit scheme). And while some retail alcohol permits are tied to population, there a number of retail permit options that are exempt. *See, e.g.*, R.C. 4303.181(J) (outlining retail permit for community entertainment districts).

The Court should also recognize the bizarre incentive accepting Relators’ embedded summary would create for future amendment proposals. Accepting this proposal over the Ballot Board’s language would encourage future petitioners to graft “advertisement summaries” within their proposed amendment in an effort to place their preferred summaries on the ballot. Furthermore, if the proposed amendment is ultimately accepted, the advertisement becomes enshrined in the Ohio Constitution.

Finally, and contrary to Relators’ insinuations (see Compl. ¶ 96), it is important to note that the Attorney General *did not* review the “summary” embedded within Prop. Am. § 12(A) for its fairness and truthfulness. *See* R.C. 3519.01(A). Rather, the Attorney General reviewed the separate, *long* summary language (Compl. Ex. 2) Relators submitted as part of their petition

circulation process. Under R.C 3519.01(A), this review solely addressed whether the language was a “fair and truthful” representation of the proposed amendment. The Attorney General had no part in drafting either summary, and his review does not equate to the Ballot Board’s duty to formulate ballot language. Thus, his evaluation, Compl. Ex. 3, is in no way an endorsement of any of Relators’ summaries for purposes of ballot language.

Ballot Title Proposal. Relators also propose an alternative title, which is equally deficient and inaccurate. The title that appeared on their petitions was “Marijuana Legalization Amendment.” However, even if approved, this amendment would not end the federal prohibition on possession, cultivation, distribution, and sale of marijuana (some of which carry mandatory minimum sentences). *See* 21 U.S.C. §§ 812(c), 841(a)(1), and 844(a) (classifying marijuana as a Schedule I drug, and making its manufacture, distribution, and possession a criminal offense). A title that implies otherwise is misleading. Relators’ title also fails to alert voters to the essential, exclusive-right component of the amendment.¹²

The Ballot Board crafted ballot language and the Secretary prepared a title that is a far superior option to any of Relators’ proposals. And the fact that Relators cannot formulate a manageable proposal further demonstrates the difficult problem their complex amendment posed.

V. Relators unreasonably delayed in bringing their ballot language challenges; the doctrine of laches, therefore, bars Relators’ ballot language claim.

Finally, despite having their ballot language positions by and large prepared at the time of the August 18, 2015 Ballot Board meeting, Relators still waited nine days from the adoption of

¹² The proposed amendment was initially sold to investors as the “Ohio Marijuana Regulation Constitutional Amendment.” It can only be assumed that this title did not poll as well as the proposed “Ohio Marijuana Legalization Amendment” in focus groups.

ballot language before filing this lawsuit on August 27, 2015. In the fast-paced world of elections, this delay was too long. The doctrine of laches bars this component of their action.¹³

Laches is an equitable doctrine that will bar relief “if the persons seeking this relief fail to act with the requisite diligence.” *Smith v. Scioto Cty Bd. of Elections*, 123 Ohio St.3d 467, 2009-Ohio-5866, 918 N.E.2d 131, ¶ 11. “The elements of laches are (1) unreasonable delay or lapse of time in asserting a right, (2) absence of an excuse for the delay, (3) knowledge, actual or constructive, of the injury or wrong, and (4) prejudice to the other party.” *State ex rel. Chillicothe v. Ross Cty. Bd. of Elections*, 123 Ohio St.3d 439, 2009-Ohio-5523, 917 N.E.2d 263, ¶ 9 (quoting *State ex rel. Polo v. Cuyahoga Cty. Bd. of Elections*, 74 Ohio St. 3d 143, 145, 656 N.E.2d 1277 (1995)). Importantly, “[f]or elections cases, laches *is not an affirmative defense*, and [persons seeking relief] have the *burden of proving* that they acted with the requisite diligence.” (Emphases added.) *Smith* at ¶ 14 (quoting *State ex rel. Vickers v. Summit Cty. Council*, 97 Ohio St.3d 204, 2002-Ohio-5583, 777 N.E.2d 830, ¶ 13).

This Court has held that laches applies with particular force in the area of elections, and has “[c]onsistently required relators in election cases to act with the *utmost diligence*.” (Emphasis added.) *Id.* at ¶ 11 (quoting *Blankenship v. Blackwell*, 103 Ohio St.3d 567, 2004-Ohio-5596, 817 N.E.2d 382, ¶ 19). Even relatively short delays have proven fatal to the election-law claims. *See, e.g., State ex rel. Landis v. Morrow Cty. Bd. of Elections*, 88 Ohio St.3d 187, 189, 724 N.E.2d 775 (2000) (22-day delay barred expedited elections matter); *State ex rel. Polo* at 145-46 (applying laches due to seventeen-day delay).

Perhaps most significantly, given present circumstances, in *Paschal v. Cuyahoga Cty. Bd. of Elections*, 74 Ohio St.3d 141, 656 N.E.2d 1276 (1995), this Court unanimously held that a

¹³ Within the election law context, it remains Relators’ burden to also prove that they acted diligently with regard to challenging the ballot title.

delay of nine days was too much in an election case. 74 Ohio St.3d at 142. That case involved a dispute over the procedural rules that applied to an initiative petition. *Id.* at 141. The Court concluded that it did not “need not reach [the] substantives issues” because the relators nine-day delay did not reflect the “extreme diligence and the promptest of actions [] required in election cases.” *Id.* at 142; *see also Landis* at 189 (“[W]e have held that a delay as brief as *nine days* can preclude our consideration of the merits of an expedited election case.”) (emphasis in original).

In this case, the overall circumstances reflect that Relators did not exercise the utmost diligence in challenging the ballot language. The transcript of Ballot Board proceedings shows that Relators were aware of their general challenges to the ballot language as early as August 18, 2015, the day the Ballot Board met and adopted ballot language. *See* Tr. 55-76 (Relators’ counsel’s arguments against ballot language that the Secretary’s staff proposed); *see also id.* at 103-11 (Relators’ counsel’s responsive arguments to Senator Faber’s amendments). At the proceeding, Relators’ counsel’s arguments included the following:

- Tr. 56 – “we believe that the language of the draft falsely states that the amendment gives exclusive rights”;
- Tr. 58 – “[w]ith regard to the second bullet point, it uses the word recreational”;
- Tr. 62 – “[medical marijuana] deserves its own bullet point”;
- Tr. 63 – “[w]here it goes on to say ‘who has certification for a debilitating condition’ is not adequately informing the voters”;
- Tr. 67 – “my clients believe that the only way that we can fully inform the voters regarding this issue is by making the ballot language conform to the [Compl. Ex. 6] summary * * *.”

These and other excerpts establish that Relators knew—at least by and large—what their ballot language objections would be at or shortly after the Ballot Board meeting. Moreover, Relators’ counsel also provided the Ballot Board with their take on the relevant legal standards. *See* Tr. 77

(“You have those written comments before you. I would also direct you to the other memo * * * and that is the ballot language standard that I regret that probably we will be having these arguments with the Supreme Court.”); *see also* Compl. ¶ 19. Under these circumstances, and within the time-sensitive area of elections, Relators should not have taken nine days to draft their Complaint and bring these claims to this Court’s attention.

Relators’ delay prejudices both the State Respondents and this Court. As noted above, Boards of Elections need to begin mailing absentee ballots, at the latest, by September 19, 2015. *See* R.C. 3511.04 (setting deadline for mailing absentee ballots to uniformed services and overseas voters). Ballot language, therefore, needs to be final well before that time. Here, Relators did not file their case until August 27, and the State Respondents were not served under Sup.Ct.Pract.R. 12.02 until August 31. Consequently, pursuant to Sup.Ct.Pract.R. 12.08, and given the Labor Day holiday, the State Respondents’ answer was not actually due until September 8, 2015.¹⁴ If the State Respondents had waited that long to answer, briefing would not have been set to close until September 17, 2015: *two days before the R.C. 3511.04 deadline.*

To give this Court at least some time to rule, and to allow (hopefully) at least some time to implement any potential ruling, the State Respondents answered early, on September 1. Thus, Relators’ delay has forced the State Respondents to litigate this case *even faster* than this Court’s already expedited election schedule requires. *See Blankenship v. Blackwell*, 103 Ohio St.3d 567,

¹⁴ On August 27, 2015, Relators’ counsel sent an email directly to the State Respondents (bypassing their Attorney General representation) and claimed that the email constituted effective service of the Complaint. This interpretation of the Court’s Rules is incorrect. Sup.Ct.Pract.R. 12.02(2) requires certified-mail service of complaints in original actions, and expressly includes Sup.Ct.Pract.R. 12.08 expedited-election actions in its terms. Thus, the State Respondents had five days from certified-mail service (not email service) to answer under Sup.Ct.Pract.R. 12.08. The Clerk’s summons also reflects this. *See* Summons (“[Y]ou are hereby served * * * and are required to file a response on or before the 5th day after service of this summons.”).

2004-Ohio-5596, 817 N.E.2d 382, ¶ 27 (“If relators had acted more diligently, the Secretary of State would have had more time to defend against relators’ claims * * *.”) Even with the State Respondents answering a week early, briefing is still not set to close until September 11; leaving this Court with little time to decide; and the State Respondents—and county Boards of Elections—with little time to implement an adverse ruling.

In asserting laches, the State Respondents recognize that in *Voters First* this Court allowed a delay of eight days. *See Voters First* at ¶¶ 16-21. There are at least two reasons for a different ruling here. First, there are timing differences. In *Voters First*, (a) the relators delayed one less day, (b) the relators filed their action four days earlier (August 23), and (c) the uniformed services/overseas voter deadline fell three days later (September 22) in the 2012 election cycle. Although these distinctions may be subtle, in the ballot language context every day counts. Second, there are other factual distinctions. In *Voters First*, the Court credited that the relators needed time to “research and prepare their legal challenge to the ballot language * * *.” *Id.* at ¶ 17. Here, the transcript of the Ballot Board proceedings reflects that Relators’ arguments were largely prepared as of August 18. It is also worth noting that this case involves some of the same lawyers that already prepared and researched challenges to ballot language in *Voters First*. As the contrast between *Paschal* and *Voters First* shows, small differences can still make a difference with elections. The circumstances here demonstrate unreasonable delay.

Finally, Relators are incorrect in suggesting that it was either necessary or appropriate for them to wait for the ballot title to file their ballot language challenge. *See* Rel. Br. 47. Relators’ ballot language and title challenges, although similar, are distinct claims. They involve different Respondents (the Ballot Board and Secretary), and they involve different constitutional and statutory provisions (Ohio Constitution Article XVI, Section 1, R.C. 3501.05(H)). In terms of

both detail and number of arguments, Relators' ballot language challenges are far more intricate, taking up the vast majority of their Complaint and briefing. Although these topics might be handled together in a perfect world, time-sensitive election schedules do not afford this luxury, even under the purported guise of "judicial economy".

Relators took an undue risk in delaying their ballot language challenge; and, they have forced both the parties and this Court into tighter timeframes than were necessary. Their ballot language challenges, therefore, are barred under laches.

CONCLUSION

For the above reasons, the Court should deny Relators requests for an extraordinary writ, and uphold both the ballot language and ballot title for Issue 3.

Respectfully submitted,

MICHAEL DEWINE (0009181)
Ohio Attorney General

/s/ Zachery P. Keller

ZACHERY P. KELLER (0086930)*

**Counsel of Record*

JORDAN S. BERMAN (0093075)

RYAN L. RICHARDSON (0090382)

Assistant Attorneys General

Constitutional Offices Section

30 East Broad Street, 16th Floor

Columbus, Ohio 43215

Tel: 614-466-2872; Fax: 614-728-7592

zachery.keller@ohioattorneygeneral.gov

jordan.berman@ohioattorneygeneral.gov

ryan.richardson@ohioattorneygeneral.gov

Counsel for Respondents

The Ohio Ballot Board and

Secretary of State Jon Husted

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing *Merit Brief of State Respondents* was filed via the court's electronic filing service. Notice of this filing has been served this 8th day of September, 2015 to the following parties by electronic mail:

ANDY DOUGLAS (0000006)

LARRY H. JAMES (0021773)

adouglas@cbjlawyers.com

ljames@cbjlawyers.com

DONALD J. MCTIGUE (0022849)

MARK A. MCGINNIS (0076275)

J. COREY COLOMBO (0072398)

DEREK S. CLINGER (0092075)

McTigue McGinnis & Colombo, LLC

dmctigue@electionlawgroup.com

mmcginis@electionlawgroup.com

ccolombo@electionlawgroup.com

dclinger@electionlawgroup.com

Counsel for Relators

/s/ Zachery P. Keller

ZACHERY P. KELLER (0086930)*

Assistant Attorney General

IN THE SUPREME COURT OF OHIO

State ex rel. RESPONSIBLEOHIO,
et al.,

Relators,

v.

THE OHIO BALLOT BOARD, *et al.*,

Respondents,

:
:
:
:
: Case No. 2015-1411
:
: Original Action in Mandamus
:
:
:

AFFIDAVIT OF J. PATRICK MCDONALD

Now comes J. Patrick McDonald and after duly being sworn according to law, deposes and says:

1. The following statements are made based on personal knowledge.
2. Since 2013, I have served as the Director of the Cuyahoga County Board of Elections. Prior to serving as Director, I served five years as Deputy Director of the Cuyahoga County Board of Elections.
3. Pursuant to a September 2010 settlement agreement with the United States Department of Justice, the Cuyahoga County Board of Elections was required to provide bilingual ballots county-wide. The Board decided to continue the production of bilingual ballots to ensure compliance with the Department of Justice's standards.
4. For the November 3, 2015 general election, voters in Cuyahoga County (absentee and Election Day alike) will receive a paper ballot in English with the Spanish translation following the English ballot language.
5. After becoming aware of ResponsibleOhio's proposed alternative ballot language (attached as Exhibit 1), I instructed employees in my office to layout the alternative ballot language proposal into a test ballot form to simulate the effect of increased ballot length on Cuyahoga County's bilingual, general election ballot. ResponsibleOhio's proposed alternative ballot language increased the length of the ballot such that the State Issue 3 ballot language would encompass ten (10) columns across three (3) sides of two (2) ballot cards, and is attached as Exhibit 2. This compared to the Ohio Ballot Board's language in test ballot form, which was less

than three (3) columns and would fit on one side of one ballot card, and is attached as Exhibit 3.

6. Additionally, the increased ballot length resulting from the test of ResponsibleOhio's proposed alternative ballot language on Cuyahoga County's bilingual general election ballot caused the ballot language for State Issue #3 to begin on the front of card 2 and end on the back of card 3 such that the voter would have to find a different card to mark "Yes" or "No" from where the ballot language begins. This approach violates best practices for recommended ballot layout intended to facilitate the understandability and usability of the ballot by voters.
7. Under ResponsibleOhio's proposed alternative ballot language on the test ballot I commissioned, one entire card (front and back) would contain only ballot language and would not have an oval for the voter to mark. This has never been tested in a voting system presently used in Ohio. Based on conversations with the vendor for Cuyahoga County, I believe that the ballot voted by every voter at the polls on Election Day would have the second card (containing only text) read by the precinct count optical scanner as a "blank ballot" which would be rejected by the scanner and returned to the voter. This would result in voter and pollworker confusion on Election Day. In an absentee voting (central count) environment, the Cuyahoga County Board of Elections would incur additional expense to pay seasonal employees to sort the second card out of all absentee ballot in order to ensure the efficient processing of absentee ballots. The pulled cards would then have to be reviewed to ensure that no otherwise valid cards had been inadvertently sorted out.
8. This additional ballot card would cost the Cuyahoga County Board of Elections approximately \$200,000 in ballot printing alone.
9. In Ohio, an absentee ballot may be submitted to the voter by mail. The Board of Elections pays the outbound postage for the absentee ballot. The voter is responsible for paying the return postage for the absentee ballot to be submitted back to the Board, if not returned in person. ResponsibleOhio's alternative ballot language proposal, with an additional ballot card, would cost Boards of Elections and voters more money to mail absentee ballots.
10. Further affiant sayeth naught.


J. Patrick McDonald

Sworn to and subscribed in my presence this 8th day of September, 2015.



MICHAEL W. KING
ATTORNEY AT LAW
NOTARY PUBLIC
STATE OF OHIO
My Comm. Has No
Expiration Date
Section 147.03 R. C.


Notary Public



000064



Belmont 0001

INITIATIVE PETITION

To the Attorney General of Ohio: Pursuant to Ohio Revised Code § 3519.01(A), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to you the full text of a proposed Amendment to the Ohio Constitution and a summary of the same.

TITLE

Marijuana Legalization Amendment

SUMMARY

RECEIVED

MAR 03 2015

Ohio Attorney General
Constitutional Offices Section

This Amendment would add a new section 12 to Article XV of the Ohio Constitution to provide for the legalization of the use of medical marijuana by patients with debilitating medical conditions if a medical marijuana certification has been provided by the patient's treating physician and the use of marijuana and marijuana-infused products for personal use in amounts of one ounce or less by individuals 21 years of age or older, by providing, among other provisions:

1. Establishing the Ohio Marijuana Control Commission ("Commission") to regulate the acquisition, growth, cultivation, extraction, production, processing, manufacture, testing, distribution, retail sales, licensing, and taxation of medical marijuana, marijuana and marijuana-infused products and the operations of marijuana establishments, and the growth and cultivation of homegrown marijuana, as defined in the Amendment. The Commission would be composed of seven members appointed by the governor with varying backgrounds and qualifications and for terms as set forth in the Amendment. All are required to be Ohio residents. The Amendment sets forth specific subject matter for regulations to be promulgated by the Commission and requires the Commission to establish a system for real-time tracking of all medical marijuana, marijuana and marijuana-infused products from initial germination and/or extraction through the final consumer transaction. The Commission would also serve as a clearing house for scientific and medical research on medical marijuana, marijuana and marijuana-infused products. The Commission is required to employ necessary and qualified persons, including enforcement agents, and retain services of qualified third parties, including experts, to perform its duties.

2. Providing ten site specific locations for Commission licensed Marijuana Growth, Cultivation and Extraction ("MGCE") facilities. Setting forth conditions under which the Commission may relocate a MGCE facility or issue a license for a MGCE facility at a site other than the ten designated sites. Providing that marijuana and medical marijuana may be grown, cultivated and extracted for sale and medical use only at these state regulated and licensed facilities. One of each of the ten specified sites is in the following counties: Butler, Clermont, Franklin, Hamilton, Licking, Lorain, Lucas, Delaware, Stark, and Summit.

3. Providing for Commission licensed Marijuana Product Manufacturing ("MPM") facilities to produce marijuana-infused and medical marijuana-infused products and that such products may be produced only at these state regulated and licensed facilities. The Commission would be required to regulate the chemical content and potency of marijuana-infused products and create a special division within the Commission to assist in promulgation of standards regulating the manufacture, packaging and advertising of marijuana-infused products, including ensuring that the products are not manufactured, packaged or advertised in ways that create a substantial risk of attractiveness to children.

4. Providing for Commission licensed not-for-profit medical marijuana dispensaries ("MMD") to dispense medical marijuana to patients with debilitating medical conditions and to their Commission licensed caregivers with a medical marijuana certification issued by the patient's current treating physician in accordance with specific requirements set forth in the Amendment and in accordance with Commission and other state regulations, and providing that medical marijuana may only be sold and dispensed by such state licensed and regulated dispensaries. Both the patient and the patient's physician must be Ohio residents. The Amendment defines "debilitating medical condition," including specific medical conditions, and requires the Commission to establish and annually update, consistent with current, peer-reviewed research, the list of debilitating medical conditions for which medical marijuana certifications may be issued. The number of such state licensed and regulated dispensaries that may be within any subdivision would be determined by the Commission. MMDs must be incorporated under Ohio law. If the patient is under the age of 18, treatment involving medical marijuana may not be provided without the informed consent of a custodial parent, guardian, conservator or other person with lawful authority to consent to medical

treatment. Provide that a physician may not be disciplined or subject to certain other actions based solely on discussing with a patient or providing a professional opinion on the use of medical marijuana as a treatment option or issuing a medical marijuana certification under the Amendment. Require MGCE and MPM facilities to sell medical marijuana and medical marijuana-infused products, respectively, to MMDs at their lowest wholesale prices and in sufficient quantity to satisfy patient demand. Provide that nothing in the Amendment shall require any health insurance provider or government agency to reimburse a patient for expenses for medical marijuana.

5. Providing for Commission licensed retail marijuana stores ("RMS") to sell marijuana and marijuana-infused products to individuals 21 years of age or older for personal use and that marijuana and marijuana-infused products for personal use may be sold only by such state licensed and regulated stores. The Commission would determine the number of RMSs that may be within any political subdivision. However, the total number of stores statewide would be limited by the ratio of one to ten thousand based on the state's population, and the location of any such store must first be approved by the electors of the precinct where the store would be located at a special election similar to elections for the sale of alcohol at a particular location in a precinct, except for provisions unique to liquor local option elections. The Amendment also sets forth provisions governing the timing, holding, funding, and conduct of such elections. A RMS could purchase marijuana only from licensed MGCE facilities and marijuana-infused products only from licensed MPM facilities and sell no other goods or services, except for marijuana accessories and related products. No marijuana or marijuana-infused product could be consumed on the store's premises or be sold at a price below what the store paid for it.

6. Providing for Commission licensed Marijuana Testing Facilities ("MTF") to engage in research related to and/or certify safety and potency of medical marijuana, marijuana and marijuana-infused products. Such facilities, at a minimum, must be located near colleges and universities in Athens, Cuyahoga, Lorain, Mahoning, Scioto and Wood Counties.

7. Imposing a special flat tax of 15% on all gross revenue of each MGCE facility and MPM facility, and 5% on all gross revenue of each retail marijuana store, without any deduction for expenses or distribution of any profit. Such tax would be collected and distributed by the state as follows: 55% to a Municipal and Township Government Stabilization Fund to be distributed to all municipalities and townships on a per capita basis to be used for public safety and health, including police, fire and emergency medical services, road and bridge repair, and other infrastructure improvements; 30% to a Strong County Fund to be distributed to all counties on a per capita basis to be used for public safety and health, including police, fire and emergency medical services, road and bridge repair, and other infrastructure improvements; and 15% to a Marijuana Control Commission Fund to be distributed in the following order for: the reasonable and necessary costs of operating the Commission; funding for the marijuana innovation and business incubator established under the Amendment; to the extent the Commission so elects, the reasonable and necessary operating costs of the not-for-profit medical marijuana dispensaries established under the Amendment; mental health and addiction prevention and treatment programs and services; and to the extent that the Commission so elects, a program to provide low-cost medical marijuana to qualifying patients who are unable to afford the full cost. Distributed funds from the special flat tax are to supplement, not supplant, funding obligations of the state and local governments imposed by other laws.

8. In addition to the special flat tax, each MGCE facility, MPM facility and RMS would be required to pay the state commercial activities tax and all other taxes, assessments, fees and charges as are required to be paid by businesses in general and would be prohibited from receiving any credit, deduction or abatement that is unavailable to other businesses. MMDs would be required to pay the same taxes, assessments, fees and charges that other not-for-profit organizations are required to pay. Additional, taxes, assessments, fees or charges, other than license fees required under the Amendment, could not be imposed on the operations, revenue or distributed income of marijuana establishments.

9. Providing that it is lawful for persons 21 years of age or older to purchase, possess, transport, use and share with another person 21 years of age or older marijuana of one ounce or less or its equivalent in marijuana-infused products, as determined by the Commission, and marijuana accessories.

10. Providing that it is lawful for persons 21 years of age or older to grow, cultivate, use, possess and share with another person 21 years of age or older homegrown marijuana in an amount not to exceed four flowering marijuana plants and eight ounces of usable homegrown marijuana at a given time, so long as they have obtained a non-transferrable license pursuant to Commission-promulgated rules and regulations.

11. Prohibiting a marijuana establishment from being located within 1,000 feet of the primary building structure used for any of the following: a house of worship, a public or chartered non-public elementary or secondary school, a publicly owned library, or a state licensed child day-care facility; or within 1,000 feet of any public playground or a playground adjacent to any of the foregoing primary building structures, if such school, library, playground, day-care facility, or house of worship was located within the 1,000 zone on or before 1/1/15 in the case of a MGCE

facility, or the date of an applicant's first application for a license in the case of a MPM facility, MMD or RMS.

12. Prohibiting knowingly selling or transferring medical marijuana, marijuana, homegrown marijuana or marijuana-infused products to a person under the age of 21, except for transfers or sales by a MMD to a qualifying patient or caregiver in accordance with Commission regulations, and requiring the General Assembly to pass laws defining such conduct as child endangerment and enacting enhanced penalties for violations of such laws.

13. Prohibiting the employment of any person under the age of 21 by any marijuana establishment. Prohibiting any person under the age of 21 from being on the premises of a marijuana establishment, except in the case of a patient 18 to 20 years old at a MMD to obtain medical marijuana under a medical marijuana certification issued for such patient. Providing that a caregiver must be 21 years of age or older, be the person responsible for managing the well-being of a patient with a debilitating medical condition and that the person's responsibilities to the patient must include more than the provision of medical marijuana.

14. Prohibiting persons from operating or being in physical control of a vehicle, aircraft, train or motorboat while under the influence of medical marijuana, marijuana, homegrown marijuana or marijuana-infused products, and requiring the General Assembly to pass laws imposing criminal penalties for doing so.

15. Prohibiting the use of marijuana, homegrown marijuana, and marijuana-infused products in any public place or on the grounds of a public or chartered non-public elementary or secondary school, state licensed child day-care center, correctional facility or community corrections facility, or in a vehicle, aircraft, train or motorboat, except that a patient may use medical marijuana in accordance with a medical marijuana certification, and requiring the General Assembly to pass laws enforcing these provisions.

16. Providing that nothing in the Amendment is intended to require an employer to permit or accommodate the possession or use of medical marijuana, marijuana, homegrown marijuana or marijuana-infused products in the workplace, except that a patient with a medical marijuana certification may self-administer the medical marijuana subject to the same conditions applied to prescribed medications.

17. Prohibiting a person from having an ownership interest in or being an officer or director of a marijuana establishment who is under the age of 21 or has been convicted of a felony within the prior five years and from continuing to hold an ownership interest or officer or director position upon conviction of a felony and exhaustion of any appeals

18. Providing that marijuana establishments shall be subject to all applicable state and local laws and regulations related to health, safety and building codes, including signage, but providing that no zoning, land use law, or subdivision or agricultural regulation shall prohibit the development or operation of marijuana establishments, provided that no such establishment shall be located in a district zoned exclusively residential as of 1/1/15 for MGCE facilities or the date that a license application is first filed for a MPM facility, MMD, or RMS.

19. Prohibiting MGCE and MPM facilities from selling or transferring medical marijuana, marijuana or marijuana-infused products directly to consumers and prohibiting a RMS from being located on the premises of a MGCE or MPM facility.

20. Providing a timeline for initial implementation of the Amendment, including for appointment of the members of the Commission, the issuance of initial provisional licenses to MGCE facilities at the 10 designated sites based on required affidavits and payment of a \$100,000 license fee, inspection of such MGCE facilities within six months of issuance of such initial licenses, promulgation of initial regulations for MGCE facilities, MPM facilities, MMDs and RMSs, issuance of forms and procedures for precinct special elections, and the holding of a special election in May of the year following adoption of the Amendment for submission to voters of a precinct the question of approval of a location of a RMS. Initial regulations required to be adopted by specific dates are to be promulgated notwithstanding other provisions of law regarding promulgation of administrative rules, but the Commission must provide an opportunity for public input.

21. Requiring annual license fees of \$50,000 for MGCE facilities, \$25,000 for MPM facilities and \$10,000 for RMSs and marijuana testing facilities, and registration fees of \$50 for home growing, and that such fees be adjusted upward annually for inflation.

22. Requiring the Commission beginning in the second year following adoption of the Amendment to annually audit each marijuana establishment to certify that each establishment is in compliance with applicable rules and regulations, and if it determines that there is material non-compliance, authorizing the Commission to order remedial action and suspend or revoke the facility's license for failure to comply with such order within a reasonable time. Marijuana establishments may have their licenses renewed annually unless the Commission determines that a

licensee has repeatedly failed to comply with the Commission's remedial orders. Ohio's administrative procedure statutes generally applicable to other licensing bodies would apply to the extent not in conflict with the Amendment. The Commission shall set forth by rule civil penalties for failure to comply with Commission regulations, including enhanced penalties for repeat violations.

23. Requiring in the fourth year following adoption of the Amendment, the Commission to develop annual consumer demand metrics for medical marijuana and marijuana, which may be used by the Commission in conjunction with other findings to issue a license for an additional MGCE facility.

24. Providing that the Commission shall serve as a clearing house for scientific and medical industry research on the use of marijuana, marijuana-infused products and medical marijuana and shall establish a marijuana innovation and business incubator in Cuyahoga County to award support to Ohio-based public and private business entities, colleges and universities, nonprofit medical centers, and other nonprofit research institutions to engage in research and development, as well as to create new products, companies and jobs, associated with the medical marijuana and marijuana industries in Ohio.

25. Authorizing MPM facilities to manufacture and RMSs and MMDs to sell marijuana accessories and legalize possession and use of marijuana accessories, as defined in the Amendment.

26. Providing that the actions of marijuana establishments and their employees and agents are lawful and not subject to civil or criminal penalties so long as the actions are in compliance with the Amendment, laws enacted by the General Assembly and the rules of the Commission.

27. Define various terms used in the Amendment, including, but not limited to, marijuana, homegrown marijuana, medical marijuana, marijuana-infused products, caregiver, physician, and debilitating medical condition.

28. Providing that the provisions of the Amendment are self-executing except as specified in the Amendment, and that they supersede conflicting state and local laws, charters, regulations, and state constitutional provisions, except where otherwise indicated in the text. The General Assembly is authorized to enact laws implementing the provisions of the Amendment that are not in conflict with those provisions. Provide that the Amendment's provisions do not require the violation of federal law or purport to give immunity under federal law.

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Taylor Deutsche
903 Clayton Dr.
Worthington, OH 43085

Rosemary Robinson
16608 Walden Ave
Cleveland, OH 44128

Robert J Letourneau
7461 Fitzroy Ct.
Cincinnati, OH 45241

Patrick T McHenry
317 N Main St.
Waynesville, OH 45068

Barbara Gould
8525 Camargo Club Drive
Cincinnati, OH 45243

November 3, 2015 STRONGSVILLE - 01-A, STRONGSVILLE - 01-B, STRONGSVILLE - 01-C, STRONGSVILLE - 01-D, STRONGSVILLE - 01-E, STRONGSVILLE - 01-F, STRONGSVILLE - 01-G

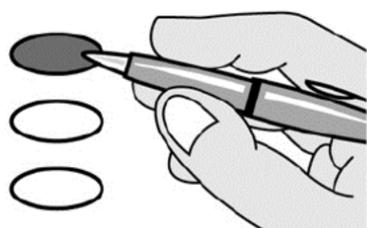
STRONGSVILLE - 01-A, STRONGSVILLE - 01-B, STRONGSVILLE - 01-C, STRONGSVILLE - 01-D, STRONGSVILLE - 01-E, STRONGSVILLE - 01-F, STRONGSVILLE - 01-G

Instructions to Voter
Instrucciones para el Elector

City of Strongsville
Ciudad de Strongsville

Issue One
Creates a bipartisan, public process for drawing legislative districts
Proposed Constitutional Amendment
Proposed by Joint Resolution of the General Assembly
To enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio.
A majority yes vote is necessary for the amendment to pass.

To vote: completely darken the oval (●) to the left of your choice.
Para votar: oscurezca completamente el óvalo (●) a la izquierda de su elección.



Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed.

Tenga en cuenta el número permitido de opciones directamente debajo del título de cada cargo para el que se postulan los candidatos. No marque en la papeleta más opciones de las permitidas.

If you mark the ballot for more choices than permitted, that contest or question will not be counted.

Si usted marca en la papeleta más opciones de las permitidas, no se contará esa candidatura o pregunta.

To vote for a write-in candidate: completely darken the oval (●) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted.

Para votar por un candidato por escrito: oscurezca completamente el óvalo (●) a la izquierda de la línea en blanco y escriba el nombre del candidato. Solo se pueden contar los votos emitidos para los candidatos que solicitaron ser candidatos por escrito.

Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest.
No escriba el nombre del candidato si el nombre de esa persona ya está impreso en la papeleta para esa misma candidatura.

If you make a mistake or want to change your vote: return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times.

Si comete un error o desea cambiar su voto: devuelva la papeleta a un funcionario electoral y obtenga una nueva. Puede pedir una nueva papeleta solo dos veces.

For Mayor
Para Alcalde
(Vote for not more than 1)
(No vote por más de 1)

Tom Perciak

For Member of Council (Ward 1)
Para Miembro del Consejo (Distrito 1)
(Vote for not more than 1)
(No vote por más de 1)

Michael J. Daymut

Strongsville City School District
Distrito Escolar de la Ciudad de Strongsville

For Member of Board of Education
Para Miembro de la Junta de Educación
(Vote for not more than 3)
(No vote por más de 3)

Jane Ludwig

Richard Micko

Carl W. Naso

The proposed amendment would:
• End the partisan process for drawing Ohio House and Senate districts, and replace it with a bipartisan process with the goal of having district boundaries that are more compact and politically competitive.
• Ensure a transparent process by requiring public meetings, public display of maps, and a public letter explaining any plan the Commission adopts by a simple majority vote.
• Establish the bipartisan Ohio Redistricting Commission, composed of 7 members including the Governor, the Auditor of State, the Secretary of State, and 4 members appointed by the majority and minority leaders of the General Assembly.
• Require a bipartisan majority vote of 4 members in order to adopt any final district plan, and prevent deadlock by limiting the length of time any plan adopted without bipartisan support is effective.

If passed, the amendment will become effective immediately.

Asunto Uno

Crea un proceso público bipartidista para trazar los distritos legislativos
Propuesta de Enmienda Constitucional
Propuesta por Resolución Conjunta de la Asamblea General

Para promulgar las nuevas Secciones 1, 2, 3, 4, 5, 6, 7, 8, 9 y 10 del Artículo XI y eliminar las Secciones 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 y 15 del Artículo XI de la Constitución del Estado de Ohio.

Se requiere un voto afirmativo por mayoría para la aprobación de la enmienda.

La propuesta de enmienda:
• Pondría fin al proceso partidista para trazar los distritos de la Cámara y del Senado de Ohio, y lo sustituiría por un proceso bipartidista con el objetivo de que los límites de los distritos fueran más compactos y políticamente competitivos.
• Garantizaría un proceso transparente al requerir reuniones públicas, exhibición pública de los planos y una carta pública explicando cualquier plan que adoptase la Comisión por mayoría simple de votos.
• Establecería la Comisión de Redistribución de Ohio bipartidista, compuesta por 7 miembros, entre ellos el Gobernador, el Auditor del Estado, el Secretario de Estado y 4 miembros nombrados por los líderes de la mayoría y las minorías de la Asamblea General.
• Requeriría un voto por mayoría bipartidista de 4 miembros con el fin de adoptar cualquier plan de distritos definitivo, y evitar el estancamiento mediante la limitación de la duración del tiempo durante el que estuviese en vigor cualquier plan adoptado sin el apoyo bipartidista.

De ser aprobada, la enmienda entrará en vigor de inmediato.

SHALL THE AMENDMENT BE APPROVED?

¿DEBERÁ APROBARSE LA ENMIENDA?

Yes / Si

No / No

STRONGSVILLE - 01-A, STRONGSVILLE - 01-B, STRONGSVILLE - 01-C, STRONGSVILLE - 01-D, STRONGSVILLE - 01-E, STRONGSVILLE - 01-F, STRONGSVILLE - 01-G

STRONGSVILLE - 01-A, STRONGSVILLE - 01-B, STRONGSVILLE - 01-C, STRONGSVILLE - 01-D, STRONGSVILLE - 01-E, STRONGSVILLE - 01-F, STRONGSVILLE - 01-G

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G~~

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G~~

Issue 2
Anti-monopoly amendment; protects the initiative process from being used for personal economic benefit
Proposed Constitutional Amendment
Proposed by Joint Resolution of the General Assembly
Proposing to amend Section 1e of Article II of the Constitution of the State of Ohio.
A majority yes vote is necessary for the amendment to pass.

De ser aprobada, la enmienda entrará en vigor de inmediato.
SHALL THE AMENDMENT BE APPROVED?
¿DEBERÁ APROBARSE LA ENMIENDA?

 Yes / Sí
 No / No

The proposed amendment would:

- Prohibit any petitioner from using the Ohio Constitution to grant a monopoly, oligopoly, or cartel for their exclusive financial benefit or to establish a preferential tax status.
- Prohibit any petitioner from using the Ohio Constitution to grant a commercial interest, right, or license that is not available to similarly situated persons or nonpublic entities.
- Require the bipartisan Ohio Ballot Board to determine if a proposed constitutional amendment violates the prohibitions above, and if it does, present two separate ballot questions to voters. Both ballot questions must receive a majority yes vote before the proposed amendment could take effect.
- Prohibit from taking effect any proposed constitutional amendment appearing on the November 3, 2015 General Election ballot that creates a monopoly, oligopoly, or cartel for the sale, distribution, or other use of any federal Schedule I controlled substance.
- The Ohio Supreme Court has original, exclusive jurisdiction in any action related to the proposal.

If passed, the amendment will become effective immediately.

Asunto Dos
Enmienda antimonopolio; protege el proceso de iniciativa contra el uso para beneficio económico personal
Propuesta de Enmienda Constitucional
Proposed by Joint Resolution of the General Assembly
Propuesta por Resolución Conjunta de la Asamblea General
Se requiere un voto afirmativo por mayoría para la aprobación de la enmienda.

La propuesta de enmienda:

- Prohibiría a cualquier solicitante utilizar la Constitución de Ohio para conceder un monopolio, oligopolio o consorcio para su beneficio económico exclusivo o para establecer un estatus fiscal preferencial.
- Prohibiría a cualquier solicitante utilizar la Constitución de Ohio para conceder un interés comercial, derecho o licencia que no estuviese disponible para las personas en situación similar o entidades no públicas.
- Requeriría a la Junta de Papeletas de Ohio bipartidista que determine si una propuesta de enmienda constitucional viola las prohibiciones arriba indicadas, y si lo hace, que presente dos preguntas separadas en la papeleta a los electores. Ambas preguntas de la papeleta deberían recibir un voto afirmativo mayoritario antes de que la enmienda propuesta pudiera entrar en vigor.
- Prohibiría que entrase en vigor cualquier propuesta de enmienda constitucional que figurara en la papeleta de la Elección General del 3 de noviembre de 2015 que crease un monopolio, oligopolio o consorcio para la venta, distribución o cualquier otro uso de cualquier sustancia controlada del Anexo I federal.
- El Tribunal Supremo de Ohio tiene competencia originaria y exclusiva en cualquier acción relacionada con la propuesta.

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G~~

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G~~

<p>Issue 3 Grants a monopoly for the commercial production and sale of marijuana for recreational and medicinal purposes Proposed Constitutional Amendment Proposed by Initiative Petition To add Section 12 of Article XV of the Constitution of the State of Ohio. A majority yes vote is necessary for the amendment to pass.</p>	<p>residents. The Amendment defines "debilitating medical condition," including specific medical conditions, and requires the Commission to establish and annually update, consistent with current, peer-reviewed research, the list of debilitating medical conditions for which medical marijuana certifications may be issued. The number of such state licensed and regulated dispensaries that may be within any subdivision would be determined by the Commission. MMDs must be incorporated under Ohio law. If the patient is under the age of 18, treatment involving medical marijuana may not be provided without the informed consent of a custodial parent, guardian, conservator or other person with lawful authority to consent to medical treatment. Provide that a physician may not be disciplined or subject to certain other actions based solely on discussing with a patient or providing a professional opinion on the use of medical marijuana as a treatment option or issuing a medical marijuana certification under the Amendment. Require MGCE and MPM facilities to sell medical marijuana and medical marijuana-infused products, respectively, to MMDs at their lowest wholesale prices and in sufficient quantity to satisfy patient demand. Provide that nothing in the Amendment shall require any health insurance provider or government agency to reimburse a patient for expenses for medical marijuana.</p> <p>5. Providing for Commission licensed retail marijuana stores ("RMS") to sell marijuana and marijuana-infused products to individuals 21 years of age or older for personal use and that marijuana and marijuana-infused products for personal use may be sold only by such state licensed and regulated stores. The Commission would determine the number of RMSs that may be within any political subdivision. However, the total number of stores statewide would be limited by the ratio of one to ten thousand based on the state's population, and the location of any such store must first be approved by the electors of the precinct where the store would be located at a special election similar to elections for the sale of alcohol at a particular location in a precinct, except for provisions unique to liquor local option elections. The Amendment also sets forth provisions governing the timing, holding, funding, and conduct of such elections. A RMS could purchase marijuana only from licensed MGCE facilities and marijuana-infused products only from licensed MPM facilities and sell no other goods or services, except for marijuana accessories and related products. No marijuana or marijuana-infused product could be consumed on the store's premises or be sold at a price below what the store paid for it.</p> <p>6. Providing for Commission licensed Marijuana Testing Facilities ("MTF") to engage in research related to and/or certify safety and potency of medical marijuana, marijuana and marijuana-infused products. Such facilities, at a minimum, must be located near colleges and universities in Athens, Cuyahoga, Lorain, Mahoning, Scioto and Wood Counties.</p> <p>7. Imposing a special flat tax of 15% on all gross revenue of each MGCE facility and MPM facility, and 5% on all gross revenue of each retail marijuana store, without any deduction for expenses or distribution of any profit. Such tax would be collected and distributed by the state as follows: 55% to a Municipal and Township Government Stabilization Fund to be distributed to all municipalities and townships on a per capita basis to be used for public safety and health, including police, fire and emergency medical services, road and bridge repair, and other infrastructure improvements; 30% to a Strong County Fund to be distributed to all counties on a per capita basis to be used for public safety and health, including police, fire and emergency medical services, road and bridge repair, and other infrastructure improvements; and 15% to a Marijuana Control Commission Fund to be distributed in the following order for: the reasonable and necessary costs of operating the Commission; funding for the marijuana innovation and business incubator established under the Amendment; to the extent the Commission so elects, the reasonable and necessary operating costs of the not-for-profit medical marijuana dispensaries established under the Amendment; mental health and addiction prevention and treatment programs and services; and to the extent that the</p>	<p>Commission so elects, a program to provide low-cost medical marijuana to qualifying patients who are unable to afford the full cost. Distributed funds from the special flat tax are to supplement, not supplant, funding obligations of the state and local governments imposed by other laws.</p> <p>8. In addition to the special flat tax, each MGCE facility, MPM facility and RMS would be required to pay the state commercial activities tax and all other taxes, assessments, fees and charges as are required to be paid by businesses in general and would be prohibited from receiving any credit, deduction or abatement that is unavailable to other businesses. MMDs would be required to pay the same taxes, assessments, fees and charges that other not-for-profit organizations are required to pay. Additional, taxes, assessments, fees or charges, other than license fees required under the Amendment, could not be imposed on the operations, revenue or distributed income of marijuana establishments.</p> <p>9. Providing that it is lawful for persons 21 years of age or older to purchase, possess, transport, use and share with another person 21 years of age or older marijuana of one ounce or less or its equivalent in marijuana-infused products, as determined by the Commission, and marijuana accessories.</p> <p>10. Providing that it is lawful for persons 21 years of age or older to grow, cultivate, use, possess and share with another person 21 years of age or older homegrown marijuana in an amount not to exceed four flowering marijuana plants and eight ounces of useable homegrown marijuana at a given time, so long as they have obtained a non-transferrable license pursuant to Commission-promulgated rules and regulations.</p> <p>11. Prohibiting a marijuana establishment from being located within 1,000 feet of the primary building structure used for any of the following: a house of worship, a public or chartered non-public elementary or secondary school, a publicly owned library, or a state licensed child day-care facility; or within 1,000 feet of any public playground or a playground adjacent to any of the foregoing primary building structures, if such school, library, playground, day-care facility, or house of worship was located within the 1,000 zone on or before 1/1/15 in the case of a MGCE facility, or the date of an applicant's first application for a license in the case of a MPM facility, MMD or RMS.</p> <p>12. Prohibiting knowingly selling or transferring medical marijuana, marijuana, homegrown marijuana or marijuana-infused products to a person under the age of 21, except for transfers or sales by a MMD to a qualifying patient or caregiver in accordance with Commission regulations, and requiring the General Assembly to pass laws defining such conduct as child endangerment and enacting enhanced penalties for violations of such laws.</p> <p>13. Prohibiting the employment of any person under the age of 21 by any marijuana establishment. Prohibiting any person under the age of 21 from being on the premises of a marijuana establishment, except in the case of a patient 18 to 20 years old at a MMD to obtain medical marijuana under a medical marijuana certification issued for such patient. Providing that a caregiver must be 21 years of age or older, be the person responsible for managing the well-being of a patient with a debilitating medical condition and that the person's responsibilities to the patient must include more than the provision of medical marijuana.</p> <p>14. Prohibiting persons from operating or being in physical control of a vehicle, aircraft, train or motorboat while under the influence of medical marijuana, marijuana, homegrown marijuana or marijuana-infused products, and requiring the General Assembly to pass laws imposing criminal penalties for doing so.</p> <p>15. Prohibiting the use of marijuana, homegrown marijuana, and marijuana-infused products in any public place or on the grounds of a public or chartered non-public elementary or secondary school, state licensed child day-care center, correctional facility or community corrections facility, or in a vehicle, aircraft, train or motorboat, except that a</p>
<p>This Amendment would add a new section 12 to Article XV of the Ohio Constitution to provide for the legalization of the use of medical marijuana by patients with debilitating medical conditions if a medical marijuana certification has been provided by the patient's treating physician and the use of marijuana and marijuana-infused products for personal use in amounts of one ounce or less by individuals 21 years of age or older, by providing, among other provisions:</p> <p>1. Establishing the Ohio Marijuana Control Commission ("Commission") to regulate the acquisition, growth, cultivation, extraction, production, processing, manufacture, testing, distribution, retail sales, licensing, and taxation of medical marijuana, marijuana and marijuana-infused products and the operations of marijuana establishments, and the growth and cultivation of homegrown marijuana, as defined in the Amendment. The Commission would be composed of seven members appointed by the governor with varying backgrounds and qualifications and for terms as set forth in the Amendment. All are required to be Ohio residents. The Amendment sets forth specific subject matter for regulations to be promulgated by the Commission and requires the Commission to establish a system for real-time tracking of all medical marijuana, marijuana and marijuana-infused products from initial germination and/or extraction through the final consumer transaction. The Commission would also serve as a clearing house for scientific and medical research on medical marijuana, marijuana and marijuana-infused products. The Commission is required to employ necessary and qualified persons, including enforcement agents, and retain services of qualified third parties, including experts, to perform its duties.</p> <p>2. Providing ten site specific locations for Commission licensed Marijuana Growth, Cultivation and Extraction ("MGCE") facilities. Setting forth conditions under which the Commission may relocate a MGCE facility or issue a license for a MGCE facility at a site other than the ten designated sites. Providing that marijuana and medical marijuana may be grown, cultivated and extracted for sale and medical use only at these state regulated and licensed facilities. One of each of the ten specified sites is in the following counties: Butler, Clermont, Franklin, Hamilton, Licking, Lorain, Lucas, Delaware, Stark, and Summit.</p> <p>3. Providing for Commission licensed Marijuana Product Manufacturing ("MPM") facilities to produce marijuana-infused and medical marijuana-infused products and that such products may be produced only at these state regulated and licensed facilities. The Commission would be required to regulate the chemical content and potency of marijuana-infused products and create a special division within the Commission to assist in promulgation of standards regulating the manufacture, packaging and advertising of marijuana-infused products, including ensuring that the products are not manufactured, packaged or advertised in ways that create a substantial risk of attractiveness to children.</p> <p>4. Providing for Commission licensed not-for-profit medical marijuana dispensaries ("MMD") to dispense medical marijuana to patients with debilitating medical conditions and to their Commission licensed caregivers with a medical marijuana certification issued by the patient's current treating physician in accordance with specific requirements set forth in the Amendment and in the accordance with Commission and other state regulations, and providing that medical marijuana may only be sold and dispensed by such state licensed and regulated dispensaries. Both the patient and the patient's physician must be Ohio residents.</p>	<p>STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G.01</p>	<p>STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G.01</p>

Consecutive Number: N - Voter tear here / Elector, rasgue aquí STUB A

STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G

Consecutive Number: N - STUB B

patient may use medical marijuana in accordance with a medical marijuana certification, and requiring the General Assembly to pass laws enforcing these provisions.

16. Providing that nothing in the Amendment is intended to require an employer to permit or accommodate the possession or use of medical marijuana, marijuana, homegrown marijuana or marijuana-infused products in the workplace, except that a patient with a medical marijuana certification may self-administer the medical marijuana subject to the same conditions applied to prescribed medications.

17. Prohibiting a person from having an ownership interest in or being an officer or director of a marijuana establishment who is under the age of 21 or has been convicted of a felony within the prior five years and from continuing to hold an ownership interest or officer or director position upon conviction of a felony and exhaustion of any appeals.

18. Providing that marijuana establishments shall be subject to all applicable state and local laws and regulations related to health, safety and building codes, including signage, but providing that no zoning, land use law, or subdivision or agricultural regulation shall prohibit the development or operation of marijuana establishments, provided that no such establishment shall be located in a district zoned exclusively residential as of 1/1/15 for MGCE facilities or the date that a license application is first filed for a MPM facility, MMD, or RMS.

19. Prohibiting MGCE and MPM facilities from selling or transferring medical marijuana, marijuana or marijuana-infused products directly to consumers and prohibiting a RMS from being located on the premises of a MGCE or MPM facility.

20. Providing a timeline for initial implementation of the Amendment, including for appointment of the members of the Commission, the issuance of initial provisional licenses to MGCE facilities at the 10 designated sites based on required affidavits and payment of a \$100,000 license fee, inspection of such MGCE facilities within six months of issuance of such initial licenses, promulgation of initial regulations for MGCE facilities, MPM facilities, MMDs and RMSs, issuance of forms and procedures for precinct special elections, and the holding of a special election in May of the year following adoption of the Amendment for submission to voters of a precinct the question of approval of a location of a RMS. Initial regulations required to be adopted by specific dates are to be promulgated notwithstanding other provisions of law regarding promulgation of administrative rules, but the Commission must provide an opportunity for public input.

21. Requiring annual license fees of \$50,000 for MGCE facilities, \$25,000 for MPM facilities and \$10,000 for RMSs and marijuana testing facilities, and registration fees of \$50 for home growing, and that such fees be adjusted upward annually for inflation.

22. Requiring the Commission beginning in the second year following adoption of the Amendment to annually audit each marijuana establishment to certify that each establishment is in compliance with applicable rules and regulations, and if it determines that there is material non-compliance, authorizing the Commission to order remedial action and suspend or revoke the facility's license for failure to comply with such order within a reasonable time. Marijuana establishments may have their licenses renewed annually unless the Commission determines that a licensee has repeatedly failed to comply with the Commission's remedial orders. Ohio's administrative procedure statutes generally applicable to other licensing bodies would apply to the extent not in conflict with the Amendment. The Commission shall set forth by rule civil penalties for failure to comply with Commission regulations, including enhanced penalties for repeat violations.

23. Requiring in the fourth year following adoption of the Amendment, the Commission to develop annual consumer demand metrics for medical marijuana and marijuana, which may be used by the Commission in conjunction

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G.01~~

with other findings to issue a license for an additional MGCE facility.

24. Providing that the Commission shall serve as a clearing house for scientific and medical industry research on the use of marijuana, marijuana-infused products and medical marijuana and shall establish a marijuana innovation and business incubator in Cuyahoga County to award support to Ohio-based public and private business entities, colleges and universities, nonprofit medical centers, and other nonprofit research institutions to engage in research and development, as well as to create new products, companies and jobs, associated with the medical marijuana and marijuana industries in Ohio.

25. Authorizing MPM facilities to manufacture and RMSs and MMDs to sell marijuana accessories and legalize possession and use of marijuana accessories, as defined in the Amendment.

26. Providing that the actions of marijuana establishments and their employees and agents are lawful and not subject to civil or criminal penalties so long as the actions are in compliance with the Amendment, laws enacted by the General Assembly and the rules of the Commission.

27. Define various terms used in the Amendment, including, but not limited to, marijuana, homegrown marijuana, medical marijuana, marijuana-infused products, caregiver, physician, and debilitating medical condition.

28. Providing that the provisions of the Amendment are self-executing except as specified in the Amendment, and that they supersede conflicting state and local laws, charters, regulations, and state constitutional provisions, except where otherwise indicated in the text. The General Assembly is authorized to enact laws implementing the provisions of the Amendment that are not in conflict with those provisions. Provide that the Amendment's provisions do not require the violation of federal law or purport to give immunity under federal law.

Otorga un monopolio para la producción comercial y venta de marihuana para fines recreativos y medicinales

Propuesta de Enmienda Constitucional

Propuesta por Petición de Iniciativa

Para añadir la Sección 12 del Artículo XV de la Constitución del Estado de Ohio

Se requiere un voto afirmativo por mayoría para la aprobación de la enmienda.

Esta Enmienda añadiría una nueva sección 12 al Artículo XV de la Constitución de Ohio para disponer la legalización del uso de la marihuana medicinal para pacientes con condiciones médicas debilitantes si ha sido proporcionada una certificación de marihuana medicinal por el médico que está tratando al paciente y el uso de la marihuana y de productos de infusión de marihuana para uso personal en cantidades de una onza o menos por individuos de 21 años de edad o mayores, disponiendo, entre otras disposiciones:

1. Establecer la Comisión de Control de Marihuana de Ohio ("la Comisión") para regular la adquisición, crecimiento, cultivo, extracción, producción, transformación, fabricación, pruebas, distribución, ventas al por menor, licencias y tributación de la marihuana medicinal, marihuana y productos de infusión de marihuana y las operaciones de los establecimientos de marihuana, y el crecimiento y cultivo de marihuana de cosecha propia, tal como se definen en la Enmienda. La Comisión se compondría de siete miembros nombrados por el gobernador con distintos antecedentes y calificaciones y para los periodos tal como se establece en la Enmienda. A todos se les exige ser residentes de Ohio. La Enmienda establece el objeto específico para que la Comisión promulgue regulaciones y requiere a la Comisión establecer un sistema de seguimiento en tiempo real de toda la marihuana medicinal, marihuana y productos de la marihuana de infusión de germinación y/o extracción inicial hasta la transacción del consumidor final. La

Comisión también serviría como centro de intercambio de investigación científica y médica de la marihuana medicinal, marihuana y productos de infusión de marihuana. La Comisión está obligada a emplear a las personas necesarias y calificadas, incluidos los agentes del orden, y mantener servicios de terceros calificados, incluidos peritos, para llevar a cabo sus funciones.

2. Disponer diez ubicaciones específicas de sitios para las instalaciones ("MGCE") de crecimiento, cultivo y extracción de marihuana licenciadas por la Comisión. Establecer las condiciones bajo las cuales la Comisión pueda reubicar una instalación MGCE o expedir una licencia para una instalación MGCE en un sitio distinto de los diez sitios designados. Disponer que la marihuana y la marihuana medicinal se puedan desarrollar, cultivar y extraer para la venta y el uso médico solamente en estas instalaciones reguladas y con licencia del estado. Uno de cada uno de los diez sitios especificados se encuentra en los siguientes condados: Butler, Clermont, Franklin, Hamilton, Licking, Lorain, Lucas, Delaware, Stark y Summit.

3. Disponer que las instalaciones ("MPM") de Fabricación de Productos de Marihuana con licencia de la Comisión elaboren productos de infusión de marihuana y productos de marihuana medicinal y que esos productos puedan ser elaborados solamente en estas instalaciones reguladas por el estado y con licencia del estado. Se requeriría a la Comisión que regulara el contenido químico y la potencia de los productos de infusión de marihuana y creara una división especial dentro de la Comisión para ayudar en la promulgación de normas que regulen la fabricación, envasado y publicidad de los productos de infusión de marihuana, incluyendo el asegurarse de que los productos no sean fabricados, envasados o anunciados en formas que creen un riesgo sustancial de atractivo para los niños.

4. Disponer que los dispensarios de marihuana medicinal ("MMD") con licencia y sin fines de lucro dispensen la marihuana médica a pacientes con condiciones médicas debilitantes y a sus cuidadores licenciados por la Comisión con una certificación de marihuana médica expedida por el médico tratante actual del paciente, de conformidad con los requisitos específicos establecidos en la Enmienda y de conformidad con las regulaciones de la Comisión y otras regulaciones estatales, y disponer que la marihuana médica sólo pueda ser vendida y dispensada por tales dispensarios licenciados y regulados por el estado. Tanto el paciente como el médico del paciente deben ser residentes de Ohio. La Enmienda define "condición médica debilitante", incluidas condiciones médicas específicas, y exige a la Comisión que establezca y actualice anualmente, según la investigación actual, revisada por peritos, la lista de condiciones médicas para las que puedan expedirse las certificaciones de marihuana medicinal. El número de estos dispensarios licenciados y regulados por el estado que puede estar dentro de cualquier subdivisión sería determinado por la Comisión. Los MMD deben constituirse bajo la ley de Ohio. Si el paciente es menor de 18 años, el tratamiento que implica la marihuana medicinal no se puede proporcionar sin el consentimiento informado de un padre custodio, tutor, curador u otra persona con autoridad legal para dar su consentimiento al tratamiento médico. Disponer que un médico no pueda ser disciplinado o sujeto a ciertas otras acciones basándose únicamente en hablar con un paciente o dar una opinión profesional sobre el uso de la marihuana medicinal como una opción de tratamiento o expedir una certificación de marihuana medicinal bajo la Enmienda. Exigir que las instalaciones MGCE y MPM vendan marihuana medicinal y productos de infusión de marihuana medicinal, respectivamente, a los MMD a sus precios más bajos al por mayor y en cantidad suficiente para satisfacer la demanda de los pacientes. Disponer que nada en la Enmienda requiera que ningún proveedor de seguro de salud o agencia del gobierno reembolse al paciente los gastos de la marihuana medicinal.

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-G.01~~

<p>5. Disponer que las tiendas minoristas de marihuana ("RMS") licenciadas por la Comisión vendan marihuana y productos de infusión de marihuana a personas de 21 años de edad o mayores para el uso personal y que la marihuana y los productos de infusión de marihuana para uso personal puedan ser vendidos únicamente por tales tiendas licenciadas y reguladas por el estado. La Comisión determinará el número de RMS que puede haber dentro de cualquier subdivisión política. Sin embargo, el número total de tiendas en todo el estado se verá limitado por la relación de uno a diez mil basada en la población del estado, y la ubicación de dicha tienda primero debe ser aprobada por los electores del distrito electoral donde se ubicaría la tienda en un elección especial similar a las elecciones para la venta de alcohol en una ubicación determinada de un distrito electoral, a excepción de las disposiciones únicas para las elecciones de opciones locales de bebidas alcohólicas. La Enmienda también establece las disposiciones que regulan el tiempo, la celebración, el financiamiento y realización de tales elecciones. Una RMS podría comprar marihuana sólo a instalaciones MGCE licenciadas y productos de infusión de marihuana sólo a instalaciones MPM licenciadas y no vender ningunos otros bienes o servicios, con excepción de los accesorios de marihuana y productos relacionados. No se podría consumir marihuana o productos de infusión de marihuana en el mismo recinto de la tienda ni podrían venderse a un precio por debajo de lo que la tienda pagó por ellos.</p>	<p>se les prohibiría recibir ningún crédito, deducción o reducción que no esté disponible para otros negocios. Los MMD tendrían que pagar los mismos impuestos, tasas, derechos y cargos que otras organizaciones sin fines de lucro están obligadas a pagar. No podrían imponerse impuestos, tasas, derechos o cargos adicionales, aparte de los derechos de licencia requeridos en virtud de la Enmienda, en las operaciones, ingresos o ingresos distribuidos de los establecimientos de marihuana.</p> <p>9. Disponer que sea legal para las personas de 21 años de edad o mayores comprar, poseer, transportar, utilizar y compartir con otra persona de 21 años de edad o mayor marihuana de una onza o menos, o su equivalente en productos de infusión de marihuana, según lo determinado por la Comisión, y accesorios de marihuana.</p> <p>10. Disponer que sea legal para las personas de 21 años de edad o mayores desarrollar, cultivar, usar, poseer y compartir con otra persona de 21 años de edad o mayor marihuana de cosecha propia en una cantidad que no exceda de cuatro plantas de marihuana en floración y ocho onzas de marihuana de cosecha propia utilizable en un momento dado, siempre y cuando hayan obtenido una licencia no transferible de conformidad con las normas y regulaciones promulgadas por la Comisión.</p>	<p>marihuana medicinal de conformidad con una certificación de marihuana medicinal, y exigir a la Asamblea General que apruebe leyes para hacer cumplir estas disposiciones.</p> <p>16. Disponer que nada en la Enmienda tenga por objeto exigir a un empleador que permita o acomode la posesión o el uso de marihuana medicinal, marihuana, marihuana de cosecha propia o productos de infusión de marihuana en el lugar de trabajo, a excepción de que un paciente con una certificación de marihuana medicinal puede autoadministrarse la marihuana medicinal sujeto a las mismas condiciones aplicadas a los medicamentos prescritos.</p> <p>17. Prohibir que una persona tenga un interés de propiedad en, o sea directivo o director de, un establecimiento de marihuana siendo menor de la edad de 21 años o que haya sido condenado por un delito grave en los últimos cinco años, y prohibir que siga manteniendo una participación o el puesto de directivo o director en caso de condena por un delito grave y agotamiento de los recursos de instancia.</p>
<p>6. Disponer que las Instalaciones de Prueba de Marihuana ("MTF") licenciadas por la Comisión participen en la investigación relacionada con, y/o certificar, la seguridad y la potencia de la marihuana medicinal, marihuana y productos de infusión de marihuana. Este tipo de instalaciones deben estar ubicadas, como mínimo, cerca de facultades y universidades de los Condados de Athens, Cuyahoga, Lorain, Mahoning, Scioto y Wood.</p>	<p>11. Prohibir que un establecimiento de marihuana esté situado a menos de 1,000 pies de la estructura del edificio principal que se utilice para cualquiera de lo siguiente: una casa de culto, una escuela de primaria o secundaria pública o chárter no pública, una biblioteca de titularidad pública, o una guardería infantil con licencia estatal; o a menos de 1,000 pies de cualquier parque infantil público o un parque infantil adyacente a cualquiera de las estructuras de los edificios principales que anteceden, si dicha escuela, biblioteca, parque infantil, guardería infantil o una casa de culto se encuentra dentro de la zona de 1,000 pies el 1/1/15 o antes en el caso de una instalación MGCE, o en la fecha de la primera solicitud de un solicitante de una licencia en el caso de una instalación de MPM, MMD o RMS.</p> <p>12. Prohibir la venta o transferencia con conocimiento de marihuana medicinal, marihuana, marihuana de cosecha propia o productos de infusión de marihuana a una persona menor de 21 años, a excepción de las transferencias o ventas por un MMD a un paciente o cuidador que reúna las condiciones de conformidad con los reglamentos de la Comisión, y requerir que la Asamblea General apruebe leyes que definan conductas tales como poner a niños en peligro y promulgar sanciones más fuertes para los incumplimientos de tales leyes.</p>	<p>18. Disponer que los establecimientos de marihuana estén sujetos a todas las leyes aplicables estatales y locales y reglamentos relacionados con los códigos de salud, de seguridad y de construcción, incluyendo señalización, pero disponiendo que ninguna ley de zonificación, de uso del suelo, o regulación de subdivisión o agrícola prohíban el desarrollo o la operación de establecimientos de marihuana, disponiendo que no se encuentre ningún establecimiento de ese tipo en un barrio dividido en zonas exclusivamente residenciales a fecha de 1/1/15 para las instalaciones MGCE o en la fecha en que se presenta por primera vez la solicitud de licencia para una instalación MPM, MMD o RMS.</p> <p>19. Prohibir a las instalaciones MGCE y MPM la venta o transferencia de marihuana medicinal, marihuana o productos de infusión de marihuana directamente a los consumidores y prohibir que una RMS esté ubicada en el recinto de una instalación MGCE o MPM.</p>
<p>7. La imposición de un impuesto fijo especial del 15% sobre todos los ingresos brutos de cada instalación MGCE e instalación MPM, y el 5% sobre todos los ingresos brutos de cada tienda de marihuana al por menor, sin ninguna deducción por gastos o distribución de cualquier beneficio. Dicho impuesto se recaudaría y distribuiría por el estado de la siguiente manera: El 55% para un Fondo de Estabilización del Gobierno Municipal y del Ayuntamiento a distribuir entre todas las municipalidades y ayuntamientos sobre una base per cápita que se utilizará para la seguridad y la salud públicas, incluyendo la policía, bomberos y servicios médicos de emergencia, reparación de carreteras y puentes, y otras mejoras de infraestructura; el 30% para un Fondo Fuerte del Condado a distribuir entre todos los condados sobre una base per cápita que se utilizará para la seguridad y la salud públicas, incluyendo la policía, bomberos y servicios médicos de emergencia, reparación de carreteras y puentes, y otras mejoras de infraestructura; y un 15% para un Fondo de la Comisión de Control de la Marihuana a distribuir en el siguiente orden entre: los costos razonables y necesarios de funcionamiento de la Comisión; financiamiento para el vivero de empresas e innovación de la marihuana establecido en virtud de la Enmienda; en la medida en que la Comisión así lo decida, los costos operativos razonables y necesarios de los dispensarios de marihuana medicinal sin fines de lucro establecidos en virtud de la Enmienda; programas y servicios de tratamiento y prevención de la adicción y de salud mental; y en la medida en que la Comisión así lo decida, un programa para proporcionar marihuana medicinal de bajo costo para a los pacientes que reúnan las condiciones que no puedan pagar el costo total. Los fondos distribuidos del impuesto fijo especial son para complementar, no reemplazar, el financiamiento de las obligaciones de los gobiernos estatales y locales impuestas por otras leyes.</p> <p>8. Además del impuesto fijo especial, cada instalación MGCE, instalación MPM y RMS estarían obligadas a pagar el impuesto estatal de actividades comerciales y todos los demás impuestos, tasas, derechos y cargos que están obligados a pagar los negocios en general y</p>	<p>13. Prohibir el empleo de toda persona menor de 21 años a todo establecimiento de marihuana. Prohibir a toda persona menor de 21 años estar en las instalaciones de un establecimiento de marihuana, excepto en el caso de un paciente de 18 a 20 años de edad en un MMD para obtener la marihuana medicinal bajo una certificación de marihuana medicinal expedida para tal paciente. Disponer que un cuidador debe tener 21 años de edad o más, ser la persona responsable de gestionar el bienestar de un paciente con una condición médica debilitante y que las responsabilidades de la persona para con el paciente deban incluir más que el suministro de la marihuana medicinal.</p> <p>14. Prohibir que las personas manejen o tengan el control físico de un vehículo, avión, tren o bote a motor mientras estén bajo la influencia de la marihuana medicinal, marihuana, marihuana de cosecha propia o de los productos de infusión de marihuana, y exigir que la Asamblea General apruebe leyes que impongan sanciones penales por hacerlo.</p> <p>15. Prohibir el uso de marihuana, marihuana de cosecha propia y productos de infusión de marihuana en cualquier lugar público o en los terrenos de una escuela primaria o secundaria pública o chárter no pública, guardería infantil con licencia estatal, centro penitenciario o correccional de la comunidad, o en un vehículo, avión, tren o bote a motor, excepto que el paciente puede usar la</p>	<p>20. Disponer un cronograma para la implementación inicial de la Enmienda, incluyendo el nombramiento de los miembros de la Comisión, la expedición de licencias provisionales iniciales para las instalaciones MGCE en los 10 sitios designados en función de las declaraciones juradas exigidas y del pago de una cuota de licencia de \$100,000, la inspección de dichas instalaciones MGCE en un plazo de seis meses de la expedición de las licencias iniciales, promulgación de reglamentos iniciales para las instalaciones MGCE, instalaciones MPM, MMD y RMS, expedición de formularios y procedimientos para las elecciones especiales del distrito electoral, y la celebración de una elección especial en mayo del año siguiente a la adopción de la Enmienda para la presentación a los electores de un distrito electoral la pregunta de la aprobación de una ubicación de una RMS. Las regulaciones iniciales que se requiera que sean adoptadas en fechas específicas deben ser promulgadas sin perjuicio de otras disposiciones de la ley con respecto a la promulgación de normas administrativas, pero la Comisión debe proporcionar una oportunidad para que el público opine.</p> <p>21. Exigir cuotas de licencia anuales de \$50,000 para las instalaciones MGCE, \$25,000 para instalaciones MPM y \$10,000 para las RMS y las instalaciones de pruebas de marihuana, y cuotas de inscripción de \$50 para la cosecha propia, y que dichas cuotas se ajusten al alza anualmente según la inflación.</p> <p>22. Exigir a la Comisión que comenzando en el segundo año después de la adopción de la Enmienda realice una auditoría anual de cada establecimiento de marihuana para certificar que cada establecimiento esté cumpliendo con las normas y reglamentos aplicables, y si se determina que existe incumplimiento sustancial, se autoriza a la Comisión para ordenar medidas correctivas y suspender o revocar la licencia de la instalación por el incumplimiento de dicha orden en un plazo razonable. Los establecimientos de</p>

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G.01~~

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G.01~~

Consecutive Number: N Voter tear here / Elector, rasgue aquí STUB A

STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G

Consecutive Number: N STUB B

marihuana pueden tener sus licencias renovadas anualmente a menos que la Comisión determine que un licenciario ha fracasado repetidamente en cumplir con las órdenes correctivas de la Comisión. Las leyes de procedimientos administrativos de Ohio generalmente aplicables a otros órganos de concesión de licencias se aplicarían en la medida en que no entraran en conflicto con la Enmienda. La Comisión establecerá por regla sanciones civiles por incumplimiento de las regulaciones de la Comisión, incluyendo sanciones más fuertes por incumplimientos repetidos.

23. Exigir que en el cuarto año después de la adopción de la Enmienda, la Comisión desarrolle métricas anuales de demanda de los consumidores de marihuana y marihuana medicinal, que puedan ser utilizadas por la Comisión junto con otras conclusiones para expedir una licencia para una instalación MGCE adicional.

24. Disponer que la Comisión actúe como centro de intercambio de investigación de la industria médica y científica sobre el uso de la marihuana, los productos de infusión de marihuana y la marihuana medicinal y establezca un vivero de empresas e innovación de la marihuana en el Condado de Cuyahoga para dar apoyo a entidades empresariales privadas y públicas con sede en Ohio, facultades y universidades, centros médicos sin fines de lucro y otras instituciones de investigación sin fines de lucro que se dedican a la investigación y el desarrollo, así como para crear nuevos productos, compañías y puestos de trabajo, asociados a las industrias de marihuana medicinal y marihuana en Ohio.

25. Autorizar a instalaciones MPM para fabricar y a las RMS y MMD para vender accesorios de marihuana y legalizar la posesión y el uso de accesorios de marihuana, tal como se define en la Enmienda.

26. Disponer que las acciones de los establecimientos de marihuana y sus empleados y agentes sean legales y no estén sujetas a sanciones civiles o penales, siempre y cuando las acciones estén en cumplimiento con la Enmienda, las leyes promulgadas por la Asamblea General y las normas de la Comisión.

27. Definir diversos términos utilizados en la Enmienda, incluyendo, entre otros, marihuana, marihuana de cosecha propia, marihuana medicinal, productos de infusión de marihuana, cuidador, médico y condición médica debilitante.

28. Disponer que las disposiciones de la Enmienda sean de aplicación directa, excepto como se especifique en la Enmienda, y que reemplacen las leyes estatales y locales, estatutos, reglamentos y disposiciones constitucionales estatales en conflicto, salvo que se indique lo contrario en el texto. La Asamblea General está facultada para promulgar leyes que implementen las disposiciones de la Enmienda que no estén en conflicto con esas disposiciones. Establecer que las disposiciones de la Enmienda no requieran el incumplimiento de la ley federal ni pretendan dar inmunidad bajo la ley federal.

SHALL THE AMENDMENT BE APPROVED?

¿DEBERÁ APROBARSE LA ENMIENDA?

Yes / Si

No / No

**1
Proposed Tax Levy
(Additional)**

Polaris Career Center

A majority affirmative vote is necessary for passage.

An additional tax for the benefit of the Polaris Career Center (formerly known as Polaris Joint Vocational School District) for the purpose of general permanent improvements at a rate not exceeding 0.69 mill for each one dollar of valuation, which amounts to 6.9 cents for each one hundred dollars of valuation, for a continuing period of time, commencing in 2015, first due in calendar year 2016.

**Propuesta para Recaudación de Impuestos
(Adicional)**

Centro Profesional Polaris

Se requiere un voto afirmativo por mayoría para su aprobación.

Un impuesto adicional que beneficiará al Centro Profesional Polaris (conocido anteriormente como Distrito Escolar Vocacional Conjunto Polaris) con el fin de cubrir mejoras generales permanentes a una tasa que no exceda 0.69 milésimos por cada dólar de valoración, lo cual representa 6.9 centavos por cada cien dólares de valoración, por un período continuado de tiempo, comenzando en el 2015, con su primer vencimiento en el año calendario del 2016.

**For the Tax Levy
A Favor de la Recaudación de Impuestos**

**Against the Tax Levy
En Contra de la Recaudación de Impuestos**

**1
Proposed Extension of Excise Tax
on Cigarettes for
Cuyahoga Arts and Culture**

County of Cuyahoga

A majority affirmative vote is necessary for passage.

Shall an excise tax on the sale of cigarettes at wholesale continue to be levied throughout Cuyahoga County for the benefit of Cuyahoga Arts and Culture for the purposes of making grants to support operating or capital expenses of arts or cultural organizations in Cuyahoga County, to defray the costs of acquiring, constructing, equipping, furnishing, improving, enlarging, renovating, remodeling or maintaining an artistic or cultural facility, and to meet operating expenses, at a rate of 15 mills per cigarette, which amounts to 1.5 cents per cigarette, for 10 years?

Propuesta de Extensión del Impuesto Especial sobre Cigarrillos para las Artes y la Cultura de Cuyahoga

Condado de Cuyahoga

Se requiere un voto afirmativo por mayoría para su aprobación.

¿Deberá seguir recaudándose un impuesto especial sobre la venta de cigarrillos al por mayor en todo el Condado de Cuyahoga que beneficiará a las Artes y la Cultura de Cuyahoga a efectos de concesión de becas para apoyar los gastos de funcionamiento o de capital de las artes o las organizaciones culturales en el Condado de Cuyahoga, para sufragar los costos de adquisición, construcción, equipamiento, mobiliario, mejoramiento, ampliación, renovación, remodelación o mantenimiento de una instalación artística o cultural, y para cubrir los gastos de funcionamiento, a una tasa de 15 milésimos por cigarrillo, lo cual representa 1.5 centavos por cigarrillo, por 10 años?

Yes / Si

No / No

Dr. Dan Cappell
Rob P. L.
Jeff Hartings
Thom O. McMan, IV

**Members of the Board of Elections
September 8, 2015**

**Miembros de la Junta Electoral
8 de septiembre de 2015**

**Thank you for voting!
¡Gracias por votar!**

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G.01~~

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G.01~~

November 3, 2015 STRONGSVILLE - 01-A, STRONGSVILLE - 01-B, STRONGSVILLE - 01-C, STRONGSVILLE - 01-D, STRONGSVILLE - 01-E, STRONGSVILLE - 01-F, STRONGSVILLE - 01-G

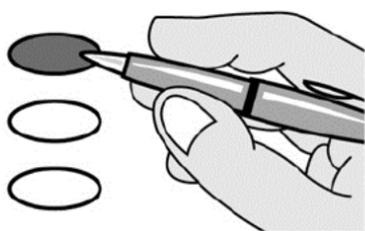
STRONGSVILLE - 01-A, STRONGSVILLE - 01-B, STRONGSVILLE - 01-C, STRONGSVILLE - 01-D, STRONGSVILLE - 01-E, STRONGSVILLE - 01-F, STRONGSVILLE - 01-G

Instructions to Voter
Instrucciones para el Elector

City of Strongsville
Ciudad de Strongsville

Issue One
Creates a bipartisan, public process for drawing legislative districts
Proposed Constitutional Amendment
Proposed by Joint Resolution of the General Assembly
To enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio.
A majority yes vote is necessary for the amendment to pass.

To vote: completely darken the oval (●) to the left of your choice.
Para votar: oscurezca completamente el óvalo (●) a la izquierda de su elección.



Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed.

Tenga en cuenta el número permitido de opciones directamente debajo del título de cada cargo para el que se postulan los candidatos. No marque en la papeleta más opciones de las permitidas.

If you mark the ballot for more choices than permitted, that contest or question will not be counted.

Si usted marca en la papeleta más opciones de las permitidas, no se contará esa candidatura o pregunta.

To vote for a write-in candidate: completely darken the oval (●) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted.

Para votar por un candidato por escrito: oscurezca completamente el óvalo (●) a la izquierda de la línea en blanco y escriba el nombre del candidato. Solo se pueden contar los votos emitidos para los candidatos que solicitaron ser candidatos por escrito.

Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest.
No escriba el nombre del candidato si el nombre de esa persona ya está impreso en la papeleta para esa misma candidatura.

If you make a mistake or want to change your vote: return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times.

Si comete un error o desea cambiar su voto: devuelva la papeleta a un funcionario electoral y obtenga una nueva. Puede pedir una nueva papeleta solo dos veces.

For Mayor
Para Alcalde
(Vote for not more than 1)
(No vote por más de 1)

Tom Perciak

For Member of Council (Ward 1)
Para Miembro del Consejo (Distrito 1)
(Vote for not more than 1)
(No vote por más de 1)

Michael J. Daymut

Strongsville City School District
Distrito Escolar de la Ciudad de Strongsville

For Member of Board of Education
Para Miembro de la Junta de Educación
(Vote for not more than 3)
(No vote por más de 3)

Jane Ludwig

Richard Micko

Carl W. Naso

The proposed amendment would:
• End the partisan process for drawing Ohio House and Senate districts, and replace it with a bipartisan process with the goal of having district boundaries that are more compact and politically competitive.
• Ensure a transparent process by requiring public meetings, public display of maps, and a public letter explaining any plan the Commission adopts by a simple majority vote.
• Establish the bipartisan Ohio Redistricting Commission, composed of 7 members including the Governor, the Auditor of State, the Secretary of State, and 4 members appointed by the majority and minority leaders of the General Assembly.
• Require a bipartisan majority vote of 4 members in order to adopt any final district plan, and prevent deadlock by limiting the length of time any plan adopted without bipartisan support is effective.

If passed, the amendment will become effective immediately.

Asunto Uno

Crea un proceso público bipartidista para trazar los distritos legislativos
Propuesta de Enmienda Constitucional
Propuesta por Resolución Conjunta de la Asamblea General

Para promulgar las nuevas Secciones 1, 2, 3, 4, 5, 6, 7, 8, 9 y 10 del Artículo XI y eliminar las Secciones 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 y 15 del Artículo XI de la Constitución del Estado de Ohio.

Se requiere un voto afirmativo por mayoría para la aprobación de la enmienda.

La propuesta de enmienda:

• Pondría fin al proceso partidista para trazar los distritos de la Cámara y del Senado de Ohio, y lo sustituiría por un proceso bipartidista con el objetivo de que los límites de los distritos fueran más compactos y políticamente competitivos.
• Garantizaría un proceso transparente al requerir reuniones públicas, exhibición pública de los planos y una carta pública explicando cualquier plan que adoptase la Comisión por mayoría simple de votos.
• Establecería la Comisión de Redistribución de Ohio bipartidista, compuesta por 7 miembros, entre ellos el Gobernador, el Auditor del Estado, el Secretario de Estado y 4 miembros nombrados por los líderes de la mayoría y las minorías de la Asamblea General.
• Requeriría un voto por mayoría bipartidista de 4 miembros con el fin de adoptar cualquier plan de distritos definitivo, y evitar el estancamiento mediante la limitación de la duración del tiempo durante el que estuviese en vigor cualquier plan adoptado sin el apoyo bipartidista.

De ser aprobada, la enmienda entrará en vigor de inmediato.

SHALL THE AMENDMENT BE APPROVED?

¿DEBERÁ APROBARSE LA ENMIENDA?

Yes / Si

No / No

STRONGSVILLE - 01-A, STRONGSVILLE - 01-B, STRONGSVILLE - 01-C, STRONGSVILLE - 01-D, STRONGSVILLE - 01-E, STRONGSVILLE - 01-F, STRONGSVILLE - 01-G

STRONGSVILLE - 01-A, STRONGSVILLE - 01-B, STRONGSVILLE - 01-C, STRONGSVILLE - 01-D, STRONGSVILLE - 01-E, STRONGSVILLE - 01-F, STRONGSVILLE - 01-G

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G~~

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G~~

Issue 2
Anti-monopoly amendment; protects the initiative process from being used for personal economic benefit
Proposed Constitutional Amendment
Proposed by Joint Resolution of the General Assembly
Proposing to amend Section 1e of Article II of the Constitution of the State of Ohio.
A majority yes vote is necessary for the amendment to pass.

De ser aprobada, la enmienda entrará en vigor de inmediato.
SHALL THE AMENDMENT BE APPROVED?
¿DEBERÁ APROBARSE LA ENMIENDA?

 Yes / Sí
 No / No

The proposed amendment would:

- Prohibit any petitioner from using the Ohio Constitution to grant a monopoly, oligopoly, or cartel for their exclusive financial benefit or to establish a preferential tax status.
- Prohibit any petitioner from using the Ohio Constitution to grant a commercial interest, right, or license that is not available to similarly situated persons or nonpublic entities.
- Require the bipartisan Ohio Ballot Board to determine if a proposed constitutional amendment violates the prohibitions above, and if it does, present two separate ballot questions to voters. Both ballot questions must receive a majority yes vote before the proposed amendment could take effect.
- Prohibit from taking effect any proposed constitutional amendment appearing on the November 3, 2015 General Election ballot that creates a monopoly, oligopoly, or cartel for the sale, distribution, or other use of any federal Schedule I controlled substance.
- The Ohio Supreme Court has original, exclusive jurisdiction in any action related to the proposal.

If passed, the amendment will become effective immediately.

Asunto Dos
Enmienda antimonopolio; protege el proceso de iniciativa contra el uso para beneficio económico personal
Propuesta de Enmienda Constitucional
Proposed by Joint Resolution of the General Assembly
Propuesta por Resolución Conjunta de la Asamblea General
Se requiere un voto afirmativo por mayoría para la aprobación de la enmienda.

La propuesta de enmienda:

- Prohibiría a cualquier solicitante utilizar la Constitución de Ohio para conceder un monopolio, oligopolio o consorcio para su beneficio económico exclusivo o para establecer un estatus fiscal preferencial.
- Prohibiría a cualquier solicitante utilizar la Constitución de Ohio para conceder un interés comercial, derecho o licencia que no estuviese disponible para las personas en situación similar o entidades no públicas.
- Requeriría a la Junta de Papeletas de Ohio bipartidista que determine si una propuesta de enmienda constitucional viola las prohibiciones arriba indicadas, y si lo hace, que presente dos preguntas separadas en la papeleta a los electores. Ambas preguntas de la papeleta deberían recibir un voto afirmativo mayoritario antes de que la enmienda propuesta pudiera entrar en vigor.
- Prohibiría que entrase en vigor cualquier propuesta de enmienda constitucional que figurara en la papeleta de la Elección General del 3 de noviembre de 2015 que crease un monopolio, oligopolio o consorcio para la venta, distribución o cualquier otro uso de cualquier sustancia controlada del Anexo I federal.
- El Tribunal Supremo de Ohio tiene competencia originaria y exclusiva en cualquier acción relacionada con la propuesta.

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G~~

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G~~

<p>Issue 3 Grants a monopoly for the commercial production and sale of marijuana for recreational and medicinal purposes Proposed Constitutional Amendment Proposed by Initiative Petition To add Section 12 of Article XV of the Constitution of the State of Ohio. A majority yes vote is necessary for the amendment to pass.</p>	<p>Para añadir la Sección 12 del Artículo XV de la Constitución del Estado de Ohio</p> <p>La propuesta de enmienda:</p> <ul style="list-style-type: none"> Otorgaría derechos exclusivos para el desarrollo, cultivo y extracción comercial de la marihuana a los propietarios autodesignados que sean dueños de diez parcelas predeterminadas de terreno en los Condados de Butler, Clermont, Franklin, Hamilton, Lamer, Lorain, Lucas, Delaware, Stark y Summit. Se puede permitir una ubicación adicional en cuatro años. Permitiría la venta al por menor de marihuana recreativa en aproximadamente 1,100 lugares en todo el estado. Legalizaría la producción de productos con infusión de marihuana, incluyendo comestibles, productos concentrados, aerosoles, pomadas y tinturas de las instalaciones de fabricación de productos de marihuana. Permitiría a cada persona, de 21 años de edad o mayor, comprar, cultivar, poseer, usar, transportar y compartir más de media libra de marihuana o su equivalente en productos con infusión de marihuana concurrentemente (un total de 8 onzas de marihuana de cosecha propia utilizable para uso recreativo, además de 1 onza de marihuana comprada para uso recreativo), más 4 plantas de cosecha propia de marihuana en floración. Autorizaría el uso de la marihuana medicinal a cualquier persona, independientemente de su edad, que tenga una certificación para una condición médica debilitante. Concedería permisos a las instalaciones de desarrollo, cultivo y extracción de marihuana, instalaciones de fabricación de productos, tiendas de marihuana al por menor y a los dispensarios de marihuana médica sin fines de lucro para estar a 1,000 pies de una iglesia; una biblioteca de propiedad pública; una escuela primaria o secundaria no pública o charter; o un centro infantil-guardería, o de un parque infantil que se hubiera construido después del 1 de enero de 2015 o después de la fecha en que la operación de marihuana solicite una licencia para operar. Prohibiría que cualquier ley local o estatal, incluyendo las leyes de zonificación, se aplicaran para prohibir el desarrollo o la explotación de instalaciones de desarrollo, cultivo y extracción de marihuana, tiendas de marihuana al por menor, y dispensarios de marihuana médica a menos que el área esté zonificada como residencial exclusivamente a fecha del 1 de enero de 2015 o en la fecha en que se presente por primera vez la solicitud de una licencia para un establecimiento de marihuana. Crearía una tasa de impuesto especial limitado al 15% en los ingresos brutos de cada instalación de desarrollo, cultivo y extracción de marihuana e instalación de fabricación de productos de marihuana y una tasa de impuesto especial limitada al 5% sobre los ingresos brutos de cada tienda de marihuana al por menor. Los ingresos por el impuesto irían a un fondo municipal y de gobierno del ayuntamiento, un fondo fuerte del condado, y al fondo de la comisión de control de la marihuana. Crearía una incubadora de marihuana en el Condado de Cuyahoga para fomentar el crecimiento y desarrollo de la industria de la marihuana y ubicar instalaciones de prueba de marihuana cerca de facultades y universidades en los Condados de Athens, Cuyahoga, Lorain, Mahoning, Scioto y Wood, como mínimo. Limitaría la capacidad de la legislatura y los gobiernos locales de regular la fabricación, venta, distribución y uso de marihuana y productos de marihuana. Crearía una nueva agencia de gobierno estatal llamada la comisión de control de la marihuana (con autoridad limitada) para regular la industria, compuesta por siete residentes de Ohio nombrados por el Gobernador, entre ellos un médico, un oficial de policía, un abogado de derecho administrativo, un defensor del paciente, un residente con experiencia en 	<p>poseer, desarrollar, gestionar y operar negocios, un residente con experiencia en la industria de la marihuana legal y un miembro del público.</p> <p>SHALL THE AMENDMENT BE APPROVED? ¿DEBERÁ APROBARSE LA ENMIENDA?</p> <p><input type="radio"/> Yes / Sí <input type="radio"/> No / No</p>
<p>The proposed amendment would:</p> <ul style="list-style-type: none"> Endow exclusive rights for commercial marijuana growth, cultivation, and extraction to self-designated landowners who own ten predetermined parcels of land in Butler, Clermont, Franklin, Hamilton, Licking, Lorain, Lucas, Delaware, Stark, and Summit Counties. One additional location may be allowed for in four years. Permit retail sale of recreational marijuana at approximately 1,100 locations statewide. Legalize the production of marijuana-infused products, including edible products, concentrates, sprays, ointments and tinctures by marijuana product manufacturing facilities. Allow each person, 21 years of age or older, to purchase, grow, possess, use, transport and share over one-half pound of marijuana or its equivalent in marijuana-infused products at a time (a total of 8 ounces of usable, homegrown marijuana for recreational use, plus 1 ounce of purchased marijuana for recreational use), plus 4 homegrown, flowering marijuana plants. Authorize the use of medical marijuana by any person, regardless of age, who has a certification for a debilitating medical condition. Permits marijuana growing, cultivation and extraction facilities, product manufacturing facilities, retail marijuana stores and not-for-profit medical marijuana dispensaries to be within 1,000 feet of a house of worship; a publicly owned library; a public or chartered non-public elementary or secondary school; or a child day-care center, or playground that is built after January 1, 2015 or after the date the marijuana operation applies for a license to operate. Prohibit any local or state law, including zoning laws, from being applied to prohibit the development or operation of marijuana growth, cultivation, and extraction facilities, retail marijuana stores, and medical marijuana dispensaries unless the area is zoned exclusively residential as of January 1, 2015 or as of the date that an application for a license is first filed for a marijuana establishment. Create a special tax rate limited to 15% on gross revenue of each marijuana growth, cultivation, and extraction facility and marijuana product manufacturing facility and a special tax rate limited to 5% on gross revenue of each retail marijuana store. Revenues from the tax go to a municipal and township government fund, a strong county fund, and the marijuana control commission fund. Create a marijuana incubator in Cuyahoga County to promote growth and development of the marijuana industry and locate marijuana testing facilities near colleges and universities in Athens, Cuyahoga, Lorain, Mahoning, Scioto and Wood Counties, at a minimum. Limits the ability of the legislature and local governments from regulating the manufacture, sales, distribution and use of marijuana and marijuana products. Create a new state government agency called the marijuana control commission (with limited authority) to regulate the industry, comprised of seven Ohio residents appointed by the Governor, including a physician, a law enforcement officer, an administrative law attorney, a patient advocate, a resident experience in owning, developing, managing and operating business, a resident with experience in the legal marijuana industry, and a member of the public. <p>Asunto Tres Otorga un monopolio para la producción comercial y venta de marihuana para fines recreativos y medicinales Propuesta de Enmienda Constitucional Propuesta por Petición de Iniciativa</p> <p>STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G.01</p>	<p>1 Proposed Tax Levy (Additional) Polaris Career Center A majority affirmative vote is necessary for passage.</p> <p>An additional tax for the benefit of the Polaris Career Center (formerly known as Polaris Joint Vocational School District) for the purpose of general permanent improvements at a rate not exceeding 0.69 mill for each one dollar of valuation, which amounts to 6.9 cents for each one hundred dollars of valuation, for a continuing period of time, commencing in 2015, first due in calendar year 2016.</p> <p>Propuesta para Recaudación de Impuestos (Adicional) Centro Profesional Polaris Se requiere un voto afirmativo por mayoría para su aprobación.</p> <p>Un impuesto adicional que beneficiará al Centro Profesional Polaris (conocido anteriormente como Distrito Escolar Vocacional Conjunto Polaris) con el fin de cubrir mejoras generales permanentes a una tasa que no exceda 0.69 milésimos por cada dólar de valoración, lo cual representa 6.9 centavos por cada cien dólares de valoración, por un período continuado de tiempo, comenzando en el 2015, con su primer vencimiento en el año calendario del 2016.</p> <p><input type="radio"/> For the Tax Levy A Favor de la Recaudación de Impuestos</p> <p><input type="radio"/> Against the Tax Levy En Contra de la Recaudación de Impuestos</p>	<p>STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G.01</p>

Consecutive Number: N - _____

Voter tear here / Elector, rasgue aquí

STUB A

STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G

Consecutive Number: N - _____

STUB B

<p>1 Proposed Extension of Excise Tax on Cigarettes for Cuyahoga Arts and Culture County of Cuyahoga A majority affirmative vote is necessary for passage.</p>	<p>1 Proposed Charter Amendment County of Cuyahoga A majority affirmative vote is necessary for passage.</p>	<p>1 Proposed Tax Levy (Additional) City of Strongsville A majority affirmative vote is necessary for passage.</p>
<p>Shall an excise tax on the sale of cigarettes at wholesale continue to be levied throughout Cuyahoga County for the benefit of Cuyahoga Arts and Culture for the purposes of making grants to support operating or capital expenses of arts or cultural organizations in Cuyahoga County, to defray the costs of acquiring, constructing, equipping, furnishing, improving, enlarging, renovating, remodeling or maintaining an artistic or cultural facility, and to meet operating expenses, at a rate of 15 mills per cigarette, which amounts to 1.5 cents per cigarette, for 10 years?</p> <p>Propuesta de Extensión del Impuesto Especial sobre Cigarrillos para las Artes y la Cultura de Cuyahoga Condado de Cuyahoga Se requiere un voto afirmativo por mayoría para su aprobación.</p> <p>¿Deberá seguir recaudándose un impuesto especial sobre la venta de cigarrillos al por mayor en todo el Condado de Cuyahoga que beneficiará a las Artes y la Cultura de Cuyahoga a efectos de concesión de becas para apoyar los gastos de funcionamiento o de capital de las artes o las organizaciones culturales en el Condado de Cuyahoga, para sufragar los costos de adquisición, construcción, equipamiento, mobiliario, mejoramiento, ampliación, renovación, remodelación o mantenimiento de una instalación artística o cultural, y para cubrir los gastos de funcionamiento, a una tasa de 15 milésimos por cigarrillo, lo cual representa 1.5 centavos por cigarrillo, por 10 años?</p> <p><input type="radio"/> Yes / Sí <input type="radio"/> No / No</p>	<p>Shall Article XI, Section 11.01 of the Charter of the County of Cuyahoga be amended to ensure the independence of the county's auditing function by providing that the County Audit Committee consist of the President of Council or a member of Council appointed by the President of Council, four residents of the county with experience in the field of auditing, accounting, government operations, or financial reporting who are to be appointed by the County Executive and confirmed by Council, with the County Executive and Fiscal Officer each serving as non-voting, ex officio members?</p> <p>Propuesta de Enmienda a los Estatutos Condado de Cuyahoga Se requiere un voto afirmativo por mayoría para su aprobación.</p> <p>¿Deberá enmendarse el Artículo XI, Sección 11.01 de los Estatutos del Condado de Cuyahoga para asegurar la independencia de la función de auditoría del condado al establecer que el Comité de Auditoría del Condado esté integrado por el Presidente del Consejo o por un miembro del Consejo nombrado por el Presidente del Consejo, cuatro residentes del condado con experiencia en el campo de la auditoría, contabilidad, operaciones del gobierno o información financiera que serán nombrados por el Ejecutivo del Condado y confirmados por Consejo, con el Ejecutivo del Condado y Funcionario Fiscal cada uno ejerciendo como miembro de oficio, sin derecho a voto?</p> <p><input type="radio"/> Yes / Sí <input type="radio"/> No / No</p>	<p>An additional tax for the benefit of the City of Strongsville for the purpose of general construction, reconstruction, resurfacing and repair of streets, roads and bridges at a rate not exceeding 1 mill for each one dollar of valuation, which amounts to 10 cents for every hundred dollars of valuation, for five years, commencing in 2015, first due in calendar year 2016.</p> <p>Propuesta para Recaudación de Impuestos (Adicional) Ciudad de Strongsville Se requiere un voto afirmativo por mayoría para su aprobación.</p> <p>Un impuesto adicional que beneficiará a la Ciudad de Strongsville con el fin de cubrir la construcción general, reconstrucción, repavimentación y reparación de calles, carreteras y puentes a una tasa que no exceda 1 milésimo por cada dólar de valoración, lo cual representa 10 centavos por cada cien dólares de valoración, por cinco años, comenzando en el 2015, con su primer vencimiento en el año calendario del 2016.</p> <p><input type="radio"/> For the Tax Levy A Favor de la Recaudación de Impuestos</p> <p><input type="radio"/> Against the Tax Levy En Contra de la Recaudación de Impuestos</p>
<p>STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-F, STRONGSVILLE -01-G.01</p>		<p>1 Proposed Zoning Amendment City of Strongsville A majority affirmative vote throughout the City and in Ward 3 is necessary for passage.</p> <p>Shall the Zoning Map of Strongsville be amended to change the classification of certain vacant real estate located near Westwood Drive and Olympus Way (part of PP# 392-30-006) from its present zoning classification of R1-75 (One Family 75) to PF (Public Facilities) classification?</p> <p>Propuesta de Enmienda a la Zonificación Ciudad de Strongsville A majority affirmative vote throughout the City and in Ward 3 is necessary for passage.</p> <p>requiere un voto afirmativo por mayoría en toda la Ciudad y en el Distrito 3 para su aprobación. ¿Deberá enmendarse el Mapa de Zonificación de Strongsville para cambiar la clasificación de ciertos bienes raíces desocupados ubicados cerca de Westwood Drive y Olympus Way (parte de la PP Núm. 392-30-006) de su presente clasificación de zonificación de R1-75 (Unifamiliar 75) a la clasificación de PF (Instalaciones Públicas)?</p> <p><input type="radio"/> Yes / Sí <input type="radio"/> No / No</p> <p>STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E, STRONGSVILLE -01-G.01</p>

Thank you for voting!
¡Gracias por votar!

21
42
43
44
46
51
~~STRONGSVILLE -01-A, STRONGSVILLE -01-B,
STRONGSVILLE -01-C, STRONGSVILLE -01-D,
STRONGSVILLE -01-E, STRONGSVILLE -01-F,
STRONGSVILLE -01-G.01~~

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B,
STRONGSVILLE -01-C,
STRONGSVILLE -01-D, STRONGSVILLE
-01-E, STRONGSVILLE -01-F, STRONGSVILLE
-01-G.01~~

Consecutive Number: N - _____

Voter tear here / Elector, rasgue aquí

STUB A

STRONGSVILLE -01-A, STRONGSVILLE -01-B, STRONGSVILLE -01-C, STRONGSVILLE -01-D, STRONGSVILLE -01-E,
STRONGSVILLE -01-F, STRONGSVILLE -01-G

Consecutive Number: N - _____

STUB B

Drigo Ben Crispell
Robt P. L.
Jeff Hastings
Thomas O. McLean, IV

Members of the Board of Elections
September 8, 2015

Miembros de la Junta Electoral
8 de septiembre de 2015

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B,
STRONGSVILLE -01-C, STRONGSVILLE -01-D,
STRONGSVILLE -01-E, STRONGSVILLE -01-F,
STRONGSVILLE -01-G.01~~

~~STRONGSVILLE -01-A, STRONGSVILLE -01-B,
STRONGSVILLE -01-C,
STRONGSVILLE -01-D, STRONGSVILLE
-01-E, STRONGSVILLE -01-F, STRONGSVILLE
-01-G.01~~



Prospectus 2015
Ohio Marijuana Legalization and Regulation

Presented for the
2015 General Election Ballot

Foreword

With a population of more than 11.5 million, Ohio is roughly the size of Colorado and Washington State combined, where legalized and regulated marijuana is in its infancy (after years of Medical Marijuana dispensing).

In Ohio, citizens have the right to participate directly in the law-making process, giving them the ability to develop and implement a smart, strategically planned campaign to change Ohio's Constitution. Investing in this campaign would allow entrepreneurs to help draft the winning Amendment language, and work with a professional campaign team that won the 2009 casino ballot initiative campaign, elected (then re-elected) President Obama, and engineered victorious campaigns for countless US Senators, Congressmen, Governors and Legislators throughout the country.

But winning at the ballot box is only part of the equation. As detailed in this prospectus, we define success through what we provide contributors *after* the successful ballot initiative. To that end, we will deploy a seasoned legal and governmental affairs team to assist government officials in drafting the critical Enabling Legislation and to guide the actual implementation of the Marijuana Legalization Act.

With potential gross revenues exceeding \$1 billion annually, funders of Ohio's Marijuana Legalization Act will have a say in how the State defines, regulates and taxes this new, and highly profitable, market. The knowledge and perspective funders gain from this process will give them multiple opportunities to realize substantial returns on their contribution in this ballot initiative, not to mention the satisfaction of helping to ensure that marijuana is legalized in a fair and responsible manner.

Ian James, CEO
The Strategy Network, LLC

Ian@TeamTSN.com | 614.589.4600
1349 East Broad Street, Columbus OH 43205

TABLE OF CONTENTS

Executive Summary

1) Campaign Overview

- a) Ballot Issue Committee Creation
- b) Campaign Finance Compliance
- c) Amendment Language Drafting and Testing
- d) Ballot Timing
- e) Reporting Protocols
- f) Legal Counsel
- g) Projected Costs

2) Campaign Strategy & Policy Development

- a) Analysis of Ohio
- b) Competitive Analysis
- c) Economic Impact Study
- d) Petition Overview
- e) Messaging
- f) Opinion Leaders
- g) Opposition Research

3) Organizational Structure

- a) The Campaign Team
- b) Campaign Finances
- c) Legal Structure
- d) Public Opinion Research
- e) Opposition Research
- f) Signature Gathering Process
 - i. Phase I: Petition Preparation Process
 - ii. Phase II: Initial Signature Filing
 - iii. Supplemental Signature Collection
- g) Public Relations and Communications
- h) Data and Analytics
- i) Online Advocacy
- j) Grassroots Organizing
- k) Building Local Support
- l) Working with Natural Constituencies
- m) Television/Radio

- n) Vote-By-Mail
- o) Direct Mail
- p) Phone Program
- q) Governmental Affairs

4) Management Team

- a) The Strategy Network
- b) McTigue, McGinnis and Colombo
- c) Markovits, Stock and DeMarco
- d) Grant Street Consulting
- e) The Kitchens Group
- f) Precision New Media
- g) 270 Strategies
- h) Third Wave Communications
- i) Midwest Communications
- j) The Baughman Company

5) Enabling Legislation and Implementation

- a) Legal Counsel
- b) Government Affairs
- c) Public Relations
- d) Grassroots Advocacy

6) Financial & Timeline Planning

- a) Financial Overview
- b) Detailed Costs by Line Item
- c) Detailed Activities by Month
 - Phase 1 – June 2014
 - Phase 2 – July to October 2014
 - Phase 3 – November 2014 to July 2015
 - Phase 4 – August to November 2015
- d) Monthly Cash Flow
- e) Bookkeeping and Accounting

7) Biographies of Principals

EXECUTIVE SUMMARY

The Ohio Marijuana Regulation Constitutional Amendment campaign plan below will allow a Constitutional Amendment to be drafted to legalize and regulate marijuana by way of a ballot issue. Because Ohio allows citizen initiatives, working with you as a Principal Funder, our team will test Amendment language with polling, then draft a Constitutional Amendment that will be placed before Ohio voters via the petition process, and won via a robust campaign operation. Coalition partners from across the state will be asked to join the effort to provide organizational skills, capacity, financial resources, and lend the campaign additional credibility.

This effort has an incredible team of seasoned campaign and governmental affairs professionals to develop a strong foundation for a campaign that is strategically developed and scalable. This campaign will work to join together political, community, medical and faith leaders as well as newspaper Editorial Boards to support the effort and minimize/deflect public opposition while facilitating a first-class winning campaign. Success at the ballot in 2015 will ensure that marijuana legalization and regulation becomes a Constitutional right in Ohio, and cannot later be minimized by the political whims of the General Assembly.

Strategic planning begins with the basics: identifying Principal Funders who understand and appreciate the “return on investment” of legalized and regulated marijuana and who, in 2014, are prepared to spend \$250,000 on campaign set-up including robust ballot language drafting and testing, \$2.4 million to secure the signatures needed to place the issue on the ballot, \$1.85 million for the development of necessary campaign infrastructure, and another \$15.5 million in a campaign to identify and mobilize majority voter support as well as a post-campaign phase to properly prepare for Amendment’s enabling legislation and implementation. Our goal with this business opportunity is to uniquely position Principal Funders for a growth market in Ohio where annual sales are expected to exceed \$1 billion dollars.

This professional campaign will conduct qualitative and quantitative public opinion research (polling) to determine the most effective Amendment language. This information will better assist us to work with you and our legal team in drafting the Constitutional Amendment and prepare for the summary petition signature collection of 1,000 valid signatures. This is required to allow for Attorney General certification and Secretary of State review and consideration before the Ohio Ballot Board. Upon Ballot Board approval of the petition, the committee may begin to collect no fewer than 385,245 valid signatures from Ohio voters.

PLEASE NOTE: The signature requirements are derived from the gubernatorial turnout. Therefore, and signatures collected and filed before the November 2014 Gubernatorial Election, are subject to the 385,245 qualification (based upon the 2010 gubernatorial turnout). Ideally, we are filing signatures prior to the November 2014 Election so that we have clear target of signatures required to qualify early.

Clearly, the economy is going to take more time to turn around. This plays to our advantage, as the marijuana regulation amendment offers the state jobs and additional revenue. Constitutional Amendments in Ohio win when they are short and easy to understand. To best position the campaign for success, we need strong language in a Constitutional Amendment that is polling tested. Specific language to test includes:

- The strategic siting of 10 wholesale growth and cultivation facilities as well as providing the state the ability to issue 2 additional licenses each year during the initial 5 years (via lottery) if the demand warrants;
- Definitive language as to the tax rate the Amendment will provide (i.e. percentage paid to county or other governmental entity);
- Language that speaks to voter approval of retail dispensaries (i.e. local option by Precinct like alcohol sales);
- Language that speaks to the real property, income taxes (etc.) that would be paid with voter approval of the marijuana legalization and regulation issue (e.g. host county fund as well as overall state or other tax);
- Language about funding to schools;
- Funding for addiction services;
- Establishment and financing of the marijuana dispensary licensing board;
- Substantial licensing fees;
- Wholesale grow and cultivation facilities, as well as retail dispensaries, employees and owner, operators, Principal Funders must undergo and pass criminal background checks, and
- Any other high-valued message learned from polling and message testing.

Throughout the campaign, the Polling team will test a variety of messages (pro and con), breaking the answers into a variety of demographic groups for greater control of the message. The research elements include: Benchmark (a broad range of messages and concepts) and Brushfire (which is a limited look into the community), Internet Ad testing (testing commercials on-line), Focus Groups (to learn more about specific message points by demographic groups), and Nightly Tracking (to determine how the campaign's messages are resonating with demographic groups).

The key to winning is developing a Constitutional Amendment that will resonate with voters and will not negatively impact their quality of life.

While the petition is circulating, a robust public relations and community outreach program will need to be executed to identify areas of opportunity and market segmentation. This will culminate in a strong campaign that relies upon a detailed road map for planning and supervising all marketing activities, including creative elements like online digital media including social media outreach, print and electronic media, as well as grassroots campaign activities.

As this Amendment cements the right to purchase marijuana in Ohio, it will be a target for those who hold tight to the dated notion that marijuana be treated as harmful drug. We expect that certain individuals will mount a significant effort to repel any attempts to legalize and regulate marijuana. To combat any such efforts, our team includes politically astute Democratic and Republican operatives who can communicate and advocate with those at the highest level of government in Ohio. While we do not expect all elected and other leaders to join the effort, our goal will be (in part) to keep as many as possible from becoming vocal in their opposition. In doing so, we will build the necessary support to change a system that fails to best serve the majority of Ohioans.

Dovetailing into the elected official outreach above, our team will use its extensive experience in Ohio government to ensure smooth implementation of the law. We will do so to minimize oppositional, jurisdictional and other hurdles during the enabling legislation and bureaucratic process. To that end, our team of governmental affairs professionals will maintain contact and communications with various government officials to address concerns well in advance of passage. Our team will also work with government officials to draft the all-important enabling legislation. In doing so, we will ensure that the enabling legislation follows a trajectory of successful implementation.

Over the last several years, Ohio (like many other states) has experienced attempts to allow marijuana legalization. These efforts include numerous failed legislative and ballot attempts to legalize medical marijuana. While well intentioned, each effort was lacking – lack of strategic foresight, proper structure and/or adequate funding. However, with a properly structured and funded effort, marijuana legalization and regulation can secure a majority of voters' approval in 2015. In doing so, passage would bring an incredible growth industry to Ohio, provide needed jobs and revenue for Ohio, and usher in cost savings by ending costly court battles and incarceration of low-level marijuana possession.

This is a critical time in Ohio and this country. Clearly, marijuana legalization is coming. We seek to position the Principal Funders of this effort at the front end of a new market opportunity in the state that is known as "America's Test Market." Winning in the battleground state of Ohio will have an incredibly positive impact on the Midwest and nation. Being on the front line of a projected \$1+ billion annual sale potential is one thing. But being able to replicate this victory elsewhere places Principal Funders in a stronger position for ROI in other ventures. In short, if it works here, it will work anywhere, which follows the old saying, *"As Goes Ohio So Goes the Nation."*

1. CAMPAIGN OVERVIEW

We propose a Constitutional Amendment to legalize and regulate marijuana like alcohol sales in the State of Ohio for the 2015 General Election Ballot. Our team's unique experience in ballot issue and other political campaigns as well as issue advocacy and governmental affairs will ensure that we develop and test winning Amendment language, engage the public and opinion leaders early. Our goal is to pass this Amendment and properly position the effort and Principal Funders for the enabling legislation period.

Campaign Team and Staffing – The campaign team brings a cumulative of hundreds of years of practical political experience to winning the Marijuana Legalization and Regulation Amendment. Providing overall management is the firm that developed Ohio's 2009 casino campaign blueprint. This team also oversaw the collection of more than 4 million signatures to successfully place Ohio's largest and most complex ballot issues on the ballot including the 2009 winning casino campaign, and stopping the Collective Bargaining Repeal in 2011. In addition, this campaign includes a Legal team that has drafted more winning Constitutional Amendments than any firm in the country; a polling team that has extensive experience nationally and in Ohio, and is currently tracking Florida's marijuana ballot campaign; a Data and Analytics Team that led President Obama's data driven campaign to victory in 2008 and 2012; a Communications Team that works directly with the Ohio Democratic Party and Organized Labor on public relations and public affairs; a Direct Mail team that produces visually impactful and winning mail programs across the nation, professional media production and placement teams with decades of success in Ohio, and a team of governmental affairs experts solutions that will be engaged to ensure successful implementation after winning at the ballot.

Below is an overview of the campaign structure:

a) Ballot Issue Committee Creation – The team will create a ballot issue committee to serve as the legal entity that will receive contributions and make expenditures for the campaign. The Committee may allow an attorney to represent them at the initial filing (see "summary petition filing" below).

The ballot issue committee should be registered with the IRS as a 501c(4) social welfare organization. As such, it may receive unlimited contributions from individuals, non-profit corporations and organizations regardless of tax-exempt category, foundations, business entities (including for-profit corporations, limited liability companies, partnerships) and other federal and state political entities (PACs, candidate committees,

political parties). All contributions count as a lobbying expense against a 501c(3) organization's lobbying limit. Most other non-profit organizations do not have a lobbying limit. The ballot issue committee need have a legal team to provide legal insight and employ the generally accepted accounting principles and reporting of all funds received and expended.

Two accounts will be established for this effort: a 501c(4) operating account and a 501c(4) PAC account. The PAC must report the names of all donors to the PAC. However, a donor to the 501c(4) operating account is not publicly disclosed so long as:

1. The contribution to the operating account was not solicited for the PAC and not earmarked by the donor for the PAC; and
2. The majority of the operating account's expenditures are not for the direct costs of the petition effort (printing, distribution, circulation, etc.) and/or express advocacy urging a vote for the ballot issue.

The 501c(4) can transfer 49.9% of funds from its operating account to the PAC without disclosure of donors to the 501c(4) operating account so long as these two conditions are met.

b) Campaign Finance Compliance – Legal Counsel will create a Ballot Issue Committee that is registered with the IRS as a 501c(4) social welfare organization. The Legal Counsel will need to provide legal insight and work directly with the committee's Treasurer to employ the generally accepted accounting principles and reporting of all funds received and expended.

The Legal Team will also assist in compliance and implementation of the Amendment when passed.

c) Amendment Language Drafting and Testing – Concepts for a new Constitutional Amendment will be tested through public opinion research, which will be conducted by The Kitchens Group to determine public awareness and support.

Constitutional Amendments in Ohio win when they are easy to understand. Polling will dictate the actual phrasing of the Amendment.

Additional expressed rights below will be tested to determine what if any strategic advantage will be gained by including one or more of the measures in the Amendment. Some of the concepts under consideration include, but are not limited to:

Medical Marijuana v Marijuana Legalization and Regulation– Test concepts – why do people like one more than the other? What emotional triggers exist for both? What strengths from medical marijuana can be borrowed for full legalization efforts?

Structures of the Amendment – We will review and test the language from other states and language recommended by the funders to determine what voters accept and are willing to support.

Taxation Rates – It will be imperative that we identify the best combination of taxation rates to win majority voter support. Testing will include determining not only the level of taxation, but also what social good the money fund such as: law enforcement, infrastructure, schools, homestead exemption for seniors, local governments, etc.

Local Control thru Local Option & Quotas – If marijuana legalization and regulation follows the path of alcohol sales and regulation, we will want learn the level of support that can be gained by affording local control of dispensary sites, and also how many may operate within an area. When dealing with alcohol permitting, that is known as providing local control through Local Option, and limiting the amount of permits through a quota system.

Any other high valued message learned from polling and message testing will be considered for inclusion in the Constitutional Amendment so long as it conforms to single-issue status of the Amendment.

d) Ballot Timing – By filing the petition with the requisite number of signatures no later than 125 days before the General Election, an Initiated Constitutional Amendment will be placed upon the next available General Election ballot. The 125th day before the 2015 General Election is Wednesday July 1, 2015. Placing an issue on the ballot of off-year election cycle will allow the campaign to mobilize the electorate which from this cycle comes from urban centers – which are Democratic leaning.

In Ohio, a ballot issue petition has no shelf life. That means a petition that has been certified by the Attorney General and approved by the Ohio Ballot may collect signatures for an undetermined amount of time. Valid signatures collected remain so unless the voter moves, is incarcerated or dies. To maximize time campaign to qualify for the ballot early, and provide the necessary time to conduct a thorough voter identification and advocacy campaign, while also providing regular polling for message testing to determine message penetration and any need for strategic message adjustment.

The timing of the ballot placement is critical. At no time in recent history have the voters been more willing to accept marijuana legalization and regulation. There exists an incredible opportunity to pass a marijuana legalization and regulation Amendment as the voters' see the positive financial impact from other states with legalization and believe that marijuana is no more harmful than alcohol. Politically, Ohio is a fairly moderate state given that it is a state in which Governor Kasich won with just over 49%, President Obama won the presidency in 2008 with 51.5%, and was re-elected with 50.67%. It is only because of redistricting that the Ohio legislature is controlled by a supermajority of Republicans and the GOP controls the state's congressional delegation (on a 3 to 1 basis).

The 2015 ballot affords marijuana legalization proponents a rational and realistic ability to bring a well-reasoned approach to legalization. Increasing the viability of the ballot issue is the fact that marriage equality and the Voters Bill of Rights could reach the November 2015 ballot and will bring metro, young and minority voters to the polls.

Based on 2011 election returns (the most similar ballot to 2015), we find that nearly 56% of voters are concentrated in eleven counties. Moreover, twenty-two counties (one quarter of all Ohio counties) account for approximately 72% of the overall voter turnout. These are Ohio's metropolitan and their contiguous counties, and have a history of leaning toward the Democratic Party candidates. While this effort must remain non-partisan, passage comes from early identification of supportive voters, advocacy to those who are persuadable voters.

e) Reporting Protocols – This campaign will be a metric driven, transparent effort with a high level of accountability between funders and campaign team. For each phase of the campaign, defined metrics and a detailed plan against which principle funders can measure progress of the effort. We find bi-monthly calls with secure online reporting works best in the start-up of the campaign. Additional calls can be scheduled as necessary, but this would allow the campaign to hold calls every other week in 2014 and transitioning to weekly calls in 2015. Ultimately, the campaign team will structure calls and reporting that best meet the Principal Funders' needs.

f) Legal Counsel – Ohio's premier election attorney Don McTigue has been retained to draft the Amendment and to be involved with legal and political as well as the public affairs team throughout the campaign. Markovits, Stock and DeMarco, LLC will provide compliance and additional insight into the legal, governmental affairs and political process.

g) Projected Costs – The cost of the campaign ultimately depends upon the polling and the language of the Amendment. For planning purposes, this program has a price point

of \$20 million. This begins with an initial contribution of \$250,000 to draft and test ballot language, \$2.4 million for guaranteed ballot placement and \$1.85 million to build the campaign infrastructure, followed by another \$15.5 million in a campaign to fully identify and mobilize majority voter support. A detailed financial overview with line item and monthly cash flow projections is provided below.

2. CAMPAIGN STRATEGY & POLICY DEVELOPMENT

a) Analysis of Ohio – Based on recent polling of Ohio voters, Ohioans are ready to pass Medical Marijuana. The February 24, 2014 Quinnipiac poll showed 87% of Ohio voters in support of medical marijuana and 11% opposed. Support for legalization dropped significantly (but was still in majority) with 51% supporting marijuana legalization, and 44% opposing. Therefore while medical marijuana seems to be the easiest lift as far as campaigns are concerned, marijuana legalization is more difficult but doable in an off year turnout election because with proper funding, the campaign can turnout low intensity (infrequent) but supportive voters.

Additional polling needs to be conducted to learn more about what Ohio voters will support. This includes Amendment language and message testing to better understand if marijuana legalization's support grows with economic impact and employment information. Knowing what voters believe and are willing to believe will assist in developing messages by region to best connect with voters here and elsewhere. The latter fact is important for other states as Ohio serves an important role as America's Test Market. This gives incredible value to testing a variety of messages and campaign tactics in Ohio before taking them elsewhere. As the saying goes, "*As Ohio goes, so goes the nation.*" Simply put, if it works in the Buckeye State, it works anywhere.

Compared to States with Legalization – As a state, Ohio has a population of 11.5+ million people, with 8.1 million residents aged 21 years or older. Interestingly, the two states with legalized marijuana (Washington and Colorado) have a combined population of 8.3 million (i.e. Colorado with 3.5 million and Washington State with 4.8 million) and only surpass Ohio's population of 21+ years of age by fewer than 200,000.

Ohio's Diversity – Ohio provides a diverse political landscape and the opportunity to test multiple strategies and messages at once, offering Principal Funders an incredible opportunity. With a single statewide initiative, Principal Funders have the ability to learn messaging impacts for legalization campaigns in other states:

(1) The Industrial North – This is where the rust belt finds its home in the Buckeye State. This wide swath of land goes from Toledo, then along the shores of Lake Erie then down the Pennsylvania border below Youngstown and the Mahoning Valley. Encompassing urban centers like Cleveland and Akron, inner-ring suburbs and exurbs like Lorain and Elyria, and small towns. This is the most economically, and culturally diverse region in the state blending upper and middle class communities with white-collar and blue collar, white ethnic communities, and a strong African-American population.

(2) Central Ohio – Central Ohio is the only part of the state that did not suffer population decline over the last decade. With Columbus as the hub of this region, the area has grown from its agricultural to the heartland of the nation's swing-voter. With the nation's 15th largest and Ohio's most populous city (Columbus), the region thrives as it is the center for State government, higher education such as Ohio State and many other colleges, as well as numerous national and international white-collar enterprises that are major employers in Central Ohio.

(3) The Southwest – Bordering Kentucky to the South and Indiana to the West, Southwest Ohio is considered the state's conservative heartland. Cincinnati is the centerpiece of the region with its Germanic and southern roots and adjacency to the exurban counties of Butler, Clermont, and Warren which are core of the Ohio Republican Party's base.

(4) Indiana-Lite – Moving along the Indiana border to Northwest Ohio and reaching into the western part of Ohio, this agricultural heartland of the state remains the least urban region of all. While farming is in a steep decline, this region embraces its agri-business. The region also remains socially conservative.

(5) The Southeast – Known as Ohio's Appalachian home front, the region continues to struggle with low income, and determination for jobs. With its strong and proud history of coal mining, this region of Ohio has more in common with its neighbor West Virginia than it does with the rest of Ohio.

b) Competitive Analysis – There are currently three competing efforts to secure medical marijuana legalization in Ohio: one is via the legislative route, the other two are through the ballot initiative process.

The Legislative Route – State Representative Robert F. Hagan (D-Youngstown) has introduced House Bill 153, which would allow doctors to authorize patients to grow twelve mature marijuana plants for the patient, or designate a care to grow for the patient. The patient would also be permitted up to 200 grams of usable marijuana. Since its assignment to the Ohio House Health and Aging Committee, HB153 has only received one hearing and is not expected to receive any additional hearings before the end of the 130th General Assembly in December 2014.

Similar Bills have been introduced over the last several years and have yet to make it out of any committee. To become law, Bills in the Ohio Legislature require majority support from both the House and Senate and the Governor’s signature. Passage of HB153 is remote at best.

Rep. Hagan also introduced a resolution, HJR 6 that would give Ohio voters the right to tax and regulate marijuana as well as make it legal for adults 21 years of age or older. Because Joint Resolutions such as HJR 6 require a super majority to pass, there is no chance HJR 6 will move forward to voters this year or any time in the near future.

Initiated Ballot Issue – Since 2011, two organizations formed to advance medical marijuana Amendments via the Initiative Ballot. One of the groups has folded and the other, Ohio Rights Group, has spent nearly one-year collecting signatures. Our team has spoken with the group and learned that they have approximately 50,000 signatures of which 20,000 may be valid. While they have incredibly dedicated activists, the Ohio Rights Group does not have the necessary infrastructure, strategic planning or funding to reach the ballot or run an effective and winning campaign.

c) Economic Impact Study – A comprehensive Economic Impact Study needs to be completed early in the process to lend credibility to the effort, define what the state and local communities should expect to be generated in overall sales, projected tax rates, and jobs created. This data will then allow the campaign to define the issue regionally, county-by-county and into local community levels.

d) Petition Overview – Because of Ohio’s geographic size and voter population of 8+ million, it is critical that proponents of a Constitutional ballot issue are aware that the success of a petition drive is determined not at the end, but rather the beginning of an

effort. The Strategy Network (TSN) has the more experience in Ohio petition drives than any other firm in the country to oversee the most complex ballot issue having managed the collection of more than 4 million signatures in the Buckeye State since 2006.

e) Messaging – Working with The Kitchens Group polling firm, the campaign team will develop messaging points to address specific issues and concerns of various strata of voters. Learning what voters believe and are willing to believe will allow the campaign to craft and deliver messages clearly and concisely to a wide array of voters along multiple demographic groups. The goal will be to address their concerns and build support, while decreasing opposition across the state.

f) Opinion Leaders – A significant component to our metric driven campaign is a well-organized and centrally maintained database of supporters that will allow us to call on them for action and mobilize quickly. This will include health care providers and patients, law enforcement, faith and business community leaders that can influence pre-determined targets or critical geographic areas.

g) Opposition Research – Know thine enemy. Our programming includes a strong research element that will allow us to learn about the opposition, what they have said (if anything) in the past, how it differs from statements being made during the campaign, and with whom they have influence. Our goal will be to understand who they are and why they are taking a contrary position. Where necessary, the research will help find ways to minimize the opposition's impact on the overall campaign and message if and when they arise.

3. ORGANIZATIONAL STRUCTURE

Winning the Marijuana Legalization and Regulation campaign requires understanding many facets of the process, beginning with the creation of the ballot issue committee and beginning the petition process. As previously stated, the language must be poll tested, clear, concise and to the point.

a) The Campaign Team – The campaign team assembled provides hundreds of years of practical political campaign experience. This team has vast experience in winning in Ohio and many on the team are nationally known and highly regarded for providing their winning services. Following best practices, this ensemble of professional political operatives understand how the ballot issue impacts Ohio, how to build support and most importantly, how to get majority support to the vote for the issue.

b) Campaign Finances – Heading this campaign finance team is Jeff Berding who served as a Cincinnati councilmember, and has a long history of working with entrepreneurs and political operations in Ohio. Jeff's skills in the campaign will be in working directly with the Principal Funders. For election and financial compliance, the team at Markovits, Stock and Demarco will ensure full accounting as well as address any and all required filings occur in a timely manner.

c) Legal Structure – The ballot issue committee will be registered with the IRS as a 501c(4) social welfare organization. As such, it may receive unlimited contributions from individuals, non-profit corporations and organizations regardless of tax-exempt category, foundations, business entities (including for-profit corporations, limited liability companies, partnerships) and other federal and state political entities (PACs, candidate committees, political parties).

Two accounts will be established for this effort: a 501c(4) operating account and a 501c(4) PAC account. The PAC must report the names of all donors to the PAC. However, a donor to the 501c(4) operating account is not publicly disclosed so long they following the requirements listed above in 1. Campaign Overview, Section (a) 1 and 2.

d) Public Opinion Research – Throughout the campaign, the committee will need to test a variety of messages (*pro and con*), stratifying the answers to allow the campaign to determine which messages resonate with various demographic groups including but not limiting to: gender, age, ethnicity, partisan affiliation, income, education levels and geography. The research elements include: Benchmark polling, which is the testing of a broad range of messages and concepts. Brushfire polling is a follow-up to the Benchmark poll and serves as a limited look into the community. Internet Ad testing allows the committee to test commercials and concepts on-line. Focus Groups provide the campaign the ability to learn more about specific message points by demographic groups. In the final stages of the campaign, Nightly Tracking will be used to determine how the campaign’s messages are resonating with demographic groups.

For this campaign, the Polling Team at The Kitchens Group will employ an Internet-based method for conducting the survey. Many major corporations, including AT&T, Wal-Mart, Career Builders, Microsoft, and Hewlett Packard, employ this methodology. Respondents will be gathered from voter panels managed by Survey Analytics. This technology has become the gold standard of market research, replacing telephone-based data collection.

More than 80% of Americans are on the Internet at least once per day. The change in the technology people use to communicate has been the driving force behind this new methodology. This methodology eliminates the problem of interviewing younger voters who no longer have landlines

In addition to finding a more representative sample, Internet-based research has several other advantages: **Unlike telephone surveys, the cost of Internet surveying is not directly related to the length of the survey.**

With all telephone surveys, costs increase as the survey becomes longer. This factor is not true for Internet-based surveys. Any survey can be “too long” and people terminate before finishing. However, for the Internet survey, the price does not change between having 20 questions and having 40 questions. This factor allows a client to gather more information for less money. **More complicated concepts can be examined using Internet surveys compared to telephone surveys.**

A person’s short-term memory can only recall about 7 seconds of information. If long questions are used on the telephone, it is unlikely the respondent will retain all the information he or she is given. However, since the Internet survey is visual, the respondent can re-read a question or paragraph or even go back to previous statements and read them again. This factor has been very important for The Kitchens Group’s use

of Internet surveys in legal cases where there may be some complicated facts. **Internet surveys can present visual materials such as advertising and logos.**

This form of analysis will allow the campaign to pre-screen television ads or logos and have the respondent answer questions about them. In the past, this research could only be conducted using methodologies such as focus groups or mall intercepts. Both of these methodologies lack quantitative validity. However, by having a representative sample evaluate visual materials, the client is provided with reliable quantitative data.

e) Opposition Research – Our Communications and Data team will monitor social media and mainstream media for storylines about the campaign, marijuana as a topic and track opinions expressed in both media. When and where opposition percolates, a research assistant will begin learning about the person, organization or group expressing opposition. This information will be housed securely in the cloud for access by the team.

f) Signature Gathering Process – A successful petition programs rely upon development and implementation of tested and proven systems that allow for the managing and directing of volunteers, and allied partners. While the volunteer components of the collection will broaden the reach, as well as lend credibility and capacity to the effort, for planning purposes, the Committee should only expect 10% of the needed signatures to come from volunteers/Coalition partners. These signatures should be considered buffer to the signatures that will be paid to be collected. To guarantee ballot placement, petition signatures will be collected by professional paid signature operations that have key personnel to administer numerous regional offices, oversee and direct the petition circulation, manage and monitor the Quality Control personnel to ensure a complete data entry of signers of the petition and validation of the signatures gathered.

The petition process is best defined in three phases:

Phase I: Petition Preparatory Processing

Phase II: Signature Collection & Initial Filing

Phase III: Supplemental Collection (if needed)

Phase I – Summary Petition Process: The committee is required to collect and file signatures from 1000 registered voters. This is called the Summary Petition Filing. This petition must include a Summary of the Amendment as well as the full text of the Amendment that will be filed with the Attorney General and the Secretary of State. The Attorney General will review the Summary of the petition to determine if, in the Attorney General’s opinion, the summary’s language is a fair and accurate representation of the Amendment. During the Attorney General review of the Summary Petition, the Secretary of State will dispatch the signatures to the appropriate Board of

Elections for verification and validation. In both instances, if the language is approved and the signature requirements are met, the Attorney General and Secretary of State shall forward the petition to the Ballot Board for their review and consideration.

Timing: This phase can begin after testing petition language in polling and thereafter when the Committee approves the final draft of the petition.

Ballot Board Review: The Ohio Ballot Board prescribes and certifies the ballot language for proposed Constitutional amendments, initiatives, and referenda and oversees efforts to inform voters of proposed ballot issues. The Secretary of State chairs the five-member board and the office of the Secretary of State provides professional, technical, and clerical support for the Board. The Board will determine if the petition should remain one single issue or be separated into more than one petition (issue). Ideally the Ballot Board will vote to keep the issue as one petition, however, should the Board determine that the issue need be divided into multiple issues, the petition committee is permitted to file a Mandamus or Writ of Prohibition with the Ohio Supreme Court for relief. The Court has in the past overruled the Ballot Board when it divided the Health Care Constitutional Amendment into multiple issues. Conversely, the committee can accept the Ballot Board's ruling and restart the Phase I process from the beginning. Doing so would require re-drafting of the Amendment, the petition summary, collecting 1000 valid signatures and resubmitting it to the Attorney General and Secretary of State.

Timing: The Ballot Board will within ten days of the Attorney General's certification. For planning purposes, the final approved petition can begin circulation approximately three weeks after the summary petition has been filed with the Attorney General (assuming the Attorney General certifies the language). Ballot Board delays are not uncommon, but they will have a cascading effect on the campaign's timeframe.

To better assist the committee in this process, the transcript of the past several years of Ballot Board meetings can be requested and reviewed to prepare for a Court challenge should it be necessary. Upon Ohio Ballot Board certification, the petition as well as a verified copy of the constitutional amendment, together with its summary and Attorney General's certification must then be filed with the Secretary of State by the Attorney General. The Committee may then print the petition and begin collecting signatures.

NOTE: Ballot petitions have no shelf life. A Constitutional Amendment can ONLY be placed on the November Ballot. Placement on any November Ballot necessitates that the requisite valid signatures be filed no later than 125 days prior to the election. For the November 2014 ballot that date is July 2nd, for the November 2015 Ballot, that filing deadline is July 1st.

Phase II – Signature Collection & Initial Filing: For any petition filed before the certification of the November 2014 ballot, the Petition Committee is required to obtain signatures from 385,245 registered voters from at least 44 of the 88 counties of the state. From each of these 44 counties, there must be signatures equal to at least five percent of the total vote cast for the office of governor (in that county) at the last gubernatorial election (2010). To reach the November 2015 General Election ballot, the petition must be filed with the Secretary of State no later than July 1, 2015.

Ohio's newest petition law requires that all part-petitions (petition booklets) be separated by county and labeled by the name of the county with a sequential number. Additionally, each part-petition must be scanned and the images of each part-petition must be filed with the Ohio Secretary of State, along with a manifest of all part-petitions, listing them by county, part-petition number, signatures by part-petition as well as totals. The manifest must provide a summary by county and an index of all part-petitions being provided at filing. This newest procedural requirements of sorting, labeling and manifesting is incredibly time consuming and requires a professional "Quality Control" team whose only job is to take possession of the petition once it comes out of the field, and follows strict guidelines for sorting, labeling, digital imaging, archiving and storage.

For planning purposes signature collection effort, a minimum of forty thousand petition booklets (part-petitions) will need to be printed. This quantity of petition booklets will require a minimum of two weeks for printing and binding.

NOTE: At filing, the Committee must also provide a digital version of the petition, which the Secretary of State will edit and return to the Committee if a Supplementary collection is required (see below).

Phase III – Supplemental Collection: The committee shall have the right to continue to collect signatures if the Ohio Secretary of State advises that the committee is deficient in the number of signatures necessary to qualify for the ballot. However, under the new petitioning laws prescribed by SB 47, Committees must now await an official notice of deficiencies from the Secretary of State before the Committee is permitted to continue its collection of signatures during the prescribed 10-days Supplementary collection period. Upon receiving this notice, the Secretary of State shall also provide the Committee the Supplementary petition that will have been edited by the Secretary's office, and will have to be printed. The 10-day window for collection shall then begin the day following the receipt of the Secretary's notice. Given that we have until July 1 of 2015 to file the petition, it is imperative that we not file until we have conclusively reached the overall level of valid signatures (with a solid validity buffer) and qualified in no fewer than 60 counties (to ensure we can fend off any challenges).

If after filing the Supplementary petition signatures, the SOS has certified that the committee has secured both the necessary number of valid signatures and county qualifications, the issue shall be certified and placed upon the ballot.

Projected Raw Signatures Needed – Based upon past collection efforts in Ohio, to ensure ballot placement on the 2015 ballot, 750,000 (raw) signatures will need to be collected, with particular attention being given to the 44 county qualification requirement.

g) Public Relations and Communications – From the earliest of stages, before the first signature is collected, the campaign effort requires a strong public relations component to provide daily outreach to the media, and to work with Editorial Boards across the state. It will be imperative that the media have access to the campaign operation and the campaign to the media to drive messages. The communications team should compile and disseminate clippings daily to coalition members, then develop and coordinate media opportunities with various coalition members. The communications team will also monitor opposition within the media and provide the campaign the ability to “bracket” oppositional messaging when and if it occurs.

h) Data and Analytics – Effective programs are grounded in data. President Obama’s election and re-election campaigns’ data operational experts who have formed a company named 270 Strategies will lead the Data Team. The Data Team will help calculate quantitative goals and establish accountability systems utilizing polling and modeling to create a data driven campaign.

Data Acquisition: The Data Team will oversee the data voter file data, and append additional consumer data as needed and provide a platform to track voter contact. This data will serve as the backbone for the campaign’s entire analytics and data program.

Modeling: The Data Team will build two models, one that predicts support and one that predicts turnout. These models will help inform strategic planning, resource allocation, and campaign goal setting throughout the petition and voter contact phases of the Ohio legalization ballot initiative.

- **Support:** *identify voters who are most likely to support the marijuana legalization and regulation amendment in Ohio. The support model will also identify non-supporters who the campaign should not contact to ensure that the campaign uses its time and resources efficiently.*
- **Turnout:** *identify voters who are likely to turnout in the 2015 election. Combining a turnout model with a support model will be enable the campaign to identify supporters who need to be contacted in order to effect the outcome of the election.*

In order to build models that predict support and turnout a representative survey will be conducted of 1,500 – 1,800 voters matched to the Ohio voter file to poll them on their support of Marijuana legalization. In our experience we expect a 3-5% survey complete rate on ID calls. Based on this complete rate an estimated total of 30,000 calls will need to be done to achieve the 1,500-1,800 survey completes. We will conduct Live or Interactive Voice Response (IVR) IDs to collect data that will be used to create and test both the support and turnout models. The decision on whether to do Live or IVR polling will be dependent the campaign's budget. Live calls can be more costly, but provide the highest quality of response data while enabling the survey to reach younger voters who are more inclined to use cell phones. IVR calls will be cheaper, but the data resulting from these IDs may be of a lower quality and will not reach cell phone users.

Path to Victory & Targeting Assessment: Using the results of the support and turnout models, the Data Team will help create a path to victory for the campaign by analyzing the Ohio 2015 electorate and determining which demographic and geographic indicators should be targeted during the voter contact program. The snapshot will look across the state and identify which voter constituencies we need to turnout, register, and persuade in order to get to 50+1 percent of the electorate in November 2015. The snapshot will help determine the campaign win number (the number of votes needed to get to 51%), serve as the basis for campaign goals, and utilize the modeling results to prioritize key parts of the state where the campaign should focus its efforts.

Campaign Data Management & Strategic Goal Planning: Successful campaigns depend on a sophisticated data program to make data-driven strategic decisions, design accountability systems to track progress, and develop metrics-based goals that align with a campaign's focus. 270 Strategies has experience setting up data programs that will complement all parts of the campaign (field, digital, and communications). Data program setup will focus on:

- Assisting in hiring process for data staff
- Developing the on-boarding for data staff
- Guidance on creating a data program that compliments the organization's state, county, and program specific needs
- Assistance developing training materials to help implement a data program

Goal Development: Throughout the petition process your organization will need to develop metrics to evaluate the strength of your petition program and the progress made towards the goal of placing the Legalization Amendment on the 2015 ballot. Working with your senior leadership team, The Data Team will use modeled data to develop and assign goals at the state, county, and neighborhood level to allow for accountability throughout the campaign. Once the petition goal is met and the Legalization Amendment is on the 2015 ballot, goals will have to be set at the state, county, and neighborhood level to register, identify, and turnout supporters. These

goals will work to support the paid and volunteer programs that the campaign will use to target voters in key areas of the state.

Tracking Progress: 270 Strategies has worked with clients to produce regular and efficient reporting processes that help organizations create accountability and measure the impact programs have over time. These reporting systems are key to the day-to-day management of a campaign, but are also useful in having continuous and up-to-date reporting around fundraising and the need for resources. To lay the foundation for insightful reporting, the Data Team will work to:

- Provide guidance on tracking systems to ensure all necessary metrics are being tracked and updated to enable regular and accurate reporting, and
- Work with data staff to create accountability and reporting systems for all levels of the campaign (state, county, neighborhood, and program specific).

i) Online Advocacy – Working directly with the Data and Analytics team, the field team will work to engage voters, identify supporters and move them into action. From our online web-dialer, to social media, our team will develop opportunities to get people involved in the campaign from the early days of the petition effort through Election Day. Online advocacy is an important layer in the communications package.

An easy-to-navigate website will be developed to provide facts and dispel misconceptions. The site would provide the committee/campaign an electronic warehouse of data, endorsement packets, speakers bureau requests allow for social networking and outreach to prospective voters, especially younger voters. To energize and mobilize younger voters, a complete array of online tools can be provided to allow coalition members to engage their neighbors in a door-to-door canvass, and to take action with friends, family members and other coalition members (logging their activities and managing the metrics of the effort) as well as to allow supporters to donate to the campaign.

The Social Networking aspect of the Committee's site should also consider allowing voters to connect to their friends online using Facebook, Twitter, Flickr and other popular social network sites. Systems are available to allow coalition members the ability to map their precincts, to show voter names and addresses and giving coalition members the ability to connect with them (and report the contact). Such systems allow the voter to report their findings and append the responses to the voter file. This will assist in voter identification and subsequent mobilization during Early Voting and Election Day voting.

Additionally, the website could provide visitors the ability to communicate with local newspapers in their county/region. This will include talking points and the ability to send Letters to the Editor online and via US mail.

Coalition members should be encouraged to work with the campaign to leverage online ads for the various websites that will be viewable based upon the viewers Internet Service Provider/Locale. The online presence will also allow supporters to make online donations to the campaign.

As the signatures are collected and being prepared to file, the Committee will have ample time to coordinate its micro-targeting and voter ID efforts, develop its ground and air game. These processes will not be inexpensive, but winning will leave a lasting legacy, while failing to place the issue on the ballot or losing at the ballot will leave an almost certain legacy of greater erosion of rights that no voter should allow.

j) Grassroots Organizing – Successful Grassroots Organizing is by design, not chance. We develop a plan to build the campaign infrastructure at the beginning of the effort that will leverage the information from the petition effort. From the beginning of the process, the grassroots campaign infrastructure will be in place to create a manifest of petition signers, and cross check them against the voter file, then utilize that data to educate and mobilize voters. This will be of critical importance as we harness the lower voter turnout in 2015 will work to the campaign’s advantage.

Polling and data analytics will be used to determine who will vote and what tactics we will need to implement to turnout our supporters. To assist with this, we will prepare to retain some or all of the field directors from the petition effort (as well as their offices) for the duration of the campaign. Regional Field Directors have extensive experience working with volunteers and coalitions. Their hands-on work will help the campaign maintain message discipline, keeping volunteers and coalition members on message and harness their interest and drive into effective tactics that will help the campaign win.

Their mission will be to build local support and be prepared to minimize the impact of opposing voices. This will include community, elected, faith leaders, health care professionals and patients as well as law enforcement officials. The deeper into the community we are able to reach and connect, the stronger the campaign and the ability to win becomes.

k) Building Local Support – Before, during and after the signatures are collected, the campaign will need to build support amongst the community and elected officials throughout the state. This should include working with the leaders of the religious, non-profit and labor communities to develop coalitions to assist in winning a campaign. To

be successful, we recommend teaming with national and Ohio-based leaders who have a desire to legalize marijuana. Ideally, this team would include those who have geographic base of support and/or are able to lend credibility and funding to the effort to broaden the discussion geographically and amongst various demographic group interests. This is important not only to assist in the collection of signatures, but also to develop a winning ballot issue.

This would include providing community and elected leaders educational, advocacy and general background documents and endorsement forms that they could sign and return to the campaign. Ideally the local Community Organizers would become the local voice of the campaign with the campaign disseminating talking points and news updates to them on a routine basis to ensure they remain engaged.

l) Working with Natural Constituencies – Natural constituencies exist and should be encouraged to join as Steering Committee or Coalition members. These include, but are not limited to: Patients and patient advocacy groups, health care community including health and human service coalitions, prosecutors, law enforcement, labor organizations, immigration reform advocates, women’s rights advocates, environmental, faith based groups, equal rights and various progressive organizations.

What the existing Medical Marijuana ballot committee lacks beyond funding and strategic planning is credibility from national organizations such as Marijuana Policy Project, NORML, or major health care organizations like the American Academy of Family Physicians, the American Nurses Association, the American Academy of HIV Medicine (2003), and others. Our goal in reaching out to them is to urge them to support the latest Ohio plan.

Our Regional Organizers will work with medical professionals, patients and caregivers to speak with the public and members of the media. The goal will be to have them tell their stories in a way that connects emotionally on the need for patients to have access to properly regulated marijuana.

Working with Law Enforcement and Prosecutors to determine the level of support they have for legalization. Where support exists, the campaign will ask them to join the steering committee. Where there is opposition, the campaign will ask them to remain neutral and let voters decide the issue.

m) Television/Radio – Cable and Network TV advertisements will define the issue; speak to specific issues found in the polling. The goal will be to build support and neutralize opposition media market by media market. The Polling and Analytics teams will work directly with the Media Production and Placement teams to ensure that the proper

messages are addressed and presented to voters in all of Ohio's media markets. Extensive message testing will allow the campaign to "drill-down" into various demographic groups' level of support, and advertisements will be targeted to reach the appropriate voter based upon identified viewing and listening audience demographic.

n) Vote-By-Mail – Early Vote ballot applications will be sent (and tracked) to previously identified supportive voters whose voting history is infrequent. A Vote-By-Mail Application Chase program will ensure the application is filled-out and returned to the Board of Elections. When the Ballot is mailed to the voter, a Ballot Chase program will track the ballot to ensure it is voted and returned to the Board of Elections. Ballot Chase programming will include phone, email and door-to-door canvasses whenever and wherever possible.

o) Direct Mail – With Direct Mail, we can fine tune and target our message to specific voters. This narrowcast advertising will allow the campaign to drive winning messages to our key supporters and voters who need persuasion. Our Direct Mail teams will work very closely with the Polling, Data and Analytics teams to find the right message, graphics and messenger for the mail pieces. When the mailer hits the mailbox, the goal will be to have the piece read and have a positive impact on the voter.

p) Phone Program – Utilizing the web-dialer will allow coalition volunteers to call voters from the comfort of their home, coalition member offices, or the campaign HQ. The web-dialer is an auto dialer system that allows the team to coordinate a highly effective and metric driven phone communication program. From voter identification, persuasion, coordinating volunteers activities and turnout programs.

Our team will also utilize interactive voice response calls known as IVRs to identify support, neutrality and opposition, as well as drive a message of advocacy or call to action. Additionally, automated calls (robo-calls) will be launched to do the same. These are very helpful in developing support and can event be utilized in crowd building for events that the campaign will plan.

Live calls will be used where IVRS and robo-calls could not reach the voters. In these calls, a live operator will contact the voter to query them on their level of support for the issue. The Data and Analytics team will gather all this data and provide the blueprints for the best messaging and grassroots campaign model region-by-region and county-by-county.

q) Governmental Affairs – Elected officials in the legislature should also be engaged to enhance the dialogue as to how the enabling legislation for marijuana legalization will

improve Ohio. The legislative leaders can then assist with community outreach amongst their fellow elected officials and the media. Additionally, the campaign team includes governmental affairs experts that will focus their attention on ensuring that the implementation phase of the effort is smooth and as uneventful as possible.

4. MANAGEMENT TEAM

The team of professionals assembled for this process is eminently qualified to execute on the business model. Their collective experience will allow for a robust winning campaign to be developed and implemented in 2014 to achieve the winning results in 2015. The team will continue its forward progress with a strong enabling legislation program immediately after the election and into 2016.

IAN JAMES, STEPHEN LETOURNEAU AND JEFF BERDING – THE STRATEGY NETWORK >> *FUNDER RELATIONS, CONSULTANT MANAGEMENT, PETITIONS AND GRASSROOTS*

The team at The Strategy Network, LLC (TSN) drafted the winning 2009 Casino Campaign Business Plan, and sited two of the casino locations that were tied to Ohio's four casino licenses. Because of the attention to detail, the Plan led to Ohio's inclusion into land based casino operations, and the creation of one of Ohio's largest industries and employment generators being created. TSN's team has overseen the collection of well over 4 million signatures to placed a variety of issues on the ballot has grown to become the most respected progressive firm in the Midwest.

TSN's Ian James will serve as lead consultant and will manage the consulting team. TSN will also provide its Petition expertise and winning Grassroots Advocacy. Jeff Berding will serve as Funder Relations Director and will maintain regular communications and reporting with funders.

DON MCTIGUE AND MARK MCGINNIS – MCTIGUE, MCGINNIS AND COLOMBO >> *ELECTION LAW*

McTigue, McGinnis and Colombo LLC is Ohio's premier Election Law firm. This key part of the Legal Team will draft the Amendment, and work through the Ballot Board. The Election Law Team will make certain that the Amendment makes its way into a petition and will have the best possible ballot language for voters to vote upon.

CHRIS STOCK AND PAUL DEMARCO – MARKOVITS, STOCK AND DEMARCO >> *COMPLIANCE AND GOVERNMENTAL AFFAIRS OVERSIGHT*

The firm will serve as the compliance officers and provide oversight of the finances and reporting to ensure strict accounting principles are met and the financial disclosures are properly compiled and filed with state and federal officials. Additionally, the firm will serve as the lead on Governmental Affairs.

NEIL S. CLARK – GRANT STREET CONSULTING
>> GOVERNMENTAL AFFAIRS

Before launching Grant Street Consultants, Neil Clark served as Chief Operating Officer of the Ohio Senate Republican Caucus where he managed the planning, development and implementation of the taxing and spending priorities of Ohio's \$32 billion biennial budget. In this position he functioned as both senior advisor to the majority leadership and as senior financial analyst for the Caucus. His expertise in public policy and political trends has been covered by every major Ohio newspaper and leading national publications such as Newsweek, The New York Times, and Time Magazine. Neil was named for nine consecutive years as one of Columbus Smart Business's Power 100 – 25 MOST POWERFUL PEOPLE.

DR. JAMES KITCHENS – THE KITCHENS GROUP
>> POLLING

Since it's founding in 1983, The Kitchens Group has conducted public opinion research throughout the country and internationally for a variety of purposes. The Kitchens Group conducts various forms of public opinion research, including market research, political polling, targeted audience survey research, in-depth interviews, Internet surveys, and focus groups. The firm has worked for a variety of commercial companies, including Fortune 500 companies, public policy groups, and non-profit organizations. The Kitchens Group is one of the oldest and most experienced public opinion research firms in the country.

With a strong academic background and a proven expertise in attitude research, The Kitchens Group is able to identify those messages most effective in influencing the public's behavior. The Kitchens Group developed methods of measuring the effects of the religious belief systems, subconscious gender and racial biases, and the psychological cross-pressures between economic and environmental concerns of the public.

The Kitchens Group has worked since the firm's founding on behalf of progressive causes. This work has included human rights campaigns, union campaigns on behalf of paid sick days, anti-death penalty campaigns, and issues of climate change and environmental protection. Clients also include Jos. A. Bank, Walt Disney World, Lowes Home Improvement Stores, The Nature Conservancy, The International Association of Conservation Biologists, the American Psychologists Association, Verizon, Humana, Penn National Gaming and Entertainment, and The Blues Music Foundation.

DENNIS WILLARD – PRECISION NEW MEDIA
>> PUBLIC RELATIONS/COMMUNICATIONS

Founded by Dennis Willard in 2010 by Dennis Willard, Precision New Media's (PNM) mission is to help clients achieve their goals through a comprehensive approach to marketing - sound communications strategy aligned with a strong brand and paired with effective implementation to have a lasting impact on your audience. This approach has brought great value to its clients.

PNM chooses to work for organizations and on projects with progressive missions - we want to do good work and for a good reason. Each person on the team cares deeply about the well being of our community, state, and nation-- and the people in it. There is no better way to inspire a strong work ethic in a group of people than genuine passion for what you do.

Having built a solid team of professionals with two things in common: strong talent and a total commitment to the quality of our work, PNM digs into a project we become true partners with its clients and they don't stop until the client's goals have been met.

MITCH STEWART AND JEREMY BIRD – 270 STRATEGIES
>> DATA AND ANALYTICS

Data, Analytics and Targeting – the National Field Director and Battleground State Directors for Obama 2012 will lead the campaign effort to implement effective programs are grounded in data. 270 Strategies will work with the campaign to calculate quantitative goals and establish accountability systems.

The Obama organization was clearly metrics driven. Numbers drove the choices the campaign made on every level – from who was being called on the phone to the effectiveness of our organization building to which email was sent. This campaign will live by the same principles by determining key metrics, produce reports on those metrics and then look at those reports regularly.

ROBERT KISH – THIRD WAVE COMMUNICATIONS
>> MEDIA PRODUCTION

Third Wave Communications, LLC is a full-service media and communications firm located footsteps away from the vibrant Arena District in Columbus, Ohio. A results oriented organization known for its creativity and quality of work throughout the nation. They have helped clients formulate and communicate their message, while also providing political advice to some of America's top elected officials.

ROBERT CLEGG – MIDWEST COMMUNICATIONS
>> MEDIA PLACEMENT

Midwest Communications and Media has over 30 years experience in media buying. MCM has bought in over 112 Designated Market Areas (DMA's) throughout the United States as well as in 36 states.

Media buying services include placement for television, both broadcast and cable, radio, Internet as well as print materials in newspapers and magazines. Also MCM has purchased outdoor advertising on billboards, buses and transportation shelters.

Midwest's expertise and extreme knowledge of Ohio Demographics and media markets has made it one of the most sought after political, governmental and non-profit media buying firms in Ohio. MCM's remarkable winning record draws political candidates from all over Ohio back to MCM each campaign season.

DUANE BAUGHMAN AND NICK HOLDER – THE BAUGHMAN COMPANY
>> DIRECT MAIL

Known as America's most persuasive direct mail firm, the Baugman Company has offices in San Francisco and Washington DC. The Baughman Company was responsible for the winning direct mail for the 2009 casino campaign, helped win 20 states for Hillary Clinton's historic presidential campaign, elected and re-elected New York City Mayor Mike Bloomberg, and went 11 for 12 with congressional incumbents against a tidal wave of 63 Democratic losses and a Republican landslide.

Baugman is a hands-on firm and they're incredibly detail oriented. This and the fact that when working with Baughman, we know that the campaign will work directly with a veteran campaign manager and direct mail strategist who's been in the trenches for over 20 years.

5. ENABLING LEGISLATION AND IMPLEMENTATION

The Amendment will have a trigger that will require the Ohio General Assembly to pass enabling legislation and have the Marijuana Legalization and Regulation Act's regulatory body in operation within 180-days of passage of the Amendment. Because the Governmental Affairs team will have been working prior to the election to identify key obstacles and opportunities, they will be eminently prepared to provide leadership during the enabling legislation process. This will help streamline the process to allow operations to begin more smoothly, and to give Principal Funders a clear pathway to obtaining answers to questions that may arise during implementation. The Enabling Legislation and Implementation Team consists of the following:

a) Legal Counsel – Markovits, Stock and DeMarco will continue to provide oversight and direction of the governmental affairs component after the campaign concludes. The firm will lead the Enabling Legislation and Implementation process, establish reporting requirements, and will hold regular legislative update conference calls and meetings with Funders. All members of the Enabling Legislation and Implementation Team will report to the Legal Team.

b) Governmental Affairs – Working directly with Legal Counsel, the Governmental Affairs team at Grant Street Consulting will provide valuable insight into the legislative process of during the enabling legislation. The Governmental Affairs team will prepare for Committee hearings, testimony, and provide facts and figures to facilitate the enabling legislation process. Once the enabling legislation is passed, the Governmental Affairs Team will work as closely with the governmental officials on implementation as allows by law. This will afford Funders an opportunity to have a structure to make inquiries and receive responses to questions regarding operations without unnecessary and costly delays.

b) Public Relations – The Public Relations Team will provide the public face to the effort. Working directly with the Press Corps and Editorial Boards, the Public Relations Team will provide messaging for public consumption and in doing so, will help maintain message discipline through this critical phase of the operation.

b) Grassroots Advocacy – Working with predefined and new Coalition Members that will benefit from the Marijuana Legalization and Regulation Act, the Grassroots Team will provide opportunities for the Coalition Members to be a continued presence of the process. This will be especially important to tap into those entities that will receive tax revenues to have them speak about their continued support for the Act.

6. FINANCIAL AND TIMELINE PLANNING

a) Financial Overview

The better crafted the language, the less of a chance the opposition will be able to poke holes in the Amendment. Beyond well-crafted Amendment language, the “Yes” side must be prepared to outwork the “No” side.

Establishing operational preparedness of the campaign is critical. The early costs for preparing the campaign for success include \$250,000 for legal, polling and operational preparedness. When the Amendment language is finalized, paid signature gathering will cost another \$2.4 million to guarantee ballot placement, and another \$1.85 million to fully structure the campaign in 2014. This would allow the campaign to engage the public with a strong communications/education program, robust grassroots effort that would identify supportive voters, as well as those that require persuasion, and work directly with elected and community leaders to best position the campaign for the November 2015 ballot.

Cost of Services – Successful adjustments to the Ohio Constitution can be expensive but they can also provide a lasting legacy. To be victorious in this effort, the campaign must be well funded, well disciplined and strategically sound. With this in mind, we have provided a preliminary budget of \$20 million for the entire campaign, the cost of which would be shared by the coalition partners.

b) Detailed Costs by Line Item

Legal, Financial Reporting

Scope of Work: McTigue, McGinnis and Colombo will draft the Amendment, work through the Ballot Board and works to ensure that the Amendment obtains ballot language that confirms with polling.

Markovits, Stock and DeMarco will provide the oversight of the finances and reporting to ensure strict accounting principles are met and the financial disclosures are properly compiled and filed with state and federal officials. Having received multiple designations as “Super Lawyers” by Law & Politics magazine, this boutique firm will assist with the compliance segment of the operation and will assist the campaign from start through implementation of regulations. Markovits, Stock and DeMarco will be active throughout the campaign, including handling all campaign finance compliance, accounting and bookkeeping issues, as well as spearheading the Enabling Legislation drafting and Amendment implementation efforts.

Projected Cost: \$702,000

Timeframe: August 2014 through November 2016

Polling

Scope of Work: The Kitchens Group will develop and conduct public opinion research to assist effort in determining Amendment language through the use of Benchmark Polling and possibly Focus Groups in August 2014. Additional polling will be conducted monthly throughout the campaign (i.e. Attitude polling, micro polling on demographics, Focus Groups, Nightly Tracking).

Projected Cost: \$278,000

Timeframe: August 2014 through October 2015

Petition Signature Gathering

Scope of Work: The Strategy Network (TSN) will hire, train and manage the hundreds of Ohioans who will secure the signatures needed to place the issue on the ballot. All names gathered will be placed in a database as they are collected to allow for ongoing communications with those who sign the petition, and work to get them to participate in Early Voting in 2015. Additionally, will provide training and assistance to the volunteer/coalition members' signature collection effort.

Projected Cost: \$2,400,000

Timeframe: August 2014 through October 2014

Operations

Scope of Work: The Strategy Network (TSN) will develop and oversee day-to-day campaign operations, manage all consultants and staff. The firm's founder, Ian James will provide the hands-on management of the process.

The Operations Team will oversee the Quality Control aspect of the campaign, provide the research arm, as well as develop and launch the easy-to-navigate website. The site will also provide online tools for grassroots campaign activities as well as allowing supporters to donate to the campaign. Additionally, the website will provide visitors the ability to communicate with local newspapers in their county/region. This will include talking points and the ability to send Letters to the Editor online and via US mail. The website will virtually "house" all electronic warehouse of data, connect people to social networking and outreach to prospective voters, provide endorsement packets, digital forms to capture speakers' bureau requests, etc. The Operations team will be active throughout the campaign, including handling all day-to-day operations, as well as assisting in the Enabling Legislation and Amendment implementation efforts.

Projected Cost: \$1,420,000

Timeframe: August 2014 through October 2016

Field and Coalition Building

Scope of Work: The Strategy Network (TSN) will develop and implement the Field and Coalition building plan with the Data and Analytics Team to ensure that the campaign reaches the appropriate targeted audience. As a part of this process, TSN will hire a State Field Organizer and Coalition Organizer will work directly with Regional Field Directors and Coalition partners to harness and focus their energies into identification and advocacy. The Field and Coalition Team will develop events, and identify opportunities to reach out to community, elected, faith and opinion leaders across the state following a model and reporting regime as described above. In the lead-up to the election, the Field and Coalition Team will engage in augmenting the Vote-By-Mail program through door-to-door canvasses, heightened visibility, and engagement of Coalition Partners to mobilize targeted voters.

Projected Cost: \$1,760,000

Timeframe: August 2014 through November 2015

Public Relations and Communications

Scope of Work: The Public Relations will work directly with the Polling, Data and Analytics to develop and implement the public relations campaign strategy. As such, they will provide the day-to-day messaging for the campaign, and draft messages for Coalition members and campaign team.

Projected Cost: \$350,000

Timeframe: August 2014 thru November 2016

Data and Analytics

Scope of Work: 270 Strategies working with the pollster, we will take messages from the polling for modeling voter to test messages, and build a persuasion voter database. The Data and Analytics team will essentially “drill-down” into various levels of voters throughout Ohio to help identify who supports and who needs more persuasion (and what messages and tactics will need to be developed, delivered and how they will best be delivered).

Projected Cost: \$1,500,000

Timeframe: August 2014 to October 2015

Vote-By-Mail Program

Scope of Work: Develop and implement Vote-By-Mail chase program.

Projected Cost: \$1,500,000

Timeframe: August 2015 through October 2015

Direct Mail Program

Scope of Work: Develop and implement comprehensive Direct Mail program and chase phone program to educate and persuade voters.

Projected Cost: \$2,500,000

Timeframe: August 2015 through October 2015

TV/Radio Advertising

Scope of Work: Third Wave Communications will produce television and radio advertisements which will be placed by Midwest Communications for airing across Ohio's 11 media markets. Based upon polling data, the ads will be developed to address the issues that best resonate with voters media market by media market. Third Wave will develop Internet video testimonials and ads throughout the campaign that will be posted online to drive traffic to the site, educate and announce Call to Action events.

Projected Cost: \$7,150,000

Timeframe: June 2015 to November 3, 2015

Governmental Affairs

Scope of Work: Coordinating outreach and communications with elected and bureaucratic officials early in the campaign to identify supporters, and neutralize opposition and uncertainty. The Governmental Affairs Team begins at the beginning and works to ensure that the Amendment is best positioned for smooth implementation upon passage. The Governmental Affairs Team also provides a first line of defense on identifying where attacks may come from elected and bureaucratic officials and works directly with Data and Analytics as well as the Field and Coalition Teams to neutralize the impact of negative attacks. The Governmental Affairs Team will be active throughout the campaign, including coordinating outreach and communications with elected officials, and coordinating with Markovits, Stock and DeMarco on all opposition research, drafting the Enabling Legislation, and participating in the Amendment implementation efforts.

Projected Cost: \$440,000

Timeframe: July 2014 through November 2016

c) Detailed Activities by Month

Phase 1: Develop the Amendment Language and Campaign Systems

June 2014 to July 2014

From the beginning we will clearly define the leadership roles and decision-making processes based on organizational resources, a critical component to avoid future challenges-and more importantly-helps create a cohesive and winning leadership team.

In Phase 1 of this process, the team will develop Amendment Language working directly with funders. Public Opinion Polling will help determine the best language for the Amendment.

As proper Amendment Language is identified, the Economic Impact study will be conducted to provide specific economic benefits to the state and communities with dispensaries and cultivation facilities. The Public Relations team will work closely with the economist to develop talking points and prepare for the initiative rollout.

In the earliest stages of planning, a Coalition Organizer will be hired to assess resources and capacity of potential stakeholders and organizational partners to assist the campaign in building a Coalition Leadership Team consisting of organizational partners and stakeholders. This will assist the campaign in minimizing the impact of turf battles that may arise from outside the campaign. By identifying those who view their past or current work in securing marijuana legalization, and giving them a role in the campaign, we will seek to minimize disruptions and build a stronger campaign operation.

The Coalition Organizer role will be to do the following:

- Reach-out to state and national partners to join the coalition
- Assess additional fundraising potential (national and state-wide)
- Work with the Leadership Team to begin educating and mobilizing activists and our “base” supporters
- Assist legal team in political and administrative ballot initiative drafting needs
- Act as one of the Committee’s spokespeople-when appropriate

The level of involvement and roles within the Coalition Leadership Team will depend upon the resources prospective members bring to table. Funding of the ballot initiative is always the most valuable resource, and therefore final decision-making of how financial resources are spent will remain in the hands of the funders.

The campaign website will be developed during this phase to launch in Phase 2.

Phase 2: Qualify the Amendment for the Ballot: Petitioning, Planning and Targeting

July 2014 through November 2014

Phase 2's primary mission is ballot qualification. As the paid signature gathering effort takes place, the Coalition Organizer will seek to mobilize organizational partners, volunteers and activists to assist in the collection of signatures. Valid signatures obtained through volunteer and organizational efforts will serve as a buffer to the required number of signatures to reach the ballot. The petition team will provide training, guidance, and management while implementing tracking programs to support the Coalition Organizer's effort to obtain volunteer signatures.

Working with the Data and Analytics Team, targeted signature-gathering events such as signature drive-thrus will be scheduled to increase participation and find volunteers.

As the petition team qualifies the issue for the ballot, Coalition Organizers will also continue building the Coalition in coordination with the Data and Analytics Team for greater targeting.

- This early work will help build support of the campaign plan from natural and political allies
- Where legally permitted, we will reach out other campaigns to coordinate activities
- To demonstrate a grassroots appeal for the campaign, we will develop and implement a low dollar fundraising campaign
- Follow a critical path with benchmarks for metric management

Campaign website will launch to allow the campaign to have its online presence. The website will allow voters, organizations and the media to learn more about the Amendment, campaign, processes and sign-up for information about the campaign. The website will have the ability to launch email, and will be the interactive source for our web-dialer phone system.

**Phase 3: Grassroots Advocates' Training
November 2014 through July 2015**

As the Amendment is qualified for the ballot, at the direction of the State Field Director, the petition operation will transition into a field organizing team. The State Field Director will implement an advocacy program in which local activists and leaders in key communities are trained in best practices in direct voter contact and mobilization.

The polling, Public Relations and Data Analytics team will work directly with Coalition Organizers to equip them with the proper messaging to ensure that volunteers and advocates will remain effective and persuasive messengers in the field. Ongoing regular training of staff and volunteers are essential to the success of this program. Elements of the program includes, but is not limited to:

- A "Precinct Campaign Kit" for activists and organizations
- Online training programs with hotline phone call
- Regional onsite training when and where necessary
- Rapid Response Team Operation
- Regular training and briefings of coalition members, community leaders, as well as activists on key messages and campaign programs
- Provide direction, guidance and support to Coalition Partners to help them run effective grassroots advocacy programs with voter file management, volunteer door-to-door, data entry, reporting, web-dialer phone banking, and other voter contact program logistics

Phase 4: Direct Voter Contact, Organizing, Reporting and Get Out The Vote August 2015 to Election Day!

In coordination with funders, Coalition Members and stakeholders, the team will prepare a voter contact plan in which targeted voters will receive persuasive and mobilizing messages via email, volunteer phone banks, volunteer canvass operations.

Working closely with the Data and Analytics as well as the Polling operation, the campaign will ensure that organizations and activists have numerous opportunities to engage targeted voters with the proper message.

Grassroots Program Management and Components

From start to finish, our goal will be to contact and communicate with targeted voters for persuasion and mobilization. The day to day, the program will be managed on the ground by an experienced TSN State Field Director and Regional Field Organizers will operate in Columbus, Cincinnati, Cleveland, Toledo (and other locales as resources and polling/data suggest are necessary).

Components include, but are not limited to:

i. Field Staff – We would recommend retaining the 3 to 6 Regional Field Organizers from the petition drive.

ii. Grassroots Mobilization – To harness and focus the enthusiasm and energy of committed activist, Regional Field Organizers will work with the Leadership Committee to recruit and mobilize a statewide network of volunteers who will staff volunteers phone banks, engage in door-to-door canvasses, staff events, and assist with other campaign functions.

iii. Identify and Build a Base of Support – Data entering all signers of the petition, and distributing educational information during the petition drive will allow the campaign to build a broader base of support. This will help build a growing statewide supporter community, as well as provide the ability for stakeholders to mobilize citizens and truly enhance the quality of the message and messengers that are communicating with targeted decision makers or voters.

The Data and Analytics team will maintain a database of supporters that will allow us to communicate with them on various levels for mobilization. Regional Organizers will develop and maintain communication with various key constituents and supporters throughout the state. These include:

- a. Patient care and health care community
- b. Chronic pain sufferers and their families
- c. Non-Profit and Advocacy Groups
- d. Regional opinion leaders (blog and twitter voices)
- e. Identified supporters and key volunteers
- f. Potential Funders

iv. Online Advocacy to Mobilization – The Regional Field team will work with the Data and Analytics team to enhance all efforts of the online effort. This will be especially true in developing events to get voters involved in the group and building our volunteer ranks.

v. Event Organizing and Visibility – During this phase, the campaign will seek to increase participation and find additional volunteers. When done properly, events allow the campaign to augment the database of supporters, and increase online participation. Additional event organizing will lend itself to creative opportunities such as farmer’s markets, country fairs, stakeholder’s events, festivals, football games, faith community events, etc. We will utilize events to heighten voter awareness, and build support.

vi. Volunteer Mobilization and Messengers – One-on-one conversations with other community members and targeted decision makers are often the most impactful forms of communications and persuasion in a campaign. Our team’s program will allow volunteers to be part of several different programs based on the overall campaign plan. These programs include house parties, coffee house events, informational gatherings both online and through social networking, as well as offline by assisting with community events, participating in neighborhood canvasses of their precinct, using the web-dialer system for a phone as well as many other opportunities.

vii. Door-to-Door Efforts – Volunteer door-to-door efforts will be augmented with a professional paid canvass operation during Early Voting in ballot application and ballot chases as well as persuasion canvasses and Election Day turnout.

viii. Phone Bank – TSN will utilize recent but well tested technologies to allow for centralized and decentralized volunteer phone programs. Through the use of a web-dialer platform the organizing team will be able to coordinate a professional phone bank program that will help support all of the core functions of the campaign including voter persuasion and ID, volunteer coordination, and mobilization.

Because we utilize a web-based platform we can coordinate centralized calling programs with our partner groups and also invite the participation of volunteers across the state (and even across the country). The platform allows for secure data management, real time tracking, quality control through live monitoring, and coordinated messaging.

ix. Tele or Web Based Town Halls – To expand the reach of the campaign and better educate voters as well as activate volunteers across the state we utilize a telephone town hall or web based meetings. This is incredibly helpful in persuading and educating voters. Promotion of such Tele Town Halls or Web Based Town Halls will begin with staff and partners, auto (robo) and live calls to a targeted universe of voters to discuss one or multiple issues high profile leaders and messengers in the campaign. A moderator will manage the call to allow participants to ask questions, one participant at a time.

x. Overall Coalition and Organizer Developers

The State Field Director and Regional Field Organizers will implement a program to recruit, train and mobilize volunteers in key groups throughout the state with a focus on media markets. Deliverables include, but are not limited to:

- Meeting with appropriate community and opinion leaders, such as patient care, health care professionals, patient rights groups, business leaders, elected leaders such as mayors, city council members, etc.
- Participating in forums, tabling opportunities, town halls, etc.
- Develop a volunteer voter advocacy program
- Mobilize and manage volunteer voter contact operations with other organizations to minimize overlap
- Provide heightened visibility at events and voting locations
- Various other grassroots tactics as deemed necessary

**Summary of Statewide Grassroots and Coalition Goals
 (Ranges based on resources and polling)**

Campaign Procedures	Campaign Goals
Outreach attempts to Elected Officials/Organizations/Opinion Leaders	300 – 600
Meetings with Elected Officials/Organizations/ Opinion Leaders	80 – 280
Community Meeting/ Town Halls and Forums including Online Presentations	35 – 65
Endorsements	40 – 80
Events Covered where Campaign is not the primary focus / doesn't but provides visibility and advocacy opportunities	100 – 250
Number of groups carrying our literature	20 – 30
Number of emails out to members' lists	35 – 85
Volunteer Hours	800 – 2000

xi. Team Reporting – The State Field Organizer and Coalition Organizer have extensive oversight and assessment responsibilities. To ensure that the program remains on target, the Grassroots Team will utilize The Strategy Network's (TSN) On-Track system that was developed to ensure metric management. By placing the goals and requirements into On-Track, and assigning roles to the coalition partners, organizations and volunteers, the campaign will be able to ensure that it remains on target to meet program goals and, should problems arise be able to quickly to address them and get back on track.

Our voter contact system is metric driven and has three key points of measurement.

- **Organizer Reporting:** With TSN's On-Track system, we will be able to monitor and track organizers' field work.
- **Leadership Team Reporting:** Utilizing a weekly reporting structure, the Leadership Team will be able to track their goals, while also holding each other accountable.
- **Quality Assurance:** Organizers and others in the Campaign Team can monitor the fieldwork and continually confirm with voters that they have been contacted, and learn of the voters' experience with the field operation. This allows the campaign ensure the program is being followed and to make adjustments when and where necessary.

d) Monthly Cash Flow

	Legal, Finance and Compliance	Polling	Petition Signature Gathering	Operations	Field and Coalition Building	Public Relations	Data Analytics	Vote By Mail	Direct Mail	TV/Radio	Govt Affairs	Line Item Totals
14-Aug	72,000	78000		50,000	70,000	25,000	150,000				20,000	465,000
14-Sep	77,000	63,000	1,000,000	125,000	100,000	25,000	150,000				25,000	1,565,000
14-Oct	31,000		1,000,000	125,000	100,000	25,000	140,000				20,000	1,441,000
14-Nov	31,000	12,000	400,000	80,000	70,000	20,000	90,000				20,000	723,000
14-Dec	31,000			80,000	70,000	20,000	85,000				20,000	306,000
15-Jan	20,000	12,000		60,000	60,000	15,000	80,000				15,000	262,000
15-Feb	20,000			60,000	60,000	15,000	80,000				15,000	250,000
15-Mar	20,000	12,000		60,000	75,000	15,000	75,000				15,000	272,000
15-Apr	20,000	12,000		60,000	100,000	15,000	75,000				15,000	297,000
15-May	20,000			60,000	125,000	15,000	75,000				15,000	310,000
15-Jun	20,000	12,000		60,000	130,000	15,000	100,000				15,000	352,000
15-Jul	20,000			70,000	150,000	15,000	100,000			150,000	15,000	520,000
15-Aug	20,000	12,000		70,000	170,000	15,000	100,000	500,000	1,000,000	1,500,000	15,000	3,402,000
15-Sep	20,000	20,000		90,000	180,000	15,000	100,000	1,000,000	1,500,000	2,000,000	15,000	4,940,000
15-Oct	20,000	45,000		100,000	300,000	15,000	100,000			3,500,000	15,000	4,095,000
15-Nov	20,000			50,000		15,000					15,000	100,000
15-Dec	20,000			20,000		15,000					15,000	70,000
16-Jan	20,000			20,000		5,000					15,000	60,000
16-Feb	20,000			20,000		5,000					15,000	60,000
16-Mar	20,000			20,000		5,000					15,000	60,000
16-Apr	20,000			20,000		5,000					15,000	60,000
16-May	20,000			20,000		5,000					15,000	60,000
16-Jun	20,000			20,000		5,000					15,000	60,000
16-Jul	20,000			20,000		5,000					15,000	60,000
16-Aug	20,000			20,000		5,000					15,000	60,000
16-Sep	20,000			20,000		5,000					15,000	60,000
16-Oct	20,000			20,000		5,000					10,000	55,000
16-Nov	20,000					5,000					10,000	35,000

e) Bookkeeping and Accounting – Markovits, Stock and DeMarco will oversee all aspects of financial compliance. Following general accepted accounting principles; the Markovits, Stock and DeMarco will prepare monthly statements and will follow the critical path timeline of funding requirements, and will prepare all state and federal financial disclosures in a timely manner.

7. BIOGRAPHIES OF ALL PRINCIPALS

Funder Relations, Campaign Team Management, Petition and Grassroots

Ian James serves as the Chief Executive Officer of The Strategy Network where he calls upon his 30+ years of grassroots organizing and petition management covering a range of issues. His management experience with Organized Labor, corporate and small businesses has led to success in various measures including: issue advocacy, campaign management, worker rights, gaming initiatives, health care and environmental matters, rezoning and telecommunications.

Over the years, Ian has developed grassroots programs for ballot issues and public affairs measures. In 2008, he oversaw the production and delivery of over three million pieces of highly targeted direct mail pieces and five million phone calls in Ohio. In 2009 he developed the winning strategic plan for the casino campaign that secured 53% of the vote eighteen years after the first casino campaign was waged in Ohio. In addition, Ian has overseen and directed the collection of three million and a half signatures in Ohio since 2006 to place a variety of issues on the ballot. These issues include gaming, minimum wage increase, sick days and payday lending reform.

Prior to creating The Strategy Network, Ian served in numerous governmental offices, senior campaign staff and lobbying positions in addition to serving as a corporate executive for Merv Griffin's Players International in Illinois, Louisiana, Missouri and Nevada, where he served as Director of Community and Government Relations. His knowledge of industrial, corporate and public relations, as well as strategic guidance through partisan and non-partisan campaign efforts led *The Ohio Magazine* to acknowledge him as one of Ohio's "brightest political strategists."

Stephen Letourneau is the Chief Operating Officer and President of The Strategy Network. Stephen brings more than a dozen years of extensive human resources experience in the public and private sector. His skills of developing systems for recruiting, training staff and conflict resolution ensures that the process moves smoothly from start to finish. In 2008, Stephen oversaw the hiring, and training of over 1,000 Ohioans for petition and quality control operations. In 2009, Stephen increased the staffing to 1,500 and was responsible for creating the systems needed to oversee, direct, and manage the day-to-day operations.

Stephen is responsible for hiring and training all staff. His extensive human resource experience in the private sector serves him well having to work with a diverse staff. Because Stephen believes in hands-on management of the process, he is constantly on the road to meet face-to-face with office administrators and staff. He so frequently visits the offices that many members of the staff know him as "Mr. Stephen."

Jeff Berding has a strong background in finance, government and politics. In Ohio, he worked for US Senator John Glenn and Ohio House Speaker Vern Riffe, and in DC worked as a legislative analyst for a law firm. In the early '90s, Jeff returned home to Cincinnati to manage local political outreach for clients such as GE and Proctor & Gamble and serve as campaign manager of Cincinnati Congressman David Mann.

In an effort to bring two new professional sports facilities and keep the Reds and Bengals in Cincinnati, Jeff was hired by local business leaders to serve as campaign manager and spokesman

for Citizens for a Major League Future. He supervised the effort to raise and spend over \$1 million to win voter approval for a sales tax increase that resulted in the construction of Paul Brown Stadium and Great American Ballpark.

Following this successful campaign, Jeff was hired into the Bengals front office, As Director of Sales and Public Affairs with the Cincinnati Bengals, where he manages special events and helps direct the club's political and community relations efforts and serves as spokesperson for non-football issues.

While maintaining his position at the Bengals, Jeff also was elected three times by the voters of Cincinnati to serve on City Council from 2005-2011. His focus was improving the city's economic climate, business growth, and government reform and balancing the city's budget. The results of his efforts can now be seen in the City's revived downtown, especially the development on the Riverfront Banks and the Washington Park/Over the Rhine area.

Legal – Election Law

Don McTigue has concentrated in the field of election and campaign finance law for nearly three decades. A Federal Judge has referred to McTigue as the "Gold Standard" in election law. He is former Chief Elections Counsel to the Ohio Secretary of State and former Counsel to the Ohio Elections Commission. He has been in private law practice since 1991, representing and advising candidates, political action committees, ballot issue groups, and governmental bodies across Ohio. He assists clients with compliance with federal and state campaign finance and election laws, local and statewide ballot initiatives and referenda, voting rights, and all other matters involving elections. He has represented clients in numerous election-related cases before the Ohio Supreme Court and the Ohio Elections Commission. He is also an Adjunct Professor at Capital University Law School, where he has taught Election Law. McTigue's legal resume also includes non-election work as an Assistant Ohio Attorney General, legal counsel in the State Auditor's Office, and civil rights attorney with a non-profit public interest law firm.

McTigue attended Case Western Reserve University Law School and is licensed to practice before all state and Federal courts in Ohio as well as before the United States Supreme Court.

Mark McGinnis concentrates in the field of election and campaign finance law, with a specific focus in taxation of political entities as well as legislation and the legislative process. He has been named a Rising Star in Political Law by *Super Lawyers Magazine* in 2010, 2011 and 2012.

Mark has previously been employed by the Ohio Senate, clerked at the Ohio 10th District Court of Appeals, and extern for the Chief Justice of the Ohio Supreme Court. He represents and advises candidates, lobbyists, political action committees, and ballot issue committees. He also represents charities and other nonprofit organizations regarding state and federal laws involving lobbying and political activities. He also assists clients with compliance with campaign finance and election laws, local and statewide ballot initiatives and referenda, legislative drafting and all other matters involving legislation and elections.

McGinnis holds a B.S. from The Ohio State University and completed his law degree Certificate in Governmental Affairs, and LL.M. in Taxation from Capital University Law School. He is licensed to practice before all state and Federal courts in Ohio as well as the United States Tax Court, the

United States Court of Appeals for the Armed Forces, and the Supreme Court of the United States.

Legal – Finance, Compliance and Governmental Affairs Oversight

Chris Stock is a founding member of Markovits, Stock & DeMarco. Chris’s legal practice focuses on complex commercial litigation, including securities and antitrust class actions as well as appellate advocacy. Serving as a judicial law clerk for Ohio Supreme Court Justice Terrence O’Donnell gave Chris invaluable insight into how courts synthesize and deconstruct legal arguments. Since then, Chris has briefed and argued numerous cases before the United States Court of Appeals for the Sixth Circuit, the Ohio Supreme Court, and Ohio appellate courts, including obtaining a rare summary reversal from the United States Supreme Court.

Chris also served as both Deputy First Assistant Attorney General and Deputy State Solicitor for Ohio Attorney General Jim Petro. In these positions, Chris was principal counsel to the Attorney General on a wide variety of legal and policy-oriented issues, including numerous constitutional and regulatory matters arising from state agencies, boards, and commissions. Prior to his service in state government, Chris was an attorney at a 500-lawyer nationally recognized law firm.

He has received multiple designations as an Ohio Super Lawyers “Rising Star,” most recently for 2012. This distinction is awarded to less than 2.5 percent of Ohio attorneys under the age of 40.

Paul M. De Marco is a founding member of Markovits, Stock & DeMarco, LLC. He is an Appellate Law Specialist certified by the Ohio State Bar Association and has handled more than 100 appellate matters, including cases before the Supreme Court of the United States, six federal circuits, and five state supreme courts.

Paul has a long history of legal practice at the intersection of law, policy and politics, and has provided countless hours of legal insight to clients involved in highly-charged political, regulatory and campaign-related legal matters.

Governmental Affairs

Neil S. Clark served as Chief Operating Officer of the Ohio Senate Republican Caucus where he managed the planning, development and implementation of the taxing and spending priorities of Ohio’s \$32 billion biennial budget. In this position he functioned as both senior advisor to the majority leadership and as senior financial analyst for the Caucus.

During his three decades in the political arena, he has structured and directed scores of successful campaigns for candidates and statewide ballot issues. For his political campaign work, he has been honored with two “Telly” awards and a “Silver Anvil” from the Public Relations Society of America. He served as an adjunct professor of Public Administration at Ohio University and as a program analyst for the Ohio Legislative Budget Office.

Neil has appeared as a guest or been interviewed by the Ohio affiliates for ABC, NBC and CBS. He politically analyzed elections results during prime time viewing for the 2006 and 2008 General Elections. For several years Neil has been a regular guest on The Ohio News Network, Ohio Public

TV, OSU Public Radio and the BBC. He has been interviewed on public policy and political trends by every major Ohio newspaper and leading national publications such as Newsweek, The New York Times, and Time Magazine. Neil was named for nine consecutive years as one of Columbus Smart Business's Power 100 – 25 MOST POWERFUL PEOPLE.

Polling

Jim Kitchens, founder of The Kitchens Group, is a communications and persuasion expert with a Ph.D. from the University of Florida in communications. Founded in 1983, The Kitchens Group has become a leading public opinion research firms. In addition to providing standard data for its clients, The Kitchens Group has the expertise to provide advanced computer modeling for clients when it is necessary for solving complex communication problems.

Having interviewed more than five million Americans on topics ranging from environmental concerns, to the likelihood of purchasing NFL season tickets, to the factors in a person's decision to purchase a suit, The Kitchens Group brings a broad range of experience to help win campaigns and elections.

Dr. Kitchens continues being recognized as a scholar in the field of communication, with more than 20 academic publications, including the creation of the Development Resistance Index used to gauge public opinion concerning land use issues. Dr. Kitchens is a frequent guest professor at colleges and universities, including the University of Florida, the University of Kansas, the University of Central Florida, and the University of Alabama – Birmingham.

Elizabeth L. Kitchens has worked as a professional consultant since 1980. Ms. Kitchens is a specialist in focus groups research and polling. She has designed and facilitated focus groups for legal issues, marketing strategies, political campaigns, referenda issues, and public relations campaigns.

Ms. Kitchens has also served as a pollster and strategist for a variety of campaigns including legislative, judicial, mayoral, and statewide races. She also has extensive experience working with environmental initiatives throughout the country. Additionally, she has provided consultation for coordinated campaigns for the Florida Democratic Party, the Academy of Florida Trial Lawyers, and the Louisiana Trial Lawyers Association.

Ms. Kitchens was one of the first women to be a partner in a nationally recognized polling and focus group firm. She an Advisory Board member of Ruth's List Florida and the Boys and Girls Club of Central Florida. She was a recipient of the Orlando Business Journal and Orlando Regional Health Care 2004 Women Who Mean Business award. She is a specialist in Baby Boomer women issues and is a frequent contributor to Boomer Café, one of the leading baby boomer sites on the web.

Public Relations and Communications

Dennis Willard formed Precision New Media after covering politics, policy and government as a statehouse reporter in Columbus for 23 years, the last 15 as bureau chief for the Akron Beacon Journal. In 2010, he decided to come over to the “light side.” As a reporter, Dennis wrote about working and middle class families, children, women, minorities and others who needed a voice in the media. This passion helped him win state and national reporting awards on issues ranging from “The American Dream: Hanging By A Thread,” to the vast inequities in Ohio’s school funding system.

Dennis brings that same passion to Precision New Media. Initially, he worked primarily on messaging, earned and paid media, and crisis communications, but the company took a new direction in 2011 after becoming part of the We Are Ohio campaign that successfully fought back against Senate Bill 5, the attack on collective bargaining rights.

During the campaign, Dennis began working with his communications team to develop a unique brand that reinforced a simple message: Senate Bill 5 was unsafe, unfair and hurt us all. To ultimately win by a 62-38 percent margin, Dennis and his communications team knew the brand had to be universal, non-partisan, and represent a grassroots, citizen-driven effort to veto SB 5.

As Communications Director for We Are Ohio, Dennis led a team that held more than 520 press conferences over six months in every corner of the state featuring the faces and voices of real middle class Ohioans.

Data and Analytics

Mitch Stewart is a founding partner at 270 Strategies and a longtime political activist who has led several organizations in the past decade that have made their mark on American history. As the Battleground States Director for the Obama for America campaign, he oversaw a state strategy and program that garnered victories in nine of the ten battleground states in the 2012 presidential general election. In this role, he helped build what The Guardian called “a historic ground operation that will provide the model for political campaigns in America and around the world for years to come.”

Mitch first heard then-Senator Obama speak in Minnesota in 2006 and was inspired to help build a winning campaign. Since January 2007, Mitch has held a number of key positions critical to the President’s success – including serving as the Iowa State Caucus Director for the first Obama presidential campaign. The Iowa Caucus victory marked a turning point in the 2007-2008 primary election, which established Senator Obama as a serious challenger to then-front-runner Hillary Rodham Clinton. Later, as the Virginia State Director during the 2008 general election, Mitch led the team that delivered Virginia for the Democratic candidate for the first time since 1964 – breaking a red streak spanning 44 years.

Prior to joining the 2012 campaign, Mitch served as the National Director of Organizing for America, the grassroots organization born out of the 2008 election and dedicated to supporting the President’s policy initiatives. During his tenure at Organizing for America, Mitch led a team

that drove grassroots momentum for high-profile legislative victories including the passage of the Affordable Care Act, Wall Street Reform, and the repeal of “Don’t Ask, Don’t Tell.”

Jeremy Bird is a founding partner at 270 Strategies and a longtime grassroots organizer with broad experience across domestic and international politics, labor, and policy. He helped launch 270 Strategies after serving most recently as the National Field Director for the 2012 re-election campaign of President Barack Obama, where he had primary responsibility for building a nationwide army of staff and volunteer organizers. Dubbed the campaign’s “Field General” by Rolling Stone magazine, Jeremy was listed among “The Obama Campaign’s Real Heroes” and has been cited as “a former Harvard divinity student who took to political organizing as though it were his higher calling.” He is credited with helping establish a ground game and turnout machine that in 2012 “reproduced – through brute force, dedication and will – a turnout in the swing states that in some cases bested the campaign’s remarkable performance of four years ago.”

Jeremy has played a number of key leadership roles in support of President Obama since 2007 – including serving as the South Carolina Field Director in the 2007-08 primary campaign and as the Ohio General Election Director in 2008. As the National Deputy Director of Organizing for America – the grassroots organization born out of the 2008 campaign – he was also central to some of the Obama Administration’s most historic policy achievements between 2009-2011, including the Affordable Care Act and Wall Street Reform. Across these roles, Jeremy helped create and implement the Obama campaign’s neighborhood team organizing model – an approach which transformed organizing in presidential politics by merging people-focused, community organizing with empowering and inclusive digital technology and cutting-edge data analytics. The Wall Street Journal described Jeremy’s theory of organizing as “one part data and one part emotional connection. He keeps close track of which states are making their targets each day, but also preaches the value of relationships—between the campaign and its volunteers, and between volunteers and voters.” His contributions to this groundbreaking organizing model led Rolling Stone magazine to recognize him on its 2012 “Hot List,” calling him “the Obama campaign’s secret weapon” with “a massive army of staff and grassroots volunteers for which Romney has no answer.”

Prior to organizing with the President, Jeremy worked for several issue campaigns and candidates at the federal and local level – including the presidential campaigns of then-Senator John Kerry and former Governor Howard Dean. He also has experience advocating for educational equality and worked as an organizer for the United Food and Commercial Workers.

Media Production

Bob Kish is the founder of Third Wave Communications and is a seasoned political operative with over 25 years of experience working on campaigns at the local, state, and federal level in management and finance positions.

In the late nineties Bob helped launch one of America's premier Republican media consulting firms. Over a fifteen-year period, he produced winning ads for candidates for President, U.S. Senator, Governor, statewide office & 25 members of Congress. He's handled every aspect of message development, media planning, production, branding & marketing.

His efforts have led to the successful election of Senator Rand Paul, Senator John Boozman, Congressman Jo Bonner, Congressman Joe Heck, Congressman Pat Tiberi, Congressman Doug Lamborn, Congressman Steve Chabot, Mobile Mayor Sandy Stimpson, U.S. Senator Rand Paul, Congressman Tim Huelskamp, Congressman Alan Nunnelee, Mississippi Chief Justice William Waller Jr., and many others. Bob's work has received numerous awards for creative excellence.

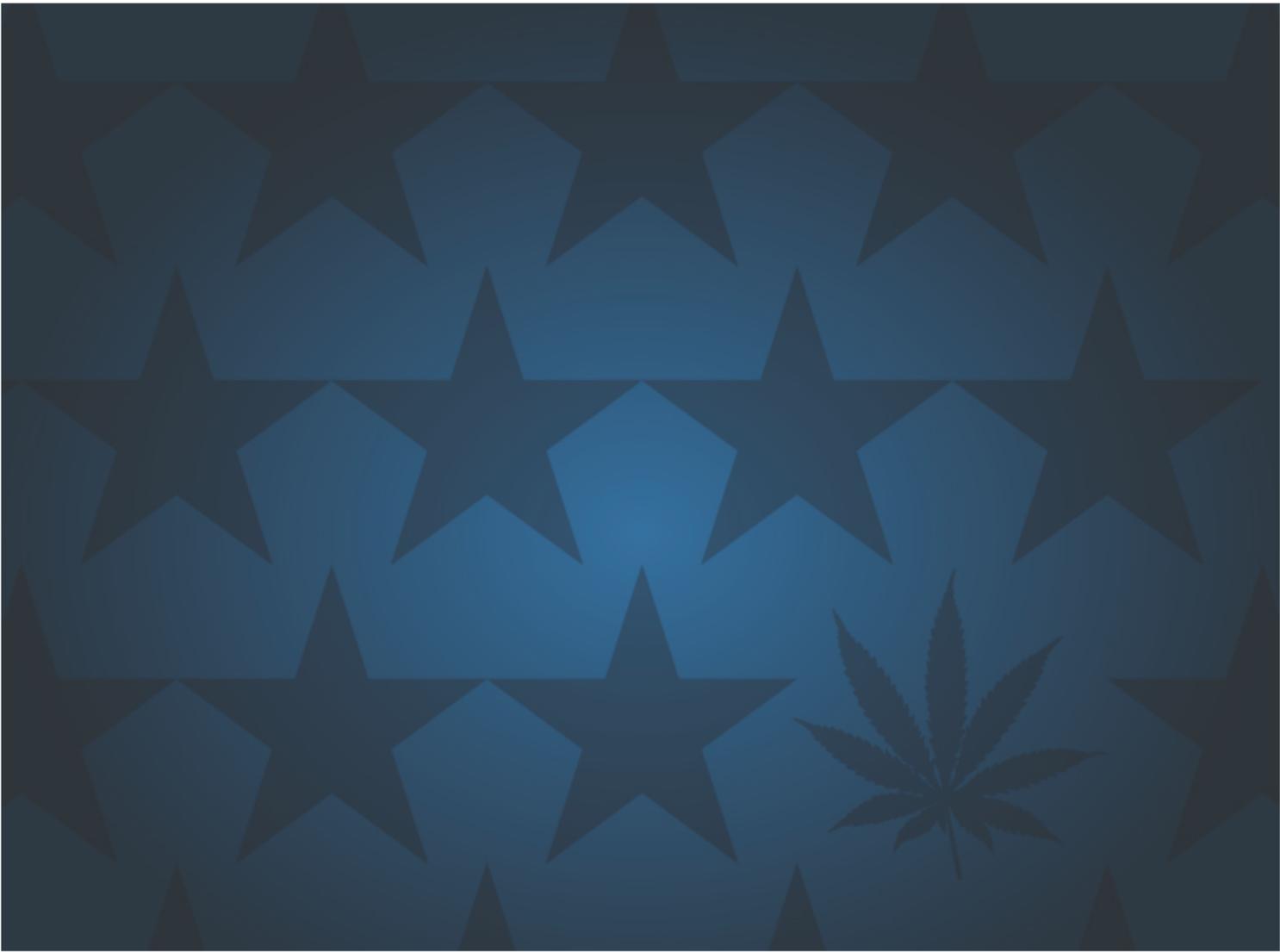
Media Placement and Governmental Affairs

Robert Clegg joined Midwest Communications and Media in 1997 as Senior Vice President. For fourteen years Clegg served the Ohio Senate, the Ohio House of Representatives, and the Secretary of State. His positions included Director of Operations, Assistant Secretary of State and Senior Legislative Assistant. Clegg's knowledge of Ohio's demographics is unparalleled. The Ohio Republican Party sought his services in 1991, 2001 and 2011 for counsel and recommendations relating to the State of Ohio's Reapportionment and Redistricting Plans. Expertise in statistical analysis and polling has enabled Clegg to penetrate markets with the most economical and effective media placements.

Direct Mail

Duane Baughman founded The Baughman Company in 1995 and quickly rocketed to the top of his industry. In 2006, Baughman was one of only 6 national Democratic mail strategists hired by the DCCC to develop and execute the mail campaign ultimately responsible for winning back the Democratic majority in the House of Representatives. In 2008, Baughman managed the development of over 30 million micro-targeted pieces of mail and a multi-million dollar budget resulting in 20 statewide primary victories for Hillary Clinton's campaign. In 2010, Baughman oversaw mail programs that re-elected 11 of 12 incumbents. That same year saw the Sundance premiere and nationwide release of Baughman's critically acclaimed feature length documentary film "BHUTTO," which captured the life and assassination of Pakistan's Benazir Bhutto, the world's first woman elected to lead a Muslim nation.

Nick Holder joined The Baughman Company after serving as Chief of Staff for Congressman Jerry McNerney (CA), where he oversaw the political efforts of one of the most vulnerable incumbents in the country. In 2010, under Nick's leadership, McNerney was one of only a handful of Democrats in Republican leaning seats to return to Congress. And in 2012, and despite facing the largest outside spending disparity in the country for an incumbent, Nick orchestrated a double-digit win for McNerney against one of the best-funded candidates in recent years. Nick has also served as the top staffer to the Vice Chairman of the Democratic Congressional Campaign Committee's Frontline program and previously served as Press Secretary for Congressman Tim Bishop. Having overseen multi-million dollar direct mail campaigns utilizing cutting edge targeting and voter contact strategies, Nick heads up The Baughman Company's campaign and political operations.



For more information, please contact Ian James

lan@TeamTSN.com | 614.589.4600
1349 East Broad Street, Columbus OH 43205
